



**CARLTON
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**2012
Florida Legislature
Post-Session Report**



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2012 Florida Legislature Post-Session Report

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How To Use This Report

This is a summary of significant legislation that passed during the 2012 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.

As of this writing, many of the bills in this report are awaiting review of the Governor and are subject to the Governor's veto authority. The reader is therefore encouraged to check the ultimate status of any bill by contacting our Tallahassee Office or by visiting the Legislature's website (www.leg.state.fl.us). Please select the "Enrolled" (ER) version of the bill. Chapter Law citations and final legislative staff analyses of bills are also available on the Legislature's website.

This report was compiled in substantial part using public records data from the Florida Senate and the Florida House of Representatives.

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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 governments 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 Law and Litigation***

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

▪ ***Affordable Housing***

We are quite familiar with all of the state, local and federal housing agencies involved in provisions or funding of affordable housing and we represent a variety of clients in the planning and development

of affordable housing projects throughout the state. We prepare, review and advocate applications for funding before the Florida Housing Finance Corporation, including Low Income Housing Tax Credit Applications and State Apartment Incentive Loan Applications. Lawyers and government consultants within the firm's Real Estate Development, Land Use, Planning, and Environmental Regulation areas give depth to our work in affordable housing and they are tapped when necessary.

▪ ***Business and Professional Regulation and Licensure***

We routinely guide clients through the often complex requirements necessary to obtain professional or business licensure in Florida. These include construction, medical, engineering, architecture, real estate, condominium, 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 a this clientele in the defense of government initiated disciplinary actions based on alleged regulatory violations. Our statewide network of attorneys and diverse practice groups also allows us to assist clients in their efforts to be proactive about tax, corporate form, real estate and other implications of contemplated business activities.

▪ ***Education, Including Charter Schools***

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

▪ ***Energy***

We provide a wide range of services to businesses and energy-related companies, both public and private, including manufacturing, electric and natural gas entities. We counsel and advocate positions between private companies, before state regulatory

agencies, state and federal courts, and arbitration panels. Our services involve utility regulatory proceedings and strategy; litigation, arbitration and alternative dispute resolution; legislative and executive branch lobbying and government relations; local government relations (e.g., power lines, pipelines); contract negotiations; tax, corporate and securities; real estate, land use and economic issues; renewable and alternative energy sources (e.g., bio fuels); eminent domain; employment.

▪ ***Environmental Regulation and Natural Resources***

We are experienced in the area of environmental law and advocate on behalf of clients in a diverse range of industries that regularly confront environmental issues. 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, Brownfields sites, Superfund, wetlands, zoning, listed species and water rights and supply, and leasing of sovereignty submerged lands and state-owned uplands.

▪ ***Ethics, Elections, and Gifts***

We guide clients and candidates through the requirements necessary to qualify to run for public office, and campaign finance reporting requirements. We are well-versed in the state's constitutional amendment petition process, third party voter registration procedures, and general campaign, voting procedures and redistricting. In addition, we provide assistance to clients regarding restrictions relating to gifts to government officials and employees, including restrictions applicable to lobbyists and those who employ lobbyists.

▪ ***Government Procurement***

We have extensive experience advising and representing client vendors and contractors who seek to do business with government at state and local levels. We protect the client's legal interests in contract negotiations with state and local government entities to include the mitigation of exposure under public records laws. We guide clients through all phases of the public procurement process, from providing information to government entities during the development of procurement solicitation documents, assisting public contractor clients in the preparation of their responses to competitive

procurements, defending and challenging awards through both administrative and judicial proceedings, participating in the negotiation of contract terms, and providing advice and representation of clients in matters regarding contract compliance. In addition, we both represent certain public entities in defending award decisions and provide legal advice to such entities regarding the implementation of procurement policies and procedures designed to minimize the likelihood of future procurement litigation.

▪ ***Insurance and Financial Services Regulation***

Our insurance practice was ranked by Chambers USA among the top insurance practices in Florida in its inaugural Chambers USA guide to America's Leading Business Lawyers. We have an extensive experience in the areas of licensure, coverage matters, property damage claims, bad faith, business litigation, and regulation to include:

- Formation and licensing of foreign and domestic insurers and specialty insurers
- Self-insured licensure status for workers' compensation
- Ratemaking, including administrative rate proceedings, judicial proceedings, and rate arbitration
- Form and product filing approvals
- Statutory accounting, admitted asset, diversification and solvency issues
- Residual market issues in connection with catastrophic coverage, residential and commercial property coverage, and depopulating state residual markets
- Insurance taxation, including premium tax, corporate income tax, retaliatory tax, and special purpose assessments
- Issues pertaining to the affiliation of banking and insurance
- Administrative rule challenge proceedings
- Market conduct investigations and cases
- Representation of companies and agents regarding Unfair Trade Practices Act

- Market exit disputes with regulators
- Solvency and receivership actions against regulated insurance entities under Chapter 631, Florida Statutes
- Ongoing compliance issues

▪ **Land-Use and Economic Development**

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

We prepare impact analyses for any type of development, having coordinated and/or assisted clients in preparing and presenting over 200 DRIs and FQDs in many local governments in all areas of Florida. We are very successful in supervising and shepherding comprehensive plan amendments that support DRI and FQD applications through the local and state approval process. We also deal extensively with aggregation issues and Binding and Clearance letters as well as other issues regarding vesting of development rights.

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

▪ **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 and agency proposals and political and policy considerations, assessing their impact on client opera-

tions. We draft legislation and amendments to legislation or rules, and use our extensive political relationships efficiently to advocate client positions before local governments, all 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.

▪ **Public Records and Open Meetings**

- We provide advice and representation to clients relating to Florida's Government in the Sunshine Laws. We assist clients both by obtaining public records from government agencies and by advising clients regarding the measures available to protect confidential documents from disclosure as public records. We also provide counsel to both public and private clients regarding open meetings laws, including the procedures required to ensure compliance and the repercussions of noncompliance.

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

Biographical information on our practice group members is located at www.carltonfields.com.

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Corporate, Business & Professional Regulation

▪ **CS/HB 249** **Public Lodging Establishments**

The bill exempts apartment buildings that are inspected by the U.S. Department of Housing and Urban Development (HUD), or other entity acting on its behalf, and that are designated primarily as housing for persons age 62 or older from regulation by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation. The division may require the operator of the building to attest in writing that the apartment meets the criteria to qualify for the exemption. The bill also authorizes the division to adopt rules to implement this exemption.

The bill exempts roominghouses, boardinghouses, or other sleeping facilities that are not classified as a hotel, motel, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment from the definition for the term “public lodging establishment.” The amended definition would exempt these locations from regulation by the division.

The bill would also expand the definition of the term “vacation rental” to include three-family houses or dwelling units in addition to the single-family, two-family, and four-family houses or dwelling units that are currently included in the definition.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ **CS/HB 387** **Electronic Filing of Construction Plans**

This bill authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 521** **State Preemption of the Regulation of Hoisting Equipment**

This bill preempts to the state any local laws, ordinances or regulations pertaining to hoisting equipment that is not already preempted by the Occupational Safety and Health Administration. The act does not apply to the regulation of elevators under ch. 399, F.S., or to airspace height restrictions under ch. 333, F.S. If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 693** **Department of Business and Professional Regulation**

The bill repeals provisions related to the use of metering machines for placing tax stamps on cigarette packages to evidence payment of excise taxes. According to the Department of Business and Professional Regulation (department), such machines are no longer in use.

The bill repeals the following licensing requirements:

- The requirement that professional licensees of the department who change from inactive to active status during the renewal of their license must complete a licensure cycle on active status before they can return to inactive status;
- The license requirement for the chief administrators of real estate schools;
- The requirement that applicants for licensure as a nonresident real estate broker, sales associate, appraisal management company, and appraiser file an irrevocable consent for service through which a plaintiff may serve process against the non-resident license by sending the process to the director of the agency as well as to the licensee’s principal place of business by certified mail with return receipt. This bill would require plaintiffs to obtain service of process against a nonresident licensee with a process server;
- The requirement that an applicant for a barber’s license apply with the department at least 30 days before taking a license exami-

nation and furnish two photographs with the application; and

- The requirement that alcoholic beverages licenses be issued in duplicate.

The bill also repeals the prohibition against the processing of distilled spirits that are greater than 153 proof. The bill maintains the current prohibition against the sale or consumption of a distilled spirit that is greater than 153 proof. However, the bill permits distilled spirits that are greater than 153 proof to be distilled, bottled, packaged, or processed for export or sale outside of the state.

If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/CS/SB 704***
Building Construction and Inspection

This bill amends a number of provisions related to building construction and inspection in Florida. The bill:

- Modifies how local government code enforcement boards serve notices on property owners by allowing for certified mail to be sent to any address provided by the property owner in writing, allowing registered agents to be served for property owned by a corporation and allowing notice to be posted if certified mail is not signed as received within 30 days;
- Requires public bodies to open sealed bids for construction and repairs to public buildings at a public meeting;
- Revises permitting measures, establishes title transfer procedures, and provides for the applicability of rules governing on-site sewage treatment and disposal systems;
- Authorizes building and fire code administrators to accept electronically transmitted construction plans and related documents for permit approval purposes;
- Includes fire safety inspectors among those eligible to take the building code inspector or plans examiner certification exam and shortens the time length of a provisional certificate for newly employed or promoted inspectors or examiners;
- Includes landscape architecture in the mold assessment exemption;
- Clarifies that a landscape design practitioner may submit planting plans independent of, or as a component of, construction documents;
- Creates an owner-as-contractor licensure exemption for persons engaged in solar panel projects through the U.S. Department of Energy's Sunshot Initiative; provisions to facilitate the electronic submission of permitting applications for these solar projects are created;
- Expands the meaning of 'demolish' as it is used to define licensed contractors;
- Modifies plumbing contractor scope of services to include drain cleaning and clearing, and installation or repair of rainwater catchment systems;
- Expands the roofing contractor licensure scope of work to include skylights;
- Expands air conditioning and mechanical contractor licensure to include the testing and evaluation of ventilation systems and duct work;
- Clarifies the responsibilities of certified contractors and registered contractors, specifically clarifying that contractors can perform and supervise all work which falls within the scope of their license, whether that work is performed by a subcontractor or a business entity hired by and supervised by the licensed contractor;
- Eliminates the division II glass and glazing contractor license;
- Establishes the remedial nature and retroactive application of contracts related to the sale of manufactured or factory-built buildings;
- Specifies that certain Florida Building Code permit fee surcharges be allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program;
- Exempts specified hunting structures from the Florida Building Code;

- When denying a building permit, requires local enforcing agencies and local building code administrators and inspectors to provide denied applicants with the specific building codes or sections that were out-of-compliance;
- Extends an expiration provision from the 2010 Florida Building Code to the 2013 Florida Building Code related to exposed mechanical equipment or appliances fastened to a roof or installed on the ground;
- Directs the Florida Building Commission to adopt a rule outlining an alternative method of screen enclosure design and establishes a workgroup to assist the commission in developing a rule for implementing the design.
- Provides a process for reactivation of licenses that are inactive or delinquent on June 30, 2012, because of the licensee's request or due to failure to complete the continuing education requirements. The inactive license may be reactivated upon the completion of 120 hours of continuing education if that person applies for reactivation between June 30, 2012, and December 31, 2012.
- Provides the process for reactivating licenses that have become delinquent for failure to complete continuing education requirements. The process would require the inactive licensee to pay a fee as determined by the department and to submit proof of satisfactorily completing the continuing education requirement. The inactive licensee must also submit the completed application for reactivation to the board by March 15 immediately following the inactive period.

If approved by the Governor, except as otherwise expressly provided in this act and except for section 20, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

▪ **CS/CS/HB 769**
Public Accountancy

The bill:

- Deletes the requirement that the one year of work experience that is required for a license as a certified public accountant (CPA) must be under the supervision of a licensed CPA. The bill requires that the applicant's work must be verified by a licensed CPA. The bill deletes the requirement that applicants for a license as a certified public accountant must have the required one year of work experience verified by the CPA who supervise them.
- Provides an alternative method for licensure by endorsement for out-of-state applicants who are licensed. The bill would permit a CPA who has been licensed in another state or territory to become licensed in Florida if they have been licensed in another state for at least 10 years before the date of application, has passed a licensing examination that is substantially equivalent to the Florida examination requirement, and meets the Florida requirements for good moral character.

- Requires the Board of Accountancy, upon the approval of the board, to complete a report on the potential cost savings for privatization of the division or its functions as outlined in s. 455.32, F.S. The report must be submitted to the presiding officers of the Senate and the House of Representatives no later than November 30, 2012.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 827**
Limited Agricultural Associations

Limited agricultural associations were created by statute in 1941 as a way to enable agricultural producers in the state to benefit from a collective effort without the expenses imposed by a corporate structure. Currently, there are about 60 limited agricultural associations operating in Florida, the majority of which are county farm bureaus which provide services to over 140,000 members.

This bill provides for conversion of a limited agricultural association into a domestic not-for-profit corporation. Specifically, the bill establishes requirements for conversion, including certain information that must be filed with the Department of State to convert into a domestic corporation. The conversion does not affect any obligation or liability of the association.

Additionally, the bill creates a fee of \$35 for filing a certificate of conversion into a domestic corporation. If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/CS/HB 885***
Transactions by Secondhand Dealers and Secondary Metals Recyclers

This bill amends provisions found in ch. 538, parts I and II, F.S., which deals with secondhand dealers and secondary metals recyclers.

As it relates to secondhand dealer, this bill:

- Defines the term “appropriate law enforcement official”; and
- Requires that individuals purchasing, consigning, or trading secondhand goods at a flea market be regulated by secondhand dealer laws.

As it relates to secondary metal recyclers, this bill:

- Defines the terms “appropriate law enforcement official,” “personal identification card,” “restricted regulated metals,” and “utility”;
- Requires that secondary metals recyclers maintain and transmit daily an electronic record of all the previous day’s purchase transactions to the appropriate law enforcement official;
- Revises the timeframe that secondary metals recyclers are required to maintain purchase transaction records;
- Limits the liability of secondary metals recyclers for the conversion of motor vehicles to scrap metal, as well as in premise liability cases;
- Modifies the acceptable forms of payment; and
- Prohibits the purchase of regulated metals before 7:00a.m. or after 7:00p.m.

As applied to secondary metal recyclers, this bill does the following with respect to preemption:

- Provides that the regulation of purchase transactions involving regulated metals

property is preempted to the state with the exception that any ordinance enacted by a county or municipality before March 1, 2012 is precluded from such preemption. Such ordinances or regulations may subsequently be amended to incorporate provisions found under the secondary metal recycler law section; and

- Creates a specific exception to preemption for Miami-Dade County until July 1, 2013.

With respect to metal theft, this bill does the following:

- Increases the penalty for violation of secondary metals recycler laws to a third degree felony;
- Increases the penalty for three or more violations of such provisions to a second degree felony;
- Defines the term “electrical substation” in the theft of copper statute; and
- Provides that a person who knowingly and intentionally engages in the unlawful removal of copper from an electrical substation commits a felony of the first degree.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 887***
Business and Professional Regulation

This bill streamlines procedures of the Department of Business and Professional Regulation (department). It revises the following provisions related to the department’s licensing processes and the requirements for the professions licensed by the department:

- Permits wholesale tobacco dealers to extend credit to retail dealers, and authorizes the Division of Alcoholic Beverage and Tobacco to suspend or deny the renewal of the tobacco permit of a retail dealer after the wholesale dealer submits proof to the division that the dealer has failed to satisfy a civil judgment for failure to pay for tobacco products purchased from a wholesale dealer. The permit would remain suspended

until the retailer entered into a payment plan or satisfied the civil judgment in full;

- Waives the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for military veterans who apply to the department for a license within 24 months of being honorably discharged from service;
- Authorizes the department to approve continuing education providers and courses without a review by the appropriate board if the provider or course application does not require expert review or denial;
- Authorizes the department, in lieu of a board, to approve applications for reinstatement of a void license if the department determines that the individual failed to comply due to illness or economic hardship;
- Authorizes the department to send the license renewal notice to the licensee's last known e-mail address if provided;
- Permits continuing education instructors to complete their continuing education through distance learning;
- Revises the provisions related to the regulation of appraisal management companies banks, credit unions, or other lending institutions that own and operate an internal appraisal office, business unit, or department. This is consistent with the federal Dodd Frank Act, which exempts from state regulation financial institutions that own or operate an internal appraiser office, business, unit, or department and appraisal management companies that are owned and controlled by a subsidiary of a financial institution;
- Permits applicants for a real estate appraiser's certification to the results of national examinations required for the license that were obtained more than 24 month after the date of the examination;
- Prohibits appraisal management companies from requiring that appraisers agree to an indemnity agreement;
- Permits cosmetology applicants, if licensed in another state, to qualify for a license without having to submit proof of completing their required educational hours if the

other state's requirements include 1200 pre-licensure hours and passage of a written examination;

- Permits cosmetologists and specialists to perform cosmetology and specialty services at special events held outside of salons if they are employed by a licensed salon and appointments for such services are made through a licensed salon;
- Repeals the license requirement for glass and glazing contractors;
- Extends from November 1, 2005, to November 1, 2014, the period for registered contractors, who are limited to practicing within the county or counties in which they are registered, to qualify for state-wide certification;
- Exempts amateur boxing, martial arts or kickboxing matches from the prohibition against blows to the head in such matches unless the match is sanctioned by an amateur sanctioning organization when the matches are conducted or sponsored by nonprofit schools or education programs, a company or detachment of the Florida National Guard or by the Fraternal Order of Police, and held in conjunction with a charitable event. This provision would take effect upon becoming law; and
- Repeals the five percent tax on closed circuit television broadcasts of pugilistic matches to matches originating within and out-of-state.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/CS/HB 897***
Construction Contracting

The bill increases the information that must be shared among parties involved in a construction project and increases the time periods within which construction liens may be recorded or claims against a payment bond may be made. Additionally, the bill:

- Establishes a uniform time period of 5 years to initiate an action to enforce a claim against a payment bond.

- Requires a contractor to supply a copy of the payment bond to the public entity contracting for a public works project before commencing construction.
- Requires government entities to open sealed bids for public works projects at a public meeting.
- Simplifies procedures for a lessor to prohibit the attachment of liens to a parcel of property as the result of an improvement to a leased premises by a tenant.
- Revises the methods by which notices and other documents relating to construction liens must be served.
- Authorizes a contractor to satisfy certain grandfathering provisions for certification as a contractor by 2015 and allows glass glazing contractors to receive certification through the grandfathering provisions.

If approved by the Governor, these provisions take effect October 1, 2012, except as otherwise provided in the bill.

▪ ***CS/HB 1013***
Limitations on Residential
Construction Warranties

The bill provides that a purchaser of a new home or a homeowners' association does not have a cause of action for damages based on an implied warranty of fitness and merchantability or habitability, relating to an offsite improvement for a new home as determined by a recent appellate case known as Maronda. Under the bill, an "offsite improvement" includes a street, driveway, road, sidewalk, drainage, utilities, or any other improvement or structure that does not immediately and directly support the fitness and merchantability or habitability of the home itself. If approved by the Governor, these provisions take effect July 1, 2012.

Education & Workforce Development

▪ **CS/HB 45** **Postsecondary Education Course Registration for Veterans**

The bill requires public postsecondary institutions that offer priority course registration to a segment of the student population to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also allows for a veteran's spouse or dependent children to whom the GI Bill educational benefits have been transferred to be granted priority course registration. Additionally, the bill encourages independent postsecondary institutions to provide the same benefit of priority course registration to veterans and their dependents as public postsecondary institutions are required to provide under the bill.

The bill will enable veterans who are utilizing GI Bill educational benefits to have greater access to available courses, thereby decreasing the number of excess hours taken by veterans and reducing the time to graduation. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/SB 98** **Education**

The bill authorizes district school boards to adopt policies which would permit a student to deliver an inspirational message at a student assembly. The bill clarifies that students retain control over the decision to provide an inspirational message and the choice of student volunteers to deliver the message. The content of the message is entirely at the discretion of the student volunteer.

School district personnel are prohibited from involvement in the following:

- Determining whether an inspirational message is to be delivered;
- Selecting a student to deliver the message; and
- Monitoring or reviewing message content.

The bill provides as its purpose the formal or ceremonial observance of an occasion or event. This one bill likely be challenged in court. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/SB 198** **State University System Optional Retirement Program**

This bill increases retirement options for state university employees. Under the bill, the number of providers that the Department of Management Services is authorized to contract with for optional retirement services is increased from five to six companies. Like the other five selections, the additional company must be chosen from among the group of companies recommended by the Board of Governors. Selection of an additional provider would require participation in the competitive bid process. The contract term of an additional provider would be effective until December 31, 2014, after which time all companies seeking a designation would participate together in competitive procurement. If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/HB 285** **Sick Leave for School District Employees**

The bill grants school districts the option of creating policies which permit district employees to donate their unused sick leave to a non-relative district employee. Recipients must have exhausted all of their own sick leave before using donated leave. Also, districts that implement these policies must require documentation from the physician of the person receiving the sick leave, establish a minimum number of sick leave days needed by the recipient before participating in the program, require unused transferred sick leave to be returned to the donating employee, and establish a minimum number of sick leave days a donating employee must retain after transferring sick leave days. Donated sick leave has no terminal value. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 291**
Youth Athletes

This bill requires the Florida High School Athletic Association (FHSAA) and independent sanctioning authorities to adopt:

- Guidelines to educate coaches, officials, administrators, youth athletes and their parents or guardians about the risk of concussion and head injury; and
- Bylaws that require head-injured youth athletes to be immediately removed from play and not allowed to return until they submit a written clearance by an appropriate health care practitioner.

The FHSAA is required to adopt bylaws that provide the establishment and duties of the Sports Medicine Advisory Committee (SMAC) of the FHSAA, with the following representation:

- Eight medical or osteopathic physicians in any combination, provided that there is at least one osteopath;
- One chiropractor;
- One podiatrist;
- One dentist;
- Three licensed athletic trainers; and
- One current or retired high school head coach.

The designation and scope of an appropriate health care practitioner is to be defined by the SMAC of the FHSAA.

Parents or guardians are required to annually provide signed informed consent about concussion and head injury prior to their child's participation in athletics. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 347**
College Credit for Military Training and Education Courses

The bill requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules to provide guidance to their respective institutions in evaluating and awarding college

credit for training and education acquired in the military. The procedures established in the rules and regulations will allow for a more uniform approach in evaluating and awarding college credit for military training and education across public higher education institutions in Florida.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 465**
District School Board Bonds

This bill revises the requirements for the form and duration of school district bonds to:

- Allow bonds to be issued for a period of 30 years, instead of 20 years, from the date of issuance, unless the Department of Education approves a longer period; and
- Remove the requirement that bonds bearing interest in excess of 2.99 percent must be callable beginning not later than 10 years from the date of issuance, thus allowing the school board to set the terms and the time period under which bonds will be callable.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/CS/HB 859**
Florida Tax Credit Scholarship Program

The bill makes changes to the Florida Tax Credit (FTC) Scholarship Program, which allows private, voluntary contributions from corporate donors to nonprofit scholarship-funding organizations that provide scholarships to eligible students.

Tax Credits

The bill increases the \$218,750,000 maximum tax credit available in fiscal year 2012-2013 by \$10,250,000 to \$229 million. In fiscal year 2013-2014 and thereafter, the cap will continue to increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year.

Eligible Students

The bill allows a student who is eligible to enter kindergarten through fifth grade to receive an FTC

scholarship without having to meet the prior year public school enrollment requirement. Also, the bill removes the household income level requirements for a student who is currently placed, or during the previous fiscal year was placed, in foster care.

Participating Private Schools

The bill authorizes private schools that participate in the FTC program to administer statewide assessments at the private school to students in grades three through ten. Upon request by a participating private school, the Department of Education (DOE) must provide the assessments and related materials at no cost. The number of scholarship students who may be assessed is contingent upon the terms and conditions in the DOE's contracts for assessments.

Private schools that administer the statewide assessments would be subject to State Board of Education rule and district policy for assessment protocol. Private schools would be responsible for reporting the scores of their students to the independent research organization that is charged with reporting student learning gains to the DOE. School districts and the DOE would provide the assessments and support to private schools that choose to administer these assessments.

Current law allows the DOE to make seven random site visits to participating private schools each year; however, no more than one site visit may be made each year to the same private school. The bill eliminates the requirement that the site visits be random. The DOE may make additional site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous two years. 2012 Summary of Legislation Passed Committee on Education Pre-k.

The bill authorizes the Commissioner of Education to deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of a private school has exhibited a previous pattern of failure to comply with the law related to the FTC program or private school accountability.

If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/HB 1357*** ***District School Boards***

The bill provides flexibility for a school district in scheduling the election of the school board chair by expanding the time period in which school districts are required to hold their school board organizational meetings in non-election years. The bill provides for the meeting to be held in November of each year, except during election years. During election years, the organizational meeting must be held on the same day in which newly elected members begin their terms. The bill only applies to school districts where school board chairs are not elected by a districtwide vote.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/HB 1403*** ***High School Athletics***

Under this bill, any high school, including a traditional public school, a charter school, a private school, a virtual school, and a home education cooperative, is eligible for membership in the Florida High School Athletic Association (FHSAA). Membership, however, is voluntary.

The bill clarifies eligibility for transfer students, so that they can continue to play as long as their transfer is approved by the district school board.

The FHSAA will be required to adopt bylaws for the following:

- Required background screening for investigators and reasonable conditions under which investigations can take place;
- Sanctions for coaches who have committed major violations; and
- Procedures and standards for student eligibility determination.

Due process protections will be preserved for student eligibility appeals when new evidence is available. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **SB 1994**

Postsecondary Education

- Creates the Florida Polytechnic University, Florida's 12th public university. All laws governing a university will apply, including the establishment of a board of trustees and a president.
- Requires Florida Polytechnic University to meet the milestones in the Board of Governor's motion by December 31, 2016.
- Requires the University of South Florida (USF) to allow current USF Polytechnic students to complete their degree at USF in Polk County.
- Transfers real and personal property, licenses and associated revenues, existing contracts, unexpended balances, appropriations, allocations, funds, and mutually agreed-upon obligations, responsibilities, and liabilities of USF Polytechnic to Florida Polytechnic University.
- Requires USF to retain the current faculty and staff, except for faculty and staff of the Florida Industrial and Phosphate Research Institute which are transferred to the new Florida Polytechnic University.
- Requires USF to transfer Polytechnic-related foundation funds to a new Florida Polytechnic University foundation after obtaining donor consent.
- Cancels all memorandums of understanding between USF and USF Polytechnic upon this act becoming law.
- Authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations for legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.
- Requires Florida Polytechnic University to allow the University of South Florida to use space at the Lakeland joint-use facility pursuant to a mutual agreement for the purpose of continuing the local education of existing USF Polytechnic students. Florida Polytechnic University shall transfer space at the Lakeland joint-use facility to Polk State

College as new space becomes available on the new campus of Florida Polytechnic University.

