CARLTON FIELDS

2018
FLORIDA LEGISLATIVE
POST-SESSION REPORT

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Carlton Fields practices law in California through Carlton Fields Jorden Burt, LLP.

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2018
Florida Legislative
Post-Session Report

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How to Use This Report

This is a summary of significant legislation that passed during the 2018 Regular Session of the Florida Legislature.

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

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

This report was compiled in substantial part using public records data from the Florida Senate and the Florida House of Representatives because those staff reports on the final bills passed often serve as Legislative history. We have added Chapter Laws and effective dates for each bill that is now law.

You may see the same or similar concepts in summaries of different bills. It is not unusual in Florida. In order to increase the chance of a particular issue passing, the sponsor often puts it on an amendment to as many bills that are germane to the issue as possible. In other words, it is done intentionally. The last bill which passes will control if there is a difference in language. Along the same lines, it is not safe to simply look at a general category of bills and think that those are all the bills that passed related to that area. It may be that language related to Education was on a bill that wasn't going anywhere, so the sponsor of the Education bill amended some or all of the language onto another bill that is chiefly related to Growth Management. If you only look in the Education category, you will miss the Education provisions tucked into this other bill filed under Growth Management. Please use the search function and don't rely on using the general headings to limit your search.

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Table of Contents

Government Law and Consulting Practice Group

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

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

Education

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

Energy & Environmental Law

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

- Utility regulatory proceedings and strategy
- Litigation, arbitration, and alternative dispute resolution
- Legislative and executive branch lobbying and government relations
- Local government 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
- 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.

Ethics and Elections

We guide clients and candidates through the requirements necessary to qualify to run for public office and the campaign finance reporting requirements and advise on political giving. We are well-versed in the state's constitutional amendment petition process, third-party voter registration procedures, and redistricting. We also represent clients before the Florida Ethics Commission, 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 and local levels. We protect the client's legal interests in contract negotiations to include the mitigation of exposure 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 years of on-the-ground experience in comprehensive plans and plan amendments that include preparation and processing, and litigation of compliance and consistency challenges and have taken a leadership role in the Legislature in this policy area. In combination with our certified in-house planning staff, we have very deep capabilities in preparing and handling rezoning applications, site plan review, variances, special use permits, impact fees, transportation planning and concurrency, financing, expert witness testimony, due diligence research for real estate transactions, comprehensive planning and dealing with DRIs, FQDs and sector plan modifications, 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 have 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.

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.

Licensing & Compliance

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

Lobbying

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

Government Law and Consulting Practice Group Members

Biographical information is located at www.carltonfields.com.

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**Non-lawyer; ^Lobbyist (Registered at state and local levels)*

Corporate, Business & Professional Regulation

Corporate

HB 1285
Florida Business Entities

HB 1285 authorizes state banks and trust companies regulated by the Florida Office of Financial Regulation (OFR) to:

- Form as social purpose or benefit corporations;
- Modify their OFR-approved forms for their articles of incorporation to include provisions required for social purpose or benefit corporations; and
- Approve special stock offering plans.

The bill also expressly allows social purpose or benefit corporations to omit confidential information from their annual benefit reports.

It transitions the Institute for Commercialization of Public Research (ICPR) into the Institute for Commercialization of Florida Technology (Institute), which will continue to offer seed and early stage investment capital in Florida, without requiring an ongoing state expenditure for such support. The Institute will:

- be operated by a private fund manager who will be paid from fees based on the Institute's investment activities;
- no longer partner with publicly supported universities or research institutes to support their commercialization efforts;
- not be supported by or function under the Department of Economic Opportunity; and
- be dissolved if the Institute receives any further state appropriations.

This bill was signed into law March 30, 2018 as Chapter No. 2018-139, Laws of Florida and the provisions take effect July 1, 2018.

Business & Professional Regulation

CS/HB 539
Alarm Confirmation

Florida requires alarm systems to be installed and monitored by licensed alarm system contractors, who are licensed by the Department of Business and Professional Regulation.

Monitored intrusion or burglar alarms trigger a signal alerting an alarm monitoring company of an emergency. Prior to contacting a law enforcement agency for dispatch, an alarm monitoring company must make verification calls to a telephone number associated with the premises to confirm that it is not a false alarm.

Currently, an alarm monitoring company is only permitted to communicate with the premises via telephone call to confirm the alarm.

The bill expands the modes of confirming an alarm signal to include:

- sending a text message, or
- communicating through other electronic means.

The bill requires that attempts by monitoring personnel to confirm an alarm signal be made to the owner, occupant, or an authorized designee, associated with the premises generating the signal, instead of to a telephone number associated with the premises.

This bill was signed into law March 21, 2018 as Chapter No. 2018-51, Laws of

Florida and the provisions take effect July 1, 2018.

CS/HB 661
Business Filings

Current law provides that the Division of Corporations within the Department of State (department) collects, maintains, and makes available to the public all information related to business entities operating in Florida. The department is a ministerial filing agency; as such, the department must file the record received unless the department determines that the record does not comply with the filing requirements. The department filing or refusing to file a document does not affect the validity of the document, relate to the correctness of the document, or create a presumption that the document is valid. In 2016, the department received 467,208 business entity filings. Any user can file an annual report or amendment online and there does not appear to be a verification system in place for business entities to review these filings before the records are filed.

This bill provides that a person on whose behalf a filed record was delivered to the department for filing may correct the record if the record contains false, misleading, or fraudulent information. A statement of correction that is filed to correct false, misleading, or fraudulent information is not subject to a fee of the department if the statement is delivered to the department within a specified time. In addition, the bill requires the department to send notice of the filing of a business record to the electronic mail address on file for the company or entity or its authorized representative or send a copy of the document to the address of such company or entity or its representative. If the record changes the electronic mail address for the company, the department must send such notice to the new electronic mail address and to the most recent prior electronic mail address. If the record changes the mailing address for the company, the department must send such notice to the new mailing address and to the most recent prior mailing address.

This bill was signed into law March 21, 2018 as Chapter No. 2018-58, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 667
Beverage Law

Alcoholic beverage vendors may make deliveries away from their licensed place of business for sales that are actually made at their licensed place of business, including sales originating from telephone or mail orders received at the vendor's licensed place of business.

The bill allows alcoholic beverage vendors to make deliveries based on "electronic" orders in the same manner as telephone and mail orders.

Section 561.57(2), F.S., specifies that deliveries made by a manufacturer, distributor, or vendor (licensee) may only be made in a vehicle that is owned or leased by the licensee. Additionally, by acceptance of an alcoholic beverage license and the use of such vehicles, a licensee is presumed to agree to inspection of its delivery vehicle without a search warrant during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages.

The bill authorizes vendors to deliver alcoholic beverages in third-party vehicles, including common carriers, pursuant to a contract between the vendor and the third party.

It provides that valid proof of the recipient's identity and age must be verified and documented at the time of delivery. The bill also specifies that all deliveries made pursuant to s. 561.57, F.S., must comply with prohibitions in current law relating to the provision of alcoholic beverages to a person under 21 years of age.

This bill was signed into law March 30, 2018 as Chapter No. 2018-133, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 961
Beverage Law

Florida's "Tied House Evil Law," s. 561.42, F.S., prohibits a manufacturer or distributor of alcoholic beverages from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer or distributor from giving gifts, loans, property, or rebates to retail vendors.

Specifically, if a manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any sales agent or sales person thereof, provides a vendor with expendable retailer advertising specialties such as trays, coasters, mats, menu cards, napkins, cups, glasses, thermometers, and the like, such items may be sold only at a price not less than the actual cost to the industry member who initially purchased them, without limitation in total dollar value of such items sold to a vendor.

The bill amends s. 561.42(14), F.S., to provide that a vendor may accept glassware from a distributor, at no charge, subject to the following conditions:

The distributor received the glassware at no direct or indirect charge from a malt beverage manufacturer, importer, brand owner or registrant of malt beverage, or any broker, sales agent, or sales person thereof.

- The glassware prominently and permanently advertises a brand name.
- The distributor does not give the vendor more than 10 cases per calendar year per licensed premises.
- The vendor does not sell the glassware or return it to a distributor for cash, credit, or replacement.
- Manufacturers and importers provide a no-charge invoice when glassware is given to a distributor.
- Records relating to the sale or gift of glassware between industry members be kept for three years and that copies be provided under certain circumstances.

The bill provides definitions as follows:

- A "case" means a box containing up to 24 pieces of glassware.
- "Glassware" means a glass container that holds up to 23 fluid ounces.

This bill was signed into law March 30, 2018 as Chapter No. 2018-135, Laws of Florida and the provisions take effect October 1, 2018.

CS/HB 1265
Alcoholic Beverages

In Florida, the Beverage Law regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors. The Division of Alcoholic Beverages and Tobacco in the Department of Business and Professional Regulation administers and enforces the Beverage Law and issues licenses to those authorized to sell beer, wine and distilled spirits in the state.

Currently, licensees that are operators of railroads or sleeping cars (operators) in this

state are only permitted to purchase or sell liquor on a passenger train in miniature bottles of not more than two ounces (mini-bottles). Additionally, such operators are required to keep alcoholic beverages intended for sale on a passenger train separate from the alcoholic beverages intended for sale in the railroad transit station.

The bill specifies that only interstate operators are subject to the mini-bottle restriction and the separate inventory requirement. Intrastate operators will no longer be subject to the mini-bottle limitation or a separate inventory requirement.

This bill was signed into law March 30, 2018 as Chapter No. 2018-138, Laws of Florida and the provisions take effect July 1, 2018.

Education

Education

CS/SB 4
Higher Education

CS/SB 4 establishes the "Florida Excellence in Higher Education Act of 2018" to expand financial aid provisions and incentivize postsecondary institutions to emphasize on-time graduation. The bill also expands policy and funding options for state universities to recruit and retain exemplary faculty and enhance the quality of professional and graduate schools.

The bill replaces the requirement for each university to adopt a block tuition policy with a requirement for each university to submit to the Board of Governors (BOG), by June 1, 2018, a proposal to improve 4-year graduation rates and annually report on implementation. Proposals must identify academic, financial, policy, and curricular incentives and disincentives for timely graduation; implement a financial aid program to enable full-time students with financial need to take at least 15 credit hours in the fall and spring; and include assurances of no increased cost to students.

It revises university direct-support organization (DSO) requirements by: (a) replacing the prohibition on personal services for DSO activities with a requirement that personal services must comply with law limiting compensation for university administrators; (b) requiring the university board of trustees to approve appointments to the DSO; (c) specifying financial (vs. all) records related to travel using private funds are subject to public records; (d) prohibiting the transfer of funds to a DSO that does not provide equal employment opportunities; and (e) requiring university boards of trustees to adopt rules for the audit and oversight of their DSOs.

It removes the retroactivity provision to implement the World Class Faculty and Scholar, the State University Professional and Graduate Degree Excellence, and the Florida Farmworker Student Scholarship programs beginning in the 2018-19 fiscal year (vs. this fiscal year).

The bill directs the BOG to study and submit, by October 1, 2019, recommendations to the Legislature regarding a complete performance-based continuous improvement model focused on the equitable distribution of performance funds.

It creates the "Campus Free Expression Act," establishing definitions and codifying right to free-speech activities. The act prohibits public institutions of higher education to designate any area of campus as a free-speech zone, but authorizes restrictions under specified conditions. The act authorizes action against a public institution of higher education to obtain declaratory and injunctive relief, reasonable court costs, and attorney fees.

The bill Creates a USF Consolidation Planning Study and Implementation Task Force to assist in the termination of separate accreditation by the St. Petersburg and Manatee/Sarasota campuses by June 30, 2020.

This bill was signed into law March 11, 2018 as Chapter No. 2018-004, Laws of Florida and the provisions took effect on that date except as otherwise provided.

HB 75
Postsecondary Fee Waivers

Currently, active duty United States Armed Forces members are reimbursed for tuition

through the US Department of Defense (DOD) Military Tuition Assistance (MTA) program. The DOD program expressly prohibits the payment of fees, which are defined as any charge not directly related to course instruction. Therefore, active duty military members incur out of pocket expenses for mandatory fees when enrolling in a Florida College System (FCS) institution.

The bill authorizes FCS institutions to waive any portion of specified fees that are not covered under the DOD MTA program.

Active duty service members using the DOD MTA program will no longer incur out of pocket costs when they are enrolled in a FCS institution that elects to implement the fee waiver.

Each FCS institution must report to the State Board of Education the number and value of all fee waivers granted annually.

This bill was signed into law March 13, 2018 as Chapter 2018-008, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 495
K-12 Public Education/DROP

CS/HB 495 provides that instructional personnel who are authorized to extend Deferred Retirement Option Program (DROP) participation beyond the 60-month period must have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employee. Administrative personnel in grades K-12 who have a DROP termination date on or after July 1, 2018, may be authorized to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year.

The bill increases student access to computer science instruction by requiring middle and high schools to offer computer science courses; requiring the Department of Education (DOE) to identify computer science courses in the course code directory and on its website; requiring the Florida Virtual School (FLVS) to offer computer science courses identified by the DOE; requiring school districts that do not offer a computer science course to provide students access to computer science courses offered by the FLVS or by other means; establishing a grant program to provide training to teachers to earn computer science educator certificates and industry certifications; and providing a yearly bonus to teachers with a computer science educator certificate or industry certification who complete an authorized course, for up to 3 years.

Funding for the teacher training grant program and teacher bonus program are subject to appropriation.

It creates a second-degree felony for an authority figure who solicits or engages in sexual, romantic or lewd conduct with a student enrolled at a school, regardless of the student's age; revises the definition of school trespassing to include school buses; and strengthens the reporting and investigation requirements for school employee misconduct.

Finally, the bill also specifies that students who are enrolled in an Advanced Placement, International Baccalaureate, or Advanced International Certificate Education course and earn the minimum score necessary to earn college credit are not required to take the state end-of-course assessment for that subject.

This bill was signed into law April 6, 2018 as Chapter 2018-150, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 565
Excess Credit Hour Surcharges

Currently, a state university student must pay an excess credit hour surcharge for each credit hour in excess of 110 percent of the number of credit hours required to complete the baccalaureate program in which the student is enrolled.

The bill requires a state university to refund the assessed excess credit hour surcharge, for up to 12 credit hours, to any first-time-in-college student who completes a baccalaureate degree program within 4 years after initial enrollment in a state university.

Accordingly, a student enrolled in a 120 credit hour baccalaureate degree program could take up to 144 credit hours, 12 credit hours more than allowed by current law.

The student would be assessed the excess credit hour surcharge for the additional 12 credit hours but would receive a refund for the surcharge if he or she graduates in 4 years after initial enrollment.

The bill may result in a cost savings, in the form of refunds, for first-time-in-college students who generate excess credit hours but who graduate with a baccalaureate degree within 4 years of initial enrollment.

This bill was signed into law March 30, 2018 as Chapter No. 2018-132, Laws of Florida and the provisions take effect July 1, 2018.

HB 577
High School Graduation Requirements

To receive a standard high school diploma a student must successfully complete a combination of core-curricula courses, e.g., English language arts, mathematics, science, social studies physical education and fine or performing arts, speech and debate, or practical arts. Students may use career education courses to satisfy high school graduation credit requirements.

The bill allows a student to use credit earned upon completion of a DOE-registered apprenticeship or preapprenticeship program to satisfy the credit requirements for fine or performing arts, speech and debate, or practical arts.

it requires the State Board of Education (SBE) to approve and identify in the Course Code Directory apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy graduation requirements.

This bill was signed into law April 6, 2018 as Chapter No. 2018-154, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 731
Home Education

Home education is a parent-directed educational option that satisfies the requirement for regular school attendance. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time.

Home education students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program.

The bill:

- clarifies the definition of “parent,” the home education registration process and the home education notice requirements;
- authorizes school districts to provide a home education student access to career and technical courses and programs;

- authorizes districts to offer industry certifications, national assessments and statewide, standardized assessments to home education students;
- prohibits school superintendents from requiring evidence of a child's age if the child meets regular attendance requirements by attending certain educational institutions or programs;
- authorizes school superintendents to refer student nonenrollment cases to a child study team in order to conduct intervention services;
- clarifies the court procedures and penalties for enforcement of compulsory school attendance; and
- revises the name of the preliminary ACT to the PreACT to be consistent with the correct name of the assessment and includes the ACT and the PreACT as specified assessments in databases for which the DOE must provide access for evaluation purposes.

This bill was signed into law March 30, 2018 as Chapter No. 2018-134, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1091
Early Learning

The School Readiness program is a state-federal partnership between Florida's Office of Early Learning (OEL) and the Office of Child Care of the United States Department of Health and Human Services. It is administered by early learning coalitions (ELC) at the county or regional level.

Florida's OEL administers the program at the state level, including statewide coordination of the ELCs. The program subsidizes child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.

The bill revises provisions related to the School Readiness program by:

- expanding the definition of "at-risk" for eligibility purposes;
- requiring OEL to identify observation-based child assessments;
- requiring OEL to adopt program assessment requirements that measure teacher-child interactions;
- requiring OEL to revise the statewide provider contract to include contracted slots and quality improvement strategies, if applicable, and program assessment requirements;
- establishing a payment differential of up to 15 percent based on program assessment results with no more than 5% of the 15% allocated based on submission of data by providers that implement an observation-based child assessment identified by OEL;
- modifying the required functionality of the single statewide information system;
- requiring OEL's annual report to include certain program assessment information;
- requiring ELCs to establish local eligibility priorities and include them in their biennial School Readiness plans;
- requiring an ELC's biennial plan to include procedures for the use of contracted slots, a description of quality improvement strategies, and the results of a community needs assessment;
- requiring School Readiness providers to participate in a program assessment; and
- allowing the award of grants and financial supports to providers and

instructors to meet program assessment requirements.

This bill was signed into law March 30, 2018 as Chapter No. 2018-136, Laws of Florida and the provisions take effect July 1, 2018.

HB 1201
Education for Prisoners

Florida law provides for the funding of postsecondary workforce education programs, which are programs that provide the competencies beyond a high school diploma that are needed for specific occupations. The programs are administered by school districts and Florida College System institutions. They include adult general education programs designed to improve the employability skills of the state's workforce, career certificate programs, applied technology diploma programs, continuing workforce education courses, degree career education programs, and apprenticeship and pre-apprenticeship programs. State funds allocated for postsecondary workforce programs are explicitly prohibited from being used to educate state or federal inmates.

HB 1201 allows postsecondary workforce program funds to be used for the education of state inmates who have two years or less remaining on their sentences. It also authorizes the Department of Corrections (DOC) to contract with a district school board, the Florida Virtual School, or a charter school to provide educational, career, or vocational training to inmates through DOC's Correctional Education Program.

The bill further provides that each county may contract with a district school board, the Florida Virtual School, or a charter school to provide certain education services for inmates in county detention facilities.

This bill was signed into law March 23, 2018 as Chapter No. 2018-104, Laws of Florida and the provisions take effect July 1, 2018.

SB 1712
Postsecondary Revenue Bonds and Debt

The bill modifies restrictions on debt payments sources for state universities by authorizing them to use federal grant and contract funds to secure revenue bonds but only as required for an institution to participate in the Historically Black College and University Capital Financing Program (HBCU Program).

By permitting FAMU to pledge revenue from federal grants and contracts for the repayment of revenue bonds, the bill allows Florida Agricultural and Mechanical University (FAMU), as the only public historically black college and university (HBCU) in the state, to become eligible to participate in the HBCU Program. This authorization aligns with the federal requirements regarding collection by administrative offset.

The bill does not change the prohibition on the use of state funds to pay debt service on revenue bonds. Additionally, the bill does not change the requirement for analysis by the Division of Bond Finance and approval by the Board of Governors for the issuance of debt.

This bill was signed into law March 19, 2018 as Chapter No. 2018-028, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/CS/HB 1279
School District Accountability

To increase fiscal transparency of educational spending, the bill:

- requires school boards to provide financial efficiency data and fiscal trend information;
- requires the Department of Education (DOE) to develop a web-based tool that identifies schools and districts with high academic achievement based on per pupil expenditures; and
- requires school boards to provide a full explanation of, and approve, any budget amendment.

To increase fiscal accountability of districts, the bill:

- requires districts with revenues over $500 million to employ an internal auditor;
- requires districts with low ending fund balances to reduce administrative costs and other expenditures;
- requires districts with financial emergency conditions to withhold the salaries of certain personnel;
- requires an investigation of districts who are unable to timely pay current debts and liabilities;
- clarifies that the DOE's Office of Inspector General must investigate certain allegations and reports; and
- requires school districts with operational audit findings to initiate and complete corrective action.

The bill also:

- prohibits appointed, along with elected superintendents, from lobbying school districts for two years;
- aligns school board member salaries with beginning teacher salaries or the calculated amount;
- requires prior school board approval for reimbursement of certain out-of-district travel expenses;
- authorizes withholding a portion of an employee's salary who owes a public financial disclosure fine;
- repeals s. 1011.64, F.S., relating to school district minimum classroom expenditure requirements; and
- prohibits superintendents, along with school board members, from employing or appointing a relative.

The bill was approved by the Governor on March 11, 2018, Chapter 2018-5, Laws of Florida, and will become effective July 1, 2019, except for the section regarding the investigation of school districts who are unable to timely pay current debts and liabilities, which will become effective July 1, 2018.

CS/HB 7055
Education/Hope Scholarship

This bill:

- Establishes the Hope Scholarship Program for students subjected to certain misconduct in public schools.
- Establishes Reading Scholarship Accounts for struggling readers in grades 3-5.
- Establishes the Sales Tax Credit Scholarship Program to provide scholarship programs additional revenue.
- Streamlines and strengthens monitoring and oversight provisions for private school scholarship programs.
- Expands allowable expenditures of scholarship funds in the Gardiner Scholarship Program.
- Requires the Florida Department of Education (DOE) to develop templates to help teachers develop curricula.

- Requires integration of social studies content into reading and writing prompts on state assessments.
- Requires released assessment items to be in an electronic format that facilitates sharing of assessment items.
- Provides Florida Virtual School (FLVS) students with access to district testing facilities for certain assessments.
- Revises school funding provisions related to supplemental academic instruction and reading instruction.
- Requires the DOE to consider the award of a reading endorsement to teachers in certain circumstances.
- Allows charter schools to provide educational leadership preparation programs.
- Allows charter schools to delay opening up to 3 years.
- Expands the initial charter period from 4 to 5 years, excluding 2 planning years.
- Revises provisions related to targeted enrollment for charter schools in business-owned facilities.
- Revises provisions related to charter termination and consolidation and resolving contract disputes.
- Provides charter schools with access to surplus property on the same basis as public schools.
- Allows a charter school applicant to open a charter school at a time determined by the applicant.
- Clarifies requirements for distributing discretionary capital outlay millage revenues to charter schools.
- Requires each school district to annually report the amount of charter administrative fees it withholds.
- Revises eligibility requirements for high performing charter schools and allows replication of up to two schools.
- Revises requirements for a high performing charter schools to increase enrollment.
- Provides school districts flexibility in complying with the State Requirements for Educational Facilities.
- Revises allowable uses of locally raised revenues for capital outlay projects.
- Requires school districts and teacher unions to enter into a memorandum of understanding on certain issues.
- Specifies requirements for school districts to provide background screening results for charter school employees.
- Expands the Principal Autonomy Pilot Program Initiative to a statewide program.
- Allows certain principals to manage multiple district schools.
- Revises requirements related to home school and private school dual enrollment costs.
- Revises requirements for certain students to participate in extracurricular activities in public schools.
- Revises requirements for the distribution of Title I funds.
- Specifies when school district employees may still receive a Best and Brightest Teachers Scholarship Award.
- Requires employee organizations that represent instructional personnel to recertify in certain circumstances.
- Allows early learning coalitions to refuse to contract with VPK and early learning providers with a class I violation.
- Requires district school boards to adopt rules requiring schools to display the state motto.
- Specifies requirements for CPR instruction schools may provide.
- Provides certain exemptions from assessment and graduation

requirements for students in the graduating class at Marjory Stoneman Douglass High School and maintains the school's 2016-17 "A" grade, eligibility for school recognition funds, and designation as a School of Excellence for the 2017-18 school year.

The bill was signed into law March 11, 2018 as Chapter 2018-6, Laws of Florida and will become effective on July 1, 2018.

2018
Florida Legislative
Post-Session Report

General Government

General Government

CS/HB 29
Military and Veterans Affairs

The bill eases professional licensing fees and requirements for certain military members, veterans, and their spouses, including:

- For the Department of Health (DOH) professional licensees, granting current DOH fee waivers for dentists, and providing an affirmative defense in certain unlicensed activity actions;
- For the Department of Business and Professional Regulation professional licensees, expanding license renewal fee waivers;
- For the Department of Agriculture and Consumer Services professional licensees, expanding current initial licensing fee waivers and creating renewal fee waivers;
- For the Office of Financial Regulation mortgage loan originators and associated persons licensees, creating an initial licensing and renewal fee waivers;
- For the Department of Financial Services professional licensees, relief from pre-licensure insurance coursework requirements, and expanding initial licensure fee waivers; and
- For the Department of Education (DOE) licensees, creating certain initial fee waivers, granting a temporary certificate in education, establishing a pathway for veteran officers for certification as a school principal.

The bill specifies that laws and rules regulating apprenticeships and approved apprenticeship agreements do not invalidate any special provisions for veterans, minority persons, or women, and requires the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

It allows Junior Reserve Officer Training instructors to participate in the Florida Teachers Classroom Supply Assistance Program.

The bill gives students who are children of an active duty member who is not stationed in this state, but whose home of record or state of legal residence is Florida, priority for attendance in the Florida Virtual School.

It designates March 25 every year as "Medal of Honor Day" and allows classroom instruction related to the values of the recipients of the Congressional Medal of Honor to meet certain instructional requirements on character development and the contributions of veterans to our country.

Lastly, the bill makes expands and clarifies the process for obtaining veteran training grants and instituting a veteran entrepreneurship program through Veterans Florida in the Department of Veterans' Affairs.

This bill was signed into law March 13, 2018 as Chapter No. 2018-007, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 55
Sale of Firearms

The Department of Law Enforcement (DLE) is responsible for regulating the sale and delivery of firearms by licensed firearm dealers to persons who are not licensed. Before a licensed importer, licensed manufacturer, or licensed dealer (licensee) can sell or deliver a firearm to another person who is not a licensee, Florida law requires the licensee to:

- Obtain a completed criminal history check form from the potential buyer,

which is provided by the licensee and must include the name, date of birth, gender, race, and social security number or other identification number of the potential buyer.
- Inspect proper identification that includes a photograph of the potential buyer.
- Collect a fee from the potential buyer for processing the criminal history check of the potential buyer.
- Request, via telephone call, DLE to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems.
- Receive a unique approval number for the inquiry from DLE and record such number and the date on the criminal history check form.

The fee collected from a potential buyer for processing the criminal history check is established by DLE and may not exceed $8 per transaction. Currently, the processing fee is $5 per transaction. DLE is required to establish procedures for the fees to be transmitted by the licensee to DLE. Currently, the procedures established by DLE require a licensee to transmit the fees to DLE each month using a business or personal check, a money order, or a cashier's check.

The bill requires the procedures established by DLE for transmitting the criminal history check processing fees to DLE to allow such fees to be paid or transmitted by electronic means, including, but not limited to, debit cards, credit cards, or electronic funds transfers. The bill also authorizes a licensee to request DLE to conduct a criminal history check via electronic means other than a telephone call.

This bill was signed into law April 6, 2018 as Chapter No. 2018-144, Laws of Florida and the provisions take effect October 1, 2018.

HB 67
Florida Slavery Memorial

The bill establishes the Florida Slavery Memorial, which is to be administered by DMS. The bill requires DMS to develop a plan for the design, placement, and cost of the memorial, which must include the designation of an appropriate public area for the memorial on the premises of the Capitol Complex, not to include the Capital Circle Office Complex. Additionally, DMS must submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

This bill was signed into law March 19, 2018 as Chapter No. 2018-31, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 85
Voter Registration List Maintenance

CS/HB 85 allows the Department of State (Department) to become a member of a nongovernmental entity whose membership is composed solely of election officials of state governments for the purpose of sharing and exchanging information to maintain the statewide voter registration system. Such membership may also include election officials of the District of Columbia.

If the Department becomes a member of a nongovernmental entity, the entity must place the Secretary, or his or her designee, on its board of directors with full voting rights. The nongovernmental entity may not be operated or controlled by the Federal Government or any entity acting on behalf

of the Federal Government. The Department must retain the ability to withdraw its membership from the nongovernmental entity at any time.

The Department may only share confidential and exempt information after becoming a member of a nongovernmental entity if each member agrees to maintain the confidentiality of the information.

Additionally, if the department becomes a member of a nongovernmental entity, its bylaws must provide that each member and the entity itself maintain the confidentiality of any information as required by the laws of the jurisdiction supplying the information.

The bill requires the Department of Highway Safety and Motor Vehicles to submit certain information to the Department for the purpose of sharing the information with a nongovernmental entity.

If the Department becomes a member of a nongovernmental entity, it must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year. The report must describe the membership and provide information on the total number of voters removed from the voter registration system as a result of the information sharing and the reasons for their removal.

This bill was signed into law March 19, 2018 as Chapter No. 2018-32, Laws of Florida and the provisions take effect January 1, 2019.

CS/HB 135
Motor Vehicle Registration Applications

An individual who is deaf or hard of hearing may add the international symbol for the Deaf and Hard of Hearing to his or her driver license or identification card upon providing sufficient proof that he or she is deaf or hard of hearing and paying an additional fee. In August 2017, the Department of Highway Safety and Motor Vehicles (DHSMV) introduced driver licenses and identification cards with the Deaf and Hard of Hearing designation in selected counties, which are being issued statewide.

The bill requires DHSMV to include language on the motor vehicle registration application that allows a deaf or hard of hearing applicant to indicate voluntarily that he or she is deaf or hard of hearing.

This notation will be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system. Additionally, the bill changes the name of the organization authorized to receive a voluntary $1 contribution on the registration application from Prevent Blindness to Preserve Vision.

This bill was signed into law March 21, 2018 as Chapter No. 2018-042, Laws of Florida and the provisions take effect October 1, 2018.

CS/CS/HB 141
Transportation

The Florida Turnpike Enterprise operates 483 miles of tolled highways. Current law provides that no governmental entity other than the Department of Transportation (DOT) may acquire, construct, maintain, or operate the turnpike system, except upon specific authorization of the Legislature. The bill authorizes, but does not require, DOT to enter into certain agreements with local governmental entities regarding Turnpike projects.

Current law requires the payment of tolls for the use of toll facilities and provides certain exceptions, including an exception for law enforcement officers operating marked official vehicles when on official law enforcement business. The bill exempts law enforcement officers operating an official vehicle on official law enforcement business from paying tolls on toll facilities.

Alligator Alley is a 78-mile tolled portion of Interstate 75 connecting Naples and Fort Lauderdale. A portion of the fees generated through tolls is used to reimburse Collier County for the costs of operating a fire station located at mile marker 63. Reimbursement occurs through an interlocal agreement effective July 1, 2014, through June 30, 2018. The bill extends DOT's statutory obligation to reimburse a county or another local governmental entity for the direct actual costs of operating the fire station from June 30, 2018, to June 30, 2019.

The Miami-Dade County Expressway Authority (MDX) is created pursuant to the Florida Expressway Authority Act. In 2017, the Legislature required MDX, subject to bond covenants, to reduce its tolls for qualifying SunPass users. The bill requires the Miami-Dade County Expressway Authority to submit a report to the Governor regarding the implementation of the statutorily required toll reduction. If the toll reduction does not take place, the bill provides that MDX's current board will be dissolved and replaced with a new board.

This bill was signed into law April 6, 2018 as Chapter No. 2018-145, Laws of Florida and the provisions take effect July 1, 2018.

HB 155
State Symbols

The Legislature has designated various state emblems, including designating a state seal, motto, fruit, beverage, saltwater reptile, and horse. In 2008, the Legislature designated the Loggerhead Turtle as the official state saltwater reptile and the Florida Cracker Horse as the official state horse. Each of these designations is scheduled to repeal on July 1, 2018, unless the Legislature reviews and reenacts the designations before that date. There is no animal designated as the official state heritage cattle breed.

This bill removes the scheduled repeal of the Loggerhead Turtle as the official state saltwater reptile and the scheduled repeal of the Florida Cracker Horse as the official state horse. As such, these animals will remain designated state symbols. In addition, the bill designates the Florida Cracker Cattle as the official state heritage cattle breed.

This bill was signed into law March 21, 2018 as Chapter No. 2018-43, Laws of Florida and the provisions take effect July 1, 2018.

SB 186
Resign-to-Run Law

SB 186 requires a state or local officer who seeks a federal public office to submit his or her resignation before qualifying for the federal office if the terms of the two offices overlap. Thus, as to these candidates, the bill imposes the same "resign-to-run" requirement that already applies to state or local officers who seek another state, district, county, or municipal public office.

Specifically, a state or local officer seeking to run for federal office must submit an irrevocable resignation at least 10 days before the beginning of the qualifying

period for the office sought. However, the resignation need not be effective until the earlier of the date the resigning officer would take office or the date the resigning officer's successor is required to take office.

The bill further provides that the failure of a state officer to timely submit the resignation "constitutes an automatic, irrevocable resignation, effective immediately," from his or her current office.

Regarding the bill's technical and mechanical provisions, they closely track those of the current resign-to-run law—e.g., to whom resignations are submitted, when the current offices are deemed vacant for purposes of subsequent elections, and who must send and receive notice of the resignation.

Lastly, the bill makes a conforming change to clarify that a state or local officer seeking to run for the office of U.S. President or Vice President must resign his or her office if the terms of the offices overlap.

This bill was signed into law March 30, 2018 as Chapter No. 2018-126, Laws of Florida and the provisions took effect on that date.

HB 215
Motor Vehicles

HB 215 defines the term "autocycle" as a three-wheeled motorcycle that has two wheels in the front and one wheel in the back, is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it and is manufactured in accordance with the applicable federal motorcycle safety standards by a manufacturer registered with the National Highway Traffic Safety Administration.

It requires the operator of an autocycle, the front seat passenger, and any passenger under the age of 18 years to wear a safety belt. Additionally, the bill exempts operators of an autocycle from needing a motorcycle endorsement or motorcycle license and from needing to complete motorcycle skills and motorcycle knowledge testing to operate an autocycle. This will allow all drivers with a Class E driver license and above to drive an autocycle without a motorcycle license or endorsement.

The bill defines the term "mobile carrier." The bill exempts mobile carriers from regulation as a motor vehicle or personal delivery device and creates regulations for mobile carriers.

Finally, the bill prohibits, with exceptions, a local governmental entity from preventing public motor vehicle use or access to an existing transportation facility or corridor if such facility or corridor is the only point or one of only two points of ingress to and egress from a state university.

This bill was signed into law March 30, 2018 as Chapter No. 2018-130, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 333
Minimum Officer Qualifications

To become a law enforcement officer in Florida, a person must complete a basic recruit training program or qualify for an exemption from the training requirement. A person may be exempt from the basic recruit training requirement if he or she completed a comparable basic recruit training program in another state or for the Federal Government and served as a full-time sworn officer in another state or for the Federal Government for at least 1 year, provided no more than 8 years have passed

since his or her most recent qualifying employment.

CS/HB 333 adds an exemption to the basic recruit training program for an applicant who has served in the special operations forces of the U.S. military for at least 5 years, provided there is no more than a 4-year break from the applicant's special operations forces experience at the time of application. The bill defines special operations forces to include servicemembers of the Army 75th Ranger Regiment; the Navy SEALs and Special Warfare-Craft Crewman; the Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the Marine Corps Critical Skills Operators; and any other component of the Special Operations Command approved by the Criminal Justice Standards and Training Commission (Commission). The Commission may require an exempt applicant to complete additional training as it deems appropriate, based on the applicant's prior training and experience.

This bill was signed into law March 21, 2018 as Chapter No. 2018-046, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 361
Persons Authorized to Visit Juvenile Facilities

Juveniles within the Florida juvenile justice system may be housed in detention centers and/or residential facilities. The Department of Juvenile Justice (DJJ) operates 21 detention centers. DJJ also contracts with private providers that operate residential commitment programs throughout Florida, which provide behavioral health, mental health, substance abuse, and sex offender treatment services to juveniles.

HB 361 creates s. 985.6885, F.S., authorizing the following persons to visit all facilities housing juveniles that are operated or overseen by DJJ or a county:

- The Governor;
- A Cabinet member;
- A member of the Legislature;
- A judge of a state court;
- A state attorney;
- A public defender; and
- A person authorized by the Secretary of the department.

CS/HB 361 allows visitation by these persons between 6:00 a.m. and 11:00 p.m., at their pleasure, and allows any visitation before 6:00 a.m. or after 11:00 p.m. pursuant to rules adopted by DJJ. The bill prohibits DJJ from unreasonably withholding permission to visit a state facility housing juveniles from a person who provides sufficient evidence that he or she is a bona fide reporter or writer.

This bill was signed into law March 21, 2018 as Chapter No. 2018-047, Laws of Florida and the provisions take effect July 1, 2018.

HB 449
Children's Initiatives

Section 409.147, F.S., establishes Florida children's initiatives, previously called Florida Children's Zones, to assist disadvantaged areas within the state in creating community-based service networks that develop, coordinate, and provide quality education, accessible healthcare, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within their boundaries.

This section further outlines the process for a county or municipality (or designated

area) to receive the designation as a children's initiative and grants the Ounce of Prevention Fund of Florida, Inc., a nonprofit organization, the exclusive authority to designate an area as a children's initiative. There are currently five designated Florida children's initiatives. Three of these children's initiatives are codified in statute.

The bill codifies the remaining two existing Florida children's initiatives, one in Tampa (Tampa Sulphur Springs Neighborhood of Promise Success Zone) and one in Miami (Overtown Children and Youth Coalition).

The bill specifies that the initiatives are subject to Florida public records laws, Florida public meeting laws, and Florida procurement laws.

This bill was signed into law April 6, 2018 as Chapter No. 2018-148, Laws of Florida and the provisions take effect July 1, 2018.

SB 472
National Statuary Hall

SB 472 requests the Joint Committee on the Library of Congress to approve the replacement of the statue of Confederate General Edmund Kirby Smith in the National Statuary Hall Collection with a statue of Mary McLeod Bethune.

This bill was signed into law March 19, 2018 as Chapter No. 2018-019, Laws of Florida and the provisions take effect July 1, 2018.

CS/SB 512
Homestead Waivers

The bill provides form language that a spouse may include in a deed to waive his or her right to inherit homestead property. The specific language provides that a spouse has waived his or her rights as a surviving spouse with regard to the devise restrictions contained in s. 4(c), Article X of the State Constitution when certain language, or substantially similar language is included in a deed. The form waiver language states:

By executing or joining this deed, I intend to waive homestead rights that would otherwise prevent my spouse from devising the homestead property described in this deed to someone other than me.

This waiver language is not a waiver of the protection against the owner's creditor claims during the owner's lifetime and after death. Additionally, the language is not a waiver of the restrictions against alienation by mortgage, sale, gift, or deed without the joinder of the owner's spouse.

This bill was signed into law March 19, 2018 as Chapter No. 2018-022, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 529
Florida Fire Prevention Code

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal, and requires the State Fire Marshal to adopt the Florida Fire Prevention Code (Fire Code) by rule every three years. The Fire Code sets forth fire safety standards (including certain national codes) for property, and is enforced by local fire officials within each local government in the state. The Fire Code provides that a person may not place combustible waste and refuse in a building's means of egress, which includes a building's exit access corridors.

Currently, there are various providers offering doorstep waste collection services to apartment complexes throughout the state. Residents in these complexes place waste outside their front door, and the

provider picks it up. An apartment complex resident's front door usually opens to a hallway, corridor, or walkway, which may be the building's exit access and therefore is a part of the building's means of egress.

The bill provides that residents in apartment buildings may place combustible waste and refuse in an exit access corridor if the following conditions are met:

- Waste, which is in a container, is not in an exit access corridor for a single period greater than 5 hours;
- Containers do not exceed 13 gallons for apartment buildings with enclosed corridors and interior or exterior stairs;
- Containers do not exceed 27 gallons for apartment buildings with open air corridors and exterior stairs or balconies with exterior exit stairs;
- Containers are not in an exit access corridor for a single period greater than 12 hours for apartment buildings with enclosed corridors and interior or exterior stairs;
- Containers do not reduce the exit access corridor's width below the width required by the Fire Code;
- Containers can stand upright on their own and do not leak fluids when standing upright; and
- The apartment's management staff have written policies and procedures to ensure compliance with the above conditions.

Apartment complexes must comply with the bill's requirements by December 31, 2020.

The bill also provides that local fire officials may approve alternative containers or storage arrangements that are equivalent in safety to the bill's requirements.

The provisions in the bill will expire on July 1, 2021.

This bill was signed into law April 6, 2018 as Chapter No. 2018-152, Laws of Florida and the provisions take effect July 1, 2018.

HB 545
Prohibition Against Contracting with Scrutinized Companies

Current law prohibits a company that is on the Scrutinized Companies that Boycott Israel List (Israel List) or that is engaged in a boycott of Israel from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency or local governmental entity for goods or services of $1 million or more. A company that submits a bid or proposal for or enters into or renews such a contract must certify that the company is not participating in a boycott of Israel.

The bill amends the provision prohibiting agencies and local governmental entities from contracting with companies on the Israel List or that boycott Israel to apply the prohibition to contracts for goods or services of any amount, rather than only contracts of $1 million or more. The bill requires a contract with an agency or local governmental entity for goods or services of any amount entered into or renewed on or after July 1, 2018, to contain a provision that allows for the termination of the contract at the option of the awarding body if the company has been placed on the Israel List or is engaged in a boycott of Israel.

This bill was signed into law March 21, 2018 as Chapter No. 2018-52, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/SB 568
Telephone Solicitation

CS/CS/SB 568 expands the Florida Do Not Call Act to:

- Prohibit the unsolicited ringless delivery of voicemail messages into consumers' voicemail boxes, in addition to phone calls and text messages; and
- Require a telephone sales call solicitor to provide on the call recipient's caller ID, a telephone number that is capable of receiving calls and that can connect the call recipient to the telephone solicitor.

The bill also increases permitted penalties for violations of the Do Not Call Act to up to $10,000 for violations prosecuted administratively, and $10,000 or more for those prosecuted civilly.

This bill was signed into law March 19, 2018 as Chapter No. 2018-023, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 591
Missing Persons With Special Needs

In 2016, the Legislature created three "Project Leo" pilot projects at the Center for Autism and Related Disabilities at the University of Florida, University of South Florida, and Florida Atlantic University. Each pilot project provides personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement. Furthermore, each project is required to submit a report and recommendations annually to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The pilot projects expire on June 30, 2018.

CS/CS/HB 591 expands Project Leo statewide and permits a Center for Autism and Related Disabilities at any state university to participate in a program providing personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. The bill makes the University of Florida responsible for developing criteria for the selection of participants in the project and removes the requirement that Florida Atlantic University and University of South Florida develop similar criteria.

The bill also removes the requirement that each participating center submit a preliminary and final report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Lastly, the bill extends the project to June 30, 2019.

This bill was signed into law March 21, 2018 as Chapter No. 2018-054, Laws of Florida and the provisions take effect July 1, 2018.

HB 6009
Write-In Candidates

The Florida Constitution sets forth residency requirements for legislators, county commissioners, justices and judges, and the governor, lieutenant governor, and members of the cabinet. The constitutional residency requirement for legislators, county commissioners, justices and judges has been interpreted by Florida courts to mean that residency within the district represented by the office sought is required at the time of election or at the time the candidate assumes office.

Current law provides a residency requirement for write-in candidates. Specifically, s. 99.0615, F.S., requires a write-in candidate to reside within the district represented by the office sought at the time of qualification. The Florida Supreme Court recently found the statute unconstitutional because it conflicts with the residency requirements within the Florida Constitution, which require residency at the time of election or when the

candidate assumes office and not at the time of qualification.

This bill repeals s. 99.0615, F.S., which was found unconstitutional by the Florida Supreme Court.

This bill was signed into law March 30, 2018 as Chapter No. 2018-141, Laws of Florida and the provisions took effect on that date.

HB 639
State Employment

Current law establishes the Florida State Employees' Charitable Campaign ("FSECC"), which is an annual charitable fundraising drive administered by the Department of Management Services. It is the only authorized charitable fundraising drive directed toward state employees within work areas during work hours, and for which the state will provide a payroll deduction. State officer and employee participation is voluntary. A state officer or employee choosing to donate during an FSECC fundraising drive must specifically designate a participating organization as the recipient of the officer's or employee's contribution. Participation in the FSECC is limited to nonprofit charitable organizations that meet certain criteria.

On December 7, 2016, the secretary of DMS notified state agencies that the campaign was being suspended because more than 63 percent of every dollar pledged would have gone to cover the fiscal agent fee instead of to the designated charities. To date, the campaign remains suspended.

The bill eliminates the FSECC and provides that no organization, entity, or person may intentionally solicit a state employee through any means for fundraising or business purposes within work areas during work hours.

However, it does not prohibit state-approved communications by entities that the state has contracted to provide employee benefits or services, non-coercive voluntary communications between state employees in workplace areas, and activities at authorized public events occurring in non-work areas of state owned or leased facilities.

This bill was signed into law March 21, 2018 as Chapter No. 2018-57, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/SB 740
Department of Agriculture and Consumer Services

CS/CS/SB 740 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Allows certain lands classified as agricultural for tax purposes to continue to be classified as such for five years after being damaged by a natural disaster such as hard freezes. The assessment applies retroactively to lands damaged by a natural disaster that occurred on or after July 1, 2017;
- Provides that screened enclosed structures used in horticulture production for pest exclusion, when consistent with state or federal eradication or compliance agreements, have no separately assessable value for purposes of ad valorem taxation;
- Shifts the issuance of a local oyster harvesting license for Apalachicola Bay from the department to the City of Apalachicola;

- Removes the electronic payment mandate for pesticide registration payments;
- Codifies the State Agricultural Response Team within the department and assigns it certain duties;
- Prohibits comingling charitable and non-charitable funds collected through solicitation or sponsor sales and requires organizations to keep detailed records;
- Prohibits ringless direct-to-voicemail solicitation telephone calls under Florida's Do Not Call (DNC) statute and adds the opportunity for businesses to add their telephone numbers to the DNC list;
- Revises department sampling and analysis requirements for antifreeze;
- Allows for the lawful seizure of "skimming devices" by department inspectors;
- Revises application requirements and fees for brake fluid brands;
- Transfers responsibility for liquefied petroleum gas (LPG) insurance issues to the Commissioner of Agriculture instead of the Governor of Florida;
- Consolidates and reduces the number of LPG categories and expands the license period from one to three years;
- Eliminates the original and renewal LPG fee structure and replaces it with a new revenue neutral fee structure;
- Updates the dollar threshold for required reporting of LPG accidents from $1,000 to $3,000;
- Requires an LPG dealer to give a five day notice before discontinuing service or rendering a consumer's LPG equipment inoperable;
- Aligns provisions of the state livestock law with the federal Packers and Stockyards Act and makes failure to render payment for livestock to a seller an unfair or deceptive act;
- Extends the expiration date for seven weights, measures, and standards sections from July 1, 2020 to July 1, 2025;
- Defines the Commissioner of Agriculture's authority to waive fees during emergencies;
- Updates the Florida Seed Law in response to technological and federal regulatory changes;
- Authorizes the department to cover the cost of the initial Commercial Driver's License (CDL) examination fee for those Florida Forest Service employees whose positions entail operating CDL-requiring equipment; and
- Creates the "Government Impostor and Deceptive Advertisements Act" to prevent Florida consumers and businesses from being scammed by companies selling free government forms or mimicking government services.

This bill was signed into law March 23, 2018 as Chapter No. 2018-84, Laws of Florida and the provisions take effect July 1, 2018.

HB 1013
Daylight Saving Time

The bill creates the "Sunshine Protection Act." The bill states it is the intent of the Legislature that Daylight Saving Time (DST) will be the year-round standard time of the entire state and all of its political subdivisions if the U.S. Congress amends the Uniform Time Act of 1966 to permit states to take such action.

This bill was signed into law March 23, 2018 as Chapter No. 2018-099, Laws of

Florida and the provisions take effect July 1, 2018.

CS/HB 1017
Seminole County

Florida generally prohibits gambling, with limited exceptions set forth in state law. One such exception is the authorization for pari-mutuel facilities (horse tracks, dog tracks, and jai alai frontons) to operate a cardroom at the pari-mutuel facility. The games authorized for play in a cardroom are pari-mutuel-style games (i.e., poker). The pari-mutuel permit holder must apply for a separate license to operate a cardroom.

In addition to the other prerequisites the applicant must meet before qualifying for a cardroom license, an applicant must submit proof that the local government has approved the operation of a cardroom by the pari-mutuel facility. The local approval requirement contemplates a majority vote of the governing body of the municipality where the pari-mutuel facility is located or, if the facility is not located within a municipality, a majority vote by the county commission.

The bill creates an exception to general law by providing that the local government approval required to be eligible for a cardroom license in Seminole County may only be obtained from the Seminole County Commission in accordance with the referendum procedures for approval of casino gambling under the Seminole County Home Rule Charter, regardless of whether the facility is located in a municipality.

Solely for purposes of this act, the bill deems the term "casino gambling" to include cardroom activities authorized or conducted according to statute.

This bill was signed into law March 23, 2018 as Chapter No. 2018-172, Laws of Florida and the provisions take effect on that date.

CS/SB 1132
Vessel Safety Inspection Decals

CS/SB 1132 authorizes the Fish and Wildlife Conservation Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the safety inspection decal. The bill specifies that the decal may not be valid for more than five years, and, at a minimum, meet the standards specified in s. 327.70(2)(a), F.S., which requires the decal to be displayed:

- Within six inches of the vessel's properly displayed vessel registration decal; or
- For a non-motorized vessel which is not required to be registered, on the forward half of the port side of the vessel above the waterline.

The bill provides that all safety inspection decals issued by the FWC on or before December 31, 2018, are no longer valid after that date.

This bill was signed into law March 19, 2018 as Chapter No. 2018-027, Laws of Florida and the provisions take effect January 1, 2019.

CS/HB 1177
Joint Task Force on State Agency Law Enforcement Communications

Florida's Statewide Law Enforcement Radio System (SLERS) is a single, unified digital radio network that meets the radio voice communications needs of state law enforcement officers and other participating agencies throughout the state. The Joint Task Force on State Agency Law Enforcement Communications (task force) is created in law to advise the Department of

Management Services of member-agency needs relating to the planning, designing, and establishment of SLERS. The task force consists of the following members:

- A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who is appointed by the secretary of the department.
- A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who is appointed by the executive director of the department.
- A representative of the Department of Law Enforcement who is appointed by the executive director of the department.
- A representative of the Fish and Wildlife Conservation Commission who is appointed by the executive director of the commission.
- A representative of the Department of Corrections who is appointed by the secretary of the department.
- A representative of the Department of Financial Services who is appointed by the Chief Financial Officer.
- A representative of the Department of Agriculture and Consumer Services who is appointed by the Commissioner of Agriculture.

The task force is required to meet as necessary, but at least quarterly, at the call of the chair.

The bill adds a representative of the Florida Sheriffs Association to the task force, who must be appointed by the president of the Florida Sheriffs Association. The bill requires the per diem and travel expenses related to the task force that are incurred by the representative of the Florida Sheriffs Association to be paid by the sheriff's office that employs the representative.

This bill was signed into law March 21, 2018 as Chapter No. 2018-67, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1211
Airboat Regulation

Chapter 327, F.S., titled the "Florida Vessel Safety Law," regulates the operation of vessels, and provides for minimum standards relating to safety, education, and equipment. The Fish and Wildlife Conservation Commission (FWC) is charged with coordinating and managing the waterways of the state to provide for safe and enjoyable boating. Specifically, the Division of Law Enforcement within the FWC provides protection to those who enjoy Florida's waterways, while also enforcing resource protection and boating safety laws.