- Authorizes the University of Florida to serve in an advisory/consulting capacity to the new university on certain issues.
- Provides civil immunity for USF and Florida Polytechnic University Board of Trustees, officers, and other employees for actions pertaining to this act.
- Appropriates \$6 million in recurring funds for USF College of Pharmacy.
- Appropriates \$10 million in recurring funds for USF for the purpose of allowing students enrolled in University of South Florida Polytechnic to complete their degrees at USF. This funding is contingent upon USF implementing the transfers required in the bill and upon USF maintaining full campus and program operations, including the retention of current faculty and staff of USF Polytechnic until June 30, 2012.

If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 5101**

Prekindergarten through Grade 12 Education Funding

- Modifies the Florida Education Finance Program (FEFP) Supplemental Academic Instruction allocation for 2012-2013 and 2013-2014 to require districts with the 100 lowest performing elementary schools to provide intensive reading instruction by effective teachers for the students in these schools for an additional hour a day beyond the normal school day for the entire school year.
- Modifies the FEFP Reading allocation for 2012-2013 and 2013-2014 to provide intensive reading instruction for students in the 100 lowest performing elementary schools during an additional one hour of instruction beyond the normal school day for the entire school year. Limits the use of these funds for reading coaches.
- Limits flexibility for the use of Reading and Supplemental Academic Instruction alloca-

tions to first require the additional hour of instruction for students in the 100 lowest performing elementary schools.

- Delays the increased class size penalty (from 50% to the full amount of the base student allocation) until 2014-2015, including a retroactive adjustment of the 2011-2012 penalty calculation.
- Provides school districts with flexibility for instructional materials purchases, which are required to be made during the first two years of the adoption, for the 2012-2013 mathematics adoption if the districts meet certain requirements.
- Requires providers and schools to implement pre and post assessments for students in the voluntary prekindergarten program.
- Limits the amendatory period for the reporting of full-time equivalent (FTE) for payment to providers and schools by early learning coalitions for the voluntary prekindergarten program.
- Requires districts to provide Discretionary Local Effort funds up to the state average and/or state compression funding for juvenile justice education students.
- Requires school districts to participate in a School District Consortium to maximize purchasing power for goods and services.
- Creates the K-12 Public School Facility Funding Task Force to make recommendations for funding equity among charter schools and school district schools.
- Creates the Digital Instructional Materials Work Group to plan and monitor the transition to digital instructional materials.
- Limits the 5% charter school administrative charge for schools with exceptional student enrollment that is 75% or greater of the total school enrollment.
- Conforms severance package language for district superintendents and employees to s. 215.425, F.S. (from a maximum of one year's salary to a maximum of 20 weeks compensation).
- Limits the use of public broadcasting funds to TV stations to reflect budget allocations.
- Clarifies that the Sheriff is an eligible juvenile justice education provider.
- Repeals the Manatee County School District compulsory school attendance age pilot project.
- Authorizes the Commissioner of Education to waive certain school district facilities construction requirements if justified by the district.
- Clarifies that Auditor General audits satisfy the independent audit requirement for the educational facilities plan of school districts.
- Provides technical clarification of FEFP reporting requirements and audit adjustments.
- Maintains the waiver of the three-fourths limit for the use of school district discretionary capital outlay millage funds for payments required by lease-purchase agreements.

This bill substantially amends sections 496.404, 1001.25, 1001.26, 1001.42, 1001.50, 1002.33, 1002.67, 1002.69, 1002.71, 1003.01, 1003.03, 1003.52, 1006.40, 1011.61, 1011.62, 1011.71, 1013.03, 1013.35, and repeals section 1003.61 of the Florida Statutes. If approved by the Governor, these provisions take effect upon becoming law and on July 1, 2012.

▪ ***HB 5103***
School Readiness Program

Clarifies school readiness programs may be operated full-time and part-time.

- Defines terms for purposes of the School Readiness Act.
- Prioritizes services to eligible children from birth to kindergarten.
- Requires definitions for expenditures and reports for:
 - Direct expenditures for services to children;
 - Administrative costs;

- Nondirect expenditures; and
- Quality.
- Requires the Office of Early Learning to:
 - Adopt a list of approved curricula;
 - Identify a preassessment and postassessment;
 - Adopt a statewide, standardized contract to be used by coalitions with each school readiness provider;
 - Coordinate with other agencies to perform data matches on individuals or families participating in the school readiness program; and
 - Submit annually a recommended allocation of funds to the School Readiness Allocation Conference including payment rates, parent co-payment percentages, and the Gold Seal premium rate percentage.
- Revises procurement requirements and requirements for the expenditure of funds by early learning coalitions.
- Requires coalitions to merge if they are unable to comply with expenditure requirements.
- Allows the Office of Early Learning to provide a waiver for merging coalitions for the 2012-2013 and 2013-2014 years if justification for excess expenditures are provided.
- Incorporates existing licensing guidelines which are identified in other areas of statute.
- Revises the eligibility criteria for the enrollment of children in the school readiness program and provides the following priorities by which children are enrolled:
 - First priority is a child under 13 from a working family receiving TANF;
 - Second priority is an at-risk child under 9;
 - Third priority is a child under 6 from an economically disadvantaged family, and children younger than 6 who are disabled;
 - Fourth priority is a child ages 9 through 13 who is a sibling of a younger child in the school readiness program through the at-risk provision;
 - Fifth priority is a child ages 6 through 13 who is a sibling of a younger child in the school readiness program through the economically disadvantaged provision; and
 - Last priority is for a child who is also concurrently enrolled in the Head Start program and the Voluntary Prekindergarten Program.
- Provides for the allocation of school readiness funds as specified in the General Appropriations Act, s. 411.01(10) and 411.013, Florida Statutes.
- For 2012-2013, requires the Office of Early Learning to submit by May 31, 2012, a recommended formula for the allocation of School Readiness Program funds, including standardized provider payment rates, Gold Seal premium rate percentages, and a parent co-payment percentage to the School Readiness Allocation Conference for review. The recommended formula will be phased-in over a three-year period.
- Requires recalculation of the funding allocations quarterly by the Office of Early Learning.
- Deletes provisions for the establishment of an allocation formula by the Office of Early Learning.
- Defines and limits expenditures for administrative activities, quality activities, and nondirect activities.
- Provides for fraud investigations and provides penalties for school readiness providers and parents who knowingly submit false information related to child eligibility and attendance in a school readiness program.
- Creates the School Readiness Allocation Conference, whose duties are to review allocation recommendations by the Office of Early Learning.

- Establishes a due date for school readiness providers to submit market rates to be used as part of the prevailing market rate schedule.

This bill substantially amends sections 216.136, 411.01, 411.0101, 411.01013, 411.0106, 445.023 and creates section 411.013 of the Florida Statutes. If approved by the Governor, these provisions take effect upon becoming law and on July 1, 2012.

▪ **HB 5201**
Postsecondary Education Funding

- Establishes the Florida Virtual Campus to provide access to online student and library support services, to serve as a statewide resource and clearinghouse for postsecondary education distance learning courses and degree programs and to increase student access and completion of degrees.
- Establishes a Degree Completion Pilot Program to recruit, recover, and retain adult learners and assist them in completing degrees aligned to high-wage, high-skill, and workforce needs.
- Increases the surcharge for excess credit hours.
- Authorizes the Board of Governors to transfer unused Student and Other Fees Trust Fund authority between institutions, and restricts universities' ability to transfer funds in excess of \$1 million to and from satellite campuses.
- Maintains the salary limitation on the amount of state funds that may be used for salaries of Florida College System and State University presidents and administrative employees in Fiscal Year 2012-13.
- Provides that a full-time student, co-enrolled in a K-12 education program and an adult general education program, may be reported for funding for two courses in an adult education program in Fiscal Year 2012-2013.
- Shortens the length of time from 3 years to 2 years that a student is eligible to accept the initial Bright Futures Scholarship after high school graduation.
- Clarifies that students enrolled in the Spring/Summer University of Florida pilot program are authorized to receive a Bright Futures Scholarship award for only two semesters each year.
- Clarifies that students are required to annually submit the Free Application for Federal Student Aid (FAFSA).
- Limits allowable uses for the Bright Futures Gold Seal Vocational Scholarship to vocational programs.
- Requires the Florida Fund for Minority Teachers (FFMT) and the Florida Education Fund (FEF) to provide financial reports on an annual basis.
- Requires the FFMT to use a contingency collection agency to recoup scholarship repayments from students in default.
- Eliminates a statutory FEF law scholarship program which is no longer utilized.
- Revises matching requirements for the FEF, the Jose Marti and Mary McLeod Bethune Scholarship Programs.
- Requires coalitions to maximize purchasing power for higher education institutions.
- Requires the Auditor General to notify the Joint Legislative Auditing Committee of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in the two preceding audit reports.
- Requires audits with significant findings for the Florida College System, State University System, and School Boards to be presented and discussed in a public board meeting.
- Authorizes the University of Florida to exceed the 5% bonding limitation on the Activity and Service (A&S) fee to fund the renovation and expansion of the student union.
- Establishes a Workforce Education scholarship pilot program for Adults with Disabilities for up to 30 students for 2 years in Hardee, DeSoto, Manatee, and Sarasota counties.

- Allows universities to enter into local development agreements to identify and negotiate plans to mitigate the impact of specific projects and the corresponding affects on local governments, notwithstanding ss. 1013.30 and 1013.51, F.S.
- Increases the limit of the Capital Improvement Fee from 10% to 20% of tuition for Florida colleges, and for state universities indexes the Capital Improvement Fee to 10% of tuition, but limits increases to no more than \$2 per credit hour per year.
- Authorizes university budget transfers in the current fiscal year up to \$2 million.
- Provides for name change of South Florida Community College to South Florida State College, contingent upon accreditation by SACS.
- Requires employment agreements, contracts, renewals or renegotiation of existing contracts for presidents, administrative and instructional staff to include provisions relating to severance required in s. 215.425, F.S.
- Deletes a provision providing for a Florida College System institution in some circumstances to apply for an exemption from SBOE approval of additional baccalaureate degree programs.

If approved by the Governor, these provisions take effect upon becoming law and on July 1, 2012.

▪ ***CS/HB 7023
Regional Workforce Boards***

This bill amends statutes related to Florida's workforce system, and includes measures designed to increase the accountability of the workforce system. Specifically the bill:

- Limits total membership of each local regional workforce board to the minimum membership required under federal law. However, upon approval by the Governor, the local elected official may appoint additional members. Additionally, if a public education or training provider is on the board, both a representative of a private non-profit provider and a representative of a private

for-profit provider must be appointed to the board;

- Requires each member and the executive director or person responsible for the operational and administrative functions of a regional workforce board to file disclosure of financial interest pursuant to s. 112.3145, F.S., if they are not already required to file a financial disclosure pursuant to Art. II, s. 8, State Constitution, or s. 112.3144, F.S.;
- Provides authority for the Governor to remove any member of a regional workforce board or the executive director or person responsible for the operational and administrative functions of a regional workforce board for cause;
- Requires the regional workforce board to develop an annual budget for the purpose of carrying out its duties that must be approved by the local elected official and submitted to Workforce Florida, Inc., within 2 weeks of approval;
- Requires Workforce Florida, Inc., to evaluate the development of a single, statewide workforce-system brand for Florida and submit a report to the Governor by a date certain;
- Revives from expiration the provision which prohibits the regional workforce boards from utilizing state or federal funds for meals, food, beverages, entertainment, or recreational activities;
- Revives from expiration the provision which requires that any contract between a regional workforce board and a member of the board, or a contract between a board and a relative of a member or employee of the board, has to be approved by a two-thirds vote of the board;
- Requires the regional workforce board's procurement and expenditure procedures to comply with the policies of the Department of Economic Opportunity and Workforce Florida, Inc.;
- Provides that making smaller, multiple payments for a single purchase with the intent to avoid procurement and expenditure procedures is grounds for removal for cause;

- Requires at least 50 percent of the Title I funds for Adults and Dislocated Workers to be expended on Individual Training Accounts, including tuition, books, and fees of training providers and other related training services;
 - Requires regional workforce boards to provide the greatest possible choice of training providers, and prohibits the boards from limiting choice due to costs, location, or historical training arrangements; and
 - Saves from repeal a provision that provides that state workforce services participants in an adult or youth work experience activity are considered employees of the state for the purpose of workers' compensation coverage.
- direction of funds to support career courses and academies;
 - Shortens the timeline for the curriculum review committee to approve or deny newly proposed workforce-related core courses;
 - Requires the State Board of Education to adopt rules that include STEM industry certifications offered in middle school on the Industry Certified Funding List;
 - Requires one career course for middle grade promotion that is focused on workforce trends and labor market demands; and
 - Requires a student who enrolls in and completes a career-themed course to have opportunities to earn postsecondary credit when applicable.

Approved by the Governor so these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 7059
Acceleration Options in Public Education***

Career and Professional Education

The bill provides that secondary schools would no longer be required to have a full-scale career academy in order to be eligible for industry certification bonus funding. This provision maintains the integrity of Career and Professional Education (CAPE) and the rigorous coursework required to attain industry certifications.

The bill provides middle school students the opportunity to attain the instructional technology tools necessary to prepare them for high school, college, and the workforce. Middle school students who attain the highest level of industry certification in a science, technology, engineering, and mathematics (STEM) area on the Industry Certification Funding List would generate bonus funding upon promotion to the ninth grade.

The bill also:

- Requires that the strategic plan developed by school districts, regional workforce boards, and postsecondary institutions address advisement and recruitment of students into career-themed courses and re-

Performance Funding

Under the bill, credit is funded based on a student's passing the statewide end-of-course assessment without taking the course. High school credits for courses that require an end-of-course assessment, after the third year of administering the assessment, will be funded only upon a student's passing the assessment.

Early High School Graduation

The bill provides an early graduation option for a student upon earning 24 credits that meet high school graduation requirements.

- If a student graduates early, the district will receive funding for unpaid high school credits.
- For students who graduate one year early, funding may be provided up to the dollar equivalent of one full-time equivalent (FTE).
- For students who graduate one semester early, funding may be provided up to the dollar equivalent of one-half FTE.
- A student who graduates at the end of the first semester is eligible for a Bright Futures Scholarship to enter college in the spring term.

Acceleration Options

Under the bill, all students, not just secondary students, would participate in the Credit Acceleration Program. The bill also:

- Requires a school district to award credit to a student who attains a passing score on the corresponding statewide, standardized end-of-course assessment; and
- Creates options for accelerated instruction to eligible students in kindergarten through grade 12.

Dual Enrollment Programs

The bill provides student eligibility criteria for continued enrollment in dual enrollment courses. Additionally, the bill:

- Provides requirements for faculty members providing instruction in college credit dual enrollment courses;
- Provides curriculum standards for college credit dual enrollment courses;
- Authorizes participation at a Florida College System institution based upon capacity, as specified in the dual enrollment articulation agreement;
- Establishes the college credit hours for participation in an early admission program;
- Provides home education student eligibility criteria and requires a home education articulation agreement;
- Provides requirements for developing a school district and Florida College System institution dual enrollment articulation agreement;
- Repeals a provision that provides for school districts and postsecondary institutions to conduct Advanced Placement instruction within dual enrollment courses; and
- Requires the Department of Education to develop an electronic system for submitting dual enrollment articulation agreements for compliance review.

Finally, the bill eliminates an exemption from the Florida College System institution admission requirements for secondary students who are not participating in dual enrollment. These are students who are enrolled in college level instruction creditable toward an associate degree, but not towards a high school diploma. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 7063** **Digital Learning**

The bill provides additional virtual instruction options for K-12 students by:

- Authorizing the Florida Virtual School (FLVS) to provide full-time and part-time instruction for students in kindergarten through grade 12.
- Limiting the combined total of all full time equivalent (FTE) students reported by the FLVS and the school district to 1.0 FTE for full-time students in kindergarten through grade 12 and part-time students in kindergarten through grade 5;
- Authorizing exceptional student education (ESE), English for Speakers of Other Languages (ESOL), and other weighted program funding for students in a full-time FLVS, district virtual instruction program, and a virtual charter school;
- Expanding the part-time district virtual instruction program to students enrolled in kindergarten through grade 12 courses;
- Expanding eligibility for participation in virtual education programs to students in grades 2 through 5 who are enrolled in a full-time virtual program without having to meet the prior public school enrollment requirement;
- Providing that school district virtual instruction must be reported by the school district providing the instruction rather than the school district in which the student resides;
- Prohibiting a school district from requiring a student to take the online course required for high school graduation beyond the school day or in addition to the student's courses for the semester;
- Providing an exception from the current online course requirement for high school graduation for a student with a disability whose individual education plan indicates that an online course is not appropriate or for a student enrolled in a Florida high school for one academic year or less;
- Establishing that an individual who knowingly and willingly takes an online course or

examination on behalf of another individual for compensation commits a second degree misdemeanor;

- Revising the qualifications for approval of virtual instruction providers to include an annual audit conducted by an independent certified public accountant pursuant to rules adopted by the Auditor General;
- Requiring full time virtual instruction programs to meet the school district requirements for public school ESE students who are enrolled in the program; and
- Providing standards for participation in interscholastic and intrascholastic extracurricular activities by students in a full-time FLVS program.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 7127***
School Improvement and Education Accountability

The bill aligns Florida's differentiated accountability system with the state's school grading system. The bill requires the Department of Education to identify public schools in need of intervention and support to improve student performance, based on school grades. All schools earning a grade of "D" or "F" are schools in need of intervention and support. The bill requires the State Board of Education to provide the most intensive intervention strategies to schools earning an "F" grade. Additionally, the bill revises the requirements for restructuring low performing schools.

The bill targets struggling students in need of additional support to close the achievement gap for all subgroups of students, which include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. The bill establishes the same differentiated accountability requirements for charter schools and traditional public schools.

Under the bill, at least 50 percent of a high school's grade would be based on statewide assessments and the remaining percentage on additional outcomes, such as students who earn industry cer-

tifications in high demand occupations and the graduation rate of at-risk students.

For the 2012-2013 school year, the bill requires school districts to use an amount equal to 15 percent of federal funds allocated under Title I, Part A of the Elementary and Secondary Education Act for supplemental educational services, such as tutoring and summer camps in reading and mathematics, for the lowest performing students in all Title I schools.

The bill also eliminates duplicative testing for middle school students who participate in high school courses that require an end-of-course assessment in Algebra I, geometry, or Biology I, therefore limiting the amount of time a student would be tested during the school year.

If approved by the Governor, these provisions take effect July 1, 2012

▪ ***HB 7129***
State Universities of Academic and Research Excellence and National Preeminence

This bill provides tuition and academic flexibility to research universities that meet standards established in the bill for a state university of national preeminence. The standards include selectivity of admissions, student retention, graduation rates, size of endowment, amount of annual giving, faculty membership in a national academy, number of patents awarded, number of doctoral degrees awarded, number of postdoctoral appointees, two categories of research expenditures, and three types of national rankings.

After approval by the university board of trustees and the Board of Governors, a university that meets at least 11 of the 14 criteria in the bill may:

- Charge differentiated or market-rate tuition and fees beginning with the 2012-2013 academic year, notwithstanding the statutory percentages and dollar amount limitations on university fees; and
- Require incoming freshmen students to take from nine to twelve credits in a set of courses specifically determined by the university.

An increase in fees may take place no more than once each year and must be implemented in the fall term. Currently, Florida State and the University of Florida are the only universities that meet the criteria.

Florida Prepaid College contracts purchased prior to a university's becoming authorized to charge market-rate tuition must be honored and the beneficiaries will be exempt from paying the tuition increases. Beneficiaries of prepaid contracts purchased in the first year a university receives authority to charge market-rate tuition and thereafter, will have to pay the difference between the highest rate of tuition and fees covered by the contract and the university's tuition. If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 7135**
Higher Education/Economic Security Report (Accountability)

Economic Security Report

This bill requires changes in educational reporting to better inform students and their parents of the employment and economic outcomes for certificates and degrees earned at Florida College System institutions and state universities. The bill requires:

- The Department of Economic Opportunity to prepare an economic security report on the employment and earnings of graduates of a degree or certificate program at a public postsecondary educational institution;
- Secondary schools, Florida College System institutions, and state universities to provide students electronic access to the economic security report beginning in 2014-2015; and
- The State Board of Education, in consultation with the Board of Governors and the Department of Economic Opportunity to adopt a unified state plan for Science, Technology, Engineering, and Mathematics (STEM) to improve K-20 STEM education and prepare students for high-skill, high-wage, and high-demand employment in STEM and STEM-related fields.

Performance Funding for State Universities

The bill authorizes performance funding for state universities that are most successful in educating

students who earn degrees in, and become employed in, technology fields. Up to \$15 million is authorized, as appropriated for that purpose.

New Requirements for State Universities and Florida College System Institutions

The bill requires the State Board of Education and the Board of Governors to identify performance metrics for Florida College System institutions and state universities, respectively. The metrics must include student retention, graduation, employment, licensure passage, excess hours, student loan burden and default rates, faculty awards, and other measures.

The bill revises procedures for a Florida College System institution's provision of a baccalaureate degree program by requiring:

- A Florida College System institution to receive State Board of Education approval for new baccalaureate degree programs;
- The State Board of Education to clarify the mission statements of each institution and its role within the Florida College System as a whole and to establish criteria for service delivery areas of Florida College System institutions authorized to grant baccalaureate degrees; and
- Each Florida College System institution offering baccalaureate degree programs to report its status annually using specific performance and compliance indicators related to the institution's baccalaureate degree programs.

General Education Requirements for an Associate or Baccalaureate Degree

Regarding the general education requirements for an associate or baccalaureate degree, the bill:

- Reduces the general education course requirements from 36 semester credit hours to 30 semester credit hours, beginning with students initially entering a Florida College System institution in 2014-2015;
- Requires general education core course options to consist of a maximum of five courses within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, and requires

a student to complete one course in each of those areas;

- Requires that associate in arts degree students demonstrate competency in a foreign language; and
- Requires the chairs of the State Board of Education and the Board of Governors to jointly convene faculty committees to identify statewide general education core course options.

The bill gives the Commissioner of Education the authority to investigate or review practices, procedures, or actions at a Florida College System institution which appear to be inconsistent with sound financial, management, or academic practices.

Universities' Use of the Tuition Differential Fee

The bill authorizes the Board of Governors to waive or modify the requirements for the use of the tuition differential fee under s. 1009.24(16), F.S. The requirements for spending 70 percent of the tuition differential fee on undergraduate education and the remaining 30 percent, or the equivalent amount of revenues from private sources, on financial aid could be waived.

If approved by the Governor, these provisions take effect upon becoming law.

General Government

▪ **SB 2**

Relief of William Dillon by State of Florida

Claims Relief of William Dillon by State of Florida; Providing for the relief of William Dillon, who was wrongfully incarcerated for 27 years; providing an appropriation to compensate William Dillon for his wrongful incarceration; directing the Chief Financial Officer to draw a warrant for the purchase of an annuity; providing for a waiver of certain tuition and fees; providing conditions for payment; providing that the act does not waive certain defenses or increase the state's liability; providing a limitation on the payment of fees and costs; providing that certain benefits are void upon any future finding that William Dillon is not innocent of the alleged crime, etc. CLAIM WITH APPROPRIATION: \$1,350,000.

▪ **CS/CS/HB 99**

Sexual Exploitation

The bill creates the "Florida Safe Harbor Act," which is intended to provide a more coordinated response to address the child welfare service needs of sexually exploited children who are dependent. Specifically, the bill:

- Provides legislative findings and intent and establishes legislative goals relating to the status and treatment of sexually exploited children in the dependency system;
- Amends the definitions of the terms "child who is found to be dependent" and "sexual abuse of a child" to reference sexual exploitation;
- Requires a law enforcement officer who takes a child alleged to be dependent for whom there is also probable cause to believe that he or she has been sexually exploited into custody to deliver the child to the department
- Provides a process for the assessment and placement of sexually exploited children in a safe house, if available;
- Provides for placement updates to the court during judicial review hearings;

- Provides for data collection relating to these placements by the Department of Children and Family Services (DCF or department);
- Provides a definition for the terms: "child advocate," "safe house," "secure," "sexually exploited child" and "short-term safe house";
- Provides for services for sexually exploited children residing in a safe house;
- Provides that training, for law enforcement officers who might encounter sexually exploited children, is permissive;
- Increases the civil penalty for crimes related to prostitution from \$500 to \$5,000 and specifies that the difference in the increase, to be paid to the department, be used to fund safe houses as well as short-term safe houses; and

Provides that a victim of child sexual exploitation shall not be ineligible for victim compensation.

If approved by the Governor, these provisions take effect January 1, 2013.

▪ **CS/CS/CS/HB 107**

Special Districts

This bill creates a new procedure that allows two or more contiguous independent special districts with similar functions and governing bodies to voluntarily merge. It does not apply to CDD's under ch. 190. The bill allows merger proceedings to be initiated either by joint resolution of the governing bodies of each district or by a petition signed by 40 percent or more of the qualified electors in each district. The independent special districts must adopt a merger plan that outlines the specific components for the proposed merger which shall be subject to a public hearing and a voter referendum.

The bill states that a voluntary merger under the new procedure preempts any special act to the contrary, but that the procedure does not apply to independent special districts whose governing bodies are elected by district landowners voting the acreage owned within the district.

This bill also provides that for voluntary dissolutions of independent special districts operating pursuant to a special act, the dissolution may be effectuated only by the Legislature. For all other dissolutions of

independent special districts, a special act dissolving the district must be approved by a referendum. If the district meets the requirements for being considered “inactive,” no referendum is needed.

Statutory provisions addressing the merger of independent special fire control districts are repealed and the Department of Economic Opportunity is authorized to declare a special district inactive if the district’s governing body unanimously adopts a resolution declaring inactivity.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/SB 116***
Freeholder Voting

The bill amends s. 100.241, F.S., by allowing a voter to submit a written declaration, in lieu of an affidavit, to establish that the voter is a freeholder who is eligible to participate in a freeholder election. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/SB 226***
Disabled Parking Permits

The bill revises laws relating to disability parking permits. Provisions of the bill:

- Expand the type of officials who may waive citations for disability permit parking violations by including the parking enforcement specialist or agency that issued the citation;
- Revise the requirements for renewing or replacing a long-term disabled parking permit and include prohibitions for certain violations;
- Provide for random reviews of disabled parking permit holders; and
- Require the Department of Highway Safety and Motor Vehicles to develop and implement a system to allow the reporting of abuses of disabled parking permits.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 231***
***Intergovernmental Cooperation/
Electric Utility***

Currently, state agencies are authorized to conduct public meetings, hearings and workshops by means of “communicative technology.” No such authorization exists for local governmental entities, including separate legal entities created by local government interlocal agreements.