Airboats are considered vessels and are subject to vessel safety and operation regulations under state and federal law. In Florida, for-hire vessel operators on freshwater, inland waters, or other waters that are not used as highways for substantial interstate or foreign commerce are not required to take any additional training courses or possess any boating-related licenses or special endorsements.

The bill creates "Ellie's Law," which provides that, beginning July 1, 2019, a person may not operate an airboat for hire on waters of the state without the following onboard:

- A photographic identification card.
- Proof of either:
  - Completion of an FWC-approved boater education course that meets the minimum eight-hour instruction requirement established by the

National Association of State Boating Law Administrators, or
    - A captain's license issued by the United States Coast Guard.
- Proof of successful completion of an FWC-approved airboat operator course that meets the minimum standards established by FWC rule.
- A certificate of successful course completion in cardiopulmonary resuscitation and first aid.

The bill provides that a person who violates the airboat operating provisions commits a misdemeanor of the second degree, punishable by up to 60 days imprisonment or a $500 fine.

This bill was signed into law March 30, 2018 as Chapter No. 2018-137, Laws of Florida and the provisions took effect on that date.

CS/HB 1267
Telephone Solicitation

Unscrupulous persons are able to use current technology, such as auto dialers and Voice over Internet Protocol, to contact large volumes of consumers by phone and to misrepresent, or "spoof," the phone number from which they are calling, with the ultimate intent to defraud the consumer. To reduce this activity, the Federal Communications Commission (FCC), in November 2017, adopted a rule that permits providers of voice communications services to block phone calls made from certain numbers – numbers that a consumer has requested to be blocked and numbers that have not been assigned under the North American Numbering Plan (NANP) – before they reach consumers' phones.

Consistent with the FCC's rule, the bill authorizes telecommunications companies who provide voice communications services to customers in Florida to preemptively block certain phone calls from reaching a customer's phone. In particular, consistent with federal law and FCC rules, such service providers may block calls:

- When the customer to which an originating number is assigned has requested that calls purporting to originate from that number be blocked because the number is used for inbound calls only.
- Originating from a number than is not a valid NANP phone number.
- Originating from a valid NANP phone number that has not been allocated to a telephone service provider by the NANP Administrator or pooling administrator.
- Originating from a valid NANP phone number that has been allocated to a telephone service provider but is unused, as confirmed by the provider blocking the calls.

The bill provides that a service provider may not block a voice call from either of the first two categories listed above if the call is an emergency call placed to 911. The bill permits voice service providers to rely on a phone number as reflected on a caller identification service for purposes of blocking that number.

This bill was signed into law March 21, 2018 as Chapter No. 2018-70, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1435
Child Welfare

The bill authorizes DCF to create a "family finding" program, subject to the availability of resources. The program will support DCF and the community-based care organizations (CBCs) in identifying and

locating relatives and fictive kin during a child's dependency case using a range of search methods, such as interviews with extended family, specialized computer searches, and genograms. Family finding efforts may begin as soon as a child comes under DCF supervision and may be used throughout the dependency process to engage prospective kinship caregivers.

It also allows CBCs to establish kinship navigator programs, subject to the availability of resources, to help relative caregivers and fictive kin locate and access support services available to them and the children in their care through a website, a toll-free phone hotline, and other similar resources.

The bill creates a new exemption from the Rilya Wilson Act requirements related to attendance in child care or early education programs. Children aged 0-3 will be allowed to remain at home with a stay-at-home caregiver or attend an early education or child care program fewer than 5 days per week if they reside with a caregiver who works less than full time.

Lastly, the bill establishes new requirements that would facilitate the continuity of a child's participation in early education or child care programs upon removal from the family home.

This bill was signed into law March 23, 2018 as Chapter No. 2018-108, Laws of Florida and the provisions take effect July 1, 2018.

HB 1437
Employment Services for Persons with Disabilities

The Division of Blind Services (DBS) and the Division of Vocational Rehabilitation (DVR) are subdivisions of the Department of Education (DOE). Both DBS and DVR, pursuant to statute, have established statewide vocational rehabilitation programs for blind and disabled persons, respectively, for the purpose of maximizing employment opportunities for these individuals and to increase their independence and self-sufficiency.

Participants in DOE's vocational rehabilitation programs are not currently considered employees of the state for the purpose of workers' compensation coverage. Workers' compensation coverage requires an employer to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.

The bill requires participants in an adult or youth work experience activity under either the DBS or the DVR be deemed an employee of the state for the purposes of workers' compensation coverage.

It has a significant fiscal impact on state government expenditures from the State Risk Management Trust Fund. According to the Department of Financial Services (DFS), the Division of Risk Management will incur additional expenditures associated with an annual increase of medical and indemnity workers' compensation claims costs. DFS estimates that claims costs will increase by approximately $166,000.

This bill was signed into law March 21, 2018 as Chapter No. 2018-72, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/SB 1576
Animal Welfare

CS/CS/SB 1576 requires animal shelters that take in stray dogs and cats to adopt written policies and procedures to ensure that every reasonable effort is made to

quickly and reliably return the animals to their owners.

The bill allows a court to prohibit a person convicted of animal cruelty from owning, possessing, keeping, harboring, having contact with, or having custody or control over any animal. It leaves the time frame for the prohibition within the court's discretion.

It also increases the severity ranking for aggravated animal cruelty from a level three to a level five on the offense severity ranking chart of the Criminal Punishment Code.

This bill was signed into law March 23, 2018 as Chapter No. 2018-87, Laws of Florida and the provisions take effect October 1, 2018.

HB 5005
Collective Bargaining

Chapter 447, F.S., specifies the process for collective bargaining for public employees.

The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. Upon the issuance of the Governor's Budget Recommendations, any articles that have not been agreed to are declared at impasse.

It is the Legislature's responsibility to resolve all of the issues at impasse between the parties in the General Appropriations Act or substantive legislation. Ultimately, the decisions made by the Legislature, as well as those agreed to by the parties, are reduced to writing, signed by the chief executive officer of the state and the bargaining agent for the union, and are submitted to members of the bargaining unit for ratification. If the agreement is not ratified by all parties, the actions taken by the Legislature shall take effect for the remainder of the first fiscal year subject to negotiations.

The bill directs the resolution of collective bargaining issues at impasse not relating to salary and benefit issues for the 2018-2019 fiscal year regarding state employees. Salary and benefit issues are typically resolved by the spending decisions included in the Fiscal Year 2018-2019 General Appropriations Act (GAA) or conforming legislation.

Generally, most issues are resolved by the state and unions and do not require legislative action (approximately 325 agreed to articles.) For the Fiscal Year 2018-2019, there were 32 articles remaining at impasse, 22 were economic in nature and were resolved in the GAA or conforming legislation. The remaining 10 articles were resolved in this bill by maintaining the status quo language under the current contract.

This bill was signed into law March 16, 2018 as Chapter No. 2018-011, Laws of Florida and the provisions take effect July 1, 2018.

HB 5007
State-Administered Retirement Systems

The Florida Retirement System (FRS) is a multi-employer, contributory plan that, as of June 30, 2017, provides retirement benefits to 637,643 active members and 406,374 retired members and beneficiaries, and 32,233 members of the Deferred Retirement Option Program. It is the primary retirement plan for employees of the state and county government agencies, district school boards, state colleges and universities. The FRS also serves as the retirement plan for employees of cities and

independent special districts that have made an irrevocable election to participate.

Members of the FRS have two plan options available for participation: the defined benefit plan, also known as the pension plan; and the defined contribution plan, also known as the investment plan.

Section 121.031, F.S., requires that an annual actuarial study of the FRS be provided by the administrator of the system (the Department of Management Services) and for the results to be reported to the Legislature by December 31 of each year.

Thereafter, the Legislature uses the report in establishing the uniform contribution rates in law during the next regular legislative session.

Effective July 1, 2018, the bill revises s. 121.71, F.S. to adjust the employer contribution rates for the FRS based on the 2017 Actuarial Valuation.

This bill was signed into law March 16, 2018 as Chapter No. 2018-012, Laws of Florida and the provisions take effect July 1, 2018.

HB 6033
Volunteer Florida, Inc.

Direct-support organizations (DSOs) are statutorily created entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the DSO was created to support.

The Legislature created the Florida Volunteer and Community Service Act of 2001 (Act) "to promote the development of better communities by fostering greater civic responsibility through volunteerism and service to the community." The Florida Commission on Community Service (commission) helps administer the Act. Current law authorizes the commission to establish a DSO to aid in fundraising efforts and to assist in carrying out the commission's goal of increasing volunteerism across the state. The commission established a DSO known as the Volunteer Florida Foundation (VFF).

The members of VFF's board of directors must include members of the commission. VFF is a Florida not for profit corporation, organized and operated exclusively to receive, hold, invest, and administer property and funds and to make expenditures to or for the benefit of the programs overseen by the commission. VFF is required to operate under a written contract with the commission. The statutory authority for VFF is scheduled to repeal on October 1, 2018, unless reviewed and reenacted by the Legislature.

This bill was signed into law March 21, 2018 as Chapter No. 2018-73, Laws of Florida and the provisions take effect July 1, 2018.

HB 7021
Florida Statutes

The bill is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2018 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The bill prospectively adopts all statutes of a general and permanent nature passed

through the June 7-9, 2017 special session together with corrections, changes, and amendments to and repeals of the provisions of the 2017 Florida Statutes enacted in additional Reviser's bill(s) by the 2018 Legislature. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2017, which thus serve as the best evidence of the law.

Legislation passed in the 2018 Regular Session, which will have occurred since the publication of the 2017 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law until it is adopted in 2019.

This bill was signed into law March 23, 2018 as Chapter No. 2018-109, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die.

HB 7023
Florida Statutes/General

Florida Statute section 11.242 requires the Division of Law Revision and Information of the Florida Legislature to conduct a systematic and continuing study of Florida's statutes and laws for the purpose of recommending to the Legislature changes that would:

- Remove statutory inconsistencies, redundancies, and unnecessary repetitions.
- Improve clarity.
- Facilitate correct and proper interpretation.
- Such changes include:
- Corrections to grammatical and typographical errors.
- Removal of expired or obsolete statutes and laws.
- Transfer, consolidation, and renumbering of sections, subsections, chapters, and titles.

These recommendations are submitted to the Legislature as technical, non-substantive reviser's bills.

The bill is a general reviser's bill of technical nature that deletes expired or obsolete language; corrects cross references and grammatical errors; removes inconsistencies, redundancies, and unnecessary repetition in the statutes; improves the clarity of the statutes and facilitates their correct interpretation; and confirms the restoration of provisions unintentionally omitted from republication in the Legislature's acts during the amendatory process.

This bill was signed into law March 23, 2018 as Chapter No. 2018-110, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die.

HB 7025
Florida Statutes/Non-current Repeals or Expiration

Florida Statute section 11.242 requires the Division of Law Revision and Information of the Office of Legislative Services to conduct a systematic and continuing study of the state's statutes and laws. The purpose of this study is to recommend to the Legislature changes that would:

- Remove inconsistencies, redundancies, and unnecessary repetition.
- Improve clarity.
- Facilitate correct and proper interpretation.
- Such changes include:
- Corrections to grammatical and typographical errors.

- Removal of expired or obsolete statutes and laws.
- Transfer, consolidation, and renumbering of sections, subsections, chapter, and titles.

These recommendations are submitted to the Legislature as technical, non-substantive reviser's bills.

The bill is a general reviser's bill that deletes statutory provisions that have been repealed by a non-current (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect. Such provisions may be omitted from publication in the 2018 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

This bill was signed into law March 23, 2018 as Chapter No. 2018-111, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die.

CS/SB 7026
Public Safety

CS/SB 7026 provides law enforcement, the courts, and schools with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence. The bill also promotes school safety and enhanced coordination between education and law enforcement entities at the state and local level.

Specifically, the bill:

- Creates the Medical Reimbursement Program for Victims of Mass Shootings to reimburse trauma centers from the medical costs of treating victims for injuries associated with a mass shooting.
- Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold a firearm or ammunition the person possesses at the time of being taken into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.
- Allows an officer who is taking a person into custody at his or her residence to seek the voluntary surrender of firearms or ammunition kept in the residence not already seized.
- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.
- Requires a three-day waiting period for all firearms, not just handguns or until the background check is complete, whichever is later.
- Prohibits a person under 21 years of age from purchasing a firearm.
- Prohibits a licensed firearm dealer, importer, or manufacturer, from making or facilitating the sale or transfer of a firearm to a person under the age of 21. This prohibition does not apply to the purchase of a rifle or shotgun by a law enforcement officer or a correctional officer or to a member of the military.
- Prohibits a bump-fire stock from being imported, transferred, distributed, transported, sold, keeping for sale, offering or exposing for sale, or given away within the state.
- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from accessing firearms when a person poses a

significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.
- Provides a court can issue a risk protection order for up to 12 months.
- Allows a court to issue temporary ex parte risk protection order in certain circumstances.
- Requires the surrender of all firearms and ammunition if a risk protection order or ex parte risk protection order is issued.
- Provides a process for a risk protection order to be vacated or extended.
- Establishes the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement (FDLE) to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements.
- Codifies the Office of Safe Schools (office) within the Florida Department of Education (DOE) and specifies the purpose of the office is to serve as the state education agency's primary coordinating division for promoting and supporting safe-learning environments.
- Creates the Florida Sheriff's Marshal Program within the DOE as a voluntary program to assist school districts and public schools in enhancing the safety and security of students, faculty, staff, and visitors to Florida's public schools and campuses.
- Codifies the Multiagency Service Network for Students with Severe Emotional Disturbance (SEDNET) as a function of the DOE in partnership with other state, regional, and local entities to facilitate collaboration and communication between the specified entities.
- Establishes the Public School Emergency Response Learning System Program to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public schools.
- Establishes the "FortifyFL" program and requires the FDLE to procure a mobile suspicious activity reporting tool that allows students and the community to report information anonymously about specified activities or the threat of such activities to appropriate public safety agencies and school officials.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility, and:
- Requires each district school board to designate a district school safety specialist to serve as the district's primary point of public contact for public school safety functions.
- Requires each school district to designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction.
- Creates the mental health assistance allocation to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive mental health programs and to connect students and families with appropriate services.
- Clarifies the applicability of public records exemptions for security systems and plans.

- This bill was signed into law March 9, 2018 as Chapter No. 2018-003, Laws of Florida and the provisions took effect on that date.

HB 7027
Florida Statutes/Rulemaking Repeals

Section 11.242(5)(j), F.S., directs the Office of Legislative Services to include duplicative, redundant, or unused statutory rulemaking authority among its proposed repeals in reviser's bill recommendations.

The purpose of this directive is not to diminish the authority of executive branch agencies to adopt administrative rules necessary to implement their statutory responsibilities but to remove unnecessary text from the statutes.

This reviser's bill removes such rule authorizing provisions through revision of existing statutes or repeal of unnecessary provisions. The bill also makes conforming changes to correct cross-references.

Rulemaking authority is deemed unused if the provision has been in effect for more than 5 years without being relied upon to adopt rules.

This bill was signed into law March 23, 2018 as Chapter No. 2018-112, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die.

SB 7028
Ratification of Department of Elderly Affairs Rules

The bill ratifies Rule 58A-5.036, F.A.C., so that the rule may go into effect.

Under ch. 120, F.S., the Administrative Procedures Act, the formal rulemaking process begins by an agency giving notice of the proposed rule. The notice is published by the Department of State in the Florida Administrative Register and must provide certain information, including the text of the proposed rule, a summary of the agency's statement of estimated regulatory costs (SERC), if one is prepared, and how a party may request a public hearing on the proposed rule. Section 120.541, F.S. requires that any rule with an adverse economic impact exceeding $1 million over the first 5 years the rule is in effect must be ratified by the legislature to be effective.

Rule 58A-5.036, F.A.C., requires, by June 1, 2018, currently licensed assisted living facilities (ALFs) to maintain an alternative power source that can air-condition an area of no less than 20 net sq. ft. per resident at a temperature of 81 degrees Fahrenheit or lower for at least 96 hours. The rule requires the ALFs to keep fuel on-site or use piped natural gas. The rule allows ALFs under common control that are located on a single campus to share fuel, alternative power sources, and resident space. The rule also allows the Agency for Health Care Administration to grant an extension to comply with the requirements until January 1, 2019, for ALFs that can show delays caused by necessary construction, delivery of ordered equipment, zoning or other regulatory approval processes.

The SERC developed for Rule 58A-5.036, F.A.C., shows that the rule will create an adverse economic impact of $243,912,720 over the first 5 years the rule is in effect. Because the rule has an adverse economic impact on the ALF industry exceeding $1 million over the first 5 years it is in effect, it must be ratified by the Legislature to be effective.

The bill will have a significant negative fiscal impact on ALFs that need to acquire an alternative power source to meet the requirements of the rule. The bill has a

negative fiscal impact on state government and no fiscal impact on local governments.

The scope of the bill is limited to this rulemaking procedure and does not adopt the substance of the rule into statute.

This bill was signed into law March 26, 2018 as Chapter No. 2018-122, Laws of Florida and the provisions took effect on that date.

Public Records & Public Meetings

Public Records & Public Meetings

CS/HB 87
Public Records/Statewide Voter Registration System

The bill, which is linked to CS/HB 85, creates a public record exemption for information received by the Department of State, pursuant to its membership in a nongovernmental entity, from another state or the District of Columbia that is confidential or exempt pursuant to the laws of that jurisdiction. The bill provides for repeal of the exemption on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

This bill was signed into law March 19, 2018 as Chapter No. 2018-33, Laws of Florida and the provisions take effect January 1, 2019.

CS/CS/CS/SB 268
Public Records/Public Guardians/Employees with Fiduciary Responsibility

CS/CS/CS/SB 268 creates a public records exemption for identifying and location information of current and former public guardians, employees with fiduciary responsibility, and their spouses and children.

The required public necessity statement of the bill provides as justification for the exemption that the release of this information may and has placed current and former public guardians, employees with fiduciary responsibility, and the families of these individuals in danger of physical and emotional harm from disgruntled individuals, including wards of the guardian.

The exemption stands repealed on October 2, 2023, pursuant to the Open Government Sunset Review Act, unless the Legislature reviews and reenacts the exemption before that date.

This bill was signed into law March 19, 2018 as Chapter No. 2018-016, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 411
Public Records and Public Meetings/Firesafety Systems

Current law provides public record and public meeting exemptions for certain information related to security systems. A security system plan or any portion thereof and any information relating to security systems held by an agency is confidential and exempt from public record requirements if the plan or information is for:

- Any property owned by or leased to the state or any of its political subdivisions; or
- Any privately owned or leased property.
- An agency is authorized to disclose the confidential and exempt information:
- To the property owner or leaseholder;
- In furtherance of the official duties and responsibilities of the agency holding the information;
- To another local, state, or federal agency in furtherance of that agency's official duties and responsibilities; or
- Upon a showing of good cause before a court of competent jurisdiction.

Any portion of a meeting that would reveal a security system plan or portion thereof or information relating to a security system is exempt from public meeting requirements.

The bill creates public record and public meeting exemptions for firesafety system plans and information relating to firesafety

systems that are identical to the exemptions currently in law for security system plans and information relating to security systems. The bill provides for repeal of the exemptions on October 2, 2023, 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 6, 2018 as Chapter No. 2018-146, Laws of Florida and the provisions took effect on that date.

CS/HB 417
Pub. Rec./Child Advocacy Center Personnel and Child Protection Team Members

A child protection team (CPT) is a medically directed, multidisciplinary team that supplements child protective investigation efforts in cases of child abuse and neglect.

CPTs provide expertise in evaluating alleged child abuse and neglect, assess risk and protective factors, and provide recommendations for interventions to protect children and enhance a caregiver's capacity to provide a safer environment.

Child advocacy centers (CACs) are community-based, child-focused facilities where child victims of abuse or neglect are interviewed, and may receive medical exams, therapy, and other critical services.

The bill exempts from public records requirements the home addresses, telephone numbers, dates of birth, and photographs of:

- Certain current or former directors, managers, supervisors, and clinical employees of a CAC;
- CPT employees whose duties are related to certain types of CPT investigations or that provide services as part of a multidisciplinary case review team; and
- Spouses and children of the above CAC and CPT personnel.

It also exempts the names of spouses and children of these personnel, the names of their places of employment, and the names and locations of schools and day care facilities attended by such children.

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

Finally, the bill also provides for repeal of the exemption on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

This bill was signed into law April 6, 2018 as Chapter No. 2018-147, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 551
Public Records/Health Care Facilities

Current law provides a public record exemption for building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel or motel development held by an agency. Although health care facilities are required to submit similar building plans and related documents to agencies, there does not appear to be a public record exemption for these building plans.

The bill expands the public record exemption for building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final forms, which depict the internal layout and

structural elements to include health care facilities. Specifically, the bills provides that such plans for a hospital, ambulatory surgical center, nursing home, hospice, or intermediate care facility for the developmentally disabled are exempt from public disclosure.

This bill was signed into law March 21, 2018 as Chapter No. 2018-53, Laws of Florida and the provisions took effect on that date.

CS/CS/CS/HB 705
Public Records/Water Management District Surplus Lands

CS/CS/CS/HB 705, which is linked to the passage of HB 703, creates a public record exemption for written valuations of WMD land determined to be surplus; related documents used to form, or which pertain to, the valuation; and written offers to purchase such surplus land. It provides that such documents are confidential and exempt from public record requirements.

The bill provides that the public record exemption will expire two weeks before the WMD first considers the contract or agreement regarding the purchase, exchange, or disposal of the surplus land.

It authorizes a WMD to disclose confidential and exempt valuations, valuation information related to surplus land, or written offers to purchase such surplus land to potential purchasers before the expiration of the exemption to facilitate successful or expedited closure of the sale of surplus land:

- During negotiations for the sale or exchange of the land;
- During the marketing effort or bidding process associated with the sale, disposal, or exchange of the land;
- When the passage of time has made the conclusions of value invalid; or
- When negotiations or marketing efforts concerning the land are concluded.

The bill provides for repeal of the exemption on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

It provides a statement of public necessity as required by the State Constitution. Specifically, the bill finds that the public availability of such valuations, related documents, and written offers can negatively impact the ability of a WMD to negotiate with potential purchasers and potentially places a WMD at a disadvantage in attempting to maximize the return on the sale of surplus land.

This bill was signed into law April 6, 2018 as Chapter No. 2018-156, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 755
Public Records/Nationwide Public Safety Broadband Network

The First Responder Network Authority (FirstNet) is an independent authority established by Congress within the Department of Commerce to deliver a nationwide broadband network dedicated to public safety (Network). FirstNet is the last remaining recommendation of the National Commission on Terrorist Attacks upon the United States (also known as the 9/11 Commission) to be addressed. The goal of the Network is to strengthen public safety users' communications capabilities, enabling them to respond more quickly and effectively to accidents, disasters, and emergencies.

The bill creates a public record exemption for information relating to the Network

that is held by an agency if release of such information would reveal:

- *The design, development, construction, deployment, and operation of Network facilities;*
- *Network coverage, including geographical maps indicating actual or proposed locations of Network infrastructure or facilities;*
- *The features, functions, and capabilities of Network infrastructure and facilities;*
- *The features, functions, and capabilities of Network services provided to first responders and other Network users;*
- *The design, features, functions, and capabilities of Network devices provided to first responders and other Network users; or*
- *Security, including cybersecurity, of the design, construction, and operation of the Network and associated services and products.*

This bill was signed into law March 21, 2018 as Chapter No. 2018-60, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 1055
Public Records/Addiction Treatment Facility Personnel

The Department of Children and Families (DCF) administers a statewide system of safety-net services for substance abuse prevention, treatment, and recovery. DCF regulates substance abuse treatment by licensing individual treatment components under ch. 397, F.S., and ch. 65D-30, F.A.C.

Licensed service components include a continuum of substance abuse prevention, intervention, and clinical treatment services. Some substance abuse treatment facilities are owned by county governments, and as such subject to Florida's broad public records requirements.

CS/HB 1055 exempts from public record requirements information about certain persons who work in government owned-substance abuse treatment facilities and their families. It exempts home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of addiction treatment facilities.

It also exempts from public record requirements the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of the above persons. Additionally, the bill exempts from public record requirements the names and locations of schools and day care facilities attended by the children of those persons.

The bill defines an addiction treatment facility as a facility that is licensed pursuant to s. 397.401, F.S., as a substance abuse service provider; provides substance abuse prevention, intervention, or clinical treatment; and is owned by a county government, or agency thereof.

The bill was signed into law March 21, 2018 as Chapter 2018-64, Laws of Florida and will become effective on July 1, 2018.

CS/CS/HB 1127
Public Records and Meetings/ Citizens Property Insurance Corporation

The Information Technology (IT) Security Act requires the Agency for State Technology and state agency heads to meet certain requirements relating to IT security.

The act provides public record exemptions for certain information related to state agency IT security.

The bill creates public record exemptions for Citizens Property Insurance Corporation (Citizens) that are similar to those currently in law for state agencies. The bill provides that records held by Citizens that identify detection, investigation, or response practices for suspected or confirmed IT security incidents, including suspected or confirmed breaches, are confidential and exempt from public record requirements. In addition, portions of risk assessments, evaluations, audits, and other reports of Citizens' IT security program for its data, information, and IT resources that are held by Citizens are confidential and exempt.

Such records, and portions thereof, are only confidential and exempt if disclosure would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of IT resources or physical or virtual data or information.

The public record exemptions are retroactive and apply to records held by Citizens before, on, or after the effective date of the bill. The bill also creates a public meeting exemption for meetings and portions thereof that would reveal the above-described IT security information.

The bill was signed into law March 21, 2018 as Chapter 2018-66, Laws of Florida and the provisions were effective on that date.

SB 1940
Public Records and Public Meetings/School Safety

This bill creates public records and public meetings exemptions for certain information related to school safety.

Specifically, the bill provides the following exemptions:

- As part of the School Safety Awareness Program, the bill makes confidential and exempt from disclosure the identity of a party making a report of suspicious activity held by the Department of Law Enforcement, a law enforcement agency, or school officials;
- The bill makes exempt from disclosure a portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed; and
- The bill makes exempt from disclosure any information held by a law enforcement agency, school district, or charter school which would identify whether a particular individual has been appointed as a safe-school officer.

The bill provides the required statements of public necessity. As justification for the exemptions:

- Regarding the identity of a person reporting suspicious activity, the exemption could encourage the person to make a report that could lead to intervention before an incident of mass violence occurs.
- Regarding Marjory Stoneman Douglas High School Public Safety Commission meetings, to ensure the effective and efficient administration of the Commission and make meaningful recommendations for system improvements, the Commission must be able to receive information it receives as part of its investigation including exempt or confidential and exempt information and without the exemption, the exemptions that apply to those records received by the Commission would be negated.
- Regarding the identity of a person as a safe-school officer, the exemption is needed to maximize the effectiveness of

safe-school officers who are authorized to carry a concealed weapon, disclosure of which could compromise the ability of the safe-school officer to adequately respond to an active assailant situation.

This bill was signed into law March 9, 2018 as Chapter No. 2018-001, Laws of Florida and the provisions took effect on that date.

SB 7024
Public Records/Victim of an Incident of Mass Violence

SB 7024 creates a public records exemption in s. 119.071(2), F.S., relating to agency investigations, for the address of a victim of a certain crime. Specifically, the bill makes exempt from public disclosure the address of a victim of an incident of mass violence.

The bill defines an incident of mass violence as an incident in which three or more people, not including the perpetrator, are severely injured or killed by an intentional act of violence by a perpetrator. Further, the bill defines a victim as a person who is injured or killed by an incident of mass violence.

In its statement of public necessity, the bill provides as justification that without the exemption the victim may be harassed, taken advantage of, or otherwise subjected to additional pain and suffering. After an incident of mass violence, victims are in a vulnerable state as they assist law enforcement with the investigation and try to recover from the traumatic event. The public availability of the victim's address may be used to locate the victim or the victim's family. Therefore, without the exemption, victims and their families may encounter media intrusions at their homes and other unwelcome intrusions into their privacy.

This bill was signed into law March 9, 2018 as Chapter No. 2018-002, Laws of Florida and the provisions took effect on that date.

HB 7053
Public Records/United States Census Bureau

The United States Constitution requires a census be taken every 10 years to determine the number of seats apportioned to each state in the U.S. House of Representatives.

The United States Census Bureau (USCB) conducts the decennial census. The Local Update of Census Addresses Program (LUCA) is a program administered by the USCB offered once every 10 years to state and local governments in preparation for the census. Specifically, LUCA enables states and local entities to update address information on a master list maintained by LUCA to make the census as accurate as possible. Participants are required to maintain the confidentiality of the information and must sign a confidentiality agreement.

The bill creates a public records exemption for certain address information maintained by the USCB and held by an agency. Specifically, the bill makes confidential and exempt the following information held by an agency pursuant to LUCA:

- USCB address information, including maps showing structure location points;
- Agency records that verify addresses; and
- Agency records that identify address errors or omissions.

It authorizes release of the information to another agency or governmental entity in furtherance of its duties and responsibilities under the program. Additionally, the bill authorizes agencies operating at the

direction of the program to access any other confidential or exempt information held by another agency if necessary for the agency to perform its program duties and responsibilities.

The public necessity statement provides that without the exemption agencies would be denied participation in the program, which could result in a negative fiscal impact for the state.

This bill was signed into law March 23, 2018 as Chapter No. 2018-77, Laws of Florida and the provisions took effect on that date.

Open Government Sunset Review Act

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.
- 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.

HB 7011
OGSR/School Food and Nutrition Service Program

The Department of Agriculture and Consumer Services (DACS) is the state administrator of school food and nutrition service programs. Such programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and any other program that relates to school nutrition under the purview of DACS. Applicants for school food and nutrition service programs must provide certain personal information to DACS and the Department of Education (DOE). Some of the information provided for purposes of determining eligibility for participation in the school food and nutrition service programs is considered to be of a sensitive, personal nature.

Current law provides that personal identifying information of an applicant for or a participant in a school food and nutrition service program held by DACS, DOE, or the Department of Children and Families is exempt from public record requirements. Such information must be

disclosed to another governmental entity in the performance of its official duties and responsibilities or to any person who has the written consent of the applicant for or participant in such program.

The bill reenacts and narrows the application of the public record exemption.

This bill was signed into law March 21, 2018 as Chapter No. 2018-74, Laws of Florida and the provisions take effect October 1, 2018.

HB 7013
OGSR/False Claims

The Florida False Claims Act (FFCA) authorizes civil actions by individuals and the state against persons who file false claims for payment or approval with a state agency. These types of actions were recognized at common law and have historically been called "qui tam" actions. The Department of Financial Services or the Department of Legal Affairs (DLA) may bring an action for a false claim, or may join a private action.

Current law provides that the complaint and information held by DLA pursuant to an investigation of a violation of the FFCA are confidential and exempt from public record requirements. Such information may be disclosed by DLA to a law enforcement agency or other administrative agency in the performance of its official duties and responsibilities. The exemption expires once the investigation is completed.

This bill was signed into law March 21, 2018 as Chapter No. 2018-75, Laws of Florida and the provisions take effect October 1, 2018.

HB 7029
OGSR/Human Trafficking Expunction

"Human trafficking" is defined as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person. Human trafficking is a form of modern-day slavery in which young children, teenagers, and adults are subjected to force, fraud, or coercion for sexual exploitation or forced labor. Florida law allows a victim of human trafficking to petition a court for the expunction of a criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking. The offense must be related to the human trafficking scheme of which the person was a victim or must have been at the direction of an operator of the scheme. The expunction of a criminal history record is the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order.

Any criminal history record that is ordered expunged must be physically destroyed or obliterated by any criminal justice agency having custody of such record, except that any criminal history record in the custody of the Florida Department of Law Enforcement (FDLE) must be retained.

Current law provides that a criminal history record related to human trafficking that is ordered expunged but that is retained by FDLE is confidential and exempt from public record requirements. Such records must be made available to criminal justice agencies for their respective criminal justice purposes; to any governmental agency that is authorized by state or federal law to

determine eligibility to purchase or possess a firearm or to carry a concealed firearm for use in the course of such agency's official duties; and upon order of a court of competent jurisdiction.

This bill was signed into law March 19, 2018 as Chapter No. 2018-39, Laws of Florida and the provisions take effect October 1, 2018.

HB 7031
OGSR/Criminal Justice Commission

Currently a municipality or county may create an advisory commission to examine local criminal justice issues. Such a commission, termed a duly constituted criminal justice commission (commission), may have a need to discuss active criminal intelligence or investigative information to develop strategies and offer recommendations regarding the criminal justice activities of its locality. As a governmental entity, each commission meeting is subject to the public meetings requirements of the sunshine law.

Current law provides an exemption from public meetings requirements for those portions of a commission meeting during which active criminal intelligence or investigative information is discussed and that information is being considered by, or which may foreseeably come before, the commission. However, at each commission meeting during which active criminal intelligence or investigative information is being considered, the commission members must publicly disclose it has been discussed.

This bill was signed into law March 19, 2018 as Chapter No. 2018-40, Laws of Florida and the provisions take effect October 1, 2108.

HB 7041
OGSR/Ethics Complaints and Investigations

Current law provides that the complaint and records relating to the complaint or to any preliminary investigation held by the Commission on Ethics (commission) or its agents, by a Commission on Ethics and Public Trust established by any county or by any municipality, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements than those provided in the Code of Ethics are confidential and exempt from public records requirements. Additionally, written referrals and records relating thereto, held by the commission, the Governor, the Department of Law Enforcement, or a state attorney, as well as records relating to any preliminary investigation of such referrals held by the commission, are confidential and exempt from public records requirements.

A proceeding, or any portion thereof, conducted by the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process, pursuant to a complaint or preliminary investigation, is exempt from public meeting requirements. Moreover, any proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from public meeting requirements.

The above records and meetings are exempt until:

- The complaint is dismissed;
- The alleged violator requests in writing that such records or proceedings be made public;

- The commission determines it will not investigate the referral; or
- The commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process determines, based on such investigation, whether probable cause exists to believe that a violation has occurred.

This bill was signed into law March 21, 2018 as Chapter No. 2018-76, Laws of Florida and the provisions take effect October 1, 2108.

HB 7075
OGSR/Payment Instrument Transaction Information

The Office of Financial Regulation (OFR) licenses and regulates check cashers.

Florida law imposes various requirements on check cashiers, including that such licensees maintain certain payment instrument transaction information. In addition, certain information related to each payment instrument being cashed that exceeds $1,000 must be entered into OFRs check cashing database. Current law provides that payment instrument transaction information held by OFR pursuant to the database that identifies a licensee, payor, payee, or conductor is confidential and exempt from public record requirements. OFR may enter into information-sharing agreements with the Department of Financial Services, law enforcement agencies, and other governmental agencies in certain circumstances, and require those agencies to maintain the confidentiality of the information, except as required by court order.

The bill extends the repeal date by two years for the public record exemption, which will repeal on October 2, 2018, if this bill does not become law. The bill also clarifies that OFR may release information in the database in the aggregate as long as confidential and exempt identifying information is not disclosed.

This bill was signed into law March 23, 2018 as Chapter No. 2018-116, Laws of Florida and the provisions take effect October 1, 2108.

HB 7077
OGSR/Agency Employee Misconduct Complaint

Current law protects complaints of misconduct filed with an agency against an agency employee and all information obtained from an investigation by the agency of the complaint of misconduct. The records are confidential and exempt from public record requirements until the investigation ceases to be active or the agency provides written notice to the employee that the agency has concluded the investigation with a finding to proceed with disciplinary action or to not proceed with disciplinary action.

This bill was signed into law March 23, 2018 as Chapter No. 2018-117, Laws of Florida and the provisions take effect October 1, 2108.

HB 7095
OGSR/Local Government Electric Utility

Municipal electric utilities, from time to time, seek or receive proposals from business entities concerning the development of projects related to providing electric service. According to the utilities, providers of new technologies would be discouraged from sharing information about opportunities to participate in projects if such information were subject to public

disclosure due to fear of harming their business by exposing competitively sensitive information.

Current law provides that proprietary confidential business information held by an electric utility that is subject to public record requirements in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources is confidential and exempt from public record requirements.

The bill also inserts a cross-reference to provide a specific definition for the term “trade secrets,” which are protected under the public record exemption.

This bill was signed into law March 23, 2018 as Chapter No. 2018-120, Laws of Florida and the provisions take effect October 1, 2108.

HB 7097
OGSR/Citizens Property Insurance Corporation

The Citizens Property Insurance Corporation (Citizens) policyholder eligibility clearinghouse program was established by the Legislature in 2013. The program identifies private-market property insurance options for homeowners who believe Citizens may be their only choice for property insurance. When the Legislature created the program, it also created a public record exemption for proprietary business information provided to the clearinghouse by insurers with respect to identifying and selecting risks for an offer of coverage.

The bill reenacts the public record exemption, which will repeal on October 2, 2018, if this bill does not become law. The bill also inserts a cross-reference to provide a specific definition for the term “trade secrets," which are protected under the public record exemption.

This bill was signed into law March 23, 2018 as Chapter No. 2018-121, Laws of Florida and the provisions take effect October 1, 2108.

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

Construction

CS/CS/HB 875
Limitations of Actions Other Than for the Recovery of Real Property

The Rules of Civil Procedure require a party to assert all counterclaims, cross-claims, and third-party claims within 20 days of the filing of the pleading triggering the claim.

Should an applicable statute of limitations expire in those 20 days, a compulsory counterclaim, a cross-claim, or third-party claim that arises from the same conduct or occurrence will not be barred, although a permissive counterclaim will be barred.

CS/CS/HB 875 extends the statute of limitations for a construction defect to allow counterclaims, cross-claims, and third-party claims up to one year after the filing of a pleading to which such claims relate in actions based on the design, planning, or construction of an improvement to real property, even if such claim would otherwise be time barred.

The bill provides that once a governmental authority issues a certificate of completion or certificate of occupancy, actions to correct defects or deficiencies or warranty obligations do not extend the time to bring a claim by delaying the start of the running of the statutes of limitations or repose The bill

This bill was signed into law March 23, 2018 as Chapter No. 2018-097, Laws of Florida and the provisions take effect July 1, 2018.

Environmental & Land Use

HB 53
Coral Reefs

Coral reefs in southeast Florida support a rich and diverse assemblage of stony corals, octocorals, macroalgae, sponges, and fishes. These ecological communities run parallel along the coast from the northern border of Biscayne National Park in Miami-Dade County north to the St. Lucie Inlet in Martin County. Coral reefs are valuable natural resources. They protect coastlines by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for over 6,000 species, including important commercial fisheries. Further, people use coral reefs as a resource for recreation, education, scientific research, and public inspiration. Millions of tourists and local residents enjoy scuba diving, snorkeling, and fishing on the coral reefs.

Coral reefs are vulnerable to harmful environmental changes, particularly those resulting from human activities. Globally, 10 percent of all coral reefs are degraded beyond recovery and 30 percent are in critical condition and may die within 10 to 20 years, particularly those near human populations.

The bill establishes the Southeast Florida Coral Reef Ecosystem Conservation Area (conservation area). The conservation area includes the sovereign submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet in the north to the northern boundary of the Biscayne National Park in the south.

This bill was signed into law March 19, 2018 as Chapter No. 2018-030, Laws of Florida and the provisions take effect July 1, 2018.

SB 168
Nonnative Animals

The bill requires the Fish and Wildlife Conservation Commission (FWC) to

establish a pilot program to mitigate the impacts of priority invasive species on lands or waters of the state. The bill defines the term "priority invasive species" to include:

- Lizards of the genus Tupinambis, also known as tegus;
- Species identified in s. 379.372(2), F.S., which includes the:
  Burmese or Indian python;
  o Reticulated python;
  o Northern African python;
  o Southern African python;
  o Amethystine or scrub python;
  o Green Anaconda;
  o Nile Monitor; and
  o Any other reptile designated as a conditional or prohibited species by the FWC;
- Pterois volitans, also known as red lionfish; and
- Pterois miles, also known as the common lionfish or devil firefish.

The goal of the pilot program is to examine the benefits of using strategically deployed and trained private contractors to slow the advance of the specified nonnative animals, contain their populations, and eradicate them from the state.

The bill authorizes the FWC to enter into contracts, in accordance with the public procurement requirements of the state, with entities or individuals to capture or destroy certain nonnative species found on lands or waters of the state. Any private contracted work performed on lands or waters of the state that is not owned or managed by the FWC must be performed with the consent of the landowner.

Each capture and disposal of a nonnative animal is required to be documented and photographed and the geographic location of the take must be recorded for research purposes. All animals captured, but not destroyed, in the removal efforts are required to be disposed of at the direction of the FWC. The FWC is required to submit a report of findings and recommendations regarding the implementation of the pilot program to the Governor and the Legislature by January 1, 2021.

Additionally, the FWC is required to identify by rule nonnative animals that threaten the state's wildlife habitats. Any nonnative animal identified by the FWC must be implanted with a passive integrated transponder (PIT) tag before such animal is sold, resold, or offered for sale by a pet dealer. The bill defines the term "pet dealer" to include any person who, in the ordinary course of business, engages in the sale of more than twenty animals per year to the public, including breeders who sell animals directly to the public. The FWC is required to establish by rule standards for the types of PIT tags that must be used by pet dealers and the manner in which the tags must be implanted.

This bill was signed into law March 23, 2018 as Chapter No. 2018-82, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1173
Lands Used for Governmental Purposes

The bill makes several changes to the acquisition procedures for lands used for governmental purposes by:

- Adding procedures for the selection and purchase of lands under the Military Base Protection Program;
- Authorizing the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to lease or convey acquired military buffer land to a

military installation at less than appraised value or to private entities at rates determined by competitive bid for certain operations;
- Expanding the intent of the Apalachicola Bay Area of Critical State Concern (ACSC) designation;
- Authorizing the Board of Trustees to purchase lands within an ACSC to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an ACSC without using its normal acquisition procedures using any funds available;
- Authorizing the director of the Division of State Lands, when purchasing lands immediately, to use alternative valuation techniques to estimate the value of such parcels in certain instances;
- Authorizing the Board of Trustees to utilize alternative valuation techniques to purchase lands within an ACSC to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an ACSC in certain instances;
- Authorizing each land authority in an ACSC to contribute tourist impact tax revenues to the county or the county's housing authority to purchase any land in the county for the construction, redevelopment, or preservation of affordable housing in an ACSC and to pay certain costs related to affordable housing projects;
- Adding projects that mitigate the effects of natural disasters and floods in developed areas to the criteria and numeric performance measures the Acquisition and Restoration Council must consider when evaluating proposed Florida Forever projects; and
- Requiring urban greenways and open space projects undertaken by the Florida Communities Trust to provide recreational opportunities, promote community interaction, and connect communities. The projects may also serve dual functions as flow ways or temporary storage areas to mitigate natural disasters and floods in developed areas.

This bill was signed into law April 6, 2018 as Chapter No. 2018-159, Laws of Florida and the provisions took effect on that date.

HB 7043
State Assumption of Federal Section 404 Dredge and Fill

Section 404 of the Clean Water Act (CWA) provides the principle federal protection for wetlands. Under the CWA, no person may discharge dredge or fill materials into navigable waters without a permit. The United States Army Corps of Engineers (Corps) administers the section 404 dredge and fill permitting program (program), while the United States Environmental Protection Agency (EPA) provides oversight.

Part IV of chapter 373, F.S., establishes Florida's wetland regulatory program. The Environmental Resource Permit (ERP) program administers permits for dredging and filling in all wetlands and other surface waters, including state waters not subject to federal jurisdiction. The ERP program also regulates activities that affect the flow of water across the surface of the land, such as stormwater.

States may assume administration of the program from the federal government. Assumption allows states to process permit applications, issue permits, and monitor permitted activities on behalf of the federal government. A state's permitting criteria

must be at least as stringent as federal criteria and must follow federal permitting procedures. The ERP program requirements are substantially similar to the federal requirements and could be used to administer the program.

The bill:

- Authorizes the Department of Environmental Protection (DEP) to assume administration of the program. State assumption would streamline, but not merge, the current state and federal permitting processes.
- Grants DEP rulemaking authority to adopt necessary rules to satisfy federal requirements to administer the program.
- Clarifies that when state law conflicts with federal requirements, the federal requirements would apply to the state administered section 404 permits.
- Incorporates by reference the exemptions from federal permitting requirements found in the CWA and rules for the state administered section 404 permits.
- Exempts state administered section 404 permits from state permitting decision deadlines.
- Limits state administered section 404 permits to a period of no more than five years.
- Provides that upon timely, complete application for reissuance, a state administered section 404 permit does not expire until DEP acts on the application. DEP must adopt rules for an expedited permit review process for the reissuance of state administered section 404 permits.
- Authorizes DEP to delegate administration of the state administered program and to review, modify, revoke, or rescind any state administered section 404 permit issued by a delegated entity to ensure consistency with federal law.

This bill was signed into law March 23, 2018 as Chapter No. 2018-88, Laws of Florida and the provisions took effect on that date.

Special Districts

CS/HB 703
Water Management District Surplus Lands

A water management district (WMD) may acquire, own, manage, and dispose of real property in its own name to further its goals and mission. Current law requires a WMD to follow certain procedures when selling land.

The bill changes several of the sale of surplus lands procedures followed by the WMDs to create efficiencies in the process by:

- Requiring a WMD to publish notice of its intent to sell surplus property on its website in addition to a newspaper and to publish notice of its intent to sell surplus property at least 30 days, but not more than 360 days, before the WMD approves a sale;
- Authorizing a WMD to sell land valued at $25,000 or less to an adjacent property owner, rather than giving such property owners the opportunity to purchase the property before the rest of the general public;
- Requiring a WMD electing to offer for sale the parcel to adjacent property owners to publish the notice of intention to offer to sell land valued at $25,000 or less to such owners in the newspaper in

the county where the land is located only one time;
- Defining the term "adjacent property owners" as those owners whose property abuts the parcel; and
- Removing the requirement that a WMD accept sealed bids and either sell the property to the highest bidder or reject all offers 30 days after publication of notice if the WMD does not sell the land to the adjacent property owner. Instead, if the WMD does not sell the parcel to an adjacent property owner, the bill authorizes a WMD to sell the parcel valued at $25,000 or less to the general public for the highest price obtainable at any time.

This bill was signed into law April 6, 2018 as Chapter No. 2018-155, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 1119
Lakewood Ranch Stewardship District

Lakewood Ranch Stewardship District (District) is an independent special district created in 2005 by special act. The District covers land in Manatee and Sarasota counties and its purpose is to provide sound planning, provision, acquisition, development, operation, maintenance, and related financing for public systems, facilities, services, improvements, projects, and infrastructure works as authorized by the District's charter.

The bill adds an additional 47 acres to the District's jurisdictional boundaries. The boundary expansion is subject to approval by a majority vote of the land owners within the district not exempt from taxation who are present at a landowner's meeting (or their proxy), which meeting will be held within 90 days of the effective date of the act. Infrastructure in the additional 47 acres will be funded through the issuance of bonds, payable by the homeowners in the added area through annual assessments.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except that the boundary expansion is effective upon approval by a majority vote of the landowners voting in the referendum.

This bill was signed into law March 23, 2018. Effective date is upon approval by a majority vote of the owners of land within the area described in section 1

CS/HB 1239
South Lake County Hospital District, Lake County

The South Lake County Hospital District (District) is an independent special district created in 1969 to provide health care services in Lake County.

The bill repeals the act creating the District and dissolves the District as of October 1, 2019. Beginning on the effective date of the act, the bill prohibits the District from incurring further obligations and requires the District to wind down its affairs by September 30, 2019, including adopting a dissolution plan to liquidate all of its assets and satisfy all of its obligations and indebtedness.

It authorizes the District to continue levying taxes, with proceeds collected after September 30, 2019, paid to Lake County to satisfy liabilities of the District. Any assets and liabilities of the District remaining at the time of dissolution are transferred to the Board of County Commissioners for Lake County, including any obligations of the District under any bond issues or other indebtedness.

This bill was signed into law March 23, 2018 and the provisions took effect on that date.

Growth Management

HB 405
Linear Facilities

The Florida Electrical Power Plant Siting Act (PPSA) and the Florida Electric Transmission Line Siting Act (TLSA) establish centrally coordinated review processes for state and local permitting of certain electrical power plants and transmission lines. Under the PPSA, an application to certify a site for a power plant and associated facilities must include a statement on the consistency of the site, and any associated facilities that constitute "development," with existing land use plans and zoning ordinances. Certain activities are excluded from the definition of development. Further, the PPSA and the TLSA authorize certification conditions to be set, though both indicate that they do not affect the ratemaking powers of the Public Service Commission (PSC).

In 2016, the Third District Court of Appeal (Court) determined that transmission lines associated with a proposed power plant under the PPSA constitute "development" and, thus, require review for consistency with existing local land use plans and zoning ordinances. This decision conflicts with the historical interpretation and application of the PPSA by administrative tribunals in Florida. Further, the Court determined that the siting board empowered by the PPSA would not infringe on the PSC's exclusive ratemaking jurisdiction if it were to require, as a condition of certification, that a utility install transmission lines underground at its own expense.

It amends the law to reflect the interpretation and implementation of the PPSA and the TLSA that was applied prior to the Third District Court of Appeals' Miami-Dade County decision, effectively eliminating any precedential value from that decision. The bill addresses two issues: (1) application of local land use and development laws in a siting proceeding; and (2) the authority of the siting board to order a transmission line to be installed underground.

The bill amends paragraphs 380.04(b) and (h), F.S., which contain the exclusions from "development" discussed above. The bill provides that the exclusion for construction on established rights-of-way applies to established rights-of-way and corridors and to rights-of-way and corridors to be established. It also provides that the exemption for the creation of specified types of property rights applies to creation of distribution and transmission corridors.

It makes identical changes to s. 163.3221, F.S., which provides definitions for use in the Florida Local Government Development Agreement Act.

The bill also amends ss. 403.511 and 403.531, F.S., which relate to the effect of certification under the PPSA and the TLSA, respectively. First, the bill specifies that the standard for granting variances in the certification process shall be the standard set forth in s. 403.201, F.S., which authorizes variances in the following conditions:

- There is no practicable means known or available for the adequate control of the pollution involved;
- Compliance with the particular requirement or requirements from which a variance is sought will necessitate taking measures which,

because of their extent or cost, must be spread over a considerable period of time. A variance granted for this reason shall prescribe a timetable for the taking of the measures required; or

- To relieve or prevent hardship of a kind other than those provided for above. Variances and renewals thereof granted under this provision are limited to a period of 24 months, except that certain variances may extend for the life of the permit or certification.

The bill also provides that the PPSA and the TLSA shall not affect in any way the PSC's exclusive jurisdiction to require transmission lines to be located underground.

This bill was signed into law March 19, 2018 as Chapter No. 2018-034, Laws of Florida and the provisions took effect on that date.

CS/CS/HB 1151
Developments of Regional Impact

Developments of Regional Impact (DRIs) are defined as "any development which, because of its character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of citizens of more than one county." Given their size, DRIs are subject to a special review process and often require an amendment to a comprehensive plan.

The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The program provided a process to identify regional impacts stemming from large developments and appropriate provisions to mitigate impacts on state and regional resources.

In 2015, the Legislature amended the DRI law to provide that new proposed DRI-sized developments must be approved by comprehensive plan amendment in lieu of the review process in s. 380.06, F.S. The Legislature also amended the comprehensive plan law to require that such plan amendments to be reviewed under the state coordinated review process.

Further changes were made to the DRI statutes in 2016 that, in part, specified a proposed development, or amendments thereto, otherwise requiring a DRI review, must follow the state coordinated review process if the development or amendment to the development requires an amendment to the comprehensive plan.