The bill authorizes a separate legal entity that administers or executes an interlocal agreement, with member public agencies located in at least 5 counties, of which at least three are non-contiguous, to conduct public meetings and workshops by means of communications media technology. It provides that participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual’s presence at such meeting or workshop.

The term “communications media technology” is defined as a conference telephone, a video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate. The bill requires the notice for any such meeting or workshop to state that the meeting or workshop will be conducted through the use of communications media technology, to specify how persons interested in attending may do so, and to provide a location where communications media technology facilities are available.

The bill revises the definition of “electric utility” found in s. 361.11(2), F.S., to include those municipalities, authorities, commissions, special districts, or other public bodies that own, maintain, or operate an electrical generation, transmission, or distribution system within the state on June 25, 2008. The bill provides the legislative intent that electric utilities included in the revision to the definition of the term “electric utility” may exercise the powers and authority granted by s. 163.01(3)(f), F.S. The bill also provides that the revision is enacted in furtherance of and is consistent with the application of the Joint Power Act. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **SB 368**
Financial Emergencies

This bill allows governmental entities in a state of financial emergency to consult with other governmental bodies regarding the consolidation of administrative and support services. Plans created to end a financial emergency must include provisions implementing any consolidation, sourcing, or discontinuance of administrative direction or support services. In addition, this bill provides that governing board members who fail to resolve a financial emergency may be suspended from office by executive order.

The bill also incorporates two provisions recommended in the Auditor General's Local Government Financial Reporting System Performance Audit. The first provision requires auditors to consider a deficit fund balance or deficit net assets balance in determining whether deteriorating financial conditions exist that are required to be discussed with a governing body. The second provision stipulates a 45-day time frame within which local government entities must respond to requests for information by the Governor or the Commissioner of Education and establishes consequences for the failure to respond. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 393**
Recreational Vehicle Dealers

the bill amends s. 320.771, F.S., to revise criteria and specify circumstances under which a recreational vehicle (RV) dealer may apply for a certificate of title to an RV using a manufacturer's statement of origin. The bill provides that RV dealers may apply for a certificate of title on RV's within a given line-make only if:

- The dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with the Department of Highway Safety and Motor Vehicles, to buy, sell, or deal in that line-make, and
- The dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 449**
Public Fairs and Expositions

This bill revises statutes relating to fair associations and public fairs and expositions held on fairground facilities. The bill creates a definition for "annual public fair" to distinguish it from other public fairs and expositions held on fairground facilities. It also creates a definition for "concessions" to clarify uses of fairground facilities by third parties. It revises existing definitions to conform to the new definition of "annual public fair" and to expand on entries that are included in the definition of "exhibit."

The bill revises statutory provisions pertaining to the formation, charter amendments, and dissolution of a fair association. It acknowledges that the objective of a fair association, in addition to public service, is holding, conducting and promoting public fairs and expositions; it declares that a fair association is serving an essential government purpose if it is pursuing its legitimate purposes and that it is a noncommercial activity provider. It expands a fair association's exemption from taxation on its money and property to include projects, activities, events, programs and uses authorized by its governing statutes but specifically clarifying that this does not provide an exemption from any tax imposed under ch. 212, F.S. It expands the activities for which fair facilities may be used to conform to actual practices. The bill prohibits a fair association from conducting more than one annual public fair and it requires that a fair permit be issued within 10 days of the permit requirements being fulfilled. It removes restrictive language so that fair buildings can be used for any public fair or exhibition purpose. It removes duplicative language concerning admission fees. The bill reduces the time in which a fair association may apply for a waiver from the minimum number of exhibits from 60 days to 30 days before the annual public fair.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 463**
Concealed Weapons or Firearms and Licenses for Military Servicemembers and Veterans

The bill provides an exception to the minimum age requirement (21 years of age) for obtaining a license to carry a concealed weapon for members of the United States Armed Forces and honor-

ably discharged veterans. The bill allows Florida resident military servicemembers and honorably discharged veterans who are under the age of 21, and are otherwise qualified, to obtain a concealed weapon or firearm license. The bill also requires the Department of Agriculture and Consumer Services to accept background check fingerprints for military concealed weapon or firearm permit applicants which have been prepared by military law enforcement officials.

The bill also provides that a military servicemember or an honorably discharged veteran who is a nonresident of Florida and who holds a concealed weapon license from another state which honors Florida's concealed weapon license, is exempt from the age requirement (21 years of age) for carrying a concealed weapon or firearm in Florida.

The bill amends s. 790.15, F.S., to provide that a person who recklessly or negligently discharges a firearm outdoors on any property used or zoned exclusively for residential use commits a misdemeanor of the first degree.

If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/HB 517
Reducing and Streamlining
Regulations***

The bill revises references to the professional standards with which registered, licensed, and certified appraisers are required to comply. It requires the Florida Real Estate Appraisal Board to adopt rules that establish standards of professional practice that meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation. It requires these standards to be used in the purchase of lands for the Lake Apopka Improvement program.

The bill waives the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for military veterans who apply to the department for a license within 24 months of being honorably discharged from service.

The bill reduces the continuing education hours required to reactivate an inactive license to only one renewal cycle of hours, instead of the hours

required for each year the license was inactive, for the following professions: community association managers, home inspectors, providers of mold-related services, cosmetologists, architects, landscape architects, construction contractors, and electrical and alarm system contractors. The bill exempts certified public accountants licensed under ch. 473, F.S., and real estate brokers, sales associates, real estate schools, and appraisers licensed under ch. 475, F.S. These professionals would continue to be required to complete the continuing education required for each two-year period of licensure in order to reactivate an inactive license. The bill also provides that the Board of Architecture and Interior Design may only approve continuing education for an interior designer that builds upon the basic knowledge of interior design.

The bill repeals provisions that provide criminal penalties for violations of agency rules and the chapters of the Florida Statutes that govern the specified professions. Under the bill the following professions would not be subject to criminal penalties for such violations: auctioneers, real estate professionals, barbers, and cosmetologists. However, the bill limits the application of criminal penalties for specified violations by auctioneers that relate to financial dishonesty or malfeasance.

The bill revises the provisions related to the regulation of appraisal management company's banks, credit unions, or other lending institutions that own and operate an internal appraisal office, business unit, or department. This is consistent with the federal Dodd Frank Act, which exempts from state regulation, financial institutions that own or operate an internal appraiser office, business, unit, or department and appraisal management companies that are owned and controlled by a subsidiary of a financial institution.

The bill extends the time period to be classified as a bulk buyer or bulk assignee from July 1, 2012, to July 1, 2015, in the context of the Distressed Condominium Relief Act in ch. 718, part F.S. This provision delineates the warranty and other obligations of "bulk buyers," i.e., persons who purchase more than seven units in a single condominium but were not assigned developer rights or other specified rights.

In addition, the bill:

- Permits applicants for a real estate appraiser's certification to use the results of national examinations required for the license that were obtained more than 24 months after the date of the examination;
- Permits real estate continuing education instructors to complete their continuing education through distance learning and permits real estate schools to offer any course through distance learning;
- Revises licensure requirements for architects by removing the ability of the Board of Architecture and Interior Design to review and approve unaccredited schools and colleges of architecture and courses of architectural study and allows the required internship to be completed as provided by board rule;
- Permits architects who have passed a license examination in another state and are licensed in that state to qualify for a Florida-issued architects license if they hold a minimum- 4-year degree, have held the license for a minimum of 10 years, has been a continuous resident of this state for 10 years, and have completed the continuing education requirements for renewal of a license for the biennium license renewal period ending on February 23, 2013. This provision would expire on March 1, 2013;
- Conforms with exemptions for other utilities by removing a requirement for persons repairing, maintaining, removing, or disposing of asbestos-containing pipe or conduit used for gas service to be licensed as an asbestos consultant or contractor;
- Expands exemptions regarding mold-related services to include landscape architects if they are not holding themselves out for hire to the public using names implying that they perform mold assessment services or stating or implying that they are licensed under ch. 468, part XVI, F.S.; and
- Provides an exception to the prohibition against the selling and processing of distilled spirits that are greater than 153 proof. To qualify for the exception, the distilled spirits must be bottled, packaged, or processed for export or sale outside the state.

The bill also revises the Florida Drug and Cosmetic Act in ch. 499, part I, F.S., which is administered by the Drugs, Devices and Cosmetics Program within the Department of Business and Professional Regulation. The bill organizes various exceptions to the permit requirements into a single subsection. It eases existing restrictions on the limited distribution of active pharmaceutical ingredients to Florida-permitted prescription drug manufacturers and restrictions on prescription drug distributions to Florida-permitted prescription drug manufacturers and researchers. The bill reduces inventory recordkeeping requirements for contract providers who transfer prescription drugs to or from government agencies or eligible facilities at public health prices. The bill provides an exemption from the prescription drug re-packager permit requirement and the product registration requirements for a restricted prescription drug distributor permitholder that is a health care entity that re-packages prescription drugs in this state for its own use or distributes prescription drugs to a hospital or other health care entity in the state for its own use if it meets certain conditions. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 541***
Administrative Code and Florida
Administrative Register

This bill revises statutory provisions relating to the Florida Administrative Code and the Florida Administrative Weekly. Some of the changes include:

- Changes the name of the Florida Administrative Weekly to the Florida Administrative Register.
- Provides that the electronic versions of the Florida Administrative Code and the Florida Administrative Register are the official versions of the state.
- Removes requirement that the Department of State must publish a printed version of the Florida Administrative Code.
- Allows the Department of State to contract with a publisher to provide printed publications of the Florida Administrative Code and the Florida Administrative Register.
- Removes requirement that the Department of State provide free print copies of the

Florida Administrative Register to various federal and state government entities.

- Requires the Department of State to continually revise the Florida Administrative Register.
- Provides that the Department of State is not responsible for reviewing agency submissions to the Florida Administrative Register for various errors.
- Requires that adopted rules and material incorporated by reference be filed in an electronic format.

The bill directs the Division of Statutory Revision to prepare a reviser's bill for the 2013 Regular Session to substitute the term "Florida Administrative Register" for the term "Florida Administrative Weekly" throughout the Florida Statutes. The bill also provides that if an agency determines that a proposed action will impact small businesses, the agency must send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action – rather than provide notice to the Department of Economic Opportunity. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 575**
Hillsborough County Aviation Authority

The Hillsborough County Aviation Authority is an independent special district that has exclusive jurisdiction and management over all airports in Hillsborough County, except those owned by private persons. The Authority's airports include Tampa International Airport and three general aviation airports: Peter O. Knight Airport in Davis Islands, Plant City Airport in Plant City, and Tampa Executive (formerly Vandenberg Airport) in Tampa.

CS/HB 575 codifies and revises the existing special acts relating to the Authority. The bill provides a public purpose statement; clarifies language regarding the election of authority officers; removes a 40-year maturity date limitation on bonds and a requirement for semiannual payment; deletes a cap of four alcoholic beverage licenses; and updates and reorganizes various provisions. Subject to the Governor's approval, the bill is effective upon becoming law.

▪ **CS/CS/CS/HB 599**
Transportation and Mitigation Programs

This bill contains a number of changes to the laws which are administered by or affect the Florida Department of Transportation (FDOT or department). The provisions of this bill:

- Allow FDOT additional opportunities in choosing between various mitigation methods when wetland mitigation is required for transportation projects.
- Allow FDOT district secretaries' and executive directors' professional engineering licensure to be issued in another state.
- Add citrus harvesting equipment and citrus fruit loaders to those types of vehicles that are allowed to travel on the highway between farms while still being entitled to a refund of the state motor fuel tax and allow them to travel on public roads, from the point of production to the point of long-term storage and back, despite maximum height, width and length limitations.
- Increase minimum funding of the Florida Seaport Transportation and Economic Development (FSTED) program from \$8 million to \$15 million annually.
- Create the Strategic Port Investment Initiative to set aside an additional \$35 million annually from the Statewide Transportation Trust Fund for certain seaport projects which are selected jointly by FDOT and representatives of the state's ports.
- Create the Intermodal Logistics Center (ILC) Infrastructure Support Program and allocate \$5 million per year towards funding for up to 50% of the eligible costs of local government or private projects at ILC facilities that meet certain criteria.
- Allow designated seaports to make use of offsite stormwater management facilities under certain conditions.
- Call for a Statewide Seaport and Waterways System Plan, which is to be developed by FDOT and must identify 5-, 10-, and 20-year needs for the seaport system along with

projects needed to ensure the success of the transportation system as a whole.

- Revise the definition of motor vehicles as related to tolls in order to accurately ticket toll violators who are driving truck-trailer combinations.
- Authorize FDOT to explore the use of the shoulder of limited access facilities for vehicular traffic under certain circumstances.
- Create a 2-year pilot program which will allow bicycles to use limited access bridges under certain circumstances.
- Remove the requirement to send toll violation notices Return Receipt Requested and stipulate that mailing of the citation constitutes legal notification.
- Allow local governments to regulate the use of Segways on sidewalks.
- Clarify that a straight truck-trailer combination may not exceed 68 feet in overall length.
- Increase the number of low-speed vehicles that may be operated on certain public streets by revising the definition of low-speed vehicles to include gasoline-fueled vehicles.
- Allow municipalities participating in the Federal Aviation Administration FAA's pilot program on private ownership of airports to lease or sell an airport and related property to a private party subject to FDOT approval if state funds were provided to the municipality pursuant to s. 332.007, F.S.
- Repeal the definition of "Florida Intrastate Highway System", refer the definition of "Functional Classification" to federal law, and significantly amend the definition of "State Highway System."
- Limit the FDOT landscaping program by preventing the use of funds for landscaping associated with resurfacing projects and declaring the 1.5% of funds contracted for construction projects that are used in the program is to be calculated on a statewide basis.
- Require FDOT to develop a Freight Mobility and Trade Plan.
- Mandate certain actions by FDOT when they receive an inspection report which either recommends a limit on a bridge, or recommends closing a bridge.
- Clarify requirements for FDOT to use noise abatement on new capacity projects.
- Extend the date on which the ninth cent fuel tax and the local option fuel tax must be levied from before July 1 to before October 1, and expand the allowable use of the revenues collected by the tax to include the installation, operation, maintenance and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings.
- Expand the type of security which may be provided before installing certain monuments at rest areas in case the monument must be removed.
- Comport Disadvantaged Business Enterprises law to Federal law.
- Allow local governments to transfer right of way by deed instead of using maps, in order to reduce the cost of the transfer.
- Amend the duties of a utility owner to initiate work to alleviate interference with a road or rail corridor within 30 days of notice and to complete the work within a reasonable time. Provisions establishing responsibilities of the department and other transportation authorities (including local governments) are revised to create uniformity in application throughout the section.
- Regulate bus stop installations under local government control so as to relieve FDOT's liability in certain lawsuits under the Americans with Disabilities Act.
- Establish FDOT's authority to establish tolls on certain future limited access facilities in the State Highway System and, along with other toll authorities, to pursue the collection of unpaid tolls and associated fees and other amounts to which it is entitled by using private attorneys or collection agents.

- Authorize FDOT to contract with other entities to make use of the department's toll collection and billing systems on non-FDOT transportation systems.
- Allow for bond issuance on high-occupancy toll lanes or express lanes, with certain restrictions on usage.
- Revise the definition of a turnpike project's economic feasibility by extending the date of project debt defeasance payable from toll revenues from the 22nd to the 30th year.
- Allow the Turnpike Enterprise to seek Legislative approval of projects at 30 percent design completion, rather than the current 60 percent to more fully leverage the potential time and cost saving opportunities associated with design-build projects.
- Allow the closure of a prepaid toll account which has been inactive for three or more years, and the transfer of any remaining funds in non-active toll account to the Division of Financial Services for disposition as unclaimed property.
- Increase the dollar thresholds which trigger gubernatorial and legislative notification of amendments to FDOT's Work Program. Directs FDOT to index budget amendment thresholds to the consumer price index.
- Change FDOT representatives in Metropolitan Planning Organizations (MPO) from members to non-voting advisors and require that, to the extent possible, only one MPO may exist per urbanized area or group of contiguous urbanized areas. If more than one MPO exists, the MPOs must coordinate in the development of regionally significant projects.
- Require that projects funded under the Transportation Regional Incentive Program (TRIP) be included in FDOT's work program and direct FDOT to consider the amount of local funding available when prioritizing TRIP projects.
- Include military access facilities to the types of facilities which are included in the Strategic Intermodal System (SIS) and emerging SIS.
- Designate Integrated Logistics Centers (ILCs) as part of the SIS and waive transportation concurrency requirements for ILCs that meet certain criteria.
- Repeal the defunct Strategic Intermodal Transportation Advisory Council.
- Grant specific no-fault indemnification to the National Railroad Passenger Corporation (Amtrak) for trains operating on state-owned corridors.
- Revise the membership of the governing board of the South Florida Regional Transportation Authority (SFRTA) to 10 voting members with four being appointed by the Governor or the appropriate FDOT District Secretary. Expansion of the SFRTA system is limited to Monroe County without FDOT approval. SFRTA ability to pledge future state funds is reduced and FDOT oversight of the SFRTA budget is enhanced.
- Authorize a county to operate a ferry by a single party or multiple parties under a joint agreement between public entities and one or more private corporations.
- Directs the Orlando-Orange County Expressway Authority (OOCEA) to install guidance signage on its facilities for a university meeting certain criteria.
- Absolve members of Jacksonville Transportation Authority (JTA) of the need to comply with constitutional financial disclosure requirements.
- Allow the JTA to conduct public meetings and workshops by means of communications media technology, as provided in s. 120.54(5), F.S. Members must be physically present to vote.
- Authorize the Department of Environmental Protection (FDEP) to develop rules providing for a general statewide rule controlling stormwater management permits for airside activities at airports.
- Allow flexibility in the permitting of stormwater treatment facilities for transportation facilities due to their linear nature and allow alternatives to onsite treatment and remove FDOT's responsibility for providing storm-

water treatment for adjacent landowners' stormwater permits.

- Repeal the unused Rest Area Information Panel Program and authorize FDOT to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program for small businesses.
- Extend for two years, a pilot program allowing the Palm Beach County School District to recognize its business partners by publicly displaying its business partners' names on district property in unincorporated areas.
- Expedites the summary proceedings of certain environmental permit hearings and renders a judge's decision related to the permit a recommended order.
- Create a study of the merger of the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART) in order to achieve improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority's (TBARTA's) Regional Transportation Master Plan.
- Direct the Florida Transportation Commission to study the potential cost savings made available by sharing certain resources between expressway authorities.
- Create an additional defense which may be used to rebut red light camera violations involving a vehicle registered to deceased persons.
- Allow recipients of the Combat Infantry Badge or Combat Action Badge to purchase a special license plate indicating such receipt.
- Transfer the Beachline-East Expressway to the Turnpike Enterprise and allocate funds from such transfer to pay for FDOT's obligation to fund the Wekiva Parkway.
- Codify provisions related to repayment of operations and maintenance costs borne by the department for OOCEA facilities under the terms of a certain memorandum of un-

derstanding (MOU) and prohibits the authority from issuing bonds except as permitted by the MOU. Lease-purchase agreement provisions are also codified.

- Clarify that FDEP is the sole environmental permitting authority for the Wekiva Parkway and that FDOT shall locate the precise corridor alignment in Seminole County.
- Creates legislative intent, definitions, licensure, and insurance requirements for the testing of autonomous vehicle technology.
- Designates a portion of 118th Avenue North in Pinellas County as the St. Pete Cross-town.
- Corrects a number of cross-references.

If approved by the Governor, these provisions take effect on July 1, 2012 unless otherwise expressly provided within the act.

▪ ***HB 605
Hillsborough County Procurement
and Tax-Exempt Organizations***

The bill amends ch. 2004-466, L.O.F., to authorize public bodies operating solely within the boundaries of Hillsborough County to purchase goods and services based on bids submitted to tax-exempt organizations under the provisions of section 501(c)(3) of the Internal Revenue Code, provided that any contract from which cooperative purchases are made is procured in compliance with the procuring entity's laws or regulations, which must provide for full and open competition. It also requires that the 501(c)(3) tax-exempt organizations be organized exclusively to assist governmental entities in serving and representing citizens. Subject to the Governor's approval, the bill is effective upon becoming law.

▪ ***CS/SB 692
Local Government /Municipal
Formation***

This bill amends the Formation of Municipalities Act in ch. 165, F.S., to require an earlier submission of a proposed municipality incorporation feasibility study. The bill also provides a procedure for the municipal conversion of an independent special district upon an elector-initiated and approved referendum. The petition for referendum requires 40 per-

cent of qualified electors and may be commenced if the district meets all of the following criteria:

- Was created by special act;
- Is designated as a ch. 298, F.S., improvement district or a stewardship district;
- Has an elected governing board;
- Provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities; and
- No portion of the district is located within a municipality.

If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/HB 715***
Self-Service Storage Facilities

This bill revises the provision in s. 83.803(6), F.S., that a notice of change of address must be provided by the tenant by certified mail and instead allows for first-class mail and e-mail notifications. This bill amends s. 83.806, F.S., to allow notices to be provided to the tenant by e-mail or first-class mail with a certificate of mailing. If the owner notifies the tenant by e-mail, a response, return receipt, or delivery confirmation from the last known e-mail address of the tenant is required. If no response is forthcoming, the owner must send notice of the sale to the tenant's last known address by first-class mail along with a certificate of mailing, before proceeding with the sale. A notice of any balance remaining after the sale may be delivered to the tenant by first-class mail with a certificate of mailing rather than by certified mail. The bill also amends s. 83.808, F.S., to require rental agreements or applications for a rental agreement to contain a provision disclosing whether the applicant is a member of the uniformed services as that term is defined in 10 U.S.C. s. 101(a)(5). If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 749***
Consumer Services

This bill amends consumer protection statutes that fall under the purview of the Department of Agricul-

ture and Consumer Services. It merges the responsibilities and duties of the Division of Standards into the Division of Consumer Services, as well as amends statutory provisions relating to professional surveyors and mappers, business opportunities, motor vehicle repair shops, pawnshops, health studios, sellers of travel, intrastate movers, telemarketing, brake fluid and anti-freeze products, fair rides, and licensing.

Furthermore, this bill repeals s. 559.922, F.S., with the effect of eliminating the department's financial assistance program for technical training or courses of study in motor vehicle repair, as well as repeals s. 366.85, F.S., dealing with consumer conciliatory conferences.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 763***
Motor Vehicle Registration

This bill specifies a vehicle may not be operated on the roads of this state after expiration of the renewal period, or, for a natural person, at midnight on the owner's birthday, which clarifies when the motor vehicle registration expires for an individual.

In addition, the bill authorizes a refund of the license taxes assessed in s. 320.08, F.S., to a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/SB 800***
County Boundary Lines

This bill moves a 129-acre area from the jurisdiction of St. Lucie County to Martin County subject to the approval of the affected voters in a referendum. It requires the governing bodies of the counties to enter into an interlocal agreement for transferring services, personnel and public infrastructure and provides for a gradual shift of tax and assessment revenues from the area being incorporated into Martin County to St. Lucie County.

If approved by the Governor, these provisions take effect July 1, 2013, upon its approval by a majority vote of certain qualified voters in conjunction with next election in St. Lucie County, except for section 5 which shall take effect upon becoming a law.

▪ **CS/HB 843**
Department of the Lottery

The bill expands the type of vending machines that the Department of the Lottery may utilize to dispense lottery tickets. Under current law, the department may only sell instant tickets or “scratch-off” tickets through a lottery vending machine. The bill authorizes the department to sell all lottery tickets through a vending machine, which includes both instant tickets and online tickets. Online tickets are draw games such as Lotto and Powerball tickets. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 865**
**Pinellas Suncoast Transit Authority,
Pinellas County**

The bill requires the Pinellas County Suncoast Transit Authority (Authority) to cease levying and collecting ad valorem tax revenue if Pinellas County levies the Charter County and Regional Transportation System Surtax, pursuant to s. 212.055(1), F.S., and offers the surtax proceeds or a portion thereof to the Authority and the Authority elects to accept funding through this source.

Pursuant to the current provisions of s. 212.055(1) (a), F.S., the decision to levy the discretionary sales surtax would be subject to approval by a majority vote of the county’s electorate or by a charter amendment approved by a majority vote of the county’s electorate.

The Economic Impact Statement says that the bill would benefit property holders in Pinellas County by reducing their property ad valorem rates by approximately 0.75 mills, or a total of \$32.8 million annually, in the event a transportation surtax is ever approved.

According the 2011 Local Government Financial Information Handbook, Pinellas County would receive an estimated \$120,739,849 for each one percent assessed under the local discretion-

ary sales surtax levy. Subject to the Governor’s approval, the bill is effective upon becoming law.

▪ **HB 891**
Hillsborough County

The bill creates a special act, which supersedes all other acts pertaining to the Hillsborough County Public Transportation Commission, an independent special district, providing that any taxicab certificate of public convenience and necessity, or any taxicab permit issued by the commission, is the private property of the holder. The holder of a certificate or permit may transfer such by pledge, sale, assignment, sublease, devise, or other means to another person, and the commission is authorized to specify this procedure by rule. This bill also requires the commission to create a “Driver Ownership Program” to assist eligible taxicab drivers in acquiring a certificate and one or more permits. According to the Economic Impact Statement, the bill will not have a fiscal effect. Subject to the Governor’s approval, the bill is effective upon becoming law.

▪ **CS/CS/SB 922**
**Current and Former Military
Personnel**

Governor’s Medal of Merit

The bill amends s. 14.34, F.S., to modify the meaning of “exceptional meritorious service” as it relates to the Governor’s Medal of Merit to expand the eligibility of an individual to be selected to receive the medal. If approved by the Governor, this provision takes effect July 1, 2012.

Encroachment

The bill amends s. 163.3175, F.S., to clarify provisions relating to military commanding officer comments on proposed land use changes that may have an impact on the mission of a military installation. The bill clarifies that commanding officer comments on proposed land use changes are advisory to the local government, and provides that the advisory comments must be based upon appropriate data and analyses provided with the comments. The bill also provides that the local government must consider a commanding officer’s comments, underlying studies, and reports in the same manner as comments received by other reviewing agencies representing interests that may be affected by proposed changes such as the environment, public schools, or transportation. If approved by the Governor, these provisions take effect July 1, 2012.

Property Tax Exemption for Deployed Servicemembers

Section 196.173, F.S., provides an exemption for servicemembers that are deployed outside the continental United States, Alaska, or Hawaii in support of certain named military operations. Currently, the list of qualifying operations includes Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn. The beginning and ending dates for each operation are identified.

The bill updates the list of military operations that qualify for the deployed service-member exemption. The bill provides an ending date for Operation New Dawn, which ended on December 15, 2011. The statute is also amended to provide for two new qualifying operations – Operation Noble Eagle, which began on September 15, 2001, and Operation Odyssey Dawn, which began on March 19, 2011 and ended on October 31, 2011. If approved by the Governor, these provisions take effect upon becoming law and first apply to ad valorem tax rolls for 2012.

Florida Veterans' Hall of Fame Council

The bill amends s. 265.003, F.S., to create the Florida Veterans' Hall of Fame Council (Council) within the Florida Department of Veterans (FDVA). The Council is created to serve as an advisory body tasked with annually accepting nominations of persons to be considered for induction into the existing Florida Veterans' Hall of Fame. The Council is required to annually transmit a list of 20 nominees to the FDVA for submission to the Governor and Cabinet, who select the nominees to be inducted.

The Council consists of 7 honorably discharged veterans in which the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, the President of the Senate, the Speaker of the House of Representatives, and the executive director of the FDVA each appoint one member to the Council. Members of the Council are prohibited from receiving compensation for their services, but are entitled to reimbursement for travel expenses incurred in the performance of their duties. However, the bill prohibits state funds from being used for travel reimbursement purposes. If approved by the Governor, these provisions take effect July 1, 2012.

Grants for Military Base Retention

Current law provides for seven defense-related grant programs administered by the Department of Economic Opportunity to assist defense-dependent communities in their transition from a defense economy to a non-defense economy in light of the federal BRAC process. In an effort to expand the scope of these grant programs to include military base retention and to consolidate programs that have not been funded or implemented since its enactment, the bill amends s. 288.980, F.S., to streamline the existing seven programs into three comprehensive programs – the Military Base Protection Program; the Florida Defense Reinvestment Grant Program; and the Florida Defense Infrastructure Grant Program. If approved by the Governor, these provisions take effect July 1, 2012.

Florida Defense Support Task Force

The bill repeals s. 288.987, F.S., which established the Florida Council for Military Base and Mission Support (Council) and creates a type two transfer of the authority, rights, responsibilities, rules and all other resources of the Council to the Florida Defense Support Task Force (Task Force). In addition, the bill transfers the Council's exemption from public records and public meetings requirements relating to the strengths and weaknesses of the state's military bases and strategies to the Task Force. If approved by the Governor, these provisions take effect upon becoming law.

Florida Veteran Business Enterprise Opportunity Act

The bill amends s. 295.187, F.S., to expand the "Florida Service-Disabled Veteran Business Enterprise Opportunity Act" to include certain businesses owned and operated by wartime veterans and renames the act the "Florida Veteran Business Enterprise Opportunity Act." The bill entitles certain wartime veteran business owners to vendor preference and other benefits currently available to certified service-disabled veteran business owners. In order to be eligible for the benefits provided under the Florida Veteran Business Enterprise Opportunity Act, a wartime veteran business owner must meet the definition of "wartime veteran" as defined in the bill and meet the certification requirements by the Office of Supplier Diversity within the Department of Management Services.

If approved by the Governor, these provisions take effect July 1, 2012.

Special Use License Plates

The bill amends s. 320.089, F.S., to authorize the Department of Highway Safety and Motor Vehicles to issue a special use license plate for a recipient of the Combat Infantry Badge, as well as Vietnam War Veterans and Korean Conflict Veterans. These special use license plates are to be issued upon application and proof of qualifications and upon payment of the license tax imposed by s. 329.08, F.S.

The bill also provides for the issuance of a special use license plate for recipients of the Distinguished Service Cross, Navy Cross, Air Force Cross, or Silver Star. These special use license plates are to be issued upon application and proof of qualifications and without payment of the license tax imposed by s. 329.08, F.S. If approved by the Governor, these provisions take effect October 1, 2012.

Purple Heart Day

The bill designates August 7 of each year as "Purple Heart Day." It authorizes the Governor to annually issue a proclamation designating August 7 as Purple Heart Day and also encourages public officials, schools, private organizations, and all residents of the state to commemorate Purple Heart Day and to honor those wounded or killed while serving in any branch of the United States Armed Forces. If approved by the Governor, these provisions take effect July 1, 2012.

T. Patt Maney Veterans' Treatment Intervention Act

The bill authorizes the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program (Program) for veterans and servicemembers who are convicted of a criminal offense and who suffer from a mental illness, traumatic brain injury (TBI), substance abuse disorder, or psychological problem as a result of their military service. Under the Program, a judge may sentence such veterans and servicemembers in a way that addresses the severity of the condition through services targeted to the individual's needs.

The bill also authorizes a court to impose a condition of supervision requiring probationers or community controllees whose crime was committed on or after July 1, 2012, and who is a veteran or servicemember who suffers from a military-related

mental illness, TBI, substance abuse disorder, or psychological problem, to participate in a treatment program capable of treating the offender. Finally, the bill adds both felony and misdemeanor pre-trial intervention programs as eligible treatment programs for veterans and servicemembers. If approved by the Governor, these provisions take effect July 1, 2012.

Postsecondary Education Course Registration for Veterans

The bill requires public postsecondary institutions that offer priority course registration to a segment of the student population to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also allows for a veteran's spouse or dependent children to whom the GI Bill educational benefits have been transferred to be granted priority course registration. Additionally, the bill encourages independent postsecondary institutions to provide the same benefit of priority course registration to veterans and their dependents as public postsecondary institutions are required to provide under the bill.

The bill will enable veterans who are utilizing GI Bill educational benefits to have greater access to available courses, thereby decreasing the number of excess hours taken by veterans and reducing the time to graduation. If approved by the Governor, these provisions take effect July 1, 2012.

If approved by the Governor, these provisions take effect July 1, 2012.

CS/CS/HB 937 Legal Notices

Current law provides requirements for publishing legal notices and official advertisements. Publications must be in a newspaper that is printed and published at least once a week and that contains at least 25 percent of its words in the English language. In addition, the newspaper must qualify or be entered to qualify as periodicals matter at the post office in the county where published, and be generally available to the public for the purpose of publication of official or other notices.

The bill creates a new section of law requiring a legal notice to be placed on a newspaper's website on the same day the notice appears in the newspaper, at no additional charge. Effective July 1, 2013,

a newspaper that publishes legal notices must provide a free link to access legal notices on its website; optimize online visibility; dominantly present the notices on the website; provide a search function for the notices; upon request, provide free e-mail notification of the notices; and place the notice on the Florida Press Association website established for such notices, www.floridapublicnotices.com.

The bill also:

- Authorizes electronic proof of publication affidavits;
- Limits the rate that may be charged for certain government notices required to be published more than once;
- Requires certain local governmental maps that appear in newspaper advertisements to be noticed online;
- Deletes the requirement that a legal notice be published in Leon County for agency licensee actions, bond validation actions, market offerings for state owned oil or gas leases, and certain administrative complaints;
- Requires that notice to certain professional licensees be posted on a newspaper website and provided to certain broadcast network affiliates;
- Amending requirements relating to the publication of certain notices relating to the sale of bonds by the Division of Bond Finance within the State Board of Administration;
- Deletes requirements relating to newspaper publication of certain notices relating to Department of Agriculture and Consumer Services marketing orders and provides for Internet publication and for information to certain broadcast network affiliates; and
- Allows the Department of Financial Services to require notification of insurer insolvency by e-mail or telephone, instead of by newspaper.

If approved by the Governor, these provisions take effect July 1, 2012, except as otherwise expressly provided. The act applies to legal notices published on or after that date.

▪ ***CS/HB 1165
Identification Cards and Driver
Licenses***

Current law provides an honorably discharged veteran of the U.S. Armed Forces the choice of obtaining a driver license or identification card that exhibits a capital "V" to signify status as a veteran. A veteran may obtain the permanent designation upon the renewal of the credential or upon purchasing a replacement credential if the veteran would like to obtain the permanent designation before the credential is up for renewal. To obtain the permanent designation, a veteran must pay a \$1 fee in addition to the standard fees required for the renewal or replacement of the credential and present his or her DD Form 214 to prove status as a veteran.

The bill amends ss. 322.051 and 322.14, F.S., to allow a veteran to obtain a replacement driver license or identification card with a capital "V" displayed upon the payment of a \$2 fee. The veteran would not be required to pay the standard fee associated with obtaining a replacement credential provided that the veteran is not conducting any other transactions affecting the credential the veteran seeks to obtain. The bill will allow a veteran to obtain a replacement credential for \$2 that signifies veteran status prior to the veteran's normal renewal period, thus avoiding the standard fee to obtain a replacement credential.

The bill also expands the acceptable forms a veteran must present to the Department of Highway Safety and Motor Vehicles to show status as an honorably discharged veteran. The bill authorizes other forms specified by the Department of Veterans' Affairs in addition to the DD Form 214. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/SB 1174
Establishing the Congressional
Districts of the State/
Reapportionment***

This Act divide the state into 27 congressional districts (plan H000C9047). It was approved by the Governor as Chapter 2012-2, L.O.F.

Based on the 2010 United States Census, Florida was apportioned two additional seats in the United States House of Representatives (total of 27) for

elections starting in 2012. The ideal district population is 696,345 (8.9% more than ideal population based on the 2000 Census).

Under federal and state law, it is a duty of the Legislature to draw 27 single-member congressional districts based on the Decennial Census. In November 2010, voters amended the State Constitution and set standards for the Legislature to follow in congressional districting (s. 20, Art. III). Subsection (a) provides:

- Districts cannot be drawn with the intent to favor or disfavor a political party or an incumbent.
- Districts cannot be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process; or to diminish their ability to elect representatives of their choice.
- Districts must be contiguous.

Subsection (b) provides, unless it would conflict with federal law or the standards described in subsection (a):

- Districts must be as nearly equal in population as practicable,
- Districts must be compact, and
- Districts must, where feasible, follow existing political and geographical boundaries.

The Legislature's stated intent was to draw new districts consistent with federal and state law. The new districts also follow public input, testimony, and feedback collected during Florida's most transparent and inclusive redistricting process ever. Legislators heard suggestions from more than 1,600 citizens during a 26 city statewide tour. The Senate and House made computer programs and information for redistricting freely available and invited tens of thousands of individuals to participate. Citizens formally submitted 177 redistricting plans.

The new plan keeps two African-American majority districts, creates a third African-American majority district, and keeps three Latino majority districts. It also provides a new Latino opportunity district in Orange, Osceola, and Polk Counties. All 27 districts are contiguous, and the total deviation between the

most populous district and the least populous district is 1 person. Where not in conflict with federal law or s. 20(a), Art. III of the State Constitution, the new districts are compact and utilize existing political and geographical boundaries where feasible. The new plan keeps 46 of 67 counties and 383 of 410 municipalities wholly contained within districts (compared to 37 and 300 in the benchmark congressional map), and district boundaries follow political and geographic boundaries to a greater extent than the boundaries of current districts.

As provided in s. 8(a), Art. X of the State Constitution, the bill officially adopts the United States Decennial Census of 2010. The bill also contains plain-language descriptions of each district, and provides for the treatment of omitted areas and for any areas specified for inclusion in one district that are entirely surrounded by other districts.

The Act took effect upon becoming a law, and the congressional districts described in the Act shall apply with respect to the qualification, nomination, and election of congressional representatives in the primary and general elections held in 2012 and thereafter. Because the Act relates to voting and elections in Collier, Hardee, Hendry, Hillsborough, and Monroe counties, it is subject to preclearance by the U.S. Department of Justice in accordance with Section 5 of the Voting Rights Act (42 U.S.C. §1973c).

▪ ***CS/SJR 1176
Joint Resolution of Apportionment
for Florida House of Representatives***

This Joint Resolution divides the state into 120 state representative districts (plan H000H9049) and 40 state senate districts (plan S000S9008). On February 10, 2012, the Attorney General petitioned the Florida Supreme Court to determine the validity of the apportionment, as provided in s. 16(c), Art. III of the State Constitution.

The ideal population for each of 120 state house districts is 156,678, and the ideal population for each of 40 state senate districts is 470,033. Florida's total resident population (and therefore the ideal populations for house and senate districts) increased by 17.6% between the 2000 Census and the 2010 Census. Population growth was not even across the state.

Under federal and state law, it is a duty of the Legislature to draw new state representative and senate districts. In November 2010, voters amended the State Constitution and set standards for the Legislature to follow in legislative districting (s. 21, Art. III). Subsection (a) provides:

- Districts cannot be drawn with the intent to favor or disfavor a political party or an incumbent.
- Districts cannot be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process; or to diminish their ability to elect representatives of their choice.
- Districts must be contiguous.

Subsection (b) provides, unless it would conflict with federal law or the standards described in subsection (a):

- Districts must be as nearly equal in population as practicable,
- Districts must be compact, and
- Districts must, where feasible, follow existing political and geographical boundaries.

The Legislature's stated intent was to draw new districts consistent with federal and state law. The new districts also follow public input, testimony, and feedback collected during Florida's most transparent and inclusive redistricting process ever. Legislators heard suggestions from more than 1,600 citizens during a 26 city statewide tour. The Senate and House made computer programs and information for redistricting freely available and invited tens of thousands of individuals to participate. Citizens formally submitted 177 redistricting plans.

The new House plan preserves the opportunities created in the 2002 benchmark map for African-Americans and Latinos to participate in the electoral process and elect candidates of their choosing, while also creating new opportunities. All 120 districts are contiguous, and the total deviation between the most populous district and the least populous district is 6,233 persons (3.98%).

The new Senate plan keeps six African-American opportunity districts: (1) northeast Florida, (2)

Tampa Bay, (3) central Florida, (4) Broward and Palm Beach Counties, (5) Miami-Dade and Broward Counties, and (6) Miami-Dade, Hendry, Collier, and Monroe Counties. The Senate plan also keeps three Latino majority districts in Miami-Dade County and provides two new districts with thin Latino majorities in Miami-Dade and in Orange, Osceola, and Polk Counties. All 40 districts are contiguous, and the total deviation between the most populous district and the least populous district is 9,342 persons (1.99%).

Where not in conflict with federal law or s. 21(a), Art. III of the State Constitution, the new house and senate districts are compact and utilize existing political and geographical boundaries where feasible. The new House plan keeps 37 of 67 counties and 335 of 410 municipalities wholly contained within districts (compared to 21 and 240 in the benchmark map). The new Senate plan keeps 36 of 67 counties and 356 of 410 municipalities wholly contained within districts (compared to 22 and 284 in the benchmark map). In both plans, the district boundaries follow political and geographic boundaries to a greater extent than the boundaries of current districts.

As provided in s. 8(a), Art. X of the State Constitution, the Joint Resolution officially adopts the United States Decennial Census of 2010. The Joint Resolution also contains plain-language descriptions of each district, and provides for the treatment of omitted areas and for any areas specified for inclusion in one district that are entirely surrounded by other districts.

This districts prescribed in this joint resolution shall apply to the qualification, nomination, and election of members of the Florida Legislature in the primary and general elections of 2012 and thereafter. Because the Joint Resolution relates to voting and elections in Collier, Hardee, Hendry, Hillsborough, and Monroe counties, it is subject to preclearance by the U.S. Department of Justice in accordance with Section 5 of the Voting Rights Act (42 U.S.C. §1973c).

▪ ***CS/SJR 2-B***
Joint Resolution of Apportionment

This joint resolution divides the state into 40 state senate districts (plan S016S9030).

On February 9, 2012, the Legislature enacted Senate Joint Resolution 1176, apportioning the state into state senate and state representative districts. As required by Art. III, s. 16(c) of the State Constitution, the Attorney General submitted SJR 1176 to the Florida Supreme Court for a determination of its validity. On March 9, 2012, the Court concluded that the apportionment plan for senate districts was unconstitutional under Art. III, s. 21 of the State Constitution. The Court explained:

We have held that Senate Districts 1, 3, 6, 9, 10, 29, 30, and 34 are constitutionally invalid. The Legislature should remedy the constitutional problems with respect to these districts, redrawing these districts and any affected districts in accordance with the standards as defined by this Court, and should conduct the appropriate functional analysis to ensure compliance with the Florida minority voting protection provision as well as the tier-two standards of equal population, compactness, and utilization of existing political and geographical boundaries. As to the City of Lakeland, the Legislature should determine whether it is feasible to utilize the municipal boundaries of Lakeland after applying the standards as defined by this Court. In redrawing the apportionment plan, the Legislature is by no means required to adopt the Coalition's alternative Senate plan. Finally, we have held that the numbering scheme of the Senate plan is invalid. Accordingly, the Legislature should renumber the districts in an incumbent-neutral manner. In re Senate Joint Resolution of Legislative Apportionment 1176, ---So. 3d---, 2012 WL 753122, at *78 (Fla. Mar. 9, 2012).

In response to the decision of the Court, and pursuant to Art. III, s. 16(d) of the State Constitution, the Governor reconvened the Legislature for an extraordinary apportionment session commencing at 1 p.m. on March 14, 2012. The constitutional responsibility of the Legislature is to "adopt a joint resolution of apportionment conforming to the judgment of the supreme court." Art. III, s. 16(d), Fla. Const.

The joint resolution reconfigures Senate Districts 1, 3, 6, 9, 10, 29, 30, and 34, along with any affected districts, in accordance with constitutional standards as defined by the Court. The joint resolution also addresses the issue regarding the City of

Lakeland. Senate professional staff and attorneys conducted the appropriate functional analysis to ensure compliance with the Florida minority voting protection provision as well as the tier-two standards of equal population, compactness, and utilization of existing political and geographical boundaries.

The joint resolution renumbers districts following a random, incumbent-neutral process conducted in public during the meeting of the Senate Committee on Reapportionment on March 21, 2012.

The Attorney General, as prescribed in Art. III, s. 16(c) of the State Constitution, will again petition the Florida Supreme Court to determine the validity of the apportionment.

The districts established in this joint resolution shall apply to the qualification, nomination, and election of members of the Florida Legislature in the primary and general elections of 2012 and thereafter. Because the joint resolution relates to voting and elections in Collier, Hardee, Hendry, Hillsborough, and Monroe counties, it is subject to preclearance by the U.S. Department of Justice in accordance with Section 5 of the Voting Rights Act (42 U.S.C. §1973c).

▪ ***CS/HB 1197*** ***Agriculture***

Stormwater Management Assessments

The bill prohibits governmental entities, excluding water control districts established under ch. 298, F.S., or a special district created by special act for water management purposes, from charging storm water management assessments on land classified as agricultural if the farm operation has a National Pollutant Discharge Elimination System permit, an environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under ch. 120, F.S. (Administrative Procedure Act).

Citrus Harvesting Equipment and Citrus Loaders

The bill authorizes the use of citrus harvesting equipment and citrus fruit loaders to transport citrus between farms on public state highways without violating the public highway use restriction and for the purpose of qualifying for a refund of motor fuel taxes.

Commercial Feed or Feedstuff

The bill requires DACS to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff, which standards must be developed in consultation with the Commercial Feed Technical Council.

Florida Farm Operations

The bill revises the definitions of “farm operations” and “farm product” and creates a definition for “apiculture” so that honeybee and apiary activities and products are provided protections afforded by the Florida Right to Farm Act. It preempts to the Department of Agriculture and Consumer Services (DACS) the statewide authority to regulate, inspect, permit, and determine placement of managed honeybee colonies and to adopt rules for this purpose after consulting with local governments and other affected stakeholders.

The bill creates a definition for “farm sign” which will result in farm signs being exempt from the Florida Building Code and any county or municipal code subject to certain restrictions on location, lighting, and use of certain words on the signs.

Florida Farm Winery Program

The bill reduces the minimum acreage required to qualify as a certified Florida Farm Winery from 10 to 5 acres of land which produces commodities used in the production of wine. It also requires that 60 percent of the wine produced must be made from Florida agricultural products.

Artificial Dying or Coloring of Certain Animals

The bill repeals a statute that prohibits the artificial dying or coloring of any animal or fowl or the use of very young animals or fowl as merchandising premiums. It was done in an effort to attract more dog shows to Florida but has attracted calls for a veto.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ *CS/CS/CS/HB 1205 Drug-Free Workplaces*

This bill amends drug-free workplace provisions in s. 112.0455, F.S., concerning state agency employees, and s. 440.102, F.S., concerning employers and employees covered under the Workers’ Compensation Law. It authorizes state agencies

to conduct random drug testing on all employees every three months. Employees to be tested must be chosen via computer-generated random sampling by an independent third party, and each sample may not constitute more than ten percent of the total employee population. Agencies may also administer drug tests to all job applicants. Drug testing must be conducted within each agency’s appropriation. It will likely be challenged as unconstitutional.

The bill also revises provisions related to discipline and management of state agency employees with positive drug tests. An agency may discipline or terminate the employment of any employee who receives a first-time positive drug test. If the employee is not discharged, the employer may refer him or her to an employee assistance program or alcohol and drug rehabilitation program, in which he or she may participate at personal expense or at the expense of a health insurance plan. The employer must determine whether the employee is able to safely and effectively perform assigned job duties while participating in such programs, and if the employee is deemed unable to do so, he or she must be placed in a job assignment which can be performed during that time or placed on leave status. Certain employees, such as those who carry firearms or work with children, are automatically considered to be unable to perform their duties while participating in employee assistance programs or alcohol and drug rehabilitation programs.

In provisions relating to employees and employers covered by the Workers’ Compensation Law, the bill replaces references to “safety-sensitive” positions with “mandatory-testing” positions and provides a definition for “mandatory-testing.” The bill states that employers who maintain drug-free workplace programs which exceed statutory standards are still entitled to receive insurance discounts. The requirement that random drug testing provisions must be specified in collective bargaining agreements before such testing is implemented is deleted.

The bill also provides for the drug testing of all Department of Corrections job applicants and for random testing of corrections employees in mandatory-testing positions.

The bill was approved by the Governor on March 19, 2012, ch. 2012-8, Laws of Florida. The effective date of the bill is July 1, 2012.

▪ ***CS/HB 1207***
Vehicles with Autonomous Technology

Currently, Florida law does not address the use of autonomous vehicles. This bill:

- Defines the terms “autonomous technology” and “autonomous vehicle” and provides the legislative intent to safely develop the operation of motor vehicles with autonomous technology on the public roads of the state.
- Requires autonomous vehicles registered in Florida to meet federal standards and regulations for motor vehicles and to comply with applicable traffic and motor vehicle laws of Florida.
- Requires safety mechanisms for engaging and disengaging the technology, indicators inside the vehicle that show when the vehicle is in autonomous mode, and a means of alerting the operator of a technology failure.
- Requires the presence of a human being and creates insurance requirements for testing autonomous vehicles.
- Creates a defense for the original manufacturer when legal action is taken due to issues arising from the conversion of a vehicle to an autonomous vehicle by a third party.
- Requires the DHSMV to prepare and submit a report relating to the safe operation of vehicles equipped with autonomous technology on public roads to the President of the Senate and the Speaker of the House of Representatives no later than February 12, 2014.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1223***
Highway Safety and Motor Vehicles

The bill contains a multitude of changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (department). Specifically, the bill:

- Renames the Office of Motor Carrier Compliance as the Office of Commercial Vehicle Enforcement.
- Revises the term “motor vehicle” and defines the term “swamp buggy.”
- Prohibits the operation of swamp buggies on state roads or streets, unless one of the following exceptions applies:
 - o A swamp buggy may be operated on a public road if (1) the responsible local government entity considers the speed, volume and character of motor vehicle traffic using the road and determines swamp buggies may travel safely, and (2) the responsible local government entity posts appropriate signs designating that use by swamp buggies is allowed; or
 - o A state or federal agency authorizes the operation of swamp buggies on land managed, owned or leased by that agency and has indicated that such operation is allowed.
- Provides an additional exemption for red light camera violations for the situation that occurs where, “the motor vehicle’s owner was deceased on or before the date the uniformed traffic citation was issued, as established by an affidavit submitted by the representative of the motor vehicle owner’s estate or other designated person or family member.” The bill also sets forth what must be included with the affidavit.
- Provides a person with impaired mobility who is using a motorized wheelchair on a sidewalk may temporarily leave the sidewalk and use the roadway to avoid a potential conflict, if no alternative route exists. Law enforcement may issue verbal warnings.
- Removes the provision prohibiting a school bus from exceeding 55 miles per hour. A school bus must still obey all posted speed limits.
- Effective October 1, 2012, requires compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2012, in compliance with the existing statutory standards may continue to be worn

legally by riders or passengers until January 1, 2016.

- Clarifies situations in which a bicyclist is not required to ride in the marked bicycle lane (if the roadway is marked for bicycle use) or as close as practicable to the right-hand curb or edge of the roadway. The bill clarifies that a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.
- Allows law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation.
- Requires the license tag of a motorcycle or moped remain clearly visible from the rear at all times and prohibits deliberate acts to conceal or obscure the license tag. With respect to license tags affixed vertically to a motorcycle or moped, the bill removes the requirement that such vehicles must maintain a prepaid account and a transponder; however, the owner or operator must pay any required toll by whatever means available.
- Expands the scope of golf cart and utility vehicle operation upon state roads located within the corporate limits of municipalities authorizing such utilization.
- Allows a motorist to intermittently flash his or her vehicle’s headlamps at an oncoming vehicle notwithstanding the motorist’s intent for doing so.
- Exempts, from the child restraint requirements, a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of person for compensation. Specifies it is the obligation and responsibility of the parent, guardian, or other person responsible for a child’s welfare, as defined in s. 39.01(47), F.S., to comply with the child restraint requirements.
- Specifies a child under 6 years of age may not be left unattended or unsupervised in a motor vehicle for any period of time if the child appears in distress.
- Clarifies that drivers convicted of violations regulating motor vehicles “resulting in an accident” may have driving privileges revoked or suspended by the court.
- Creates a uniform standard for requesting hearings with the clerks of court when a person has been charged with a traffic infraction. Specifically, a person charged with a traffic infraction may request a hearing within 180 days after the date of the violation, regardless of any action taken by the court or the department to suspend the person’s driving privilege, and upon request, the clerk must set the case for hearing.
- Prohibits a person from knowingly offering for sale, selling, or exchanging certain vehicles unless the department has stamped in a conspicuous place on the certificate of title words stating that the vehicle is a custom vehicle or street rod vehicle.
- Modifies title transfers of mobile homes. The bill provides that with respect to mobile homes, the application for a certificate of title or reassignment must be filed within 30 days after the “consummation of the sale” of the mobile home, in lieu of 30 days after delivery.
- Allows the department to accept a bond and affidavit, which includes verification of the vehicle identification number and application for title, if an applicant for a certificate of title, is unable to provide the department with a certificate of title assigning the prior owner’s interest in the motor vehicle.
- Requires the department to electronically transmit a lien to the first lienholder and electronically notify the first lienholder of additional liens if there are one or more lien encumbrances on a motor vehicle, mobile home, or vessel. Subsequent lien satisfactions must be submitted electronically to the department.
- Requires the department to establish and administer an electronic titling program that requires electronic recording of vehicle or vessel title information for new, transferred, and corrected title certificates. Lienholders must electronically transmit liens and lien satisfactions to DHSMV in a prescribed

format. Individuals and lienholders that are not normally engaged in the business or practice of financing vehicles or vessels are exempt from the electronic titling requirement.