Under current law, only existing DRIs that received local government development orders prior to July 1, 2015, and have not been abandoned or rescinded are subject to the provisions of s. 380.06, F.S., including the application and pre-application processes for reviewing proposed DRIs, binding letters, and clearance letters. Other DRI-sized projects must be reviewed and approved by the local government pursuant to a comprehensive plan amendment processed under the state coordinated review process.

The DRI statute includes a number of exemptions and partial exemptions of projects from DRI review. The most recent and significant exemption was created in 2009 for Dense Urban Land Areas (DULAs) characterized by certain population densities. The following list, although not comprehensive, illustrates the various statutory DRI program development exemptions:

- Proposed hospital, electrical transmission line, or electrical power plant; Proposed addition to existing

sports facility complex meeting specific characteristics or conditions;
- Certain expansion to port harbors, port transportation facilities, and intermodal transportation facilities;
- Facilities for the storage of any petroleum product or any expansion of an existing facility;
- Renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use;
- Development within a rural land stewardship area created under s. 163.3248, F.S.; and
- Establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S.

Any proposed change to a previously approved DRI development order that creates a reasonable likelihood of additional regional impact , or any type of regional impact created by the change not previously reviewed by the regional planning agency, constitutes a "substantial deviation" and requires such proposed change to be subject to further DRI review. To determine whether a proposed change requires further DRI review, Florida law establishes the following:

- Certain threshold criteria beyond which a change constitutes a substantial deviation;
- Certain changes in development that do not amount to a substantial deviation;
- Scenarios in which a substantial deviation is presumed; and
- Scenarios in which a change is presumed not to create a substantial deviation.

In addition, Florida law directs the Department of Economic Opportunity (DEO) to establish by rule standard forms for submittal of proposed changes to a previously approved DRI development order. At a minimum, the form must require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order. The developer must submit the form to the local government, the regional planning agency, and DEO. Applicable review and notice deadlines are outlined in statute for regional planning agencies, DEO, and public hearings to consider the change.

At the public hearing, the local government must determine whether the proposed change requires further DRI review based on the thresholds and standards set out in law. The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the prosed change.

If the local government determines that the proposed change does not require further DRI review and is otherwise approved, the local government must issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. If, however, the local government determines that the proposed change does require further DRI review, the local government must determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development.

The owner, developer, or state land planning agency are authorized to file an administrative challenge to the adopted development order or a development order

amendment with the Florida Land and Water Adjudicatory Commission on the ground that it is not consistent with statutory requirements of ch. 380, F.S., and applicable rules governing DRIs.

Section 380.0651, F.S., directs the Administration Commission to adopt statewide guidelines and standards for developments to undergo DRI review. As part of such guidelines and standards, the law addresses when two or more developments must be "aggregated" and treated as a single development.

Specifically, two or more developments must be aggregated when they are determined to be part of a unified plan of development and are physically proximate to one other. Three of the following four criteria must be met to determine that a "unified plan of development" exists:

1. The same person has retained or shared control of the development, the same person has ownership or a significant legal interest in the developments, or the developments share common management controlling the form of physical development or disposition of parcels of the development;
2. There is reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort;
3. Master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to certain government bodies; and
4. There is a common advertising scheme or promotion plan in effect for the developments.

However, despite the finding of physical proximity and the existence of a unified plan, Florida law also provides for circumstances in which aggregation is not applicable.

The Legislature created the Florida Quality Development (FQD) program to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. The law intended for the developer to be provided, through a cooperative and coordinated effort, an expeditious and timely review by all agencies with jurisdiction over the proposed development.

To be eligible for a designation under the Florida Quality Developments program the developer must comply with certain requirements if applicable to the site of qualified development, including, but not limited to:

- Donating or entering into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of certain types of lands such as wetlands, beaches, and lands with protected animals or plant species;
- Downtown reuse or redevelopment program to rehabilitate a declining downtown area;
- Include open space, reaction areas, Florida-friendly landscaping and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project; and

- Design and construct the development in a manner consistent with the adopted state plan, the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.

In 2002, DEO issued the last Florida Quality Development order. The department has not received any further development order requests since that time.

Effect of Proposed Changes

The bill eliminates state and regional review of existing Developments of Regional Impact (DRIs) and transfers the responsibility for implementation of, and amendments to, DRI development orders to the local governments in which the developments are located.

The following existing letters, development orders, and agreements are preserved in the bill:

- Binding letters;
- Clearance letters issued by the state land planning agency as to whether a proposed development is subject to DRI review;
- Agreements with respect to an approved DRI previously classified as essentially built out;
- Capital contribution front-ending agreements between a local government and a developer as part of a DRI development order to reimburse the developer for voluntary contributions paid in excess of his or her fair share;
- Any previously granted extensions of time for DRI development orders;
- Agreements previously entered into by a developer, a regional planning agency, and a local government regarding a project that includes two or more DRIs; and
- Approvals of an authorized developer for an area wide DRI.

Upon request by the developer, the bill authorizes a local government to amend a binding letter of vested rights based on standards and procedures in the adopted local comprehensive plan or the adopted local land development code.

The bill provides that, notwithstanding any comprehensive plan or land development regulation, an amendment to a DRI development order by a local government may not amend to an earlier date, the date currently agreed to by the local government not to impose downzoning, unit density reduction, or intensity reduction on the development.

If a local government rescinds a development order for a DRI, the bill authorizes the developer to record notice of the rescission.

The bill provides that, notwithstanding any comprehensive plan or land development regulation, the adoption of an amendment to a DRI development order does not diminish or otherwise alter any credits for a development order exaction or fee against impact fees, mobility fees, or exactions when based upon the developer's contribution of land or a public facility.

The bill removes the requirement for a developer to submit a report on the DRI to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies unless required to do so by the local government that has jurisdiction over the development.

Substantial deviation criteria for development order changes are deleted by the bill and replaced with the authorization

for local governments to review proposed changes based on the standards and procedures in its adopted local comprehensive plan and local land development regulations including procedures for notice to the applicant and the public. However, if a change to a DRI has the effect of reducing the originally approved height, density, or intensity of the development and if the revised development would have been consistent with the comprehensive plan in effect when the development was originally approved, the local government may approve the change.

For the abandonment of a DRI, the bill provides that abandonment will be deemed to have occurred when the required notice is filed by the local government with the county clerk. If requested by the owner, developer, or local government, the DRI development order must be abandoned by the local government if all required mitigation related to the amount of development which existed on the date of abandonment has been or will be completed under an existing permit or authorization enforceable through an administrative or judicial remedy.

The bill transfers the DRI exemptions and partial exemptions currently found in s. 380.06, F.S., to s. 380.0651, F.S., which contains the statewide guidelines and standards for determining whether a proposed development is a DRI-sized development subject to state coordinated review.

The bill deletes the criteria for determining when two or more developments must be "aggregated" and treated as a single development for the purposes of DRI review.

The bill amends the DRI appeals process to the Florida Land and Water Adjudicatory Commission to include only appeals from decisions by local governments to abandon an approved DRI. However, no changes are made regarding the authority of the commission to review development orders in areas of critical state concern.

The Florida Quality Developments program of s. 380.061, F.S., is amended by the bill, ending the program and requiring local governments with a currently approved Florida Quality Development within its jurisdiction to set a public hearing and adopt a local development order to replace and supersede the development order adopted by the state land planning agency. Thereafter, the Florida Quality Development must follow the same procedures established for DRI-sized development projects.

The term "master development plan" is defined within the bill as a planning document that integrates plans, orders, and other documents used to guide development, including authorized land uses, the amount of horizontal and vertical development, and public facilities such as local and regional water storage for water quality and water supply. The purpose of this definition is to alleviate tax implications with recently changed provisions of the Federal Tax Code. Under the recently changed provisions of the Federal Tax Code, amounts received by a corporation from a government entity are taxable income unless payments are part of a "master development plan" approved by the governmental entity before December 22, 2017.

The bill repeals the Department of Economic Opportunity's DRI and FQD rules in Chapter 73C-40, F.A.C., and Administration Commission rules related to DRI aggregation.

This bill was signed into law April 6, 2018 as Chapter No. 2018-158, Laws of Florida and the provisions took effect on that date.

Real Property

CS/SB 566
Unlawful Detention by a Transient Occupant

CS/SB 566 revises the factors used in determining whether an occupant of a residential dwelling is a transient occupant who is entitled to some procedural protections from removal or a tenant who is entitled to the protections of the Landlord and Tenant Act or a trespasser.

It modifies two of the existing factors detailed in the present situation that may be used to determine whether someone is a transient occupant. The factors are narrowed in a way that makes occupants who are not tenants less likely to have the status of transient occupants. Under the existing factors, one might argue that the use of an address as an address of record with a government agency in the distant past, indicates that he or she presently has the status of a transient occupant at that address. The intent of the bill, by changing the factor, appears to require that a person claiming the status of a transient occupant have used the address as an address of record within the past 12 months. The current factor of whether the person received mail at the property is deleted and therefore the receipt of mail at a particular address may not be used to establish a person's status as a transient occupant. As a result, property owners and leaseholders and others entitled to possession of a residential property will have more control over their properties.

The bill provides that a transient occupancy terminates when a transient occupant:

- Begins to reside elsewhere;
- Surrenders the key to the dwelling; or
- Agrees to leave the dwelling when directed by a law enforcement officer, the party entitled to possession, or a court.

The bill also specifies that a transient occupancy is not extended by the presence of the former transient occupants' personal belongings. By identifying events terminating a transient occupancy, those entitled to possession of a residential property may have certainty as to when their rights to control property and exclude unwanted guests is restored.

A transient occupant must collect his or her belongings or they may be presumed abandoned. A reasonable time for the recovery of the personal belongings includes a convenient time when the party entitled to possession of the dwelling or a trusted third party can be present at the dwelling to supervise the recovery of the belongings.

The bill establishes that it is reasonable for the party entitled to possession of the dwelling to impose additional conditions on access to the dwelling or personal belongings if he or she reasonably believes that the former transient occupant has engaged in misconduct or has a history of violence or drug or alcohol abuse.

The additional conditions that may be imposed on access to the dwelling or personal belongings include, but are not limited to, the presence of a law enforcement officer, the use of a mover registered with the Department of Agriculture and Consumer Services (DACS), or the use of a trusted third party to recover the personal belongings.

The bill provides that the person who is entitled to possession of a dwelling can

presume that the former transient occupant has abandoned any personal belongings left at the dwelling if he or she does not seek to recover the belongings within a "reasonable time" after surrendering occupancy of the dwelling. A reasonable time for a former transient occupant to recover personal belongings is 10 days after the termination of the transient occupancy, unless specific circumstances require a reasonable time to be shorter or longer than 10 days. If the party entitled to possession of the property is unavailable to supervise the recovery of the personal belongings, the time may be extended.

Circumstances that may shorten the length of reasonable time include, but are not limited to:

- The poor condition of or the perishable or hazardous nature of the personal belongings;
- The intent of the former transient occupant to abandon or discard the belongings; or
- The significant impairment of the use of the dwelling by the storage of the former transient occupant's personal belongings.

The bill provides that a former transient occupant may bring a civil action for damages or the recovery of the property against a person entitled to possession of the dwelling if that person unreasonably withholds access to the former transient occupant's personal belongings. In such action, the bill directs the court to award reasonable attorney fees and costs to the prevailing party.

This bill was signed into law March 23, 2018 as Chapter No. 2018-83, Laws of Florida and the provisions take effect July 1, 2018.

HB 617
Covenants and Restrictions

HB 617 amends laws related to covenants and restrictions on real property. Specifically, the bill:

- Replaces the term "homeowners' association" with "property owners' association," thus extending statutory provisions regarding preservation and revival of covenants and restrictions affecting real property to a broader range of associations, notably commercial property owners' associations;
- Authorizes real property parcel owners who were subject to covenants and restrictions but who do not have a homeowners' association to use the same mechanisms as a homeowners' association to revitalize extinguished covenants and restrictions;
- Simplifies the procedures for renewal of the covenants and restrictions of a homeowners association;
- Requires a homeowners association to annually consider preservation of the covenants and restrictions; and
- Creates a statutory form for preservation of the covenants and restrictions.

This bill was signed into law March 21, 2018 as Chapter No. 2018-055, Laws of Florida and the provisions take effect October 1, 2018.

CS/HB 631
Possession of Real Property

Ejectment is a cause of action to recover possession of property from a second person possessing it in hostility to the first person's rights. CS/HB 631 modernizes the statute and requires that a party attach, to the party's initial pleading, a copy of all

documents that the party relies on for establishing chain of title and ownership.

Unlawful entry, forcible entry, and unlawful detainer are also causes of action based on a party forcefully or unlawfully taking possession of another party's land or tenements without his or her consent. The bill:

- Creates statutory definitions for each cause of action consistent with the common law;
- Provides that the statutes governing these actions do not apply to certain residential tenancies or to the possession of real property involving a mobile home;
- Specifies the measure of damages and remedies available;
- Allows a court to determine questions of title in limited circumstances, provided that such determination is not binding on a future action for trespass, injury to real property, ejectment, or quiet title; and
- Provides special requirements for service of process in such actions.

The state generally owns the property under navigable waters up the mean high water mark, whereas upland landowners own the land down to such mean high water mark. The term "customary use" refers to a general right of the public at large to possess and use certain dry sand areas for recreational purposes. Where a customary use of a dry sand area is shown, the property owner may not use traditional causes of action like ejectment, forcible entry, or trespass to stop such public use of the private land.

The bill prohibits a governmental entity from adopting or keeping in effect an ordinance or rule establishing customary use of privately owned dry sand areas. A governmental entity seeking to establish the customary use of privately owned lands is required to adopt, at a public hearing, a formal notice of intent, provide notice to affected parcel owners, and file a complaint with the circuit court to determine whether the land is subject to the customary use doctrine. This section of the bill does not apply to a governmental entity that had an ordinance or rule adopted and in effect prior to January 1, 2016. A governmental entity may raise customary use as an affirmative defense in proceedings challenging an ordinance or rule adopted prior to July 1, 2018.

This bill was signed into law March 23, 2018 as Chapter No. 2018-94, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/CS/HB 841
Community Associations

The bill amends current law relating to condominium associations, cooperatives, and homeowner's associations (HOA), including, but not limited to:

- Extends the deadline for condominium associations over 150 units to create a website.
- Requires a condominium association to permanently maintain certain official records.
- Clarifies the term limit provision for condominium association board members, limiting time in office to eight consecutive years, unless waived by affirmative vote of two-thirds of all votes cast in the election.
- Provides for the recall of a condominium board member if the board determines the recall is facially valid and permits attorney's fees under certain circumstances

- Permits a unit owner in a condominium association to install an electric vehicle charging station within the boundaries of their limited common element parking area at the owner's expense.
- Limits a condominium association from waiving the financial reporting requirements for two years, as opposed to indefinitely, if it fails to timely respond to a Division of Condominiums, Timeshares, and Mobile Home request to provide a financial report to a unit owner.
- Increases the time, from five working days to ten, in which a condominium or cooperative must respond to a unit owners' request to inspect records, requires electronic records related to voting to be retained as official records, and allows website notice of board meetings.
- Amends cooperative law to mirror condominium law regarding the records holding period, meeting notice, removal and restrictions of board members, fines, committee makeup, and including communication and information services in bulk contracts as a common expense.
- Amends HOA law to mirror condominium law by clarifying that an HOA may apply a payment from a unit owner to interest, fines, and fees before applying the payment to assessments due, and permitting an HOA to provide electronic notice to members.
- Amends cooperate, condominium, and HOA law related to board-imposed fines, requiring a majority vote of a committee consisting of at least three members before imposing a fine, and requiring payment of the fine within five days after the meeting approving the fine.
- Removes the sunset of Part VII of the Condominium Act, the Distressed Condominium Relief Act, which make the Bulk Buyer/Bulk Assignee safe harbors and related provisions permanent.

The bill was signed into law March 23, 2018 as Chapter 2018-96 Laws of Florida and will become effective on July 1, 2018.

CS/HB 7087
Omnibus Taxation Bill

The legislation provides for a wide range of tax reductions designed to directly impact both families and businesses.

For sales tax purposes, the bill provides a tax rate reduction for tax on commercial property rentals; includes new, extended, or expanded sales tax exemptions for certain generators for nursing homes and assisted living facilities, for certain purchases of agriculture-related fencing materials and building materials for repair of damage from Hurricane Irma, and for certain equipment and electricity used in the production of aquaculture products. The bill provides for a three-day "back-to-school" holiday for clothing and school supplies; and a seven-day "disaster preparedness" holiday for specified disaster preparedness items.

For property tax purposes, the bill provides tax relief for certain property damaged by hurricanes or tropical storms; for certain citrus processing equipment idled due to citrus greening or Hurricane Irma; and for certain surviving spouses of disabled ex-servicemembers. The bill also updates the list of military operations for which deployed servicemembers may receive property tax relief; clarifies the tax exempt status of entities created under the Florida Interlocal Cooperation Act of 1969, and

clarifies the property tax treatment of multiple parcel buildings.

For corporate income tax purposes, the bill provides an additional $8.5 million for tax credits for fiscal year 2018-19 for voluntary brownfields clean-up and an additional $5 million for community contribution tax credits spread over the next two fiscal years (also may be taken against sales tax).

Further changes include: a 9% reduction in certain traffic fines if the driver attends a driver improvement course; exemptions from documentary stamp taxes for certain transfers of property between spouses and for certain loans made in connection with local housing finance authorities and certain disaster recovery related loans; reduction in the tax rate on certain aviation fuel uses; exemption from fuel taxes for certain purchases of fuel for export and agricultural related uses; a delay in the beginning date for a natural gas fuel tax; a provision that "marketplace contractors" are not considered employees under state and local law; a provision that "security funds" are a preempted imposition or levy in ch. 202, F.S.; a clarification of the uses of local infrastructure sales surtax; and a requirement for a performance audit of a school board or county program intended to be funded by a local option sales surtax be completed prior to a referendum to enact such surtax.

This bill was signed into law March 23, 2018 as Chapter No. 2018-118, Laws of Florida and the provisions take effect July 1, 2018.

2018
Florida Legislative
Post-Session Report

Health Care & Health Insurance

Health Care & Health Insurance

CS/CS/HB 21
Controlled Substances/Opioids

CS/CS/HB 21 limits the prescription for a Schedule II opioid to alleviate acute pain to a three-day supply, or a seven-day supply if deemed medically necessary by the prescriber. The bill excludes pain related to cancer, terminal illness, palliative care and serious traumatic injury from these prescribing limits. The bill requires Department of Health (DOH) to adopt rules establishing guidelines for prescribing controlled substances for acute pain. The bill also requires a health care practitioner authorized to review a patient's PDMP history prior to prescribing or dispensing a controlled substance, with exemptions. The bill authorizes a prescribing practitioner who is approved to provide medically-assisted treatment for opioid addiction to dispense Schedule III substances for such purpose.

Currently, a pain management clinic must register with DOH unless it self-determines it is exempt from registration. The bill requires all clinics that claim an exemption from registration to obtain a certificate of exemption by January 1, 2019.

The PDMP, within DOH, monitors controlled substance prescribing and dispensing. Currently, pharmacies only report dispensing controlled substances listed in Schedule II, III, and IV to the PDMP. The bill expands the reporting requirement to include certain Schedule V substances and additional information not currently collected, such as the patient's telephone number, certain information on the person picking up the controlled substance on behalf of the patient, and whether the prescription is new or a refill.

The bill authorizes health care employees of the U.S. Department of Defense and the Indian Health Service who prescribe or dispense controlled substances to have direct access to the PDMP, and authorizes indirect access to the PDMP for district medical examiners under certain conditions. The bill authorizes DOH to share and exchange PDMP data with other states if certain conditions are met, and authorizes the PDMP to interface with a health care practitioner and facility electronic health record systems.

Chapter 893, F.S., the "Florida Comprehensive Drug Abuse Prevention and Control Act," ("Act"), creates criminal offenses related to the manufacture, distribution, preparation, and dispensing of controlled substances. The Act classifies such substances into five schedules, based on the substance's "potential for abuse" and whether the substance has a currently accepted medical use. The bill aligns the state schedule of drugs with the federal schedule of drugs. It also makes it a crime to possess, purchase, deliver, or sell a tableting machine, encapsulating machine, or controlled substance counterfeiting material for the purpose of illegally manufacturing controlled substances. The bill increases the level of offense for health care practitioners who prescribe controlled substances that are unnecessary from a third-degree felony to a second-degree felony.

This bill was signed into law March 19, 2018 as Chapter No. 2018-013, Laws of Florida and the provisions take effect July 1, 2018.

HB 37
Direct Primary Care Agreements

HB 37 creates s. 624.27, F.S., to provide that a direct primary care agreement

(agreement) and the act of entering into such an agreement are not insurance and not subject to regulation under the Florida Insurance Code (Code), including chapter 636, F.S. The bill also exempts a primary care provider, which includes a primary care group practice, or his or her agent, from any certification or licensure requirements in the Code for marketing, selling, or offering to sell an agreement. An agreement must:

- Be in writing;
- Be signed by the primary care provider, or his or her agent, and the patient, or the patient's legal representative;
- Allow either party to terminate the agreement by written notice followed by, at least, a 30 day waiting period;
- Allow immediate termination of the agreement for a violation of physician-patient relationship or a breach of the terms of the agreement;
- Describe the scope of services that are covered by the monthly fee;
- Specify the monthly fee and any fees for services not covered under the agreement;
- Specify the duration of the agreement and any automatic renewal provisions;
- Provide for a refund to the patient of monthly fees paid in advance if the primary care provider stops offering primary care services for any reason;
- State that the agreement is not health insurance and that the primary care provider will not file any claims against the patient's health insurance policy or plan for reimbursement for any primary care services covered by the agreement;
- State that the agreement does not qualify as minimum essential coverage to satisfy the individual responsibility provision of the Patient Protection and Affordable Care Act; and
- State that the agreement is not workers' compensation insurance and may not replace the employer's obligations under chapter 440, F.S.

This bill was signed into law March 23, 2018 as Chapter No. 2018-89, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 41
Pregnancy Support and Wellness Services

The Florida Pregnancy Support Services Program (FPSSP) provides supportive counseling and services to pregnant women and their families that promote and encourage childbirth. The Florida Pregnancy Care Network, Inc., (FPCN), manages a network of pregnancy help centers that offer services such as pregnancy testing, counseling, education and training, and referrals to state, community, and medical resources under a contract with the Department of Health (DOH).The program was created by proviso in 2005, and has received annual appropriations since 2006.

The bill codifies the program and defines program requirements. The bill requires DOH to contract with FPCN to provide contract management services for the delivery of pregnancy support services to pregnant women and their families and wellness services to women, regardless of pregnancy. The contract must:

- Require FPCN to establish and manage subcontracts with a sufficient number of providers to ensure the availability of pregnancy support and wellness services for eligible clients;
- Limit the amount of funds that may be used for administration costs;

- Require all paid staff or volunteers of a provider to undergo a background screening if they provide direct services to minors, elderly individuals, or individuals who have a disability;
- Require FPCN to monitor its subcontractors annually and establish sanctions for noncompliance;
- Require FPCN to only subcontract with providers that solely promote and support childbirth;
- Require informational materials provided to eligible clients be current and accurate, and the reference source of any medical statements made in such materials be made available to eligible clients; and
- Define the contract deliverables, including financial reports and other reports due to DOH.

The bill requires that any services provided under FPSSP be provided in a non-coercive manner, and not include any religious content.

The bill was signed into law on March 19, 2018 as Chapter 2018-29, Laws of Florida and will become effective on July 1, 2018.

HB 283
Cardiac Programs

The Agency for Health Care Administration (AHCA) regulates hospitals, including adult cardiovascular services (ACS). Licensed Level I ACS programs provide diagnostic and therapeutic cardiac catheterization services, on a routine and emergency basis, but do not have on-site open-heart surgery capability. Level II ACS programs provide the same services as a Level I ACS program, but have on-site open-heart surgery capability. Currently, a hospital seeking a Level I ACS program license must demonstrate that, for the most recent 12-month period as reported to AHCA, it:

- Provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations; or
- Discharged or transferred at least 300 inpatients with the principal diagnosis of ischemic heart disease and that it has a transfer agreement with a hospital that has a Level II ACS program, including written transport protocols to ensure safe and efficient transfer of a patient within 60 minutes.

HB 283 bill expands the type of patients that may be counted to meet the minimum volume threshold for treatment of ischemic heart, by counting all patients with ischemic heart disease, rather than only inpatients.

Currently, a hospital that is more than 100 road miles from the closest Level II ACS program that is able to meet all criteria except for the emergency transfer time may still qualify as a Level I ACS program.

The bill provides a new exception for such hospitals to qualify for the Level I ACS program if the hospital can demonstrate that it:

- Provided a minimum of 100 adult inpatient and outpatient diagnostic cardiac catheterizations for the most recent 12-month period; or
- Discharged or transferred at least 300 patients with a principle diagnosis of ischemic heart disease for the most recent 12-month period.

The Lower Keys Medical Center in Key West is the only diagnostic cardiac catheterization program that could qualify for the exception under this bill to become a Level I ACS program.

This bill was signed into law March 23, 2018 as Chapter No. 2018-090, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 351
Prescription Drug Pricing Transparency

Health insurers increasingly rely on pharmacy benefit managers (PBMs) to provide a range of specified services related to the acquisition and distribution of prescription drugs. PBMs negotiate with pharmaceutical manufacturers in an effort to acquire drugs at the lowest possible price. PBMs also negotiate with pharmacies to develop reliable distribution networks for those drugs. These services are provided on behalf of a PBM's client.

CS/CS/HB 351 requires PBMs that conduct business in Florida to register with the Office of Insurance Regulation (OIR) by providing identifying organizational information, submitting an application for registration, and submitting an annual registration fee. An expanded definition of the term "pharmacy benefit manager" is included in the bill.

The bill requires that a contract between a PBM and a health plan include prohibitions on certain practices that limit patient access to pricing information. The bill specifies that a contract must require the PBM to update maximum allowable cost pricing information at least once every seven days. This requirement was previously in the Pharmacy Practice Act; the bill moves this language to the Insurance Code, which gives OIR enforcement authority. The bill also requires a contract to limit patient cost sharing for a drug to the lesser of the applicable cost sharing amount, the total submitted charges, or the retail price.