- Exempts industrial equipment dealers from having to be licensed as recovery agents if these dealers are regularly engaged in the sale of such equipment for a particular manufacturer and the lender is affiliated with that manufacturer, and the dealer uses his or her own employees to make the repossession.
- Authorizes the department to issue electronic certificates of title and to collect e-mail addresses of vehicle and vessel owners and registrants for notification purposes related to vehicle and vessel titles in lieu of the United States Postal Service. However, the bill provides DHSMV may not use electronic notification for any notice regarding the potential forfeiture or foreclosure of an interest in property.
- Exempts active-duty military members, who are Florida residents, from the requirement to provide a Florida residential address on an application for vehicle registration.
- Allows the department to suspend a commercial motor vehicle registration upon the expiration date noted in the cancellation notice that the department receives from an insurer instead of the current 30 day statutory requirement. This subsection also requires insurance companies to notify the department of commercial motor vehicle cancellations at the same time the cancellation notice is provided to the insured pursuant to s. 627.7281, F.S.
- The following organizations have met the requirements set forth in s. 320.023, F.S., including the moratorium requirements established in Chapter 2010-223, L.O.F., and the bill:
 - Creates a \$1 voluntary check-off on motor vehicle registration and renewal forms to Florida Association of Food Banks, Inc., for the purpose of ending hunger in Florida.
 - Creates a \$1 voluntary check-off on motor vehicle registration and renewal forms to Take Stock In Children, Inc.
 - Creates a \$1 voluntary check-off on motor vehicle registrations, driver license applications and renewals for Autism Services and Supports.
 - Creates a \$1 voluntary check-off on motor vehicle registrations, driver license applications and renewals to Support Our Troops.
- Allows the department to perform a pilot program limited to state-owned vehicles, in order to evaluate designs, concepts, and alternative technologies for license plates.
- Allows a true copy of rental or lease documentation in lieu of a true copy of a rental or lease agreement. The effect of the change broadens the category of documents that will satisfy the statutory requirement by allowing documents other than the rental or lease agreement.
- Includes a prohibition on the alteration of temporary license plates and provide such violation is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.
- Clarifies the expiration of the registration renewal period for a motor vehicle or mobile home owner, who is a natural person, is at midnight on the owner's birthday.
- Extends the prohibition of using annual usage fees from the sale of specialty license plates to lobby, entertain, or reward employees of a governmental agency responsible for the sale and distribution of specialty license plates to an elected member or employee of the Legislature.
- Modifies the disbursement of annual use fees for the Florida Golf specialty license plate. Specifically, the bill increases the allocation of annual use fees from up to 10 percent to up to 15 percent that may be used by the Dade Amateur Golf Association for the administration of the Florida Junior Golf Program.

- Removes the requirement that funds received by the Florida Association of Centers for Independent Living must be used to “leverage additional funding and new sources of revenue for the centers for independent living in this state.”
- Allows the issuance of an optional special plate for former members of Congress or the Legislature upon application and payment of required fees, including a one-time \$500 fee.
- Creates special use plates for Vietnam War Veterans and recipients of the Combat Infantry Badge.
- Replaces the name “Florida Governor’s Alliance for the Employment of Disabled Citizens” with the “Florida Endowment Foundation for Vocational Rehabilitation, known as “The Able Trust,” as the recipient organization of the \$4 proceeds from temporary disabled parking permits. The bill also provides the department must deposit these fees directly with the Florida Endowment Foundation for Vocational Rehabilitation.
- Allows a dealer of heavy trucks as defined in s. 320.01(10), F.S., upon payment of appropriate license fees, to secure one or more dealer license plates for use on vehicles owned, by the dealer to whom such plates are issued while the heavy trucks are in inventory and for sale and are being used only in the state for demonstration purposes. The license plates may be used for demonstration purposes for a period not to exceed 24 hours. The license plates must be validated on a form prescribed by the department and must be retained in the vehicle being operated.
- Provides a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.
- Exempts salvage motor vehicle dealers from the requirements for garage liability insurance and personal injury protection on those vehicles that cannot be legally operated on roads, highways or streets in Florida.
- Specifies circumstances under which an RV dealer may apply for a certificate of title to an RV using a manufacturer’s statement of origin. The bill provides that RV dealers may apply for a certificate of title on RVs within a given line-make only if:
 - The dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with DHSMV, to buy, sell, or deal in that line-make, and
 - The dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.
- Permits the department to collect and use e-mail addresses of motor vehicle and vessel owners and registrants as a method of notification for the purpose of providing registration and driver license renewal notices in lieu of the United States Postal Service.
- Revises provisions exempting a nonresident from the requirement to obtain a driver license. Specifically, international visitors are permitted to use an International Driving Permit (IDP) issued in his or her name by their country of residence to operate a motor vehicle of the type for which a Class E driver license is required. The person must be in immediate possession of both an IDP and a valid driver license issued in the person’s country of residence.
- Revises requirements by which an applicant for an identification card or driver license may prove non-immigrant status. Specifically, every applicant for an identification card or driver license must have documents to prove evidence of lawful presence and the department is authorized to require additional United States Department of Homeland Security documents in order to establish the applicant’s efforts to maintain continuous lawful presence in the United States.
- Requires the department to issue or renew an identification card at no charge to a

person who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252, F.S.

- Revises the period of expiration that constitutes the offense of driving with an expired driver license from four months to six months, to conform to s. 322.03, F.S. The effect of this change will close the loophole relating to drivers whose licenses have been expired for more than four months but less than six months.
- Clarifies that military personnel shall be granted an automatic extension on the expiration of a Class E license when on active duty outside the state.
- Removes the requirement that Class A, Class B, and Class C license holders must appear in person within the state for issuance of a color photographic or digital imaged driver license. This change allows these license holders to renew or replace licenses online.
- Establishes a specialty driver license and identification card program. The department may issue to any applicant qualified pursuant to s. 322.14, F.S., a specialty driver license or identification card upon payment of the \$25 fee. Department-approved specialty driver licenses and identification cards must, at a minimum, be available for state and independent universities domiciled in Florida, all Florida professional sports teams designated in s. 320.08058(9)(a), F.S., and all branches of the United States military. The design and use of each specialty driver license and identification card must be approved by the department and the organization that is recognized by the driver license or card. This section is repealed August 31, 2016.
- Permits, pursuant to an interagency agreement, district medical examiners to access the DAVID system for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations authorized in s. 406.011, F.S.
- Provides that persons with a valid current student identification card issued by an educational institution in this state are presumed not to have changed their legal residence or mailing address.
- Provides that notices issued under ch. 324, F.S., or ss. 627.732-627.734, F.S., of cancellation, suspension, revocation, or disqualification of a driver license are complete 15 days after deposit into the U.S. mail. This change allows for the suspension of a driver license 15 days after the letter is deposited in the U.S. mail for all financial responsibility related cases.
- Prohibits the department from suspending a registration of a motor vehicle if the person to whom the motor vehicle is registered had insurance coverage limits required under s. 324.031, F.S., on the date of the latest offense that caused the suspension or revocation.
- Shortens the timeframe that an owner or operator involved in a crash must furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond. The timeframe is revised from 30 days to 14 days after the date of mailing notice of crash by the department.
- Authorizes the department to suspend the identification card when a cardholder has permitted the unlawful use of his or her identification card or has knowingly been a party to obtaining an identification card by fraud or misrepresentation or to the display or representation as one's own identification card not issued to him or her.
- Repeals s. 322.292(5), F.S., relating to the prohibition of private probation service providers referring probationers to certain DUI programs.
- Repeals s. 322.58, F.S., relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver Licenses in the early 1990's.
- Allows motor vehicle dealers to finance vehicles and after-market products under the motor vehicle retail installment license under ch. 520, Part I, F.S. However, the Office of Financial Regulation will still require dealer-

ships to conform to all of the supplemental regulations associated with both licenses.

- Removes a prohibition of using horns on highways unless reasonably necessary for safe operation.
- Requires unauthorized wrecker operators signaled to provide tow services to provide a fee schedule, the fee charged per mile to and from the storage facility, the fee charged per 24 hours of storage, and prominently display the consumer hotline for the Department of Agriculture and Consumer Services.
- Renames the Department of Health Administrative Trust Fund to the Department of Health Emergency Medical Services Trust Fund.
- Complies with requested modifications from the Federal Motor Carrier Safety Administration to comply with federal commercial motor vehicle and licensing regulations. Specifically, the bill:
 - Authorizes the Office of Commercial Vehicle Enforcement to enforce the most current regulations (as existed on October 1, 2011) applicable to owners and operators of commercial motor vehicles, thereby ensuring safety within the state.
 - Complies with a federal regulation denying eligibility for elective withholding of adjudication to persons cited for traffic violations who either (i) hold a CDL (regardless of the vehicle being driven) or (ii) hold a regular operator license but are cited while driving a vehicle requiring a CDL. The bill provides eligibility for the withhold-of-adjudication is restricted to drivers who have noncommercial driver licenses and were not driving a commercial motor vehicle when cited.
- Requires the applicant hold a valid Florida driver license before being issued a temporary commercial instruction permit.
- Clarifies exemptions to the requirement for drivers of commercial motor vehicles to possess a CDL. Farmers are exempt from CDL requirements only when transporting agricultural products, farm machinery, and farm supplies, within 150 miles of, and to or from, their farms. The exemption does not apply if the products, machinery, or supplies are being transported by a vehicle used by a common or contract carrier.
- Includes the motor vehicle's gross vehicle weight to be used in the determination of the class of CDL required.
- Provides the department may not issue a CDL to a person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless the person presents a valid certificate, as described in 49 C.F.R. s. 383.71, before licensure.
- Requires the department to disqualify a driver holding a CDL who fails to comply with the medical certification requirements described in 49 C.F.R. s. 383.71, from commercial motor vehicle operation. The bill also allows for a person who is disqualified from operating a commercial motor vehicle to be issued a Class E driver license if otherwise qualified.
- Provides any holder of a commercial driver license who is convicted of two violations of specified offenses listed in s. 322.61(3), F.S., which were committed while operating any motor vehicle arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle.

If approved by the Governor, these provisions take effect January 1, 2013, unless otherwise provided in the bill.

▪ ***CS/HB 1227***
Certification of 911 Public Safety Telecommunicators

This bill authorizes a sworn state-certified law enforcement officer to perform as a 911 public safety telecommunicator on an occasional or limited basis. The officer must pass the 911 public safety telecommunicator certification examination prior to performing these duties. An officer who fails the examination must complete a Department of Health approved training program before retaking the examination. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1229***
Reorganization of the Department of Children and Family Services

The bill authorizes the Department of Children and Family Services (DCF, or the department) to reorganize and changes the name of the agency to “Department of Children and Families.” The bill also establishes organizational units called “circuits” and “regions,” and changes the mission of the agency to include the promotion of strong economically self-sufficient families along with the advancement of personal and family recovery resiliency. The bill removes provisions related to program offices and directors, and removes obsolete language related to service districts and a prototype region. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1237***
Department of Citrus

This bill contains substantial revisions to the Florida Citrus Code which was created in 1949 to regulate and protect the citrus industry. It underwent major changes at the end of last Session. It:

- Updates the short title from “The Florida Citrus Code of 1949” to the “Florida Citrus Code;”
- Updates terminology to more correctly reflect current processes;
- Revises the qualifications and terms of members of the Florida Citrus Commission (commission) and provides for the members to serve staggered 3-year terms;
- Requires the commission to review the citrus districts every 5 years and, upon certain findings, make recommendations to the Legislature for redistricting of the districts;
- Requires the Department of Citrus (department) to be staffed 5 days per week, 40 hours per week. Allows the executive director, with the commission’s approval, to establish alternative schedules for individual employees to ensure maximum efficiencies;
- Clarifies and readopts the department’s authority to adopt rules to implement certain powers and duties;

- Authorizes the department to conduct, or arrange to be conducted, research related to disease and crop efficiency that advances the purpose of the Florida citrus industry and commercialization related to advancing such research;
- Updates obsolete tax language. The bill substitutes the term “assessment” for “excise tax” and sets the maximum assessments for grapefruit, oranges, tangerines, and citrus hybrids entering the primary channel of trade in the fresh and/or processed form;
- Requires persons liable for the periodic payments of assessments to submit a letter of credit from an issuing financial institution located in the United States to guarantee payment;
- Changes the majority of voting members of the commission from nine to seven;
- Specifies dimensions for standard shipping and field boxes for fresh fruit and revises circumstances relating to the use of such boxes; and
- Requires approval of a majority of the commission for any salary adjustment of a department employee who earns \$100,000 or more.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 1255***
Relating to Acme Improvement District and Lake Worth Drainage District, Palm Beach County/Wellington

The Acme Improvement District (Acme) was created in 1953 as an independent special district with the responsibility of building and maintaining the drainage infrastructure within the district’s boundaries. In 1995, the Florida Legislature incorporated the Village of Wellington. Acme was subsequently designated as a dependent special district of the village. In addition to providing and maintaining the district’s drainage infrastructure, Acme currently has the authority to provide for roads, parks, and utilities.

The Lake Worth Drainage District (Drainage District) is an independent special district created by judicial decree in 1915. The Drainage District is tasked with building and maintaining the drainage infrastructure within its boundaries. It is currently funded by a special assessment levied on a per-acre basis.

The Wellington Medical Arts District (Medical Arts District) is a proposed dependent special district of the Village of Wellington. The Medical Arts District property consists of nine major properties totaling approximately 212 acres. The goal of the Medical Arts District is to create an integrated campus that will provide sustainable professional and technical employment opportunities for citizens of Wellington and Palm Beach County. The entire property is currently within the boundaries of the Drainage District, but is bordered to the south and west by Acme. In addition, the current municipal boundary for the Village of Wellington encompasses only two-thirds of the proposed Medical Arts District. The Village of Wellington is proposing to annex the remaining acreage of the Medical Arts District that is currently outside of the municipal boundary (approximately 70 acres).

The bill removes the proposed Medical Arts District from the Drainage District and places it entirely within Acme. This will allow the Village of Wellington and Acme to provide the needed infrastructure for the Medical Arts District. Because Acme has more general powers than Drainage District, placing the Medical Arts District into Acme will allow revenue bonds to be issued for improvements such as roads, utilities, and parks. This will facilitate the immediate development of the Medical Arts District. The drainage services for the Medical Arts District, however, will continue to be provided by the Drainage District through a service agreement with Acme.

According to the Economic Impact Statement, the bill is believed to result in no net new expenditures or revenues. The proposal is to transfer parcels from the Drainage District to Acme while maintaining drainage services that are provided by the Drainage District. Acme will be required to reimburse the Drainage District for the drainage services through the assessments Acme collects. Subject to the Governor's veto powers, the bill is effective upon becoming law.

▪ ***CS/CS/CS/HB 1263***
Department of Health

This bill substantially amends portions of the Florida Statutes which affect the Department of Health (DOH). The purpose, powers, and duties of the DOH are restated to more succinctly reflect organizational changes that were recommended as a result of the DOH review required by the 2010 Legislature in HB 5311. Substantive provisions in this bill include:

- Authorizing two or more counties and county health departments to combine their operations by an agreement which meets specific criteria;
- Repealing the Florida Center for Universal Research to Eradicate Disease (FLCURED);
- Specifically authorizing county governments to enact health regulations and ordinances that are not inconsistent with state public health laws and rules;
- Basing the list of diseases of public health significance that the DOH may require practitioners to report on recommendations from the Centers for Disease Control and Prevention, the Council of State and Territorial Epidemiologists, and emerging diseases that are necessary for the prevention and control of a disease specific to Florida;
- Amending portions of law relating to onsite sewage treatment and disposal to:
 - Repeal the onsite sewage treatment and disposal system evaluation inspection program;
 - Require counties and municipalities with a first magnitude spring to develop and adopt by ordinance a local evaluation and assessment program, unless the county or municipality opts out by a majority vote; and authorize all other counties and municipalities to establish local evaluation and assessment programs;
 - Set out the framework and allowable criteria if an evaluation program is adopted by a county or municipality by ordinance;
 - Grandfather in any existing county or municipal programs established prior to July

1, 2011, provided that such a program does not require an evaluation at the point of sale in a real estate transaction;

- Provide that a permit issued by the DOH for the installation, modification, or repair of a septic system transfers with title to the property so that title is not encumbered when transferred if new permit requirements are in place at the time of transfer; and
- Allow system owners to choose the least costly remedial measure to resolve a system failure;
- Requiring the DOH to establish an inter-agency agreement with the Department of Children and Family Services for fiscal management of the Special Supplemental Nutrition Program for Women, Infants, and Children, including implementation of an electronic benefits transfer (EBT) system;
- Requiring a health care practitioner to provide certain information when a developmental disability is diagnosed based on the results of a prenatal test and establishing an advisory council to assist the DOH develop an information clearinghouse related to developmental disabilities;
- Amending the Children's Medical Services (CMS) program to revise eligibility requirements so that a child must have a diagnosis of one or more chronic and *serious* medical conditions and the family has a need for specialized services and be enrolled in Medicaid; or if funding is available, a child who does not qualify for Medicaid but who is unable to access specialized services that are medically necessary or essential family support services may participate on a sliding fee schedule;
- Amending the statewide tuberculosis control program to be a coordinated effort of county health departments and contracted or other private health care providers and requiring a transition plan for the closure of the A.G. Holley State Hospital which is to be fully implemented by January 1, 2013;
- Requiring the DOH to contract for the evaluation and review of laboratory certification applications and for laboratory inspections;
- Requiring a physician who performs liposuction procedures in an office setting where more than 1,000 cubic centimeters of supernatant fat is removed to register the office with the DOH;
- Requiring the Board of Nursing to deny a program application for a new prelicensure nursing education program if the educational institution has an existing program that is on probationary status;
- Revising various entities powers over the regulation of public swimming pools and public bathing places to:
 - Limit the DOH's duty to inspect and regulate such places to sanitation and safety standards.
 - Authorize the DOH to issue health advisories related to public bathing places;
 - Authorize county health department responsibility to grant them authority over water quality at such places; and
 - Authorize local government responsibility over construction and modification reviews of such places;
- Transferring the Nursing Student Loan Forgiveness Program to the Department of Education; and
- Requiring the Division of Medical Quality Assurance to develop a plan to improve the efficiency of its functions relating to timeliness in processing licenses, publishing board meetings, and coordination of joint functions between the division and regulatory boards.

The bill also consolidates and renames several divisions within the DOH and removes unused rulemaking authority, unnecessary legislative intent and findings, and obsolete date references. It also removes provisions requiring the Legislature to expend funds, which have no effect on the Legislature's budget decisions in the General Appropriations Act.

If approved by the Governor, these provisions take effect upon becoming law unless otherwise expressly stated.

▪ **CS/HB 1287**
**Voluntary Contributions on
Registration, Driver License, and
Identification Card Forms**

The bill amends ss. 320.02 and 322.08, F.S., to create \$1 voluntary contribution check-offs on a motor vehicle application (initial registration and renewal) and a driver license or identification card application (initial, renewal, or replacement). The check-offs are created for the following entities and causes: Autism Services and Supports – contributions must be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund and Support Our Troops – contributions must be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

The legislature passed a moratorium on the creation of new voluntary contributions on motor vehicle registration and driver license forms that ends on July 1, 2013 with limited exceptions. These two organizations have met these exceptions to the moratorium. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 1299**
**North Lake County Hospital
District, Lake County**

This bill codifies and revises the hospital district charter to:

- Revise the public purpose of the district, limiting it to indigent care;
- Clarify that the district may levy an ad valorem tax up to one mill;
- Limit persons from seeking election to the district board who have served as an officer or member of a board of a hospital physically located in the district, or a parent corporation or foundation of such a hospital, within the previous two years;
- Require notice of district meetings to be published online on a publicly accessible website maintained by the district;
- Discontinue mandatory payments of district tax proceeds to Florida Hospital Waterman, Leesburg Regional Medical Center, and LifeStream Behavioral Center;

- Require financial integrity and compliance audits of providers;
- Sunset the district in 2017, unless the electors approve its continuation; and
- Provide language for a referendum.

Subject to the Governor's approval, the bill is effective upon becoming law.

▪ **HB 1381**
**Relating to West Palm Beach
Downtown Development
Authority, Palm Beach County**

The bill modifies the boundaries of the West Palm Beach Downtown Development Authority (DDA) to remove a parcel of land from its boundaries. Subject to the Governor's approval, the bill is effective upon becoming law.

▪ **SB 1724**
Mosquito Control Districts

Statutory eminent domain procedures are outlined in ch. 73, F.S. This bill repeals s. 388.191, F.S., which grants the board of commissioners of a mosquito control district the power of eminent domain to condemn any land or easements necessary for the purposes of mosquito control. Section 388.181, F.S., provides that mosquito control districts are fully authorized to do and perform all things necessary to carry out the intent and purposes of this law. This statutory language would include the authority to exercise eminent domain power pursuant to ch. 73, F.S. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **SB 1958**
**Department of Health/
Correctional Medical Authority**

The bill provides for the following:

- Amends s. 945.602(1), F.S., by assigning, for administrative purposes, the Correctional Medical Authority (CMA) to the Executive Office of the Governor rather than the Department of Health.
- Transfers all powers, duties, and functions of the CMA and its 7 member governing board to the Executive Office of the Governor.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***SB 1998***
Transportation

Senate Bill 1998, relating to transportation, contains changes to laws which are administered by the Florida Department of Transportation, and provides for the following:

- Redirects a portion of title fees from the General Revenue Fund to the State Transportation Trust Fund, resulting in \$200 million of new revenue for transportation, which will be transferred to the General Revenue Fund in Fiscal Year 2012-13;
- Beginning in Fiscal Year 2013-14, the revenues will be allocated to transportation priorities, including:
 - \$10 M – Seaport Investment Program (\$100 M Bonded);
 - \$35 M - Turnpike Enterprise (\$350 M Bonded);
 - \$10 M - Transportation Disadvantaged Program;
 - \$10 M - Small County Outreach Program; and
 - \$135 M - Strategic Transportation Projects
- Transfers the Transportation Economic Development “Road Fund” program from the Department of Economic Opportunity to the Department of Transportation (FDOT or department);
- Renames ch. 311, F.S., “Seaport Programs and Facilities”; and substantially amends the Florida Seaport Transportation and Economic Development (FSTED) program;
- Provides a minimum of \$15 million per year from the State Transportation Trust Fund for the FSTED grant program;
- Creates s. 311.10, F.S., entitled the Strategic Port Investment Initiative, which directs \$35 million annually towards projects which are selected jointly by FDOT and the deepwater ports listed in s. 311.09, F.S.;
- Creates s. 311.101, F.S., entitled the Intermodal Logistics Center Infrastructure Support Program, which allocates \$5 million per year towards funding up to 50% of the eligible costs of local government or private projects that meet certain criteria;
- Amends several sections of law relating to highway safety and commercial driver licenses to bring the state law into compliance with federal law and regulations;
- Repeals the transfer of \$5 million annually from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund;
- Repeals the Toll Facility Revolving Trust Fund and transfers those revenues and future revenues to the State Transportation Trust Fund;
- Provides financial protection to the state for its obligations for Wekiva Parkway construction;
- Creates s. 339.139, F.S. entitled Transportation Debt Assessment, which implements a transportation debt assessment policy requiring the department to submit a debt load report in conjunction with the tentative work program;
- Creates s. 339.2825, F.S., entitled Approval of contractor-financed projects, which requires the department to notify the Governor and Legislature prior to advancing a project in the 5-year work program utilizing funds provided by a public-private partnership to be reimbursed as programmed in the adopted work program;
- Mandates certain actions by FDOT when they receive an inspection report which either recommends a limit on a bridge, or recommends closing a bridge;
- Enhances FDOT’s authority to establish tolls on certain future limited access facilities in the State Highway System;

- Allows for bond issuance on high-occupancy toll lanes or express lanes, with certain restrictions on usage;
- Revises the definition of “economically feasible” as it relates to turnpike projects;
- Allows private sector entities and off-system toll facilities to use FDOT’s toll collection and video billing systems in order to increase non-toll revenues or add convenience or other value for its customers;
- Mandates that the FDOT secretary designate a facility which meets the definition of an intermodal logistics center and has been designated as such in the local comprehensive plan as part of the Strategic Intermodal System, upon the facility’s request; and
- Provides a process for summary proceedings within 30 days for a challenge to a consolidated environmental resource permit or associated variance or a sovereign submerged lands authorization issued by the Department of Environmental Protection in connection with the state’s deepwater ports. There is an announced challenge to this paragraph.

If approved by the Governor, these provisions take effect July 1, 2012, except as otherwise provided in this act.

▪ **SB 2058**
Office of Legislative Services

The President of the Senate and the Speaker of the House of Representatives approved a reorganization of the Office of Legislative Services (“OLS”) as part of a streamlining and cost-saving effort. As a result of the reorganization, the Division of Legislative Information Services and the Division of Statutory Revision will be merged within OLS.

Statutory references to the Division of Legislative Information Services and the Division of Statutory Revision will be replaced with “Office of Legislative Services” or “office” in the following statutes: ss. 11.045, 11.0455, 11.242, 112.3148, and 119.15, F.S.

If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 4027**
Community-Based Development Organizations

In 2000, the Legislature established the Community-Based Development Organization Assistance Act for the purpose of providing community-based development organizations with administrative and operating funds to retain project staff to plan, implement, and manage job-generating and community revitalization developments in distressed neighborhoods. The program has not been funded or implemented since it was created by the Legislature in 2000.

This bill eliminates the Community-Based Development Organization Assistance Act.

This bill repeals the following sections of the Florida Statutes: 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 4039**
Recreation and Parks

The bill repeals duplicative statutes dealing with the authority that cities and counties have to set aside lands and/or buildings for use as playgrounds and recreation centers and to appropriate funds to conduct, equip, and maintain these facilities. Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 5001**
Florida 2012-2013 General Appropriations Act

The General Appropriations Act for Fiscal Year 2012-2013 provides for a total budget of \$70.04 billion including:

The budget is summarized by committee as follows:

- Education
 - PreK-12 Education Appropriations – \$12.8 billion (state funds)

- Higher Education – \$5.9 billion
- Health Appropriations – \$29.9 billion
- Criminal and Civil Justice Appropriations – \$4.6 billion
- General Government Appropriations – \$5.0 billion
- Transportation and Economic Development Appropriations – \$9.9 billion

▪ ***HB 5003
Bill for Implementing the 2012-2013
General Appropriations Act***

This bill provides the following substantive modifications for the 2012-2013 fiscal year.