It creates an affirmative duty for a pharmacist to communicate to a patient the availability of a lower cost, generically equivalent drug if one exists and whether the patient's cost sharing obligation exceeds the retail price of a drug in the absence of prescription drug coverage.

The bill applies to contracts entered into or renewed on or after July 1, 2018.

This bill was signed into law March 23, 2018 as Chapter No. 2018-091, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/SB 376
Workers' Compensation Benefits for First Responders

CS/CS/SB 376 revises the standards for determining compensability of employment-related post-traumatic stress disorder (PTSD) under workers' compensation for first responders, which includes volunteers or employees engaged as law enforcement officers, firefighters, emergency medical technicians, and paramedics. The bill allows first responders that meet certain conditions to access indemnity and medical benefits for PTSD without an accompanying physical injury.

Current law provides only medical benefits for a mental or nervous injury without an accompanying physical injury and requires the first responder to incur a compensable physical injury to receive indemnity benefits for a mental or nervous injury. Generally, the bill will increase the likelihood of compensability for workers' compensation indemnity benefits for PTSD.
PTSD is a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other

violent personal assault. A diagnosis of PTSD requires direct or indirect exposure to an upsetting traumatic event.

The bill creates an exception to current law to authorize the compensation of indemnity benefits for PTSD, if the first responder:

- Has PTSD that resulted from the course and scope of employment; and
- Is examined and diagnosed with PTSD by an authorized treating psychiatrist of the employer or carrier due to the first responder experiencing one of the following qualifying events relating to minors or others:
  - Seeing for oneself a deceased minor;
  - Witnessing directly the death of a minor;
  - Witnessing directly the injury to a minor who subsequently died prior to, or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;
  - Seeing for oneself a decedent who died due to grievous bodily harm of a nature that shocks the conscience;
  - Witnessing directly a death, including suicide, due to grievous bodily harm; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence; or
  - Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered grievous bodily harm, if the injured person subsequently died prior to or upon arrival at a hospital emergency department.

Medical and indemnity benefits for a first responder's PTSD are due regardless of whether the first responder incurred a physical injury, and the following provisions do not apply:

- "Apportionment" due to a preexisting PTSD;
- The one percent limitation on permanent psychiatric impairment benefits; or
- Any limitation on temporary benefits under s. 440.093, F.S.

The first responder must file the notice of injury with their employer or carrier within 90 days of the qualifying event, described above, or manifestation of the PTSD. However, the claim is barred if it is not filed within 52 weeks of the qualifying event.

The bill requires an employing agency of a first responder, including volunteer first responders, to provide educational training related to mental health awareness, prevention, mitigation, and treatment.

This bill was signed into law March 27, 2018 as Chapter No. 2018-124, Laws of Florida and the provisions take effect October 1, 2018.

CS/CS/HB 429
Donation and Transfer of Human Tissue

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. It is important to determine if the potential donor has an infection that could be transmitted to recipients through the

transplanted organs and tissues. Currently, between one and two percent of recipients acquire an unexpected disease transmission, including malignancies, as a result of transplant.

The bill requires the Department of Health (DOH) to develop and publish on its website an educational pamphlet on the risks and benefits of human cells, tissue, and cellular and tissue-based product transplants. At a minimum, the pamphlet must include:

- An overview of the risk of infectious disease transmission;
- An overview of the standards for donor testing and screening;
- An overview of processing methods intended to reduce the risk of disease or bacterial transmission in donated human cells, tissue, or cellular or tissue-based products;
- The importance of providing limited recipient transplant information to the supplier of the human cells, tissue, or cellular or tissue-based product; and
- Information about the generosity of the human donor who provided the human cells, tissue, or cellular or tissue-based product.

This bill was signed into law March 19, 2018 as Chapter 2018-36, Laws of Florida and will become effective July 1, 2018.

CS/CS/SB 510
Reporting of Adverse Incidents in Planned Out-of-Hospital Births

CS/CS/SB 510 creates s. 456.0495, F.S., and defines the term "adverse incident" for this section to mean:

- An event over which a physician, ARNP-CNM, or LM could exercise control; and
- Which is associated with an attempted or completed planned out-of-hospital birth, that results in:
  - A maternal death that occurs during delivery or within 42 days after delivery;
  - The transfer of a maternal patient to a hospital intensive care unit;
  - A maternal patient who experiences hemorrhagic shock or who requires a transfusion of more than 4 units of blood or blood products;
  - A fetal or newborn death, including a stillbirth, associated with an obstetrical delivery;
  - A transfer of a newborn to a neonatal intensive care unit due to a traumatic physical or neurological birth injury, including any degree of a brachial plexus injury;
  - A transfer of a newborn to a neonatal intensive care unit within the first 72 hours after birth if the newborn remains in such unit for more than 72 hours; or
  - Any other injury as determined by department rule.

The bill requires a physician, ARNP-CNM, or LM who performs an attempted or completed planned out-of-hospital birth to report an adverse incident to the DOH within 15 days after the adverse incident occurs. The report must include a medical summary. This requirement begins July 1, 2018, to allow the DOH time to adopt rules, including developing the form for reporting.

It further requires the DOH to review each incident report to determine whether the incident involves conduct by a practitioner which subjects the practitioner to disciplinary action by the appropriate board or if there is no board, the DOH. The applicable board, or the DOH if no such

board exists, is required to take disciplinary action, if appropriate. The DOH must adopt rules to implement the section and develop a form for the reporting of adverse incidents.

This bill was signed into law March 19, 2018 as Chapter No. 2018-021, Laws of Florida and the provisions took effect on that date.

HB 513
Distributing Pharmaceutical Drugs and Devices

Third-party logistics providers act as an intermediary between the manufacturer or distributor of prescription drugs and the consumer by providing supply chain logistics services and transportation. These entities do not take title to or have responsibility to direct the sale or disposition of the prescription drug. The Florida Drug and Cosmetic Act requires the Department of Business and Professional Regulation (DBPR) to regulate drugs, devices, and cosmetics, including third-party logistics providers. They must obtain a third-party logistics provider permit from DBPR to operate in Florida.

The Board of Pharmacy recognizes six types of pharmacy permits, including Special Pharmacy – End Stage Renal Dialysis (ESRD). An ESRD permit is required for any person who provides dialysis products and supplies to persons with chronic kidney failure for self-administration at the person's home or specified address. Third-party logistics providers that provide dialysis products and supplies to persons with chronic kidney failure for self-administration at the person's home must also obtain an ESRD permit from the Board of Pharmacy.

Section 465.027(2), F.S., provides an exemption from pharmacy permitting requirements, including ESRD permits, for a manufacturer, or its agent, licensed by DBPR, who is engaged solely in manufacturing or distributing dialysate, drugs, or devices necessary to perform home renal dialysis on patients with chronic kidney failure.

HB 513 expands the exemption from permitting requirements in s. 465.027(2), F.S., to include third-party logistics providers who are engaged in the distribution of dialysate, drugs, or devices necessary to perform home renal dialysis on patients with chronic kidney failure. It also removes the requirement that a manufacturer or its agent be engaged solely in the manufacture or distribution of dialysate, drugs, or devices necessary to perform home renal dialysis on patients with chronic kidney failure to qualify for the 465.027(2), F.S., exemption.

This bill was signed into law March 21, 2018 as Chapter No. 2018-50, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/SB 622
Health Care Facility Regulation

CS/CS/SB 622 amends numerous provisions related to the regulation of health care facilities by the Agency for Health Care Administration (AHCA or agency). The bill's provisions include, but are not limited to:

- Eliminating obsolete language and terms such as mobile surgical facility and provisions related to specialty definitions for rural hospitals, and certificate of need requirements for hospitals wanting to add adult open-heart services.

- Eliminating the requirement that health care facility risk managers be licensed by the state.
- Amending various statutes related to home health agencies, nurse registries, assisted living facilities (ALF), and general licensing requirements.
- Amending the pediatric cardiovascular technical advisory panel to add nonvoting members and to require additional reports. The bill also requires hospitals providing pediatric cardiology services meet certain guidelines.
- Requiring the AHCA to contract with certain entities to provide information about hospital's pediatric cardiac programs on AHCA's webpage.
- Exempting certain hospitals from volume requirements needed to provide Level I adult cardiovascular services (ACS).
- Specifying training that staff must have in hospitals providing ACS if the experience was not obtained in a hospital with a surgical center.
- Repealing the subscriber assistance program.
- Repealing state licensure of clinical laboratories in favor of deferring to federal requirements.
- Eliminating both statewide and district Ombudsman Committees.
- Extending from five to six years the period in which a Florida cancer center seeking NCI designation may participate in the Florida Consortium of National Cancer Institute Centers Program as a Tier 3 cancer center.

This bill was signed into law March 19, 2018 as Chapter No. 2018-024, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 675
Pharmacies

The Florida Pharmacy Act (act) regulates the practice of pharmacy in Florida and contains the minimum requirements for safe practice. The Board of Pharmacy (board) is tasked with adopting rules to implement the provisions of the chapter and setting standards of practice within the state. Any person who operates a pharmacy in Florida must have a permit from the Department of Health (DOH). Pharmacy permits may only be issued to a single location. An entity that operates pharmacies at multiple locations must obtain a permit for each location outside a ½-mile radius.

An institutional pharmacy permit is required for every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility where medicinal drugs are compounded, dispensed, stored, or sold. DOH issues three different classes of permits for institutional pharmacies: Class I, Class II, and Modified Class II permits.

The Florida Drug and Cosmetic Act authorizes the Department of Business and Professional Regulation (DBPR) to issue permits to Florida drug manufacturers and wholesale distributors and register drugs manufactured, packaged, repackaged, labeled, or relabeled in Florida. Institutional pharmacy permit holders must obtain additional permits from DBPR to distribute drugs. Entities that operate multiple permitted institutional pharmacies must obtain permits from DBPR for each of its permitted locations.

Section 340B of the Public Health Services Act is a federal program that requires drug manufacturers to provide outpatient drugs to eligible health care organizations and covered entities at significantly reduced

prices directed at serving primarily low income and vulnerable populations. Eligible organizations include six categories of hospitals: Disproportionate Share Hospitals; Children's hospitals; Cancer hospitals exempt from the Medicare prospective payment system; Sole community hospitals; Rural Referral Centers; and Critical Access Hospitals.

CS/HB 675 creates a Class III institutional pharmacy permit (Class III permit) for hospital-affiliated institutional pharmacies, including central distribution facilities, that provide the same services authorized by a Class II permit. The bill exempts Class III permit holders from obtaining additional permits from DBPR to distribute medical drugs or prepackaged drug products between certain entities under common control.

The bill also exempts hospitals that participate in the Section 340B Drug Discount Program from obtaining a Restricted Prescription Drug Distributor permit when arranging for a prescription drug wholesale distributor to distribute prescription drugs covered by the Section 340B Drug Discount Program directly to its contract pharmacy.

This bill was signed into law March 23, 2018 as Chapter No. 2018-095, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 735
Mammography

Mammography is the most common screening test for breast cancer. A mammogram is an x-ray of the breast. Federal law requires mammogram facilities to send each patient a summary of the mammogram report written in lay terms within 30 days of the mammographic examination.

Among the risk factors for developing breast cancer are dense breasts. Almost half of all women between 40 and 74 years of age (about 25 million nationally) are identified as having dense breasts. Breast density refers to ratio of fatty tissue to glandular tissue (milk ducts, milk glands, and supportive tissue) on a mammogram. A dense breast has less fat than glandular and connective tissue. Denser breast tissue appears white on a mammogram. Because tumors also appear white on a mammogram, they can be harder to find when there is dense breast tissue.

The federal Mammography Quality Standards Act (MQSA) requires mammogram facilities to send each patient a summary of the mammogram report written in lay terms within 30 days of the mammographic examination.

CS/CS/HB 735 codifies the federal requirement that each facility that performs mammography to send a summary of a patient's mammography report to each patient. In addition to the federal requirements, if the patient has dense breasts, the bill requires the summary of the mammography report also include a notice to the patient that the mammogram shows that the patient's breast tissue is dense which makes it more difficult to detect some abnormalities in the breast and may also be associated with increased risk of breast cancer.

This bill was signed into law March 21, 2018 as Chapter No. 2018-59, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 937
Perinatal Mental Health

Women are more likely to develop depression and anxiety during the first year after childbirth than at any other time of their lives. "Perinatal mental health" refers to the mental health of mothers and fathers during the period immediately before and after pregnancy. Perinatal mood or anxiety disorders ("PMDs") include antenatal depression and anxiety, postpartum depression and anxiety, postpartum anxiety/panic disorder, postpartum obsessive compulsive disorder, postpartum post-traumatic stress disorder, and postpartum psychosis.

A birth center is any facility, institution, or place, which is not an ambulatory surgical center, a hospital or in a hospital, in which births are planned to occur away from the mother's usual residence following a normal, uncomplicated, low-risk pregnancy.

Birth centers are licensed and regulated by the Agency for Health Care Administration. A birth center must ensure that its patients have adequate prenatal care, and must provide postnatal care and evaluation.

However, current law does not require a mental health screening as part of the postnatal evaluation.

The bill requires the Department of Health (DOH) to provide perinatal mental health information through its Family Health Line toll-free hotline. The bill requires the hotline to provide basic information on postpartum depression, and authorizes hotline operators to recommend that a caller be further evaluated by a qualified health care provider, or refer a caller to an appropriate health care provider in the caller's local area.

The bill revises components that are included in postpartum evaluation and follow-up care provided by birth centers to include a mental health screening, provision of information on postpartum depression, and the telephone number of the Family Health Line.

This bill was signed into law March 23, 2018 as Chapter No. 2018-098, Laws of Florida and the provisions take effect July 1, 2018.

HB 1009
Closing Gap Grant Program

The Department of Health Office of Minority Health administers multiple health promotion programs including the "Closing the Gap" grant program. The grant program was created by the Legislature in 2000 to improve health outcomes and eliminate racial and ethnic health disparities in Florida by providing grants to increase community-based health and disease prevention activities.

Grants are awarded for one year through a proposal process, and may be renewed annually subject to the availability of funds and the grantee's achievement of quality standards, objectives, and outcomes. The Office outlines required criteria for a grant proposal, including the selection of a priority area that will be addressed by the proposed project. The proposal must identify one of the following priority areas:

- Increasing adult and child immunization rates in certain racial and ethnic populations.
- Improving neighborhood social determinates of health, such as transportation, safety, and food access.
- Decreasing racial and ethnic disparities in maternal and infant mortality rates, oral health care, or morbidity and

mortality rates related to cancer, HIV/AIDS, cardiovascular disease, diabetes, and sickle cell disease.

The bill allows the "Closing the Gap" grant program to fund projects directed at decreasing racial and ethnic disparities in morbidity and mortality rates relating to lupus.

This bill was signed into law April 6, 2018 as Chapter No. 2018-157, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1165
Trauma Services

The Department of Health (DOH) oversees the statewide trauma system. Currently, DOH designates trauma centers in regional trauma services areas (TSAs) to ensure access to trauma services, but may designate no more than 44 trauma centers in the state. Over the years, there has been extensive litigation related to DOH's apportionment of trauma centers needed in a particular trauma service area, as well as litigation related to the designation of specific hospitals as trauma centers.

CS/CS/HB 1165 redesigns the state's trauma system. The bill limits the number of trauma centers in the state to 35. The bill provides a process for approving trauma centers in excess of the statewide cap based upon current population, trauma caseload, and expected population growth. The bill also requires DOH to analyze the trauma system every three years, beginning August 2020, to determine if additional trauma centers are required. It restricts legal challenges to DOH's decisions related to the trauma system to applicants and existing trauma centers in the same TSA or a contiguous TSA.

It eliminates the state's trauma registry under DOH and requires trauma centers to participate in the National Trauma Data Bank. Trauma centers and acute care hospitals must still report all transfers and outcomes of trauma patients to DOH.

The bill creates the Florida Trauma System Advisory Council, which is appointed by the Governor. The council must hold its first meeting by June 1, 2018, and is authorized to submit recommendations to DOH on how to maximize existing resources to achieve an inclusive trauma system. It requires the advisory council to study the feasibility of using a national certification for pediatric trauma centers. The advisory council must report its findings and recommendations to the Governor and Legislature by December 31, 2018.

Finally, it grandfathers currently verified and certain provisionally approved trauma centers and provides that if any of the provisions related to the grandfathering are determined to be invalid, then the remaining provisions of the act are deemed to be void.

This bill was signed into law March 21, 2018 as Chapter No. 2018-66, Laws of Florida and the provisions took effect on that date.

CS/CS/HB 1337
Nursing

Advanced registered nurse practitioners (ARNPs) are licensed registered nurses with post-graduate education in nursing that prepares them to perform advanced or specialized nursing. ARNPs may perform nursing or medical acts that are authorized pursuant to a written protocol with a physician. A clinical nurse specialist (CNS) is trained to be an expert clinician in a specialized area, such as a certain

population, setting, or disease state. Both ARNPs and CNSs receive advanced training and practice advanced or specialized nursing; however, the two professions require separate certifications.

CS/CS/HB 1337 repeals the separate certification for a CNS and includes CNS as a category of ARNP. A person who is currently certified as a CNS would have to meet all the same licensure requirements as an ARNP, including maintaining professional liability coverage. The bill retains the current scope of practice of a CNS, but requires a CNS to practice pursuant to a written protocol with a physician.

Currently, ARNPs are licensed as registered nurses and then certified as ARNPs. The bill authorizes the Department of Health (DOH) to license, rather than certify, ARNPs as such. An ARNP must still hold a license as a registered nurse to be licensed as an ARNP. The bill also adds the category of "certified nurse practitioner" to ARNP, which is comprised of the same group of licensees who are currently termed "nurse practitioners."

The bill requires DOH and the Board of Nursing to develop a transition plan to convert the certifications that ARNPs and CNSs currently hold to licenses. The bill authorizes currently certified ARNPs and CNSs to continue practicing under such certifications until DOH and the Board of Nursing complete the transition from certification to licensure.

The bill changes the term "advanced registered nurse practitioner" to "advanced practice registered nurse" (APRN) throughout Florida Statutes. This will conform Florida laws to those in a majority of states.

This bill was signed into law March 23, 2018 as Chapter No. 2018-106, Laws of Florida and the provisions take effect October 1, 2018.

CS/CS/HB 1373
Medication Administration

The Agency for Persons with Disabilities (APD) is responsible for providing services to persons with developmental disabilities. APD also licenses and regulates community-based residential facilities where APD clients reside. Section 393.506, F.S., allows trained unlicensed personnel to provide or supervise eight routes of medication administration (enteral, inhaled, ophthalmic, oral, otic, rectal, topical, and transdermal) to clients in APD's facilities.

Currently, unlicensed personnel must complete a 4-hour initial training course in medication administration and have their skills assessed and validated by a registered nurse or physician in each route of administration they intend to use. This assessment includes onsite observation of the administration of medication to or supervision of self-administration by a client. A registered nurse or physician must revalidate these skills each year in the same manner.

The bill revises the training and validation requirements for unlicensed personnel to administer or supervise self-administration of medication in APD's facilities. Specifically, the bill:

- Increases the length of the initial training course on medication administration from 4 to 6 hours;
- Adds an annual requirement for successful completion of 2 hours of inservice training in medication administration and error prevention,

which can count towards existing inservice training requirements;
- Eliminates the annual revalidation requirement for various routes of medication administration (otic, transdermal, or topical);
- Requires initial validation by simulation during the initial training course rather than on an actual client for various routes of medication administration (otic, transdermal, or topical);
- Grandfathers certain unlicensed personnel already trained and validated to administer medication; and
- Requires retraining for certain unlicensed personnel who lapse in their training requirements.

Additionally, the bill allows a licensed practical nurse to train and validate unlicensed personnel and grants APD rulemaking authority to establish qualification requirements for trainers and to adopt rules for enforcing s. 393.506, F.S.

This bill was signed into law March 23, 2018 as Chapter No. 2018-107, Laws of Florida and the provisions take effect July 1, 2018.

HB 6049
Medical Marijuana Growers

On November 8, 2016, Florida voters approved an amendment to the Florida Constitution (Fla. Const. art. X, s. 29) which allows the medical use of marijuana by patients with an enumerated debilitating medical condition. The amendment authorizes entities known as medical marijuana treatment centers (MMTCs) to be marijuana providers. During the 2017A Special Session, the legislature passed SB 8-A which implements Fla. Const. art. X, s. 29. Current law requires the Department of Health (DOH) to grant MMTC licenses to dispensing organizations licensed by July 3, 2017. Current law also requires DOH to grant ten additional MMTC licenses by October 3, 2017. Among these, one of the licenses must be awarded to an applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011), and is a Florida member of the Florida Black Farmers and Agriculturalists Association (Recognized Class Member License). Current law also exempts Recognized Class Member License applicants from the requirement for MMTC applicants to have been registered to do business in the state for five years.

HB 6049 repeals the requirement that a Recognized Class Member License applicant be a member of the Florida Black Farmers and Agriculturalists Association. An applicant must only be a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011) to be eligible for the Recognized Class Member License. Additionally, the bill repeals the exemption for Recognized Class Member License applicants from the requirement to have been registered to do business in the state for five years. The bill also repeals the requirement that DOH award the ten new MMTC licenses by October 3, 2017.

This bill was signed into law March 30, 2018 as Chapter No. 2018-142, Laws of Florida and the provisions took effect on that date.

HB 7059
Optometry

Many students in optometric school take all or a portion of the national licensure exam for optometry prior to graduation and

application for state licensure. Prior to 2017, the Board of Optometry (Board) accepted results from a national licensure examination regardless of whether the applicant took the examination before or after applying for licensure. In 2017, an administrative law judge found that the plain language of s. 463.006, F.S., prohibits the Board from accepting any scores from the national licensure examination if it was taken before an individual files an application for licensure. As a result, any applicant who has taken all or a portion of the licensure examination prior to applying for licensure must now retake the exam or those portions thereof.

HB 7059 authorizes the Department of Health to accept proof of a passing score on a licensure examination within 3 years before or after the submission of an application for an optometrist license.

Unlike other health care professions, current law provides topics that must be tested on the licensure examination but does not give the Board express authority to approve a licensure examination. The bill expressly requires the Board to approve a licensure examination. The bill also makes conforming changes.

This bill was signed into law March 21, 2018 as Chapter No. 2018-78, Laws of Florida and became effective on that date.

HB 7099
Ratification of Agency for Health Care Administration Rules

The bill ratifies Rule 59A-4.1265, F.A.C., so that the rule may go into effect.

Under ch. 120, F.S., the Administrative Procedures Act, the formal rulemaking process begins by an agency giving notice of the proposed rule. The notice is published by the Department of State in the Florida Administrative Register and must provide certain information, including the text of the proposed rule, a summary of the agency's statement of estimated regulatory costs (SERC), if one is prepared, and how a party may request a public hearing on the proposed rule. Section 120.541, F.S. requires that any rule with an adverse economic impact exceeding $1 million over the first 5 years the rule is in effect must be ratified by the legislature to be effective.

Rule 59A-4.1265, F.A.C., requires, by July 1, 2018, currently licensed nursing homes to maintain an alternative power source, such as a generator, that can air-condition an area of no less than 30 net sq. ft. per resident at a temperature of 81 degrees Fahrenheit or lower for at least 96 hours. The rule requires the nursing home to keep 72 hours of fuel on-site. The rule allows facilities under common control that are located on a single campus to share fuel, alternative power sources, and resident space. The rule also allows the Agency for Health Care Administration to grant an extension to comply with the requirements until January 1, 2019 for nursing homes that can show delays caused by necessary construction, delivery of order equipment, zoning or other regulatory approval processes.

The SERC developed for Rule 59A-4.1265, F.A.C., shows that the rule will create an adverse economic impact of $121,380,545 over the first 5 years the rule is in effect. Because the rule has an adverse economic impact on the nursing home industry exceeding $1 million over the first 5 years it is in effect, it must be ratified by the Legislature to be effective.

The scope of the bill is limited to this rulemaking procedure and does not adopt the substance of the rule into statute.

This bill was signed into law March 26, 2018 as Chapter No. 2018-123, Laws of Florida and the provisions took effect on that date.

2018
Florida Legislative
Post-Session Report

Insurance & Financial Services

Insurance

CS/CS/HB 465
Insurance

The bill makes the following changes regarding insurance:

- Foreign Insurer Stock Valuation – provides that the stock of a subsidiary corporation or related entity of a foreign insurer is exempt from certain limitations on valuation and investment requirements for solvency evaluation purposes in certain circumstances.
- Exemption to Adjuster Examination Requirement – provides an exemption to the all-lines adjuster licensing exam to individuals who receive a Claims Adjuster Certified Professional (CACP) designation from WebCE, Inc.
- Surplus Lines Insurer Eligibility – repeals a requirement that conflicts with federal law.
- Personal Financial and Health Information Privacy – incorporates a recent amendment of the Gramm-Leach-Bliley Act for purposes of privacy standards applicable to certain notices.
- Execution of Insurance Policies – provides that an insurer may elect to issue a policy that is not executed by one of the specified insurer representatives and that the policy is not invalid despite not being executed.
- Notice of Policy Change – requires that a property and casualty insurer summarize policy changes on the required Notice of Change in Policy Terms that is issued at policy renewal, rather than merely issuing a notice that the policy has changed.
- Property Insurance Claim Mediation – provides that a third-party assignee may request mediation of property insurance claims; except, an insurer is not required to participate in mediations requested by the assignee.
- Proof of Mailing – permits motor vehicle insurers to use the Intelligent Mail barcode, or similar method approved by the United States Postal Service, to document proof of mailing of certain required notices.
- Filing Exception for Specialty Insurers – authorizes specialty insurers to overcome a presumption of control regarding acquisition of stocks, interests, and assets of other companies in the same manner as insurers.
- Confidentiality of Documents Submitted to the Office of Insurance Regulation (OIR) – expands the confidentiality of documents submitted to the OIR under Own-Risk and Solvency Assessment requirements to make them inadmissible as evidence in any private civil action, regardless of from whom they were obtained, rather than only when they are obtained from OIR.
- Reciprocal Insurer Reserve Requirements – revises unearned premium reserve requirements.
- Delivery of Policies – authorizes motor vehicle service agreement companies and health maintenance organizations (HMO) to deliver agreements and HMO contracts, respectively, in the same manner as currently required for insurers, including the posting of boilerplate contents on a website and requiring delivery within 60 days, rather than 45 days and 10 days, respectively.