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for FY 2012-2013. It:

- Authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus (Polytechnic).
- Provides requirements to govern the completion of Phases 2 and 3 of the Department of Health's Florida Onsite Sewage Nitrogen Strategies Study. The bill prohibits state agencies from implementing regulations with higher standards than those currently in place until Phase 3 of the department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.
- Incorporates by reference document entitled "Medicaid Supplemental Hospital Funding Programs" for the purpose of displaying the calculations used by the legislature in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.
- Amends s. 20.04, F.S., to remove reference to "program offices" of the Department of Children and Families and replace with language providing that each circuit of agency

is aligned geographically with each of the state's judicial circuits and each region is comprised of multiple circuits.

- Amends s. 409.912, F.S., to authorize the Agency for Health Care Administration to provide a Medicaid prepaid dental health program in Miami-Dade County. The bill provides that, for all other counties, the agency may not limit dental services to pre-paid plans and must allow qualified dental providers to provide dental services under Medicaid on a fee for service reimbursement methodology. The bill requires the agency to seek any necessary revisions or amendments to the state plan or federal waivers in order to implement this provision. The bill requires the agency to terminate existing contracts as needed.
- Prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, F.S., until the department submits a plan to the Legislative Budget Commission and the plan is approved.
- Amends s. 932.7055, F.S., to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for monies advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.
- Provides limitation on Department of Juvenile Justice reimbursements for health care services to 110 percent of Medicare allowable rates.
- Authorizes Chief Justice to secure a trust fund loan during the 2012-2013 fiscal year if revenues are insufficient in the State Courts Revenue Trust Fund to fund appropriations.
- Amends s. 29.008, F.S., to provide that counties are exempt from the requirement to increase expenditures by 1.5 percent for court-related functions.
- Provides that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services to fund mutual aid build

out maintenance and sustainment and the interoperability network.

- Requires the Department of Management Services and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring between July 1, 2013 and June 30, 2015.
- Authorizes the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.
- Requires the Department of Environmental Protection to award \$2,400,000 of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.
- Provides that the Department of Agriculture and Consumer Services, at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to Chapter 2006-25, L.O.F., (the FY 2006-2007 General Appropriations Act), in order to provide consistency and continuity in agriculture promotion throughout the state.
- Amends s. 259.105, F.S., to provide that the funds appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for less-than-fee interest acquisitions.
- Extends expiration of the Oil Spill Response Coordination Commission from September 30, 2012, to January 1, 2013, and extends time for issuance of report from September 1, 2012, to January 1, 2013.
- Amends s. 311.07, F.S., to exempt certain projects for ports located in counties designated as rural areas of critical economic concern from match requirements.
- Sets rates for health savings accounts at the current levels for the fiscal year.
- Provides that legislative salaries will remain at the same level in effect on July 1, 2010.
- Provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. This section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing. It requires the agency head to consider use of teleconferencing and electronic communication to meet needs of activity before approving travel.
- Amends s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the General Appropriations Act. The Department of Management Services is authorized to implement a 90-day supply limit program for certain maintenance drugs as determined by the department at retail pharmacies participating in the program, if the department determines it to be in the best financial interest of the state.
- Requires the Agency for Health Care Administration to competitively reproduce a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per prescription basis. Discounts will be available to Florida residents without income restrictions. Revenues derived from this contract shall be deposited into the Grants and Donations Trust Fund to reduce cost of Medicaid pharmacy purchases.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 5011***
State Information Technology

This bill provides for the following:

- Creates the Agency for State Technology within the Executive Office of the Governor under the Governor and Cabinet.
- Eliminates the Agency for Enterprise Technology and transfers all resources and records to the newly created Agency for State Technology.

- Transfers the management oversight responsibility of the Northwood and Southwood Shared Resource Centers from a board of trustees to the Agency for State Technology.
- Repeals email as a state enterprise activity.
- Appropriates 16 positions and \$1,847,866 in General Revenue to operate the newly created Agency for State Technology.

If approved by the Governor, these provisions take effect July 1, 20

▪ **CS/HB 5203**
Reemployment Services

- Repeals and terminates the Workers' Compensation Administration Trust Fund within the Department of Education.
- Amends s. 440.491, F.S., as follows:
 - Transfers responsibilities for training and education of injured workers to the Department of Financial Services;
 - Authorizes the Department of Financial Services to contract with one or more third parties to administer functions of training and education.
 - Requires that persons or firms selected to administer reemployment services may not have a conflict of interest.
 - Prohibits a rehabilitation provider who contracts with the department to provide injured employees reemployment assessments and other services from providing training or education to the injured employee.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 5501**
One-Stop Business Registration Portal

The bill provides for the following:

- Directs the Department of Revenue (DOR) to establish and implement a One-Stop Business Registration Portal, through an

internet website, to provide individuals and businesses with a single point of entry for transacting business in the state.

- Provides that the One-Stop Business Registration Portal must provide businesses and individuals a single point-of-entry for:
 - Completing and submitting applications for various licenses, registrations or permits that are issued by state agencies or departments to do business in the state.
 - Filing of documents that must be submitted to state agencies or departments to transact business in the state.
 - Remitting of payments for the various fees that must be paid to state agencies or departments to obtain licensure, registration or a permit.
- Authorizes the DOR to competitively procure and contract for services to develop and maintain the portal, and directs the Departments of Business and Professional Regulation, Economic Opportunity, Financial Services, Lottery, Management Services and State to cooperate with the DOR in the development and implementation of the portal.

It is anticipated that implementation of this endeavor will take two years. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 5507**
Department of Management Services

The bill provides for the following:

- Eliminates the Executive Aircraft Program.
- Removes the one-percent reimbursement limit for administration of the Florida State Employee Charitable Campaign. This allows the state to be fully reimbursed for costs to administer the program.
- Extends the \$3 surcharge on certain criminal offenses and noncriminal moving traffic violations to July 1, 2021. The surcharge annually provides \$5.2 million to enhance the Statewide Law Enforcement Radio System.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 5509***
State Data Center System

The bill provides for the following:

- Amends the schedule for agency data center consolidations and exempts the Florida Department of Law Enforcement, Department of Lottery, Systems Design and Development in the Office of Policy and Budget, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, Florida Clerks of Court Operations Corporation, Florida Housing Finance Corporation, and the State Board of Administration from consolidation to a primary data center.
- Deletes the requirement that agencies must submit information relating to their data centers and computing facilities to the Agency for Enterprise Information Technology (AEIT).
- Deletes the requirement for the AEIT to submit a comprehensive transition plan.
- Amends the duties and responsibilities of a primary data center by requiring an inventory of contracts and agreements and requiring any resources to be requested in the Legislative Budget Request.
- Specifies that any administrative overhead costs charged must be included in a specific appropriation and any changes in rates that increase an agency charge must be approved by the Legislative Budget Commission.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 7021***
Department of Agriculture and Consumer Services

This bill addresses a number of issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (DACS). The bill provides for the following:

- Establishes the Division of Food, Nutrition and Wellness;
- Designates DACS, rather than the Department of Environmental Protection, as the staff responsible for acquiring and administering perpetual agricultural conservation easements;
- Extends the due date from September 15 to September 30 for mosquito control districts to provide their certified budgets to DACS;
- Allows water hyacinths produced by certified aquaculture producers to be exported to domestic, as well as foreign markets;
- Allows DACS to adopt the most current federal regulations concerning food safety;
- Eliminates the Food Safety Pilot Program, relating to inspection of food establishments and vehicles;
- Provides direct statutory authority to DACS to distribute grants funds to farmers;
- Updates the name of the Office of Energy and Water to the Office of Agricultural Water Policy;
- Repeals the statute relating to the Florida Agricultural Exposition which was closed in 2008;
- Eliminates three technical councils and replaces them with a new Agricultural Feed, Seed and Fertilizer Advisory Council;
- Requires a review of marketing orders when requested by an advisory council rather than an annual audit by a certified public accountant;
- Revises the fertilizer tonnage fee program;
- Requires companies distributing feed in the state to report the number of tons distributed to DACS on a quarterly basis, specifies penalties for failure to comply, and specifies that consumers who purchase commercial feed that is in violation of state standards may seek legal or administrative action to recover penalties;
- Allows soil and water conservation districts to work across district lines in order to maxi-

mize the utilization of water conservation devices, systems, and techniques;

- Repeals provisions relating to cattle vaccination for brucellosis;
- Gives the Florida Forest Service the sole authority to authorize silviculture and agricultural open burning to eliminate duplicative permitting;
- Provides an education fee waiver for elementary, middle, high school, and vocational schools that participate in the aquaculture certification program;
- Eliminates the Aquaculture Interagency Coordinating Council; and
- Authorizes the Commissioner of Agriculture to act as trustee on bonds posted with the United States Department of Agriculture in compliance with the Packers and Stockyards Act.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 7027***
Unemployment Compensation

This bill rebrands the state's unemployment compensation program in ch. 443, F.S., as the "reemployment assistance program."

Related to Benefits

The bill makes several changes related to benefits, including:

- Requiring the Department of Economic Opportunity (DEO) to establish a numeric score on the initial skills review which demonstrates a minimum proficiency in workforce skills. Individuals who fall below the minimum score may elect to take workforce skills training, and DEO is required to develop best practices, evaluate the training, and report findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013;
- Clarifying that individuals who are non-Florida residents, on temporary layoffs, union members, or participating in short-time com-

pensation plans are not required to complete the initial skills review;

- Reducing the number of required work search contacts from 5 to 3 to individuals who live in small counties;
- Clarifying work search requirements for union members and individuals on temporary layoffs or participating in short-time compensation plans;
- Increasing the period of disqualification for making a fraudulent claim from the time that the fraudulent claim was made until 1 year after DEO discovers the fraud or until all fraudulent overpayments are repaid in full;
- Applying certain restrictions on the payment of benefits to an individual employed by an educational institution to an individual who provides services to an educational institution through a contract between the individual's employer and the institution (effective July 1, 2013);
- Extending the statute of limitations related to the collection of overpayments by providing that the commencement of collections must be initiated within 7 years after the redetermination or decision;
- Authorizing DEO to noncharge the accounts of employers that are forced to lay off workers due to a man-made disaster of national significance;
- Clarifying what constitutes prima facie evidence that a person claimed and received benefits; and
- Incorporating federal provisions relating to the release of confidential information.

Further, the bill codifies Executive Order 12-03 extending the temporary state extended benefits program.

Related to Employer Contributions

The bill makes several changes related to employer contributions, including:

- Providing tax relief to Florida employers through two changes. The bill lowers the wage base by \$500 from \$8,500 to \$8,000 for tax years 2012 through 2014. The bill

also increases the recoupment period used in the calculation from 3 years to 5 years until tax year 2018.

- Creating a work group to study the contribution tax calculation and provide recommendations for changes to the calculation that ensure the long-term solvency of the reemployment assistance program while promoting equitable, minimal tax burdens on Florida employers. The work group must report back to the Legislature with recommendations by December 31, 2012.
- Allowing employee leasing companies to make a one-time decision to change from reporting leased employees under their company account to reporting the employees under their respective clients' accounts, an option that could result in lower taxes for those companies choosing to change.

If approved by the Governor, these provisions take effect at different times. The temporary state extended benefits program is effective retroactive back to January 4, 2012, and expires January 5, 2013. The issues relating to the employer contributions take effect upon becoming law, retroactive back to June 29, 2011. The budget authority for DOR takes effect upon becoming law. All other provisions take effect July 1, 2012.

▪ **HB 7029**
Nullification and Repeal of Administrative Rules

The bill amends the Administrative Procedure Act by codifying the legal rule that the repeal of a substantive statute also acts to repeal the administrative rules adopted to implement that statute. The bill also creates a summary process for the Department of State to repeal rules which are no longer in full force and effect. This process includes legal review by the Attorney General, notice requirements, and an opportunity for anyone to challenge a proposed summary rule repeal which cannot be effective until the challenge has been resolved. The bill provides for the nullification and repeal of 270 existing rules which are no longer needed or for which the specific law implemented has been repealed. If approved by the Governor, these provisions take effect 60 days after becoming law.

▪ **CS/HB 7041**
Governmental Reorganization

This bill is the result of a review of the Florida Statutes for changes necessary due to the governmental reorganization provided by ch. 2011-142, L.O.F. which was the creation of the Department of Economic Opportunity by merger of these agencies: the Department of Community Affairs, the Agency for Workforce Innovation, the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor, the Black Business Investment Board, and the Florida Sports Foundation; updates provisions or references which were enacted by other chapter laws; revises provisions or references which were drafting errors; and repeals any remaining outdated provisions. If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/HB 7043**
Obsolete or Outdated Programs and Requirements

This bill repeals and amends portions of the Florida Statutes relating to several obsolete or outdated programs and requirements. This bill eliminates several inactive boards or commissions including:

- The Florida State Employee Wellness Council.
- Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.
- The Small Business Regulatory Advisory Council.
- Office of the Small Business Advocate.
- Statewide Intermodal Transportation Advisory Council.
- Health Information Systems Council.
- Developmental Disabilities Compact Workgroup.
- The Florida Institute for Nuclear Detection and Security.

The bill transfers some duties relating to rulemaking oversight to the Rules Ombudsman in the Executive Office of the Governor. The bill also repeals the requirement that bicycle operators must keep at least one hand on the handlebars. If approved by

the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 7055**
Executive Branch Administrative Authority

This bill clarifies legislative intent regarding the extent of the executive branch's administrative authority in response to the Florida Supreme Court's ruling in *Whiley v. Scott*. The bill also repeals unused rulemaking delegations to various state agencies. Specifically, the bill:

- Makes findings clarifying the Legislature's intent that non-elected agency heads appointed by and serving at the pleasure of the Governor are subject to the direction and supervision of elected officers.
- Clarifies that the laws placing the administration of executive branch departments under the direct supervision of agency heads appointed by and serving at the pleasure of the Governor do not imply that those non-elected agency heads exercise any power independent from the Governor's direction and supervision.
- Clarifies that Administrative Procedures Act requirements for certain actions to be taken by agency heads do not establish non-elected appointees serving at the pleasure of the Governor as exercising such power or authority exempt from the Governor's direction and supervision.
- Authorizes the Office of Statutory Revision to include duplicative, redundant, or unused rulemaking authority in revisers' bill recommendations as part of the ongoing process of statutory revision.
- Repeals certain statutory provisions containing duplicative, redundant, or unused rulemaking authority. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 7093**
Domestic Violence

The bill makes statutory changes to conform to proviso included in the FY 2011-2012 General Appropriations Act (GAA). The bill revises the duties and

functions of the Department of Children and Families (DCF or department) relating to the domestic violence program.

Specifically, the bill:

- Limits the department's role in certification of domestic violence shelters to initial certification, suspension and revocation. Ongoing certification of domestic violence shelters will be performed by the Florida Coalition Against Domestic Violence (FCADV or coalition);
- Requires the department to partner with the FCADV to coordinate and administer the statewide activities related to the prevention of domestic violence;
- Requires the department to contract with the coalition for the delivery and management of services for the state's domestic violence program; and
- Eliminates the certification of batterers' intervention programs as well as the authority for the department to collect fees associated with the certification program.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 7121**
Ratification of Rules

The bill ratifies Rule 5F-11.002, F.A.C., adopted by the Department of Agriculture and Consumer Services that updates the minimum standards for the storage and handling of liquefied petroleum gases pursuant to s. 527.06, F.S. The rule requires that all new underground installations of gas steel containers be protected from corrosion damage by use of a cathodic protection system. If approved by the Governor, these provisions take effect upon becoming law.

Growth Management, Environment, Natural Resources, Real Property, Transportation, and Energy

▪ **HB 13**

Sovereignty Submerged Lands

This bill provides lease requirements for private residential docks and related structures on sovereign submerged lands. Specifically, the bill does the following:

- Extends the maximum term from an initial standard lease for successive renewals to 10 years from the 5 year maximum currently provided by rule and requires inspection by the Department of Environmental Protection at least once every 10 years instead of every 5 years.
- Requires standard lease contracts to disclose all applicable lease fees as established by the Board.
- Exempts multi-family docks and structures that require a lease from paying a fee on minimal amounts of sovereignty submerged lands that are leased to reflect the same-size exemption currently in place for single-family docks.
- Specifies that lessees whose upland property qualifies for a homestead exemption are not required to pay a lease fee on revenue derived from the transfer of fee simple or beneficial ownership.
- Specifies that the Board and DEP are not prohibited from imposing additional application fees, regulatory permitting fees, or other lease requirements as otherwise authorized by law.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/CS/SB 268**

Sponsorship of State Greenways and Trails

The bill authorizes the Department of Environmental Protection to enter into agreements with not-

for-profit or private-sector entities allowing those entities to sponsor signage on state-owned greenway and trail facilities in the form of commercial displays. Signs may only be erected after departmental review and approval, and are restricted in relation to placement, size, terms, materials, and construction. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 313**

Premises Liability for Outdoor Recreation

The bill allows private property owners who provide outdoor recreational opportunities on their properties to enter into written agreements with the state, as opposed to formal leases, and still receive the benefit of the limitation of liability.

The bill also provides limitation of liability protection to private property owners who make their properties available to specific persons, as opposed to "the public," for the purpose of hunting, fishing or wildlife viewing. To limit liability, the landowner must provide notice of the liability limits to the person or persons using the land. The property owner must not derive any profit from patronage of the property for outdoor recreational purposes; however, reimbursement of reasonable costs and expenses may be included in the agreement.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 377**

Miami-Dade County Lake Belt Mitigation Plan

Limestone operations in the Miami-Dade County Lake Belt are guided by the Lake Belt Mitigation Plan. Under the plan provided in current law, the Lake Belt limestone companies pay a special mitigation fee of 45 cents for each ton of limerock and sand sold. The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Miami-Dade County Lake Belt Mitigation Plan Implementation Committee and adopted under s. 373.4149, F.S. The fee is collected by the Department of Revenue and

transferred to the South Florida Water Management District's Lake Belt Mitigation Trust Fund.

The Lake Belt limestone companies also pay a water treatment plant upgrade fee of 15 cents per ton, to be used to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County. The fee is collected by the Department of Revenue and transferred to a trust fund established by Miami-Dade County.

The bill expands the authorized uses of the proceeds of the water treatment plant upgrade fee by allowing the proceeds of the fee to be used to pay for seepage mitigation projects, including groundwater and surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee.

Beginning July 1, 2012, the proceeds of the water treatment plant upgrade fee will be deposited into the Lake Belt Mitigation Trust Fund to pay for seepage mitigation projects. The money will be transferred until:

- \$20 million is placed in the trust fund, or
- Pathogen sampling demonstrates that the water in any quarry lake in the vicinity of the Northwest Wellfield would be classified as being in Bin 2 or higher.

Once either of these qualifications is triggered, the proceeds would again be transferred to a trust fund established by Miami-Dade County for the purpose of upgrading a water treatment plant that treats water coming from the Northwest Wellfield.

If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/CS/CS/CS/HB 503***
Environmental Regulation

This bill is a significant environmental permitting bill and does the following:

- Prohibits the local government from conditioning the approval of processing or issuing for development permit after July 1, 2012 on an applicant's obtaining a permit or approval form from any other state or federal agency. However, the local government may require

that applicant cannot start work without those additional required permits.

- Provides conditions under which DEP is authorized to issue coastal construction permits in advance of the issuance of incidental take permit if authorization as provided under the Endangered Species Act if permit conditioned upon receipt of incidental take permit prior to activity occurring on site.
- Includes entities created by special act or local ordinance (this would include some special districts) or interlocal agreement between counties and municipalities for purposes of DEP and Water Management Districts (WMDs) reduced or waived permit processing fees.
- Expands the use of internet-based self-certification services for certain exemptions and general permits issued by DEP and WMDs if the expansion is economically feasible. Even if not, DEP and WMDs are directed to identify appropriate permits.
- Exempts injection wells authorized under State Underground Injection Control Program from permitting under Part III of Chapter 373, Fla. Stat.
- Requires action on permit applications within 60 days of receipt of last timely requested material. This cuts 1/3 of the time off the process.
- Precludes state agencies from delaying action because of pending approval from other local state or federal agencies similar to the local government limitation in the first bullet.
- Provides for DEP to obtain and expand State Programmatic General Permit (SPGP) from the federal government for certain activities and waters of the U.S. governed by the Clean Water and Rivers and Harbors Act. DEP authorized to work with the U.S. Army Corps of Engineers (ACOE) on this for those activities in U.S. waters which will have minimal adverse environmental impacts. Conditions must be at least as protective of environment and natural resources as existing state law under Part IV of Chapter 373, Fla. Stat.

- Authorizes DEP and WMDs to implement voluntary SPGP for all dredge and fill activities impacting 3 areas or less of wetlands or other surface waters subject to agreement with ACOE, again, if SPGP at least as protective as Part IV of Chapter 373, Fla. Stat.
- Revises voluntary site cleanup program by raising priority ranking scores from 10 or under to 29 or under to increase qualifying sites. Bill also provides expenditures associated with program deductibles, copayments and contamination assessment report do not apply to expenditures under low scored site initiative within Inland Protection Fund.
- Provides that the transfer of title for petroleum contaminated site to child of the owner or corporate entity created by the owner to hold title does not disqualify this site from financial assistance. Bill provides those previously denied may apply.
- Provides expedited permitting for any inland multi-modal facility receiving and/or sending cargo to and from Florida ports.
- Authorizes certain zones of discharge to groundwater for existing installations.
- Limits the circumstances under which DEP can revoke certain air and water pollution permits issued to stationary installations: inaccurate information must relate directly to permit application; refusal of lawful inspection must relate to facility authorized in permit; and failure to submit operational reports and information only applies to those which directly relate to permit and applicant has refused to correct or cure such violations when requested to do so.
- Expands population cap from 7,500 to 10,000 for eligibility to apply for grants under Small Community Service Construction Act.
- Provides sludge from waste treatment works meeting exemption requirements for industrial by product is not a solid waste.
- Allows byproduct from the creation of the waste-to-energy that is recycled to count towards the county recycling goal. The rate in which waste-toenergy counts toward state goal goes from 2 tons to 1.25 tons. Directs DEP to allow waste-to-energy facilities to maximize acceptance and processing of nonhazardous and liquid waste.
- Exempts new solid waste disposal areas at an already permitted facility from having to be specifically authorized in the permit if monitored by an existing or modified groundwater modeling plan.
- Extends the duration of permits (20 years) issued to solid waste management facilities that are designed with leachate control systems and those without a leachate control system to every 10 years if certain conditions were met. The 20 years applies to application for operating or construction permits or renewals on or after July 1, 2012.
- DEP to adopt rule requiring owners/operators of solid waste management facilities to provide financial assurances if DEP orders corrective action. Provides a general permit for construction, alteration and maintenance for stormwater management system under 10 acres.
- Creates regional action teams for expedited permitting and comprehensive plan amendments which are identified to allow location and expansion of job creating companies (at least 50 jobs) which pay high wages.
- Expands the definition of blended gasoline to define the term alternative fuel (includes biomass) and authorizes the sale of unblended fuels for a long list of exemptions, including but not limited to planes and boats or where a warranty would be voided by use of blended gasoline.
- Provides that holders of valid permits or other authorizations are not required to make payments to authorizing agencies for use of extensions granted under Sections 73 and 79 of Chapter 2011-139 and makes prohibition on fees retroactive back to June 2, 2011.
- In 2011, the Legislature allowed a notice to the local government or agency of certain permits and development orders which expired between January 1, 2012 and January 1, 2014. Notice had to be given by December 31, 2011. This allows notice to be given

by December 31, 2012, another year. The same limits to total years of extension apply.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 639***
Reclaimed Water

This is one of the first bills to address the regulation and use of reclaimed water and defines both reclaimed water and the reclaimed water distribution system. It reaffirms state policy that reclaimed water is an alternative water supply and eligible for such funding and memorializes specific contract provisions for the development of reclaimed water as an alternative water supply.

To many, one of the more important parts of the bill is that it gives utilities producing reclaimed water much more control over the water itself and prohibits water management districts from requiring a permit for reclaimed water or directing the utilities to provide water to certain customers to whom the reclaimed water must be directed. However, if the proposed use includes surface or ground waters, a consumptive use permit for those uses may include conditions governing their use in relation to feasibility or use of reclaimed water.

The bill requires the DEP and each water management district to initiate rulemaking on “impact offsets” and “substitution credits” and to adopt revisions to the water resource implementation of the rule.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 691***
Beach Management

This bill renames Parts 1 and 2 of Chapter 161, Fla. Stat. as the Denis L Jones Beach and Shore Preservation Act in honor of a senator who pioneered interest in this area. Over the past few years, a Beach Management Working Group was established and made a number of recommendations regarding streamlining and transparency. The bill provides:

- Reasonable assurance is demonstrated if the permit applicant provides competent substantial evidence that is based on plans,

studies, and credible expertise that accounts for naturally occurring variations that might be reasonably expected.

- DEP is authorized to issue coastal construction permits in advance of incidental take authorizations under Endangered Species Act and regulations if authorization includes requirement activities can not begin until incidental take authorization issued.
- DEP to adopt rules to address standard mixing zone criteria and antidegradation
- requirements for beach management and inlet by-passing permits that involve excavation and replacement of sediment.
- If DEP requests additional information on application, it must cite statutory and rule provisions. It cannot use guidelines to enforce requirements.
- Provides for simplification and expedited permitting process for periodic maintenance for previously permitted and constructed beach nourishment and inlet management process.
- DEP must maintain active project listings by fiscal year on website for transparency.
- 2 additional permit exceptions created for geotech, geophysical and cultural resource data, including surveys, acoustic sound, sampling and coring and oceanographic instrument deployment.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 869***
Pinellas Planning Council, Pinellas County

This bill combines the leadership of the Pinellas Planning Council (PPC) with the leadership of the Pinellas County MPO so that a single policymaking body oversees both the land use planning and transportation planning in Pinellas County. The bill amends the charter of the PPC to provide the same council membership requirements as the PCMPO, allowing both entities to function under identical leadership. The bill provides legislative intent to more fully integrate the functions of land use and transportation planning.

The bill requires the repeal of the current Countywide Plan and adoption of new Countywide Plan by the Countywide Planning Agency. The new plan must be a broadly defined and policy-based plan with fewer land use categories. The new plan must be adopted by a majority of all council members. After the adoption of the new Countywide Plan, local governments' comprehensive plans must be reviewed for consistency. Consistency is met if the maximum densities and intensities are equal to or less than the maximum densities allowed by the Countywide Plan, the permitted uses in local plans are allowed in the Countywide Plan, and the local plans meet any other standards contained in the countywide rules.

The bill also requires an annual independent audit be performed at the PPC's expense and codifies all prior special acts of the PPC and consolidates them into one special act.

Subject to the Governor's approval, the bill takes effect either upon becoming a law or upon final approval of the PCMPO's reapportionment plan (expanding its board from 11 members to 13 members), whichever occurs later.

▪ ***CS/CS/HB 979***
Developments of Regional Impact

This bill makes a number of changes to the Development of Regional Impact (DRI) program. A DRI is a development that has a substantial adverse impact on regional resources which are those which effect citizens of more than one county. However, over the last two years, it is no longer necessary in areas of Dense Urban Land Areas which include eight counties and 238 cities.