This bill was signed into law March 30, 2018 as Chapter No. 2018-131, Laws of Florida and the provisions took effect on that date.

CS/CS/HB 483
Unfair Insurance Trade Practices

The Unfair Insurance Trade Practices Act, among other things, defines unfair methods of competition and unfair or deceptive acts in the business of insurance. It provides an extensive list of prohibited methods and acts. Among these are prohibitions on certain inducements to the purchase of insurance, including rebates, dividends, stock, and contracts that promise to return profits to the prospective insurance purchaser. The law also describes prohibited discrimination. However, there are also many exceptions to the prohibitions defined by law.

Among the exceptions is authorization for insurers and their agents to offer and make gifts of merchandise up to $25 per gift to an insured, prospective insured, or any person for the purpose of advertising. There are several similar limitations on advertising gifts under the Florida Insurance Code related to the advertising practices of public adjusters, group and individual health benefit plans, and motor vehicle service agreement companies. This exception restricts the value of the advertising gift, but it does not limit the frequency of giving or the aggregate value of gifts given. The $25 limit has been in place since 1989.

The Florida Insurance Code does not define the term "merchandise," nor has the Department of Financial Services or the Office of Insurance Regulation defined this term in rules implementing their duties and obligations under the Florida Insurance Code. The common definition of "merchandise" is "commodities or goods that are bought and sold in business." Therefore, insurers and agents are allowed to give saleable items valued at $25 or less to others for advertising purposes.

The bill expands the exception to allow gifting of goods, wares, store gift cards, gift certificates, event tickets, anti-fraud or loss mitigation services, and other items, in addition to merchandise. It removes the requirement that the gift be given for advertising purposes. The bill increases the allowed maximum value of the item given from $25 to $100 per insured or prospective insured. It also applies the value limit per insured or prospective insured over one calendar year, rather than per gift without an annual limit.

In relation to advertising gifts by title insurance agents, agencies, and insurers, the bill maintains the existing gift limit applicable to them (i.e., limits them to an aggregate $25 gift value with no annual aggregate limitation).

This bill was signed into law April 6, 2018 as Chapter No. 2018-149, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 533
Unfair Insurance Trade Practices

The Unfair Insurance Trade Practices Act provides an extensive list of unfair methods of competition and unfair or deceptive acts prohibited in the business of insurance.

Among these is a prohibition on an insurer refusing to insure anyone solely because they have not bought the following services related to the ownership and use of a motor vehicle:

- Towing service;
- Procuring group coverage from an insurer for bail and arrest bonds or for accidental death and dismemberment;
- Emergency service;
- Procuring prepaid legal services, or providing reimbursement for legal services;

- Offering assistance in locating or recovering stolen or missing motor vehicles; or
- Paying emergency living and transportation expenses of the owner of a motor vehicle related to a damaged motor vehicle.

The bill allows a property and casualty insurer to condition the sale of insurance on the purchase of motor vehicle services if such services are purchased from a membership organization that is affiliated with the property and casualty insurer. The property and casualty insurer and its affiliated membership organization must have been affiliated on January 1, 2018.

This bill was signed into law April 6, 2018 as Chapter No. 2018-153, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 935
Mortgage Regulation

The Office of Financial Regulation (OFR) licenses and regulates various aspects of non-depository mortgage businesses, including mortgage loan originators, mortgage brokers, and mortgage lenders. U

Unless otherwise exempt, a person acting in such capacity must be licensed if the person takes part in making a "mortgage loan." For residential mortgage loans, licensure is required in order to extend the loan to a borrower who intends to use the loan proceeds primarily for personal, family, or household use; licensure is not required in order to extend the loan to a borrower who intends to use the loan proceeds for a business purpose.

The bill defines the term "business purpose loan" and prohibits any person from directly or indirectly misrepresenting a residential mortgage loan as a business purpose loan in any practice or transaction or course of business relating to the sale, purchase, negotiation, promotion, advertisement, or hypothecation (pledging collateral without delivery of title or possession) of mortgage loan transactions. A violation of this prohibition is punishable as a third-degree felony or as a first-degree felony if the total value of money and property unlawfully obtained exceeds $50,000 and there are five or more victims.

Two current exemptions in ch. 494, F.S., permit an individual investor to make or acquire a mortgage loan with his or her own funds, or to sell such mortgage loan, without being licensed as a mortgage lender, so long as the individual does not "hold himself or herself out to the public as being in the mortgage lending business." The bill provides a definition for the phrase "hold himself or herself out to the public as being in the mortgage lending business."

This bill was signed into law March 21, 2018 as Chapter No. 2018-61, Laws of Florida and the provisions take effect July 1, 2019.

HB 953
Consumer Report Security Freezes

Florida law allows a consumer to place a security freeze on his or her consumer report. Florida law also contains a process by which a security freeze may be placed on a record created to identify a protected consumer (i.e., a person younger than 16 years of age or a person represented by a guardian or other advocate) who does not have an existing consumer report. The request for a security freeze must be made to each consumer reporting agency, which may charge a fee up to $10 when a consumer elects to place, temporarily lift, or remove a security freeze or when the consumer reporting agency reissues a lost

personal identifier. The fees are the same in relation to the placement or removal of a security freeze for a protected consumer; a temporary lift is not available for a protected consumer. A consumer reporting agency is prohibited from charging a fee to a consumer 65 years or older for the placement or removal of a security freeze and is prohibited from charging any fee to a victim of identity theft.

The bill prohibits a consumer reporting agency from charging a fee for placing, temporarily lifting, or removing a security freeze on an existing credit report or on a record created to identify a protected consumer. However, the bill still permits a consumer reporting agency to charge the currently authorized fee of up to $10 for replacing a lost unique personal identifier.

This bill was signed into law March 21, 2018 as Chapter No. 2018-62, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1011
Homeowners' Insurance Policy Disclosures

The Insurance Code requires that insurance policies, depending on the type of coverage, include specific content to provide consumers with important information or ensure consistency and readability of insurance contracts from different insurers.

Such provisions may establish requirements regarding content, print type or size, and appearance (e.g., bold type or all capitalized text). Homeowner's property insurance policies must include the following statement in bold 18-point type:

"LAW AND ORDINANCE COVERAGE IS AN IMPORTANT COVERAGE THAT YOU MAY WISH TO PURCHASE. YOU MAY ALSO NEED TO CONSIDER THE PURCHASE OF FLOOD INSURANCE FROM THE NATIONAL FLOOD INSURANCE PROGRAM. WITHOUT THIS COVERAGE, YOU MAY HAVE UNCOVERED LOSSES. PLEASE DISCUSS THESE COVERAGES WITH YOUR INSURANCE AGENT."

Flood insurance is a separate line of insurance from homeowner's property insurance and is not included in such a policy. The windstorm portion of the homeowner's property insurance policy, which many think of as "hurricane insurance," does not cover the flood damage from rising or accumulating surface water. If the homeowner does not separately purchase flood insurance through the National Flood Insurance Program, or from an authorized Florida flood insurer, then their flood damages will not be covered.

The bill revises the current notice to require the following statement on an initial policy and every renewal:

"LAW AND ORDINANCE: LAW AND ORDINANCE COVERAGE IS AN IMPORTANT COVERAGE THAT YOU MAY WISH TO PURCHASE. PLEASE DISCUSS WITH YOUR INSURANCE AGENT."
"FLOOD INSURANCE: YOU MAY ALSO NEED TO CONSIDER THE PURCHASE OF FLOOD INSURANCE. YOUR HOMEOWNER'S INSURANCE POLICY DOES NOT INCLUDE COVERAGE FOR DAMAGE RESULTING FROM FLOOD EVEN IF HURRICANE WINDS AND RAIN CAUSED THE FLOOD TO OCCUR. WITHOUT SEPARATE FLOOD INSURANCE COVERAGE, YOU MAY HAVE UNCOVERED LOSSES CAUSED BY FLOOD. PLEASE DISCUSS THE NEED TO PURCHASE SEPARATE FLOOD INSURANCE COVERAGE WITH YOUR INSURANCE AGENT."

The bill was approved by the Governor on March 21, 2018, as chapter 2018-63, Laws of Florida, and will become effective on January 1, 2019.

Financial Services

HB 193
Mortgage Brokering

The bill exempts a securities dealer, investment advisor, or associated person registered under ch. 517, F.S., from regulation as a mortgage broker or loan originator under ch. 494, F.S., if such person, in the normal course of conducting securities business with a corporate or individual client:

- Solicits or offers to solicit a mortgage loan from a securities client or refers a securities client to a depository institution, certain regulated subsidiaries that are owned and controlled by a depository institution, institutions regulated by the Farm Credit Administration, a licensed mortgage broker, a licensed mortgage lender, or a registered loan originator; and
- Does not accept or offer to accept an application for a mortgage loan, negotiate or offer to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiate or offer to negotiate the sale of an existing mortgage loan to a non-institutional investor for compensation or gain.

This bill was signed into law March 21, 2018 as Chapter No. 2018-044, Laws of Florida and the provisions take effect July 1, 2018.

HB 359
State Investments

The State Board of Administration (SBA) is established by Art. IV, s. 4(e) of the State Constitution and is composed of the Governor, the Chief Financial Officer (CFO), and the Attorney General. The SBA has responsibility for oversight of the Florida Retirement System (FRS) Pension Plan investments and the FRS Investment Plan, which represent approximately $168.8 billion, or 86.3 percent, of the $195.7 billion in assets managed by the SBA as of October 26, 2017.

The CFO is the head of the Department of Financial Services and is the constitutional officer with fiduciary responsibility over the State Treasury. The CFO is required to fully invest or deposit all general revenue, trust funds, and funds of each state agency and the judicial branch in a manner that allows the state to realize maximum earnings and benefits. Such funds are managed by the Division of Treasury and are invested as the Treasury Investment Pool. As of September 2017, the Treasury Investment Pool contained $23.4 billion in assets.

In recent years, the federal government has imposed various sanctions on the government of Venezuela. On August 24, 2017, President Trump signed Executive Order 13808 to prohibit United States persons and entities from engaging in certain financial transactions with the government of Venezuela.

The bill requires the SBA to divest any investment in stocks, securities, or other obligations of any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with the government of Venezuela, or with any agency or instrumentality thereof, in violation of

federal law. The bill also prohibits the SBA from investing in such stocks, securities, or other obligations.

It prohibits a state agency from investing in any financial institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S. which, directly or through the U.S. foreign subsidiary, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela, in violation of federal law.

This bill was signed into law March 28, 2018 as Chapter No. 2018-125, Laws of Florida and the provisions take effect July 1, 2018.

CS/SB 386
Consumer Finance

CS/SB 386 allows consumer finance loans made pursuant to ch. 516, F.S., to be repaid in installments due every 2 weeks, semimonthly, or monthly. Currently, consumer finance loans may only be repaid in monthly installment payments.

Additionally, the bill permits a borrower's final payment to be less than his or her prior installments, and sets a maximum delinquency charge, depending on the number of scheduled payments in a month.

Additionally, the bill permits a borrower's final payment to be less than his or her prior installments, and sets a maximum delinquency charge, depending on the number of scheduled payments in a month:

- $15 per default if one payment is due in a month.
- $7.50 per default if two payments are due in a month.
- $5.00 per default if three payments are due in a month.

This bill was signed into law March 19, 2018 as Chapter No. 2018-017, Laws of Florida and the provisions take effect July 1, 2018.

CS/SB 394
Fire Safety

CS/SB 394 amends requirements related to firefighter and volunteer firefighter training and certification to require the Division of the State Fire Marshall (division) within the Department of Financial Services (DFS) to establish in rule training courses for career and volunteer firefighters related to cancer and mental health risks within the fire service. The bill requires that the training be a requirement in order to obtain certain certificates related to firefighting and specifies what must be included in the training.

The bill specifies that the training must:

- Include cancer and mental health awareness, prevention, mitigation, and treatment;
- Include lifestyle, environmental, inherited, and occupational risks; and
- Emphasize appropriate behavior, attitude, and cultural changes within the fire service.

This bill was signed into law March 19, 2018 as Chapter No. 2018-18, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 455
Governance of Banks and Trust Companies

In relation to both new and existing state-chartered banks and trust companies, the

bill expands from three years to five years the timeframe within which certain officers and directors must have the required one year of relevant financial institution experience. The result of these changes is an expansion of the pool of individuals qualified to be president or chief executive officer of either a new or an existing state-chartered bank or trust company, or qualified to be counted as a director who possesses relevant financial institution experience for either a new or an existing state-chartered bank or trust company.

The bill requires that at least a majority, rather than three-fifths, of the directors of a state-chartered bank or trust company must have resided in this state for at least one year preceding their election and must continue to reside in this state for the duration of their time in office. This change will align the residency requirement for Florida state-chartered banks with the residency requirement for national banks.

Lastly, the bill amends current law in order to clarify an ambiguity in the interpretation of investment limitations relating to corporate obligations or corporate bonds. Specifically, the bill clarifies that:

- The limitation on investments in corporations applies to subsidiary corporations and affiliates.
- The limitation on investments in corporations applies to an aggregate of any combination of stocks, obligations, and other securities of subsidiary corporations and affiliates.
- The aggregate of such investments may not exceed 10 percent of the total assets of the bank.

This bill was signed into law March 21, 2018 as Chapter No. 2018-48, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/CS/SB 920
Deferred Presentment Transactions

CS/CS/CS/SB 920 authorizes deferred presentment installment transactions under Florida law. A deferred presentment installment transaction must be fully amortizing (the balance due will be entirely paid after the last payment is made) and repayable in consecutive installments, which must be as equal as mathematically practicable. The term of a deferred presentment installment transaction may not be less than 60 days or more than 90 days and the time between installment payments must be at least 13 days but not greater than 1 calendar month.

The maximum face amount of a check taken for a deferred presentment installment transaction may not exceed $1,000, exclusive of fees. The maximum fees that may be charged on a deferred presentment installment transaction are 8 percent of the outstanding transaction balance on a biweekly basis. Fees for a deferred presentment installment transaction are calculated using simple interest.

Prepayment penalties are prohibited. The bill retains current law in s. 560.404(19), F.S., prohibiting a provider from entering into a deferred presentment transaction with any person who has an outstanding deferred presentment transaction or whose previous transaction has been terminated for less than 24 hours.

If the drawer timely informs the provider in writing or in person that the drawer cannot redeem or pay in full in cash the amount due and owing, the provider must provide a grace period for payment of a scheduled installment.

The impact to state revenues and expenditures is indeterminate. The Office of Financial Regulation (OFR) indicates the bill may impact collected revenues that are assessed for deferred presentation transactions. Currently, $1 is assessed for each deferred presentment transaction. The OFR indicates that there may need to be rule modification to require $1 per month for each outstanding deferred presentment installment transaction, $2 for each 60-day term, and $3 for each 90-day term. According to the OFR, $7,657,486 was collected in Fiscal Year 2016-2017 for the current $1 transaction fee. It is unknown how many deferred presentment installment transactions will result from the bill's passage, what the length of their terms will be, and what the decline will be in the number of current deferred presentment transactions.

The OFR currently contracts with a vendor to host and maintain the existing deferred presentment provider transaction database. The OFR paid the vendor $2,656,269 in Fiscal Year 2016-2017 for the database. Based on modifications of the loan product proposed in the bill, the OFR indicates that it would likely need to procure a new contract. An increased appropriation may be required if current funding is insufficient to pay for a new contract. It is unknown how much a newly procured contract would cost.

This bill was signed into law March 19, 2018 as Chapter No. 2018-026, Laws of Florida and the provisions take effect July 1, 2019.

CS/CS/CS/HB 1073
Department of Financial Services

The bill modifies several areas regulated by the Department of Financial Services (DFS), including:

- Deeming electronic images of all records as original documents as used by the Division of Treasury;
- Requiring that financial literacy be addressed in a foster youth's transition plan;
- Changing the managing general agent license to an appointment and allowing a general lines agent to obtain a managing general agent appointment;
- Authorizing the Chief Financial Officer to develop the Florida Open Financial Statement System;
- Clarifying and expanding the circumstances under which a life agent may serve as a trustee or guardian or to act under a power of attorney for the insured;
- Deeming fingerprint submissions to be valid for 48 months for currently licensed individuals seeking additional licensure under ch. 626, F.S., and for bail bond agents under ch. 648, F.S.;
- Reducing the number of insurance policies that can be written each year, with an insurer by an unappointed agent from 24 to 4;
- Eliminating an affidavit requirement for nonresident public and all-lines insurance adjusters;
- Clarifying the terms of members of the Florida Fire and Safety Board;
- Allowing franchisees to operate under the fire equipment dealer license of their parent company;
- Modifying the requirements for the firefighter Special Certificate of Compliance;
- Making it mandatory that agency safety coordinators complete the safety coordinator training offered by DFS within one year of being appointed to his or her position;

- Requiring agencies to report to DFS on their return-to-work and risk management programs;
- Requiring each agency to communicate with DRM about discrepancies in claims and loss records, and about any inquiries identifying conditions or trends that may lead to claims involving the state; and
- Allowing DRM to share personal identifying information of individual workers' compensation claims with its contracted vendors, for the purpose of ascertaining claimant history to investigate the compensability of a claim or to identify and prevent fraud.

This bill was signed into law March 23, 2018 as Chapter No. 2017-008, Laws of Florida and the provisions take effect July 1, 2018.

2018
Florida Legislative
Post-Session Report

Legal

Courts & Criminal Justice

Courts

CS/CS/SB 140
Marriage Licenses

Under the original bill, a person, without exception, must be at least 18 years of age to marry or receive a marriage license in this state. The current exceptions that allow a minor to marry with parental consent or without parental consent when the couple has a child or is expecting a child are repealed.

House Amendment 1 substantially amended the underlying bill. It prohibits anyone from marrying who is younger than 16 years of age and limits the circumstances under which 16 and 17 year olds may marry. The amendment requires a county court judge or clerk of the circuit court to issue a marriage license to 16 or 17 year olds, only if:

- One party is no more than 2 years older than the other;
- A licensed physician verifies in writing the existence of pregnancy; and
- The parents or guardian of each minor consents in writing to the marriage.

Written parental consent, however, is not required if both parents of each minor are dead, each minor has been previously married, or each minor is an emancipated minor.

This bill was signed into law March 23, 2018 as Chapter No. 2018-81, Laws of Florida and the provisions took effect July 1, 2018.

SB 146
Appointment of Attorneys for Dependent Children with Special Needs

SB 146 authorizes the payment of certain due process costs when a court-appointed pro bono attorney represents a dependent child with special needs. These due process costs are the costs of court reporting and transcriptions, expert witnesses, mental health professionals, reasonable pretrial consultation fees and costs, and certain travel expenses.

Currently, a court-appointed pro bono attorney is not entitled to funds for due process costs. In contrast, a private court-appointed attorney who is paid for his or her services in these cases is permitted to access due process costs. Under the bill, the Justice Administrative Commission will review and pay due process costs for pro bono attorneys as it does for compensated attorneys under current law.

This bill was signed into law March 19, 2018 as Chapter No. 2018-014, Laws of Florida and the provisions took effect on that date.

SB 220
Bankruptcy Matters in Foreclosure Proceedings

SB 220 specifies how certain documents from a person's bankruptcy proceeding may be used as evidence in a foreclosure action against the same person.

The bill provides that a document creates a rebuttable presumption that a foreclosure defendant has waived any defense to foreclosure if the document:

- Was filed in the defendant's bankruptcy case;

- Evidences the defendant's intention to surrender to the lienholder the property that is the subject of the foreclosure;
- Has not been withdrawn by the defendant; and
- Is submitted in the foreclosure proceeding together with a final bankruptcy order that discharges the defendant's debts or confirms the defendant's repayment plan that provides for the surrender of the property.

However, the filing of such a document in a foreclosure case "does not preclude" the defendant from raising a defense based upon the lienholder's conduct following the document's filing in the bankruptcy case.

Additionally, the bill ensures that any document that a debtor filed under penalty of perjury in a bankruptcy case may be filed in a foreclosure proceeding as an admission against this person.

This bill was signed into law March 19, 2018 as Chapter No. 2018-015, Laws of Florida and the provisions take effect October 1, 2018.

HB 281
Incarcerated Parents

HB 281 further defines the role of incarcerated parents in the development and execution of case plans associated with their children. Section 39.6011, F.S., requires DCF to engage incarcerated parents in the dependency case process, including case plan development. The bill adds additional responsibilities for DCF and incarcerated parents as case plans are developed, implemented, and modified.

The bill requires DCF to:

- Engage incarcerated parents in case planning and develop case plans that give some consideration to limitations faced by incarcerated persons;
- Coordinate efforts with relevant correctional facilities to identify those services and resources available to incarcerated parents; and,
- Amend case plans as individuals become incarcerated or are released from incarceration.

It makes incarcerated parents responsible for complying with case plan requirements and the requirements of relevant correctional facilities.

This bill was signed into law March 21, 2018 as Chapter No. 2018-045, Laws of Florida and the provisions take effect July 1, 2018.

HB 413
Trusts

The Florida Trust Code (Code) governs express trusts and trusts that are required to be administered in the manner of an express trust. An express trust is created by the intent of a settlor (the individual creating the trust), and is generally evidenced by a written instrument that details the terms of the trust. A trust is administered by a trustee, with the terms of a trust providing benefits for individuals known as beneficiaries. Except as otherwise provided, the terms of a trust prevail over any provision of the Code; the Code is used to fill in gaps and provides for the operation of the trust for issues not addressed in the terms of a trust.

Historically, a trust was administered with the primary intent of accomplishing the intent of the settlor. Recent changes to trust law may be interpreted to require the administration of a trust for the benefit of the beneficiaries instead. HB 413 deletes

language related to benefiting the beneficiaries and thus makes the intent of the settlor the primary intent of trust administration.

The bill changes portions of the Code related to the trustee and their duties, liabilities, and powers to address which provisions of the Code govern a trustee's duty to provide an accounting to the beneficiaries and extend the period for beneficiaries to file actions alleging a breach of trust. Additionally, the bill limits the application of the portion of the Code relating to posting documents electronically, revises procedural requirements for such postings, and provides consequences for failing to maintain receipts of electronic postings.

It also expands the state's decanting statute. Decanting is a trustee's power to cure or avoid issues with a trust by distributing trust property from one trust to a different trust. The bill expands a trustee's ability to decant trust principal under the terms of the trust, provides support for disabled beneficiaries, and imposes greater notice requirements when a trustee exercises the ability to decant trust principal.

This bill was signed into law March 19, 2018 as Chapter No. 2018-035, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 581
Subpoenas in Investigations of Sexual Offenses

CS/HB 581 creates a new provision to prevent a subpoena recipient from disclosing the existence of the subpoena in certain investigations involving the sexual abuse of a child, without the need for a court order. The bill authorizes an investigative or law enforcement officer to:

- Use a subpoena to obtain information pertaining to a subscriber or customer, other than contents of a communication (without notice to the subscriber or customer of an electronic communications service provider or remote computing service provider).
- With prior notice, or delayed notice, use a subpoena to obtain contents of a communication that has been in electronic storage for more than 180 days.

The bill allows an investigative or law enforcement officer to prohibit the subpoena recipient from disclosing to any person for 180 days the existence of the subpoena or delay the required notification.

A court may grant an extension of the nondisclosure period or delay notification.

It also specifies other related procedures including the manner in which a subpoena recipient can obtain relief from the subpoena or nondisclosure requirement; the manner in which an investigative or law enforcement officer may retain subpoenaed records after an investigation is closed; the manner in which compliance with a subpoena may be compelled; and manner of compensating a subpoenaed witness.

This bill was signed into law March 23, 2018 as Chapter No. 2018-093, Laws of Florida and the provisions take effect October 1, 2018.

HB 623
Out-of-Country Foreign Money Judgments

Florida is not required to recognize or enforce an out-of-country foreign judgment. However, to encourage international trade and to encourage other countries to recognize Florida judgments, the State has

elected to provide a limited framework for the recognition of foreign judgments. In general, all such judgments are recognized, although there are exceptions. Some exceptions are mandatory, others are discretionary.

The legislation adds two discretionary exceptions whereby a Florida court is not required to recognize or enforce a foreign judgment. Specifically, a Florida court is not required to recognize or enforce a foreign judgment if:

- The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or
- The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

This bill was signed into law March 19, 2018 as Chapter No. 2018-037, Laws of Florida and the provisions took effect on that date.

HB 639
Equitable Distribution of Marital Assets and Liabilities

In a proceeding for dissolution of marriage, the court must determine an equitable distribution of assets and liabilities between the parties. Passive appreciation of a nonmarital asset encumbered with a mortgage paid down with marital funds may be one such asset to be distributed. Case law establishes a method for determining the marital portion of passive appreciation that is subject to equitable distribution by dividing the amount of the mortgage at the time of marriage by the fair market value of the asset at the same time and multiplying that fraction by the amount of passive appreciation during the marriage.

HB 639 establishes a statutory formula to calculate the marital portion of passive appreciation of a non-marital asset subject to equitable distribution. The bill uses the same methodology established in case law, but instead uses the amount of mortgage principal paid down during the marriage instead of the amount of the mortgage at the time of marriage. The bill sets a limit on the value of the marital portion of passive appreciation and allows a party to argue use of the formula would be inequitable under the facts of a specific case.

The bill also allows a court to require a party authorized to make installment payments to satisfy a judgment of equitable distribution to provide security and pay reasonable interest on those payments.

This bill was signed into law March 21, 2018 as Chapter No. 2018-056, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/CS/HB 1059
Exploitation of a Vulnerable Adult

A vulnerable adult is a person 18 years of age or older whose ability to perform the normal activities of daily living, or whose ability to provide for his or her own care or protection, is impaired due to a physical or mental condition. Current law authorizes the Department of Children and Families to investigate reports of abuse, neglect, or exploitation of a vulnerable adult.