The bill requires that DRI review is not necessary for those projects which are not within Dense Urban Land Areas and would ordinarily be required to undergo DRI review if the developer undergoes the coordinated (longer) comprehensive plan amendment process. Additionally, an agreement must be entered between the developer, Department of Economic Opportunity (DEO) and the local government. DEO must agree that the project has an agreement providing for a tax refund for qualified target industries and that the local government has a staff capable of assessing the impacts of the development. The local government has almost complete discretion as to whether to say yes or no

and must give 21-day notice of specific information to adjacent local governments.

This DRI exemption does not apply with the boundaries of designated areas of critical state concern by the Wekiva Study Area or within two miles of the boundary of the Everglades Protection Act.

The bill also requires regional planning council reports to contain recommendations consistent with the standards of state permitting agencies and water management districts and requires that reviewing agencies' recommendations are consistent with applicable statutes, rules and ordinances of the local government with jurisdiction. Regional planning councils are similarly precluded from commenting on or recommending affordable housing mitigation unless the council has adopted an affordable housing policy as part of its Strategic Regional Policy Plan. This may be the long term impact of the bill in the future as practitioners in this area are used to comments and recommendations not being limited.

The bill provides that a change to a DRI development order is not a substantial deviation and does not have to go through the notice of proposed change process if the changes do not increase external peak hour trips and do not reduce open space or conservation/preservation areas unless permitted by other language in the statutes. The ultimate interpretation of this bill depends on DEO, but current discussion is whether this language would even exempt a project that would otherwise be a substantial deviation under other sections of the statute.

This bill allows a DRI to be rescinded if all the required mitigation will be completed under an existing permit or equivalent authorization issued by an agency provided the permit or authorization is subject to enforcement through administrative or judicial remedies.

Finally, at the end of the Session, language was added to provide for application and potential approval of a comprehensive plan amendment by an owner that meets very specific requirements as an agricultural enclave. The owner must apply by a certain date and approval must be given unless a local government can show by clear and convincing evidence that the project will be a danger to the public health, safety and welfare.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/HB 1001***
Timeshares

The bill requires the full and fair disclosure of terms, conditions, and services offered by timeshare resale service providers, which includes brokers and advertisers who offer unsolicited telemarketing, direct mail, or e-mail in connection with the offering of resale brokerage services or resale advertising services to consumer owners of timeshares who wish to sell their interest in a timeshare. It provides exceptions for sales by consumers and licensed real estate brokers.

The bill specifies the information that resale service providers must provide to the consumer timeshare resellers before engaging in resale brokerage services or resale advertising services, including a description of any fees or costs; a description of when such fees or costs are due; and the ratio or percentage of the number of timeshare resale interests sold or rented versus the number of timeshare resale interests listed for sale or rent by the timeshare resale broker for each of the previous two calendar years. Resale service providers may not engage in those activities of a real estate broker unless they are a licensed real estate broker.

The bill prohibits timeshare resale service providers from:

- Representing that they will provide any type of direct sales or resale brokerage services;
- Representing that another person has a preexisting interest in the timeshare without providing identifying information for that person;
- Representing that sales or rentals have been achieved or generated, unless the resale provider substantiates the statement at the time of representation;
- Representing that a specific number of sales or rentals have been sold or rented without providing the consumer with the ratio or percentage timeshare interests advertised that have actually resulted in a sale or rental for each of the previous two calendar years;

- Representing that a timeshare interest has a specific resale value;
- Collecting any payment that exceeds an aggregate total of \$75 or more in any 12-month period without first receiving a written contract; and
- Failing to honor a cancellation notice sent by the consumer timeshare reseller.

The bill specifies the information that must be included in a written contract for resale advertising services, which includes a conspicuous statement that the consumer has the right to cancel the contract for advertising services within 10 days after the date the contract is signed. The bill also requires that resale advertisers provide a full refund within 20 days of the consumer's cancellation of the agreement, or five days after the consumer's check has cleared, whichever is later.

If the contract for resale advertising services fails to comply with the provisions in the bill, the contract would be voidable at the option of the consumer for one year after the date it is executed by the consumer. If a violation of the provisions in the bill occurs during an offering of resale services, both the resale service provider and the person who actually commits the violation would be deemed to have violated this section.

The bill provides that persons who provide resale advertising services for timeshare interest have submitted to the jurisdiction of the state courts. The bill provides a civil penalty of \$15,000 per violation in addition to the penalties and remedies provided in the Unfair and Deceptive Trade Practices Act in part II of ch. 501, F.S. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 1117***
Conservation of Wildlife

The bill allows 16 zoos and aquariums that are accredited by the Association of Zoos and Aquariums in Florida to seek authorization from the Board of Trustees of the Internal Improvement Trust Fund and the Water Management Districts to use state lands to conduct enhanced research. The research could include the following areas: husbandry, reproductive biology, endocrinology, nutrition, genetics, behavior, health and ecology of native and non-native species of animals and birds. Projects involving mammalian species that are carnivores or primates are prohibited. The bill specifies that a detailed description of the proposed project include containment facilities and a plan to ensure the timely recovery of animals that have escaped due to natural disasters or other unforeseen events.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1383***
Fish and Wildlife
Conservation Commission

This bill follows up on a law passed in 2011 which required law enforcement agencies to review law enforcement activities and assets of the DACS, DEP and the Florida Fish and Wildlife Commission (FFWC) to determine if there was duplication of law enforcement functions. As a result of the work, the DEP Division of Law Enforcement will be merged into the Fish and Wildlife Conservation Division of Law Enforcement as well as DACS Office of Agricultural Law Enforcement Officers who have been assigned to the Conservation of Recreational Lands Program and the investigator responsible for commercial aquaculture violations.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 1389***
Water Storage and Water
Quality Improvements

The bill provides legislative intent to encourage public-private partnerships for water storage and water quality improvements on agricultural lands throughout the state. The bill specifies that any agreement must include a baseline condition to

determine the extent of wetlands and other surface waters on a property. In addition, the bill specifies that during and after expiration of any agreement, the extent of the wetlands and other surface waters on the property is the original baseline condition.

The bill also creates the Study Committee on Investor-owned Water and Wastewater Utility Systems Study. The purpose of the committee is to identify issues of concern of investor-owned water and wastewater utility systems. The Committee must prepare and submit a report to the Governor, Legislature and any relevant agencies detailing its findings and making specific recommendations by February 15, 2013. The bill specifies the Committee terminates on June 30, 2013.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***SB 1986***
Water Management Districts

The bill provides for the following:

- Authorizes the Legislature to set the maximum millage rate for each district.
- Removes a provision requiring that the maximum property tax revenue for water management districts revert to the amount authorized for the prior year if the Legislature does not set the amount.
- Removes the maximum revenue limitation for the 2011-2012 fiscal year.
- Creates s. 373.535, F.S., to require each water management district to submit a preliminary budget by January 15 for legislative review, requires the preliminary budget to include certain information, and authorizes the President of the Senate and the Speaker of the House of Representatives to submit comments regarding the preliminary budget to the district by March 1. Requires each district to respond to the comments no later than March 15.
- Provides for the preliminary budget reviewed by the Legislature to be the basis for developing each district's tentative budget for the next fiscal year.

- Provides criteria for the Legislative Budget Commission (LBC) to use in approving the tentative budget of a district and authorizes the LBC to reject certain district budget proposals.
- Requires a district to submit for review a description of any significant changes made from the preliminary budget to the tentative budget.
- Requires that a five-year water resource development work program describe the district's implementation strategy and funding plan for water resource, water supply, and alternative water supply development components of each approved regional water supply plan.
- Authorizes the governing board of a water management district to provide group insurance for its employees and the employees of another water management district.
- Allows each water management district to own, acquire, develop, construct, operate, and manage a public information system, and exempts local government review or approval of such public information system.
- Revises the definitions of the terms "regularly established position" and "temporary position."

If approved by the Governor, these provisions take effect upon becoming a law except as otherwise expressly provided in the bill.

▪ **HB 4001**
Florida Climate Protection Act

The bill repeals s. 403.44, F.S., known as the Florida Climate Protection Act (act), which authorizes the Department of Environmental Protection (DEP) to adopt rules to create a cap-and-trade regulatory program to reduce greenhouse gas emissions. The act was enacted in 2008, and DEP has not adopted any rules. The bill also deletes a related provision in s. 366.8255, F.S., on the recovery of costs associated with greenhouse gas registries. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 4003**
Growth Policy

This bill repeals s. 163.2523, F.S., and thus eliminates the Urban Infill and Redevelopment Assistance Grant Program. The program was created as part of the 1999 "Growth Policy Act" to help local governments revitalize distressed urban areas. The Legislature appropriated \$2.5 million in fiscal year 2000-2001 to the program but has not appropriated funds in subsequent years. This bill does not affect a local government's ability to designate an urban infill and redevelopment area and to offer local incentives within the area in order to target economic development and job creation. This bill also does not affect the economic incentives available to local governments with an adopted urban infill and redevelopment plan such as the power to finance redevelopment plans through revenue bonds and employ tax increment financing. This bill corrects several statutory references.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 4123**
Federal Environmental Permitting

The bill repeals s. 373.4144(2), F.S., directing the Department of Environmental Protection (DEP) to file a report with the President of the Senate and the Speaker of the House of Representatives proposing any required federal and state statutory changes that would be necessary to accomplish consolidation of state and federal wetland permitting programs, and to coordinate with the Florida congressional delegation on any necessary changes to federal law. The section also renumbers the subsequent subsection of law and makes minor language changes. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 7003**
Environmental Resource Permitting

The bill directs the Department of Environmental Protection (DEP) to adopt statewide environmental resource permit (ERP) rules. The Water Management Districts (WMDs) and delegated local governments are directed to implement the rules without rulemaking, except to conform existing rules. The bill specifies the statewide ERP rules are to be based on existing DEP and WMD rules. Differences are allowed that are based on geographic differ-

ences in physical or natural characteristics. The bill allows the WMDs, with DEP oversight, to continue to adopt rules governing design and performance standards for stormwater quality and quantity. “Grandfather” clauses are included for ongoing activities that will not be subject to the new rules. The bill requires DEP staff oversight and training to ensure statewide consistency in implementing the ERP rules. The bill requires that local governments seeking delegation to implement the ERP program use statewide ERP rules and gives local governments that have already received delegation, one year from adoption of the rules to conform their ordinances. Lastly, the bill reenacts s. 70.001(12), F.S., for the purposes of a cross-reference. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 7051**
**Rules Establishing Numeric
Nutrient Criteria**

The bill (Chapter 2012-3, L.O.F.) exempts proposed rule amendments to Rules 62-302 and 62-303 of the Florida Administrative Code (F.A.C.) that were proposed for adoption by the Environmental Regulation Commission (ERC) on December 8, 2012, from legislative ratification under s. 120.541(3), F.S. It clarifies that ERC acted within its legislative authority in proposing for adoption Rule 62-302.531(9), F.A.C. Lastly, the bill directs the Department of Environmental Protection to submit the proposed rules to the U.S. Environmental Protection Agency within 30 days of this bill becoming a law. These provisions were approved by the Governor and took effect February 16, 2012.

▪ **HB 7075**
Military Installations

Encroachment

The bill amends s. 163.3175, F.S., to clarify provisions relating to military commanding officer comments on proposed land use changes that may have an impact on the mission of a military installation. The bill clarifies that commanding officer comments on proposed land use changes are advisory to the local government, and provides that the advisory comments must be based upon appropriate data and analyses provided with the comments. The bill also provides that the local government must consider a commanding officer’s comments, underlying studies, and reports in the same manner as comments received by other reviewing agen-

cies representing interests that may be affected by proposed changes such as the environment, public schools, or transportation.

If approved by the Governor, these provisions take effect July 1, 2012.

Grants for Military Base Retention

Current law provides for seven defense-related grant programs administered by the Department of Economic Opportunity to assist defense-dependent communities in their transition from a defense economy to a non-defense economy in light of the federal BRAC process. In an effort to expand the scope of these grant programs to include military base retention and to consolidate programs that have not been funded or implemented since its enactment, the bill amends s. 288.980, F.S., to streamline the existing seven programs into three comprehensive programs – the Military Base Protection Program; the Florida Defense Reinvestment Grant Program; and the Florida Defense Infrastructure Grant Program.

If approved by the Governor, these provisions take effect July 1, 2012.

Florida Defense Support Task Force

The bill repeals s. 288.987, F.S., which established the Florida Council for Military Base and Mission Support (Council) and creates a type two transfer of the authority, rights, responsibilities, rules and all other resources of the Council to the Florida Defense Support Task Force (Task Force). In addition, the bill transfers the Council’s exemption from public records and public meetings requirements relating to the strengths and weaknesses of the state’s military bases and strategies to the Task Force.

If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/HB 7081**
Growth Management

In 2011, the Legislature passed the first major rewrite of the growth management laws in 26 years. Because of the vast number of changes, it was likely that a number of glitches needed to be made to include fixing cross references, updating outdated language and removing provisions throughout the statutes that language made obso-

lete. These were all non-controversial. However, an amendment dealing with regional planning councils quickly became controversial and then modified. It now authorizes a Regional Planning Council (RPC) to provide consulting services to a private developer or land owner for a project if not serving in a review capacity in the future except that statutorily mandated services may be provided by the RPC regardless of its review role. Increasingly, more rural local governments are asking RPC's to prepare studies and reports even for private development initiatives. The bill also addresses the following items:

- Grandfathers local government charter provisions in effect on June 1, 2011 relating to a local initiative or referendum process for the approval of development orders and comprehensive plan or map amendments. These were prohibited by statute last year and the Town of Yankeetown which already had a requirement in its charter to require such a referendum sued over the constitutionality of the statute. This amendment settles that legislation and there are approximately 4 local governments that will be affected: Yankeetown, Miami Beach, Key West and Longboat Key.
- Requires that comments by military installations be considered by local governments in a manner consistent with Section 163.3184, Fla. Stat. Last year's act was clear that the comments were non-binding. The military thought more attention ought to be paid to these comments and so this language is a balancing of the interests.
- Removes criteria that exempts certain municipalities from being signatories to the school Interlocal agreement as a prerequisite to implementing school concurrency because school concurrency is now optional and restoring criteria to exempt certain municipalities from being a party to the school Interlocal agreement.
- Extends the time for the Department of Economic Opportunity (DEO) and the Administration Commission to issue recommended and final orders since the time built into the statute last year was thought to be unworkable and substitutes, instead, the time in Section 120.569, Fla. Stat. It also provides a time requirement for the state land planning

agency to issue a notice of intent (20 days) for a plan amendment adopted pursuant to a compliance agreement. Additionally, the bill clarifies that local governments have 10 working days to transmit amendments.

- Deletes the required annual report by DEO related to the optional sector plan pilot program which is now defunct and a new statewide sector plan program established.
- Requires that population projections for municipalities and unincorporated areas of a county must be reflective of the proportional share of the total county population and total county population growth. Effectively, this requires a minimum amount of land use be set aside in a municipality's comprehensive plan proportional to its share of a county's population growth. This was caused by a county's refusal to do so.
- Requires each special district to submit a public facilities report to local governments within which it is located with specified information on district facilities. This must be updated every 7 years prior to the local's EAR. dates DRI rescission in Section 380.115, Fla. Stat., to add those exemptions in Section 380.06(24), Fla. Stat.

If approved by the Governor, these provisions take effect upon coming law.

▪ ***CS/CS/HB 7117***
Energy

The bill contains provisions on energy efficiency and conservation, renewable electric energy, and renewable and alternative fuels for motor vehicles.

On conservation and efficiency, the bill:

- Funds an independent evaluation of the Florida Energy Efficiency and Conservation Act to determine whether it remains in the public interest. The review must consider:
 - The cost to ratepayers;
 - The incentives and disincentives associated with the act's provisions;

- Whether the programs create benefits without undue burden on the customers; and
- The models and methods used to determine conservation goals.
- Requires DACS and other specified entities to develop and DACS to maintain a webpage containing cost and benefit information on energy efficiency and conservation measures to educate consumers.
- Authorizes local government to use discretionary sales surtax proceeds to provide funding to residential property owners who make energy efficiency improvements to their residential property if done pursuant to referendum.
- Creates a renewable energy production credit against the corporate income tax based on \$0.01 per kilowatt hour of renewable energy produced. The cap is \$1 million per corporation and \$5 million for state fiscal year 2012-2013, which is increased to \$10 million for 2013-2014 through 2016-2017, with provisions for prorating credits if claims exceed the annual cap.
- Requires DACS to do a forest inventory, which will help determine what biomass is available for these purposes.

DACS is required to annually report an assessment of the utilization of all of the tax incentives.

The bill provides that the renewable fuel standard does not prohibit a retail dealer from selling or offering to sell unblended gasoline and requires DACS to compile a list of retail fuel stations that sell or offer to sell unblended gasoline and provide this information on its website to inform consumers of the options available for unblended gasoline.

If approved by the Governor, these provisions take effect July 1, 2012.

On renewable and alternative motor vehicle fuels, the bill:

- Creates a sales tax exemption for equipment used in distribution of biodiesel, ethanol, and other renewable fuels. The cap is \$1 million per state fiscal tax year. The definition of “renewable fuel” includes fuels other than ethanol, such as biobutanol.
- Provides a renewable energy technologies investment tax credit against the corporate income tax based on investment in equipment to be used in production, storage, and distribution of renewable fuels. The cap is \$1 million per corporation and \$10 million total per state fiscal year. The definition of “renewable fuel” includes fuels other than ethanol, such as biobutanol.
- Includes algae in the Department of Agriculture’s permitting of nonnative plants so they can be used on a large-scale as foodstocks for renewable fuels. It also allows consideration of experience and research in exempting plants from permitting requirements and in decreasing bonding requirements.
- Exempts electric vehicle charging stations from regulation by the Public Service Commission. It also provides for DACS rulemaking on sales practices.

On renewable electric energy, the bill:

Health Care & Health Insurance

▪ **CS/HB 171** ***Osteopathic Physicians***

The bill revises requirements for licensure to practice osteopathic medicine in Florida for physicians who are licensed in another state and have not actively practiced osteopathic medicine for more than the previous 2 years and for new, unlicensed physicians who completed internship, residency, or fellowship more than 2 years ago. Any such physician whose present ability and fitness to practice osteopathic medicine has been adversely affected by the interruption of his or her active practice of osteopathic medicine, as determined by the Board of Osteopathic Medicine (the board), may, at the board's discretion, be denied licensure in Florida, granted a license with restrictions, or granted full licensure upon fulfillment of certain conditions.

The bill removes the requirement that a person desiring to be registered to practice as a resident physician, intern, or fellow must pass all parts of the examination conducted by the National Board of Osteopathic Medical Examiners and complete 1 year of residency, and deletes obsolete and redundant nomenclature. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 227** ***Prescription Drug Abuse***

The bill creates a 15-member Statewide Task Force on Prescription Drug Abuse and Newborns within the Department of Legal Affairs. The purpose of the task force is to examine and analyze the emerging problem of neonatal withdrawal syndrome as it pertains to prescription drugs. The task force will research the impact of prescription drug use and neonatal withdrawal syndrome, evaluate effective strategies for treatment and prevention, and provide policy recommendations to the Legislature.

The task force is required to hold its organizational session by May 1, 2012, and must meet at least four times per year thereafter. The task force must submit an interim report of its recommendations to the President of the Senate and the Speaker of the House of Representatives by January 15, 2013, and a final report to the President of the Senate and

the Speaker of the House of Representatives by January 15, 2015.

If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/HB 309** ***Radiological Personnel***

This bill allows for the certification of a nationally-recognized specialty of radiologic technologists which is currently not recognized in statute. The bill updates existing definitions and certification procedures to encompass emerging technologies and specialties. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/CS/HB 363** ***Physician Assistants***

The bill removes the requirements that a physician assistant (PA) obtain an additional license authorizing him or her to prescribe medication. The bill does not alter any current authority granted to PAs to prescribe. PAs will continue to be issued a prescriber number granting them authority to prescribe certain drugs. The Department of Health will continue to process requests for a prescriber number and determine if the PA qualifies for the prescribing privilege. The bill requires PAs to provide certain documentation as evidence of eligibility for a prescriber number.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/SB 364** ***Blood Establishments***

This bill creates a restricted prescription drug distributor permit under which a blood establishment may lawfully purchase, possess, and distribute certain prescription drugs to hospitals or other health care entities.

Local governments may not restrict the access to or use of public facilities or infrastructure for the collection of blood or blood components based on whether the blood establishment is operating as a for-profit or not-for-profit organization. Blood establishments may not base the service fee of blood or blood components provided to hospitals or other health care providers on whether the purchasing entity is a for-profit or not-for-profit organization.

Blood establishments, with certain exceptions, that collect blood or blood components from volunteer donors in Florida must disclose information about the collection and distribution process; the volume of collections, purchases, and distributions; certain financial statements, and corporate ethical policies on the establishment's Internet site. A blood establishment that fails to comply with these disclosures is subject to a civil penalty. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 413***
Chiropractic Medicine

The bill revises the regulation of chiropractic medicine in several ways. It:

- Expands eligibility for obtaining a chiropractic medicine faculty certificate to include performing research or a part-time faculty appointment;
- Provides the Board of Chiropractic Medicine (the Board) with discretion to approve continuing education courses sponsored by chiropractic colleges after review;
- Prohibits approval of chiropractic continuing education courses that pertain to a specific company brand, product line, or service;
- Expands statutory licensure requirements for chiropractic physicians to include passage of Part IV of the National Board of Chiropractic Examiners' (NBCE) certification examination and the NBCE physiotherapy examination;
- Specifies that chiropractic physicians must preserve the identity of funds and property of a patient if the value of the funds and property is greater than \$501;
- Specifies that money or other property entrusted to a chiropractic physician by a patient may not exceed the value of \$1,500;
- Limits indirect supervision of a certified chiropractic physician's assistant (CCPA) to the supervising physician's address of record;
- Eliminates the 24-month requirement for the CCPA curriculum; and
- Expands and revises the exceptions to ownership and control of a chiropractic practice

by persons other than licensed chiropractic physicians. More specifically, the bill creates or revises the following exceptions to the requirement that no person other than a sole proprietorship, group practice, partnership, or corporation that is wholly-owned by one or more licensed chiropractic physicians, or by a licensed chiropractic physician and the spouse, parent, child, or sibling of that chiropractic physician, may employ a chiropractic physician or engage a chiropractic physician as an independent contractor to provide chiropractic services:

- A limited liability company, limited partnership, any person, professional association, or any other entity that is wholly-owned by: a licensed chiropractic physician and the spouse or surviving spouse, parent, child, or sibling of the chiropractic physician; or a trust whose trustees are licensed chiropractic physicians and the spouse, parent, child, or sibling of a chiropractic physician;
- A limited liability company, limited partnership, professional association, or any other entity wholly-owned by a licensed chiropractor or chiropractors, a licensed medical doctor or medical doctors, a licensed osteopath or osteopaths, or a licensed podiatrist or podiatrists;
- An entity that is wholly-owned, directly or indirectly, by a licensed or registered hospital or other entity licensed or registered under ch. 395, F.S.;
- An entity that is wholly-owned and operated by an organization that is exempt from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code;
 - A health care clinic licensed under ch. 400, part X, F.S., that provides chiropractic services by a licensed chiropractic physician; and
 - A health maintenance organization or prepaid health clinic regulated under ch. 641, F.S.

Upon the death of a chiropractic physician who wholly-owns a sole proprietorship, group practice, partnership, corporation, limited liability company, limited partnership, professional association, or any

other entity, with his or her spouse, parent, child, or sibling, and that wholly-owned entity employs a licensed chiropractic physician or engages a chiropractor as an independent contractor to provide chiropractic services, the bill allows the deceased chiropractic physician's surviving spouse or adult children to hold, operate, pledge, sell, mortgage, assign, transfer, own, or control the deceased chiropractic physician's ownership interests for so long as the surviving spouse or adult children remain the sole proprietor of the chiropractic practice. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 473**
Alzheimer's Disease

This bill creates the Purple Ribbon Task Force within the Department of Elderly Affairs to develop a comprehensive state plan to address the needs of individuals who have Alzheimer's disease or a related form of dementia (all referred to as Alzheimer's disease) and their family caregivers.

The purpose of the task force is to: assess the current and future impact of Alzheimer's disease on Florida; examine the existing industries, services, and resources in place that address the needs of individuals who have Alzheimer's disease; examine the needs of persons of all cultural backgrounds having Alzheimer's disease; develop a strategy to mobilize a state response to the Alzheimer's disease epidemic; hold public meetings; and provide additional information. The task force shall consist of 18 culturally diverse members appointed by the Governor, the President of the Senate (President), and the Speaker of the House of Representatives (Speaker). The task force must submit an interim study to the Governor, President, and Speaker by January 30, 2013, regarding state trends with respect to individuals who have Alzheimer's disease, as well as a report and recommendations for an Alzheimer's disease state strategy by August 1, 2013. If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/HB 479**
Animal Control

The bill expands the list of drugs that can be used to euthanize and immobilize domestic animals. The bill allows the Board of Pharmacy, at the request of the Board of Veterinary Medicine, to expand the list of drugs that may be used to euthanize or

immobilize domestic animals if findings support the addition of drugs to the list for humane and lawful treatment of animals. The bill limits the possession and use of these drugs to animal control officers and employees or agents of animal control agencies and humane societies while operating within the scope of their employment or official duties.

The bill clarifies that the Department of Health is responsible for issuing the permit, by removing an outdated reference to the Department of Business and Professional Regulation being responsible for issuing the permit. The bill provides the Department of Health and the Board of Pharmacy with the authority to deny a permit, or fine, place on probation, or otherwise discipline an applicant or permittee for failure to maintain certain standards or violation of statutes. The bill allows the Department of Health to immediately suspend a permit through emergency order upon a determination that a permittee poses a threat to public health, safety and welfare.

The bill eliminates food-based delivery of euthanasia drugs as an acceptable method of euthanasia. The bill permits euthanasia by intracardial injection only upon a dog or cat which is unconscious and exhibits no corneal reflex.

Lastly, the bill requires an animal control officer, a wildlife officer, and an animal disease diagnostic laboratory to report to the Department of Health knowledge of any animal bite, diagnosis or suspicion of a group of animals having similar disease, or any symptom or syndrome that may pose a threat to humans. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 509**
Pharmacy

This bill expands the types of vaccines that may be administered by a pharmacist pursuant to a written protocol with a supervising physician. A pharmacist may administer the influenza and pneumonia vaccines. A pharmacist may also administer the shingles vaccines pursuant to a prescription issued by a licensed physician. The bill also authorizes a pharmacist to administer epinephrine autoinjections to address unforeseen allergic reactions.

This bill amends the definition of the term "practice of the profession of pharmacy" to include the

administration of certain vaccines and epinephrine autoinjections to adults.