The bill creates a cause of action for an injunction prohibiting exploitation of a vulnerable adult. The bill:

- Specifies who may file for an injunction, identifies proper venue, and details a

procedural framework for the parties and court;
- Requires the clerk of the circuit court to perform specific duties and sets a fee for filing a petition;
- Creates a sworn petition form for parties filing an injunction;
- Allows the court to grant a temporary injunction under certain circumstances and provides standards for the court to follow when issuing an injunction;
- Provides direction for effecting service of process;
- Identifies forms of relief the court may grant to a vulnerable adult in issuing an injunction, including temporary and exclusive use of a shared residence, freezing the assets and credit lines of the vulnerable adult, and freezing assets of the individual exploiting the vulnerable adult where assets are traceable to the exploitation;
- Requires the sheriff or a law enforcement agency to assist the court and clerks of court with specific tasks in issuing and executing an injunction;
- Creates criminal penalties for violating an injunction and authorizes law enforcement to arrest an individual who has violated the terms of an injunction; and
- Limits the liability of financial institutions for freezing assets or credit lines.

This bill was signed into law March 23, 2018 as Chapter 2018-100 Laws of Florida and will become effective on July 1, 2018.

CS/HB 1187
Guardianship

Guardianship is a concept whereby a "guardian" acts for another, called a "ward," whom the law regards as incapable of managing his or her own affairs due to age or incapacity. The Office of Public and Professional Guardians (OPPG) oversees, investigates, and disciplines all public and professional guardians. Complaints against a guardian must be filed with OPPG.

A guardian must file with the circuit court an initial guardianship report, an annual guardianship report, and an annual accounting of the ward's property. In addition to the duty to serve as the custodian of the guardianship files, the clerk of the court reviews each initial and annual guardianship report to ensure that it contains required information about the ward. If the clerk believes further review is appropriate, the clerk may request and review records and documents that reasonably impact guardianship assets. A guardian or OPPG may disclose confidential information about a ward in limited circumstances.

CS/HB 1187 identifies specific actions that clerks may take when reviewing guardianship reports. The bill permits the clerk to conduct audits and may cause the initial and annual guardianship reports to be audited, when the clerk has reason to believe further review is appropriate. If the clerk identifies an act of wrongdoing on the part of the guardian based on the audit, the bill prohibits the guardian from being paid or reimbursed using the ward's assets for any fees incurred in responding to the audit.

The bill requires the clerk to advise the court of the results of such audits.

The bill allows the clerk to disclose confidential information to the Department of Children and Families or law enforcement agencies "for other purposes," as provided by a court order. The bill authorizes a guardian to provide the confidential information to the clerk or an

investigator with OPPG for investigations that arise under a review of records and documents involving assets, the beginning inventory balance, and fees charged to the guardianship.

The bill allows a designee of OPPG to receive records and financial audits to investigate complaints against guardians filed with the OPPG.

This bill was signed into law March 21, 2018 as Chapter No. 2018-68, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1217
Deployed Parent Custody and Visitation

Florida law allows for the filing of a petition or motion for modification of time-sharing and parental responsibility when a parent is activated, deployed, or temporarily assigned to military service and such service has a material effect on a parent's ability to comply with time-sharing. The law allows a deployed parent to designate a person or persons to exercise time-sharing with the child on the parent's behalf. The designee must be a family member, stepparent, or relative of the child by marriage.

The Uniform Deployed Parents Custody and Visitation Act (UDPCVA) addresses issues of child custody and visitation that arise when parents are deployed in military or other national service. The Uniform Law Commission finalized the UDPCVA in 2012, and thirteen states have enacted it.

CS/CS/HB 1217 repeals current law on temporary time-sharing modification and child support modification due to military service, and creates the "Uniform Deployed Parents Custody and Visitation Act" in Florida. The bill contains definitions and provisions that apply generally to custody matters of servicemembers. It includes a notice provision requiring parents to communicate about custody and visitation issues as soon as possible after a servicemember learns of deployment.

The bill outlines an easy procedure for parents who agree to a custody arrangement during deployment to resolve these issues by an out-of-court agreement, and details what must be in the agreement. It allows a deployed parent to grant caretaking authority to a nonparent with whom the child has a close positive relationship of substantial duration and depth. In the absence of an agreement, the bill allows for expedited resolution of a custody arrangement in court with a temporary custody order. The bill prohibits the entry of a permanent custody order before or during deployment without the service member's consent. It also provides for termination of the temporary custody arrangement following the servicemember's return from deployment.

This bill was signed into law March 21, 2018 as Chapter No. 2018-69, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1361
Clerks of Court

The clerk of court is a constitutional officer in every county. The many duties of the clerk include collecting monies and paying those monies over to the appropriate person or government entity, conducting foreclosure sales, and maintaining court records.

The Florida Disposition of Unclaimed Property Act (Act) provides that property held for the benefit of another must be turned over to the state if unclaimed for the statutory length of time. The Department of

Financial Services (DFS) administers the program. One current statute presumes funds held by a clerk of court are unclaimed after 5 years, requires turnover to DFS after such 5-year period, and requires a court order for DFS to pay the unclaimed monies to the owner. However, the Act presumes funds held by a clerk of court are unclaimed after 1 year and provides for claims and payment through DFS without court order.

Unclaimed surplus funds after a foreclosure sale are treated differently. They are held by the clerk while an appointed surplus trustee attempts to find the owner. The appointment lasts for one year, after which the surplus is turned over to DFS. A junior lienholder may only file a claim against the surplus during the first 60 days after appointment of the surplus trustee.

On a separate note, some drivers who have received a traffic ticket may avoid points assessed against his or her license by completing a driver improvement course; other drivers are required to attend the course by law. Upon completion, the driver must file the completion certificate with the clerk of court to avoid license suspension.

The legislation repeals the statutory authorization for surplus trustees and repeals the 5-year unclaimed funds provision together with the related court order requirement to claim funds not related to foreclosure. The bill requires the clerk to hold an unclaimed foreclosure surplus for one year, after which it is turned over to DFS, similar to how other unclaimed property held by a clerk is treated. The bill extends the claim period for subordinate lienholders after foreclosure, allowing any party claiming entitlement to a foreclosure surplus to file a claim with the clerk at any time up to the point where the clerk transmits the funds to DFS. Additionally, the bill requires a driver improvement school to transmit completion certificates to the appropriate clerk through the Florida Courts E-Filing Portal.

This bill was signed into law March 21, 2018 as Chapter No. 2018-71, Laws of Florida and the provisions take effect July 1, 2018.

Criminal Justice

CS/CS/CS/HB 165
Written Threats to Conduct Mass Shootings or Acts of Terrorism

As the use of social media grows, the potential to use such forms of communication to make threats of violence also increases. In a recent study of online harassment, 10 percent of adult Internet users surveyed reported having been physically threatened online. A separate study found that over one-third of threats made to schools were delivered electronically, with 28 percent of those threats delivered through social media.

Currently, s. 836.10, F.S., makes it a second-degree felony to compose and send certain written threats, including electronic communications, to kill or do bodily injury. To violate this section, a person must:

- Write or compose a threat to kill or do bodily injury; and
- Send, or procure the sending of, the communication to the person threatened or family member of the person threatened.

Recently, the Second District Court of Appeals issued an opinion highlighting the difficulty of applying s. 836.10, F.S., to threats issued and shared publicly on social media, as such threats may not be communicated directly to any specific person. In this case, a juvenile's conviction

for violating s. 836.10, F.S., was overturned, although the juvenile had posted multiple threats of school violence on Twitter, because the threats were not directly sent to or received by any of the threatened students or school officials.

CS/CS/HB 165 amends s. 836.10, F.S., to prohibit a person from:

- Making a threat in a writing or other record, including an electronic record, to kill or do great bodily injury to another person; and
- Posting or transmitting the threat in any manner that would allow another person to view the threat.

The bill removes the requirement that the written threat be sent to the person threatened or a member of his or her family. It reclassifies the offense as a third degree felony and reduces the offense level from a level 6 to a level 4 on the criminal punishment code scoresheet.

This bill was signed into law March 30, 2018 as Chapter No. 2018-128, Laws of Florida and the provisions take effect July 1, 2018.

HB 491
Theft

Theft of livestock and beehives in Florida has increased over the years. The use of beehives for commercial pollination has risen, resulting in greater theft.

Additionally, beef prices have increased since around 2010, contributing to greater rates of cattle theft - also known as rustling.

Section 812.014(2)(c), F.S., makes it grand theft and a third degree felony if the property stolen is a commercially farmed animal, a bee colony of a registered beekeeper, or an aquaculture species raised at a certified aquaculture facility. A third degree felony is punishable by up to five years in prison and up to a $5,000 fine. If the stolen property is an aquaculture species raised at a certified aquaculture facility, the crime carries a mandatory $10,000 fine.

The mandatory fine does not extend to theft of commercially farmed animals or bee colonies.

HB 491 extends the mandatory $10,000 fine to theft of commercially farmed animals and bee colonies.

This bill was signed into law March 21, 2018 as Chapter No. 2018-049, Laws of Florida and the provisions take effect October 1, 2018.

HB 523
Trespass on Airport Property

HB 523 makes it a third degree felony, punishable by up to five years imprisonment and a $5,000 fine, for a person to trespass on the operational area of an airport with the intent to injure another person; damage property; or impede the operation or use of an aircraft, runway, taxiway, ramp or apron area.

The bill defines "operational area of an airport" as any portion of an airport to which access by the public is prohibited by fences or appropriate signs and includes runways, taxiways, ramps, apron areas, aircraft parking and storage areas, fuel storage areas, maintenances areas, and any other area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft.

For a trespasser to be prosecuted, the bill requires that an airport post a sign with language similar to the following:

"THIS AREA IS A DESIGNATED OPERATIONAL AREA OF AN AIRPORT

AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

This bill was signed into law April 6, 2018 as Chapter No. 2018-151, Laws of Florida and the provisions take effect October 1, 2018.

CS/HB 547
Reports Concerning Seized or Forfeited Property

The Florida Contraband Forfeiture Act allows law enforcement agencies to seize certain property that is being used for criminal purposes. Every law enforcement agency must submit an annual report to the Florida Department of Law Enforcement (FDLE) indicating whether the agency has seized or forfeited property under the Florida Contraband Forfeiture Act and detailing the type and value of the property. The report is due by October 10 of each year, and failure to timely file the report can result in fines.

CS/HB 547 changes the due date for a law enforcement agency to file the annual forfeiture report with FDLE to December 1.

This bill was signed into law March 23, 2018 as Chapter No. 2018-092, Laws of Florida and the provisions take effect July 1, 2018.

CS/HB 1065
Expunction of Criminal History Records

Expunction of a criminal history record requires all criminal justice agencies possessing such a record to physically destroy or obliterate it. Once the record is expunged, a person may lawfully deny or fail to acknowledge an arrest covered by the expunged record, subject to some exceptions.

A court, in its sole discretion, may order a criminal justice agency to expunge a person's criminal history record if the Department of Law Enforcement (FDLE) issues the person a certificate of eligibility for expunction. FDLE must issue the certificate to a person meeting all eligibility criteria.

Expunction is prohibited if the person was acquitted at trial, unless he or she first has the record sealed for ten years. Consequently, a person who exercises his or her right to a trial is barred from the possibility of expunction for a minimum of ten years if he or she is acquitted. In contrast, a person whose case was dismissed for reasons including uncooperative witnesses, lack of evidence, or participation in a diversion program is eligible for expunction immediately, if he or she meets all other criteria.

To have a record sealed, a person must obtain a certificate of eligibility from FDLE to present to the court. Although a person is statutorily ineligible for sealing if the record pertains to certain disqualifying offenses, FLDE lacks the authority under current law to deny a certificate of eligibility on these grounds. As a result, FDLE is required under law to issue a certificate to an ineligible person in certain circumstances.

CS/HB 1065 expands eligibility for court-ordered expunction to include a person who received a judgement of acquittal by a judge or a not guilty verdict, whether by judge or jury. A person seeking expunction of a judgment of acquittal or not guilty verdict is no longer required to first seal the record for ten years, if otherwise eligible for expunction. The bill also grants FDLE the authority to deny a certificate of eligibility based on a disqualifying offense.

This bill was signed into law March 23, 2018 as Chapter No. 2018-101, Laws of Florida and the provisions take effect October 1, 2018.

CS/SB 1552
Juvenile Justice

CS/SB 1552 makes numerous changes relating to juvenile justice, including:

- Removal of the requirement that the proceeds from the "Invest in Children" license plate must be allocated based on each county's proportionate share of the license plate annual use fee;
- Requiring a prolific juvenile offender (PJO) who violates conditions of his or her nonsecure detention to be held in secure detention until a detention hearing is held.

It also reenacts statutory authority (s. 985.672, F.S.) for the Department of Juvenile Justice (DJJ) to establish a direct-support organization (DSO) to provide assistance, funding, and support to assist the DJJ in furthering its goals. The bill removes a provision that repeals s. 985.672, F.S., on October 1, 2018, unless the repeal date is removed and the statute is reenacted. The bill requires the secretary of DJJ to appoint members to the DSO's board of directors according to the DSO's bylaws.

The bill also makes the following changes, effective July 1, 2019:

- Revises the Detention Risk Assessment Instrument (DRAI) used to determine placement of a juvenile in detention care; and
- Replaces the term "nonsecure" with "supervised release" and makes conforming changes throughout ch. 985, F.S., to be consistent with terminology and operation of the revised DRAI.

This bill was signed into law March 23, 2018 as Chapter No. 2018-86, Laws of Florida. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

Taxation & Economic Development

Taxation & Economic Development

SB 100
Taxes and Fees for Veterans and Low-Income Persons

The legislation eliminates the $1 or $2 fee a veteran must pay to have the word "Veteran" displayed on an identification card or driver license issued by the Department of Highway Safety and Motor Vehicles (DHSMV). The bill also expands the forms of identification that a veteran may present to the DHSMV as proof of veteran status for the purpose of receiving the "Veteran" designation on an identification card or driver license to include:

- A veteran health identification card issued by the U.S. Department of Veterans Affairs; and
- A veteran identification card issued by the U.S. Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015.

Additionally, the bill prohibits tax collectors from charging a veteran the $6.25 service fee for driver license services rendered pursuant to ch. 322, F.S., upon presentation of specified documentation proving that the individual is a veteran.

The original bill was amended to add provisions relating to local business taxes.

The amendment provides an exemption to the local business tax, authorized in ch. 205, F.S., for:

- Honorably discharged veterans and their spouses;
- Unremarried surviving spouses of honorably discharged veterans;
- Active duty military servicemembers' spouses who relocate to the county or municipality pursuant to a permanent change of station order;
- Low-income individuals receiving public assistance, as defined in s. 403.2554, F.S.; and
- Low-income individuals with a household income less than 130 percent of the federal poverty level based on the current year's federal poverty guidelines.

If an exempt individual owns a majority interest in a business with fewer than 100 employees, the business is exempt from the local business tax. In order to be entitled to the exemption, an individual must complete and sign, under penalty of perjury, a Request for Fee Exemption, furnished by the local governing authority, and provide written documentation in support of his or her request.

It provides that any municipality that imposes a business tax on the gross sales of all retail and wholesale merchants within the municipal jurisdiction may continue to impose such tax. The exemptions provided in the amendment therefore do not apply within a municipality levying such tax.

However, it allows a municipality to change, by ordinance, the definition of the term "merchant," presumably to grant such exemption if a municipality's governing body chooses to do so. The municipality may not revise the rate of the tax measured by gross sales.

This bill was signed into law March 23, 2018 as Chapter 2018-118, Laws of Florida and the provisions take effect July 1, 2018.

HB 185
Redirection of Fees to Tax Collectors

Current law requires every applicant for an original driver license to pass an examination; however, the Department of

Highway Safety and Motor Vehicles (DHSMV) may waive the examination for an applicant in certain situations. Driver license testing can be administered at state driver license offices or by tax collector licensing agents, Driver Education Licensing Assistance Programs, and authorized third party testers.

Any applicant who fails to pass the initial driver license knowledge test incurs a $10 fee for each subsequent test, while any applicant who fails to pass the initial driver license skills test incurs a $20 fee for each subsequent test. Currently, the fees for subsequent tests, regardless of whether the test is administered by DHSMV or a tax collector, are deposited into the Highway Safety Operating Trust Fund.

A driver license can be suspended or revoked if the driver breaks laws or becomes an unsafe driver. Any person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of $45 following a suspension and $75 following a revocation.

Any person who applies for reinstatement of a commercial driver license following a disqualification must pay a service fee of $75. DHSMV is required to collect all of these fees at the time of reinstatement and deposit them into the Highway Safety Operating Trust Fund and General Revenue Fund.

Tax collectors currently process some of the driver license testing and reinstatements; however, they do not receive any of the fees associated with providing these services.

The bill provides that when the tax collector administers a subsequent knowledge test, the tax collector retains the $10 fee, minus the general revenue surcharge. Additionally, the bill provides that for a subsequent skills test administered by the tax collector, the tax collector retains the $20 fee, minus the general revenue surcharge.

It also provides that when the tax collector processes the $45 fee for reinstatement of a driver license following a suspension, the tax collector retains $15 (minus the general revenue surcharge), $15 is deposited into the Highway Safety Operating Trust Fund, and $15 is deposited into the General Revenue Fund. Additionally, the bill provides that when the tax collector processes the $75 fee received from a licensee for reinstatement of a driver license following a revocation or disqualification, the tax collector retains $20 (minus the general revenue surcharge), $20 is deposited into the Highway Safety Operating Trust Fund, and $35 is deposited into the General Revenue Fund.

This bill was signed into law March 30, 2018 as Chapter No. 2018-129, Laws of Florida and the provisions take effect July 1, 2018.

CS/CS/HB 1383
Tax Deed Sales

Local ad valorem taxes are due on November 1 or as soon as the certified tax roll is received by the tax collector. Taxes become delinquent on April 1 of the following year or immediately upon the expiration of 60 days from the date the original tax notice was mailed, whichever is later. If ad valorem taxes are not paid by June 1 or the 60th day after the tax becomes delinquent, whichever is later, the tax collector advertises and sells tax certificates to pay the delinquency.

Two years after April 1 of the year in which the tax certificate was issued, and before the certificate expires, a certificateholder may apply for a tax deed with the tax collector. Certificateholders other than the county

must pay all costs required by statute before the sale may occur, including the costs of any title search or abstract. The tax collector is responsible for notifying the clerk of the circuit court of the parties requiring notice of the pending tax deed sale. The costs to bring the property to sale are added to the opening bid on the property.

Once the tax deed sale is completed, any proceeds in excess of the opening bid are paid over to and distributed by the clerk, first to governmental entities and then to nongovernmental entities in priority. However, if the balance after the governmental liens have been paid is insufficient to cover the cost to notify possible claimants of the proceeds then the clerk may retain the entire balance as a service charge. Any unclaimed money is remitted to the state on behalf of persons entitled to notice of the tax deed sale.

The bill clarifies the responsibilities of the certificateholder applying for a tax deed, including specific costs to pay. The bill requires all tax collectors to contract with title companies or abstract companies to provide a property information report, and deletes references to title searches and abstracts. Fees for property information reports and updates will be added to the costs of sale. The bill revises certain provisions on notice, distribution of surplus funds, and makes editorial changes.

This bill was signed into law April 6, 2018 as Chapter No. 2018-160, Laws of Florida and the provisions take effect July 1, 2018.

HJR 7001
Supermajority Vote for State Taxes or Fees

This joint resolution proposes an amendment to the state Constitution that would provide that no state tax or fee may be imposed, authorized, or raised by the legislature, or authorized by the legislature to be raised except through legislation approved by two-thirds of the membership of each house of the legislature.

It requires that any proposed state tax or fee imposition, authorization or increase must be contained in a separate bill that contains no other subject. The joint resolution also specifies that the proposed amendment does not authorize the imposition of any state tax or fee otherwise prohibited by the state Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

The amendment proposed in the joint resolution will take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election.

The Revenue Estimating Conference adopted a zero impact for the joint resolution on November 13, 2017. This is a joint resolution proposing a constitutional amendment to be submitted to the voters. Whether the constitutional amendment passes or not, the impact is zero. If it passes, the amendment creates a new constraint on the Legislature's ability to enact, authorize or increase state taxes and fees. It does not directly impact current baseline revenue forecasts because they are based on current law and current administration and do not contain assumptions regarding future legislative changes. Future positive state and local revenue impacts from proposed legislation that could pass under current legislative authority may not occur if the amendment is approved by voters this November.

CS/HB 7087
Omnibus Taxation Bill

The legislation provides for a wide range of tax reductions designed to directly impact both families and businesses.

For sales tax purposes, the bill provides a tax rate reduction for tax on commercial property rentals; includes new, extended, or expanded sales tax exemptions for certain generators for nursing homes and assisted living facilities, for certain purchases of agriculture-related fencing materials and building materials for repair of damage from Hurricane Irma, and for certain equipment and electricity used in the production of aquaculture products. The bill provides for a three-day "back-to-school" holiday for clothing and school supplies; and a seven-day "disaster preparedness" holiday for specified disaster preparedness items.

For property tax purposes, the bill provides tax relief for certain property damaged by hurricanes or tropical storms; for certain citrus processing equipment idled due to citrus greening or Hurricane Irma; and for certain surviving spouses of disabled ex-servicemembers. The bill also updates the list of military operations for which deployed servicemembers may receive property tax relief; clarifies the tax exempt status of entities created under the Florida Interlocal Cooperation Act of 1969, and clarifies the property tax treatment of multiple parcel buildings.

For corporate income tax purposes, the bill provides an additional $8.5 million for tax credits for fiscal year 2018-19 for voluntary brownfields clean-up and an additional $5 million for community contribution tax credits spread over the next two fiscal years (also may be taken against sales tax).

Further changes include: a 9% reduction in certain traffic fines if the driver attends a driver improvement course; exemptions from documentary stamp taxes for certain transfers of property between spouses and for certain loans made in connection with local housing finance authorities and certain disaster recovery related loans; reduction in the tax rate on certain aviation fuel uses; exemption from fuel taxes for certain purchases of fuel for export and agricultural related uses; a delay in the beginning date for a natural gas fuel tax; a provision that "marketplace contractors" are not considered employees under state and local law; a provision that "security funds" are a preempted imposition or levy in ch. 202, F.S.; a clarification of the uses of local infrastructure sales surtax; and a requirement for a performance audit of a school board or county program intended to be funded by a local option sales surtax be completed prior to a referendum to enact such surtax.

This bill was signed into law March 23, 2018 as Chapter No. 2018-118, Laws of Florida and the provisions take effect July 1, 2018.

HB 7093
Corporate Income Taxation

Florida imposes a 5.5 percent tax on certain income of corporations doing business in Florida. Florida uses federal taxable income from federal tax returns as a beginning point to calculate corporate income tax owed to Florida. Florida updates its utilization of the Federal Internal Revenue Code (IRC) by adopting the code as it exists on January 1 in any given year. Adopting the code on an annual basis ensures the Florida tax code reflects any relevant changes to the IRC that were made during the prior year.

The federal government recently passed major tax reform legislation. The federal action made numerous significant changes to the taxation of corporations, some of which will reduce and many of which will increase federal taxable income for many Florida taxpayers. By fiscal year 2020-21, the combined effect of the changes from the federal tax changes are expected to result in higher federal taxable income for Florida corporate income taxpayers in the aggregate, though by an unknown amount.

The legislation updates the Florida corporate Income Tax Code by adopting the IRC as in effect on January 1, 2018. However, similar to acts in 2009, 2011, and 2013, the bill does not allow taxpayers, for Florida tax purposes only, to utilize the accelerated deductions allowed for federal tax purposes. Instead, the bill requires taxpayers to spread over a seven year period the amount of the accelerated deductions provided by federal law changes.

It requires the Department of Revenue to examine how the Tax Cuts and Jobs Act will affect the state corporate income tax, conduct public workshops, and to submit a comprehensive report. The bill also requires an automatic downward adjustment of the corporate income tax rate for one year if certain conditions are met. Further, excess income tax collections during fiscal year 2018-2019 must be refunded to corporate income tax payers no later than March 1, 2020, under a process described in the bill.

Finally, the bill authorizes the Department of Revenue to adopt emergency rules to implement the bill.

This bill was signed into law March 23, 2018 as Chapter No. 2018-119, Laws of Florida and the provisions took effect on that date.

Vetoed Bills

Vetoed Bills

CS/CS/HB 1149
Environmental Regulation

The bill revises policies relating to Florida's environmental regulation by:

- Requiring the Department of Environmental Protection (DEP) to revise the water resource implementation rule to create criteria for an impact offset or substitution credit to be applied to the issuance, renewal, or extension of a consumptive use permit (CUP) or to address additional water resource constraints imposed by the adoption of a recovery or prevention strategy;
- Providing that the Legislature encourages the development of aquifer recharge for reuse implementation;
- Requiring DEP and water management districts to develop and enter into a memorandum of agreement no later than December 1, 2018, that provides for coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a CUP, to be used solely at the permit applicant's request;
- Requiring reissuance of the construction phase of an expired environmental resource permit (ERP) if the applicant can demonstrate meeting certain criteria and no more than three years have passed since the original ERP expired, prohibiting local governments from requiring a person claiming that a particular activity meets an ERP exception to provide further verification from DEP, and revising the ERP exception for the replacement or repair of existing docks and piers;
- Providing an exemption for governmental entities to provide mitigation for projects other than its own;
- Requiring local governments to address the contamination of recyclable material in contracts with residential recycling collectors and recovered materials processing facilities;
- Clarifying operation provisions of the C-51 reservoir project and providing waiver of repayment under the water storage facility revolving loan fund; and
- Creating the blue star collection system assessment and maintenance program, which is a voluntary, incentive-based program to assist public and private utilities in limiting sanitary sewer overflows and the unauthorized discharge of pathogens.

VETOED BY THE GOVERNOR APRIL 6, 2018.

Index

Bill Number Index