The bill also requires each pharmacist certified to administer a vaccine or epinephrine autoinjection to complete a three hour continuing education course on the safe and effective administration of such as part of the biennial relicensure or recertification process.

If approved by the Governor, these provisions take effect on July 1, 2012, except Section 3, relating to pharmacist continuing education, which takes effect on October 1, 2012.

▪ ***SB 524***
Restraint of Incarcerated Pregnant Women

This bill creates the “Healthy Pregnancies for Incarcerated Women Act.” It generally prohibits the use of restraints during labor, delivery, or postpartum recovery on women who are known to be pregnant and who are incarcerated in a state, local, or privately-operated adult or juvenile facility. However, exceptions are allowed on an individual basis as determined to be required by correctional officers or officials for security reasons. The bill also sets standards for restraint of pregnant prisoners during the third trimester of pregnancy. Any restraint must be done in the least restrictive manner necessary to mitigate the possibility of adverse clinical consequences.

The bill includes several administrative provisions:

1. A woman who is restrained in violation of the bill’s provisions can file a grievance with the correctional institution in addition to pursuing any other remedies available under state or federal law for harm caused by the use of restraints;
2. Writing and kept on file for a period of 5 years;
3. The Department of Corrections and the Department of Juvenile Justice must adopt rules to administer the new law; and
4. Each correctional institution must inform female prisoners of the rules and post the policies in the institution where they will be seen by female prisoners.

This bill creates an undesignated section of the Florida Statutes. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 653***
Health Care Fraud

The bill amends s. 456.0635, F.S., to ease licensure and licensure renewal requirements for health care practitioners who have been convicted of a felony under ch. 409, F.S., relating to social and economic assistance, including the Florida Medicaid program; ch. 817, F.S., relating to fraudulent practices; ch. 893, F.S., relating to controlled substances; or a similar felony offense committed in another state or jurisdiction. The bill establishes differing timeframes for which an applicant must wait for licensure approval depending upon the nature of the conviction.

In order to be licensed or to renew a license, an applicant must not:

- Have been convicted of or entered a plea of guilty or nolo contendere to, regardless of adjudication, an offense under the specified laws, and any subsequent period of probation ended:
 - For felonies of the first or second degree, more than 15 years before the date of application.
 - For felonies of the third degree, except those under s. 893.13(6)(a), F.S., relating to unlawful possession of controlled substances, more than 10 years before the date of application.
 - For felonies of the third degree under s. 893.13(6)(a), F.S., more than 5 years before the date of application.
- Have been convicted of or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, relating to federal controlled substance laws, or 42 U.S.C. ss. 1395-1396, relating to the federal Medicare, Medicaid, and related programs, unless the subsequent conviction or plea ended more than 15 years before the date of application;
- Have been terminated for cause from the Florida Medicaid program, unless he or

she has been in good standing for the most recent 5 years (already in statute);

- Have been terminated for cause from any other state Medicaid program unless he or she has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of application (already in statute); or
- Be currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

These provisions do not apply to applicants for initial licensure who were enrolled in an educational program recognized by the Department of Health on or before July 1, 2009, and who applied for licensure after July 1, 2012.

A person who is denied licensure renewal under the provisions of this bill may only regain licensure by meeting the qualifications and completing the application process for initial licensure as defined by the appropriate practice board or the Department of Health. However, a person who was denied licensure under s. 456.0635, F.S., as it existed between July 1, 2009, and June 30, 2012, is not required to retake and pass any examinations necessary for licensure. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/SB 694
Adult Day Care Centers***

This bill creates the Specialized Alzheimer's Services Adult Day Care Act (Act), which allows an adult day care center to apply to the Agency for Health Care Administration for a designation on its license as a "specialized Alzheimer's services adult day care center." The bill provides heightened requirements that an adult day care center seeking such licensure designation must follow.

The operator and the operator's designee hired on or after July 1, 2012, by an adult day care center that has a license designated under the Act must meet certain education or experience requirements. In addition, an adult day care center having a license designated under the Act must have a registered or licensed practical nurse on site daily for at least 75 percent of the time that the center is

open to Alzheimer's disease or a dementia-related disorder (ADRD) participants. Certain staff must have additional hours of dementia-specific training and receive and review an orientation plan.

In order for a person to be admitted to an adult day care center with a designated license, the person must require ongoing supervision and may not actively demonstrate aggressive behavior. In addition, the adult day care center participant or the participant's caregiver must provide certain medical documentation signed by a licensed physician, licensed physician assistant, or a licensed advanced registered nurse practitioner.

The bill provides requirements for an ADRD participant's plan of care and requires a center to coordinate and execute appropriate discharge procedures if the center involuntarily terminates an ADRD participant's enrollment in the center for medical or behavioral reasons.

The bill specifies that an adult day care center that chooses not to have a licensure designation may still provide adult day care services to persons who have Alzheimer's disease or other dementia-related disorders. However, an adult day care center may not claim to have a license or licensure designation to provide specialized Alzheimer's services unless it has received such licensure designation.

The bill provides rulemaking authority to the Department of Elderly Affairs to administer the newly created section of law. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/HB 711
Sale or Lease of a County, District,
or Municipal Hospital***

The bill requires any sale or lease of a public hospital or health care system that is owned by a county, district, or municipality to be approved by the Secretary of Health Care Administration, unless a majority vote of the registered voters within that county, district, or municipality is required by law.

The governing board of a public hospital or health care system must commence an evaluation of the possible benefits to an affected community from the sale or lease of the hospital facilities no later than December 31, 2012, unless exempted. The bill sets forth the considerations and procedures

for the evaluation, including public notice and a public hearing. Within 160 days after initiation of the evaluation, the governing board must publish its findings related to the evaluation process.

The bill provides that prior to a sale or lease, the governing board of the public hospital or health care system must provide public notice of the proposed transaction, publish documents associated with the transaction, and publish the governing board's findings regarding the proposed sale or lease. The bill provides the process of review of the sale or lease to be conducted by the Secretary prior to approval or rejection of the sale or lease. The bill also authorizes any interested party, which is defined as the governing board or any person submitting a proposal, to seek judicial review of the Secretary's decision.

The bill allocates net proceeds received from any non-exempted sale or lease and allocates ad valorem tax revenue collected when a public hospital or health care system is sold or leased to a for-profit corporation or other business entity subject to local taxation. Fifty percent is earmarked for health care economic development, including the promotion and support of health care business development or research, and fifty percent is earmarked for funding the delivery of indigent health care.

This bill exempts the sale or lease of any hospital's or health care system's physical property that generates less than 20 percent of the hospital's net revenue from the evaluation, public disclosure and approval processes, and the allocation of net proceeds or tax revenue provisions in the bill. However, certain activities must be conducted publicly.

This bill defers hospitals and health care systems that are under lease at the time of the passage of this bill from these processes and allocations until termination of the lease under certain conditions. The bill also exempts hospitals and health care systems that have executed a letter of intent to sell or lease before December 31, 2011, or issued a request for proposals for sale or lease on or before February 1, 2012, from these processes and allocations, so long as the sale or lease of the hospital or health care system occurs by December 31, 2012. If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/SB 730** **Medicaid Managed Care**

Effective May 12, 2012, the bill limits the scope of the Subscriber Assistance Program, which provides assistance to subscribers of certain managed care entities who have grievances that have not been resolved by the internal grievance process of the managed care entity. The bill limits review by the Subscriber Assistance Program to unresolved grievances from subscribers of prepaid health clinics certified under ch. 641, F.S., Florida Healthy Kids plans, and health insurance policies or health maintenance organization contracts that meet the grandfathered health plan coverage provisions under the federal Patient Protection and Affordable Care Act. However, the Subscriber Assistance Program is not applicable to such a health plan if the plan elects to have all of its policies or contracts subject to applicable internal grievance and external review processes by an independent review organization. Such a plan must notify the Agency for Health Care Administration (AHCA) in writing if it elects to have all of its policies or contracts subject to external review.

The bill authorizes the AHCA to extend or modify its current contracts, prior to October 1, 2014, with comprehensive behavioral health care providers that are reimbursed through a capitated, prepaid arrangement in order to ensure continuity of care as the state transitions to statewide managed care. The bill also repeals the October 1, 2014, expiration date set for s. 409.912(21), F.S., that authorizes the AHCA to impose a fine on a Medicaid contract provider that violates s. 409.912, F.S., or its contract with the AHCA.

The bill authorizes the AHCA to calculate a medical loss ratio for managed care plans in the existing Medicaid reform pilot program and the new statewide Medicaid managed care program, if required as a condition of a Medicaid waiver. Expenditures must be classified in a manner consistent with the medical loss ratio requirements under the federal Patient Protection and Affordable Care Act, except that funds provided by plans to graduate medical education institutions to underwrite the costs of residency positions are to be classified as medical expenditures under specified circumstances. Also, prior to final determination of the medical loss ratio, a plan may contribute to a designated state trust fund for the purpose of supporting Medicaid and

indigent care and have the contribution counted as a medical expenditure.

The bill specifies that contracts between the AHCA and a person or entity, including Medicaid providers and managed care plans, necessary to administer the Medicaid program are not rules and are not subject to ch. 120, F.S.

The definition of “comprehensive long-term care plan,” as it is used in the statewide managed care program, is amended to include a Medicare Advantage Special Needs Plan organized as a preferred provider organization, provider-sponsored organization, health maintenance organization, or coordinated care plan. The definition of “eligible plan” is amended to include additional Medicare Advantage plans for purposes of the managed medical assistance program.

The bill modifies the criteria the AHCA must use in giving preferences in the selection of eligible plans in the new statewide managed care program. The bill clarifies the preference that is to be given to organizations that are based in and perform operational functions in this state to include corporate headquarters as an operational function. The term “corporate headquarters” is defined to mean the principal office of the organization.

The penalty provisions for plans in the statewide Medicaid managed care program that reduce enrollment levels or leave a region before the end of their contract term are modified to specify that all departing plans must pay a penalty of 25 percent of that portion of the minimum surplus required by law *which is attributable to the provision of coverage to Medicaid enrollees*, not all their lines of business.

The bill changes a reference to primary care *physician* to primary care *provider* in the primary care initiative under the statewide Medicaid managed care program. The change clarifies that primary care may be provided by a health care practitioner other than a physician, such as an advanced registered nurse practitioner.

The bill amends the requirements for participation of specialty plans in the statewide Medicaid managed care program to exempt specialty plans from the regional plan number limits, however the aggregate enrollment of all specialty plans in a region

may not exceed 10 percent of the total enrollees of that region.

The bill specifies that participation of Medicare Advantage plans in the statewide Medicaid managed care program shall be pursuant to a contract with the AHCA that is consistent with the Medicare Improvement for Patients and Providers Act of 2008. Such plans are not subject to the procurement requirements of the statewide Medicaid managed care program if the plan’s Medicaid enrollees consist exclusively of dually eligible recipients who are enrolled in the plan in order to receive Medicare benefits as of the date that the invitation to negotiate is issued. The participation of Medicare Advantage plans in the long-term care managed care component of the statewide Medicaid managed care program is limited to Medicare Advantage Special Needs Plans.

Effective May 12, 2012, the bill requires certain individual, group, blanket, and franchise health insurance policies to comply with the National Association of Insurance Commissioners Uniform Health Carrier External Review Model Act in accordance with rules adopted by the Office of Insurance Regulation (Financial Services Commission) and certain provisions of the Employee Retirement Income Security Act relating to internal grievances. If approved by the Governor, these provisions take effect July 1, 2012, except that sections 1, 11, 12, and 13 take effect May 12, 2012.

▪ ***CS/CS/HB 787***
Health Care Facilities

Nursing Homes

This bill revises the definition of “geriatric outpatient clinic” to allow licensed practical nurses to work there, and “resident care plan” to eliminate signature requirements.

The bill requires nursing homes to maintain clinical records on each resident. It also eliminates certain reporting requirements, such as the total number of grievances handled and the monthly report of notices of litigations and complaints filed against the nursing home.

The bill allows any licensed nursing home to provide services, including respite care, therapeutic spa, and adult day care services to nonresidents, with certain requirements relating to adult day care

services provided. The bill provides clarification for the meaning of “day” as it relates to monitoring of adult day care center programs co-located with licensed nursing homes. The bill also provides various criteria for respite care in nursing home facilities.

Nursing homes are no longer required to report staffing data but still must comply with minimum staffing requirements set in statute, with fines and license citations as penalties for noncompliance. New staffing requirements are established for facilities that care for residents under 21 years of age. Provisions concerning internal risk management are simplified to require that nursing homes submit a report to AHCA within 15 calendar days after an adverse event occurs; other, more detailed provisions for internal risk management are deleted.

Nursing home surveyors are no longer required to spend time in a licensed nursing home as part of their training. The bill expands the eligibility requirements of nursing home administrators to include those with baccalaureate degrees in health services administration or an equivalent major.

Other Facilities and Transparency

For purposes of licensure as a health care clinic under ch. 400, part X, F.S., the definition of “clinic” is amended to exclude certain large businesses owned by health care practitioners. Such businesses are no longer required to be licensed as clinics under ch. 400, F.S., as long as they do not receive payment for health care services under personal injury protection insurance coverage.

The bill revises provisions related to management of nurse registries and licensure of home medical equipment providers. An administrator may manage up to five nurse registries under certain circumstances. A home medical equipment provider that is located out of state must submit documentation pertaining to accreditation.

Organizations providing companion services which contract with the Agency for Persons with Disabilities are exempt from registration as a homemaker and companion organization. The definition of “hospice” is expanded to include limited liability companies.

Hospitals located more than 100 road miles from the closest level II adult cardiovascular services

program do not need to meet the 60-minute transfer time protocol if they demonstrate that there is a formalized, written transfer agreement with a hospital that has a level II program.

The bill revises the definition of “urgent care center” to include additional facilities. The bill provides requirements for posting an urgent care center’s schedule of charges, with an exemption for businesses which have urgent care centers for their own employees only. Additionally, an urgent care center that is affiliated with a hospital or ambulatory surgical center must notify patients and post in advertisements whether the charges for medical services are the same as or more than the charges for medical services received at the affiliated hospital or surgical center.

The bill allows a continuing care facility to petition the agency to designate a certain number of its sheltered nursing home beds to provide assisted living, rather than extended congregate care, if the beds are in a distinct area of the facility which can be adapted to meet the requirements for an assisted living facility.

The bill provides an exception to prohibited kickbacks or payments for referrals to authorize assisted living facilities to use employees or persons under contract with the facility, to provide payments for referrals of persons who are not Medicaid recipients, and to compensate residents for referrals of friends. The bill also revises the definition of “remuneration” for purposes of regulating home health agencies to exclude items with an individual value up to \$15 from the prohibitions of certain remunerations.

Clinical laboratories are prohibited from providing personnel to perform any duties in a physician’s office or leasing any part of a physician’s office unless the office and the laboratory are owned and operated by the same entity. A \$5,000 fine and license citations are established as penalties for violation.

The bill creates a second degree misdemeanor for a person to alter, deface, or falsify a license certificate.

AHCA Responsibilities

Rulemaking authority for the AHCA concerning do not resuscitate orders is deleted, as is the author-

ity to investigate consumer complaints related to health care facilities' billing practices. The bill revises provisions relating to licensure renewal notices to provide that they are courtesy notices sent by the agency and to clarify provisions related to payment of late fees. Penalties are established for acts relating to display of licenses and violations that are not designated as class I, II, III, or IV violations. The AHCA is authorized to post its automatic electronic review of certain medication subject to prior authorization ("step-edit" review) under Medicaid within 21 days after the prior authorization and step-edit protocols and updates are approved.

Controlled Substance Prescribing

The bill revises definitions related to controlled substance prescribing in ch. 456, F.S., and exempts certain types of physicians from registering as controlled substance prescribers under this chapter. Such physicians include board-eligible or board-certified anesthesiologists, psychiatrists, rheumatologists, neurologists, surgeons, pain management specialists, and those who prescribe medically necessary controlled substances for hospitalized patients. Clinics owned and operated by certain physicians are exempt from registration as pain management clinics. Clinics owned and operated by board-eligible or board-certified anesthesiologists, psychiatrists, rheumatologists, anesthesiologists, neurologists, or physician multispecialty practices in which at least one physician is certified in pain medicine are also exempt from registration as a pain management clinic. Pain related to rheumatoid arthritis is removed from the definition of "chronic nonmalignant pain" in all three chapters.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/HB 799*** ***Physical Therapy***

The bill authorizes the Board of Physical Therapy Practice (the board) to issue temporary permits to practice as physical therapists (PT) or physical therapist assistants (PTA) under the direct supervision of licensed PTs to applicants who meet certain conditions, prior to passing a national examination approved by the board. The bill provides that a temporary permit will be valid until a license is granted and will be void if the permittee does not pass the examination within 6 months of graduation from a PT or PTA training program. The bill provides standards that supervising PTs must meet and prohibits

certain fraudulent acts concerning temporary permits. If approved by the Governor, these provisions take effect June 1, 2012.

▪ ***CS/CS/HB 801*** ***Emergency 911 Service***

This bill amends provisions of the Emergency Communications Number E911 Act in ch. 365, F.S., to:

- Allow a 911 public safety telecommunicator to contact owners of automated external defibrillators to facilitate a coronary emergency call;
- Modify membership numbers and composition of the E911 Board;
- Clarify the application of the E911 fee to a customer using digital transmission link and service;
- Clarify the indemnification and liability provisions related to provision of 911 or E911 service with respect to non-voice communications; and
- Reflect the recent dissolution of the Florida Telecommunications Industry Association.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/HB 943*** ***Background Screening***

The bill makes a number of changes to background screening requirements, primarily relating to individuals who work and volunteer with vulnerable populations. Specifically, the bill:

- Exempts mental health personnel working in a facility licensed under ch. 395, F.S., who work on an intermittent basis for less than 15 hours per week of direct, face-to-face contact with patients and who are not listed on the Florida Department of Law Enforcement's (FDLE) Career Offender Search or the Dru Sjodin National Sex Offender public website from fingerprinting and screening – unless that person works in a facility with a primary purpose of providing treatment for children;

- Establishes a rescreening schedule for those individuals who have been screened and qualified to work by the Agency for Health Care Administration (AHCA);
- Revises a list of professionals to include law enforcement officers such that officers are not required to be refingerprinted or re-screened if they are working or volunteering in a capacity that would otherwise require them to be screened;
- Includes provisions covering the Division of Vocational Rehabilitation's (DVR) background screening needs and requirements;
- Exempts, from the definition of "direct service provider;" individuals who are related to the client, and volunteers who assist on an intermittent basis for less than 20 hours per month of direct, face-to-face contact with a client and who are not listed on FDLE's Career Offender Search or the Dru Sjodin National Sex Offender public website;
- Specifies that employers of direct service providers previously qualified for employment or volunteer work under Level 1 screening standards, and individuals required to be screened according to the Level 2 screening standards, shall be rescreened every five years, except in cases where fingerprints are electronically retained;
- Creates a definition of the term "specified agency" for purposes of conducting background screening. These agencies include the Department of Health (DOH), the Department of Children and Family Services (DCF), AHCA, the Department of Elder Affairs (DOEA), the Department of Juvenile Justice (DJJ), the Agency for Persons with Disabilities (APD) and DVR;
- Requires fingerprint vendors to meet certain technology requirements;
- Provides that employees may be hired before completing the background screening process but those employees may have no direct contact with vulnerable persons;
- Waives the additional background screening requirement for Certified Nursing Assistants (CNA) under certain circumstances; and

- Provides for requirements relating to fingerprinting including who may take the prints, standards for vendors, and fee collection.

The bill also provides for the creation of the Care Provider Background Screening Clearinghouse. The clearinghouse will:

- Be created by AHCA, in consultation with FDLE;
- Be a web-based system;
- Be implemented to fullest extent possible no later than September 30, 2013; and
- Allow results of criminal history checks, provided to specified agencies for screening of persons under s. 943.0542, F.S., to be shared among the specified agencies when a person has applied to volunteer; be employed; be licensed or enter into a contract that requires a state and national finger-print based criminal history check.

The bill also provides that prints retained by the clearinghouse must meet certain criteria. Finally, the bill provides for rescreening procedures related to use of the clearinghouse; and provides for screening procedures for use on or after January 1, 2013. If approved by the Governor, these provisions take effect upon becoming law.

▪ ***SB 1040
Practice of Dentistry***

The bill specifies the entity by which 2-year dental education programs for foreign-trained dentists wishing to be licensed in Florida must be accredited.

The bill allows dental hygienist licensure applicants to have taken certain examinations anytime prior to licensure application, rather than within 10 years of application, and adds certain criteria to licensure requirements relating to prior disciplinary action or to criminal convictions related to the practice of a health care profession. The bill designates the Dental Hygiene Examination produced by the American Board of Dental Examiners (ADEX) as the official practical examination for licensure of dental hygienists in Florida and specifies certain conditions related to Florida representation on ADEX governing boards as well as other conditions. The bill

provides for licensure of dental hygienists who took the ADEX in another state.

The bill also allows dental hygienists to administer local anesthesia under the direct supervision of a dentist if the hygienist completes an educational course in anesthesia administration, maintains CPR certification, and is certified by the Board of Dentistry (a \$35 fee is required). Anesthesia certification never has to be renewed. If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 4139**
Repeal of Health Insurance Provisions

The bill deletes s. 627.64872(6), F.S., which requires the Board of Directors of the Florida Health Insurance Plan to submit to the Governor, the President of the Senate and the Speaker of the House of Representatives, an annual report including an independent actuarial study. The bill also deletes s. 627.6699(15)(l), F.S., which requires the Office of Insurance Regulation to submit to the Governor, the President of the Senate and the Speaker of the House of Representatives, an annual report summarizing the activities of the Small Employer Access Program, including written and earned premiums, program enrollment, administrative expenses, and paid and incurred losses. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 4163**
Continuing Education for Athletic Trainers and Massage Therapists

The bill repeals s. 456.034, F.S., to delete the requirement for a massage therapist or an athletic trainer to complete an educational course in HIV/AIDS as part of the initial application for licensure and continuing education in HIV/AIDS as part of licensure renewal.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 5009**
Health Insurance Benefits for State Employees

This bill places the state contribution to the Health Savings Account of participants in the High Deductible Plan in the statutes.

The bill authorizes the Department of Management Services (department) to implement a 90-day supply limit program for certain maintenance drugs through retail pharmacies participating in the prescription drug program if the department determines it to be in the best financial interest of the state.

The bill authorizes the University of Florida Board of Trustees, at its option, to implement the provision of state health or other self-insurance programs for its employees, students, and affiliated units, as determined by the Board of Trustees. The bill provides that such insurance coverage not be implemented prior to January 1, 2013. The plan must allow all employees retiring from the University of Florida after January 1, 2013, to participate. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 5301**
Medicaid Services (Budget Conforming Bill)

The bill:

- Removes the prohibition against subsidized Kidcare coverage for children of public employees who are eligible for state group health insurance, thereby allowing children of public employees to enroll in subsidized Kidcare if they meet the program's eligibility requirements.
- Directs the Department of Children and Families (DCF) and the Agency for Health Care Administration (AHCA), subject to an appropriation, to develop a new system of eligibility for Medicaid and Kidcare, consistent with requirements of federal and state laws.
- Limits Medicaid payment for hospital emergency room services for non-pregnant adults to 6 visits per year.

- Changes the statutory deadline for Medicaid hospital rates to be adjusted within any fiscal year from September 30 to October 31. Allows rate reductions beyond the deadline only in cases of insufficient collections of funds voluntarily donated by local taxing authorities designed to augment hospital rates.
- Revises the timeline and parameters for AHCA to develop a plan to transfer the state's hospital payments to a diagnosis related group (DRG) system, with a target implementation date of July 1, 2013, subject to Legislative approval.
- Updates statutes relating to the disproportionate share hospital (DSH) program so the program uses the proper data to calculate the distribution of dollars. Also repeals two sections of statute for two perennially unfunded DSH programs.
- Revises the methodology for determining a county's eligible recipients for the purpose of county contributions to Medicaid and revises the methodology of collecting those funds.
- For past due billings on Medicaid, a county may pay 85 percent of the amount due over the next five years. In the alternative, a county may choose to be subject to 100 percent of the past due amount but can make a claim before the Division of Administrative Hearings to have the amount reduced if the county believes the amount billed is incorrect.
- For prospective billings, the state each month will withhold from a county's distribution of funds from the local government half-cent sales tax an amount equal to the county's required contribution to Medicaid for that month. If a county believes the state has withheld too much due to errors in the state's Medicaid eligibility system data base, the county may request a refund based on reasons submitted with the request.
- The bill also requires AHCA and DCF to create a system for hospitals and nursing homes to assist the state in making any needed updates in the Medicaid data base for Medicaid recipients' county of residence when recipients are admitted.

If updates are needed, they must be performed within 10 days of admission

- Expands statewide two Medicaid anti-fraud pilot projects relating to home health care.
- Authorizes the establishment or expansion of Programs of All-inclusive Care for the Elderly (PACE) in Manatee, Sarasota, DeSoto, and Broward counties.
- Expands statewide a pilot project for the delivery of Medicaid services for persons diagnosed with HIV/AIDS, in partnership with a university-based, research-oriented program that specializes in health care for HIV/AIDS patients.

If approved by the Governor, section 12 of the bill will take effect upon becoming law, other provisions take effect July 1, 2012.

▪ **HB 5303**
Department of Children and Family Services

The bill provides for the following:

- Authorizes the Department of Children and Families to develop a plan to reduce operational costs at the Northeast Florida State Hospital (Chattahoochee) and Florida State Hospital (Macclenny).
- The plan is to be submitted to the Legislative Budget Commission for review.
- If the Legislative Budget Commission finds that the department can achieve the amount of savings included in the Fiscal Year 2012-2013 General Appropriations Act without the outsourcing of housekeeping and environmental services, the commission can authorize the realignment of resources and authorize positions to maintain these functions in-house.

If approved by the Governor, these provisions take effect upon becoming law.

Insurance & Financial Services

▪ **CS/CS/HB 119** **Motor Vehicle Personal Injury Protection Insurance**

House Bill 119 revises the Florida Motor Vehicle No-Fault Law. The bill primarily amends laws governing Personal Injury Protection (PIP) benefits under the No-Fault law and laws related to PIP motor-vehicle insurance fraud. The major changes enacted by the bill are as follows:

PIP Medical Benefits

The bill revises the provision of Personal Injury Protection medical benefits under the Florida Motor Vehicle No-Fault Law, effective January 1, 2013. Individuals seeking PIP medical benefits are required to receive initial services and care within 14 days after the motor vehicle accident. Initial services and care are only reimbursable if lawfully provided, supervised, ordered or prescribed by a licensed physician, licensed osteopathic physician, licensed chiropractic physician, licensed dentist, or must be rendered in a hospital, a facility that owns or is owned by a hospital, or a licensed emergency transportation and treatment provider. Follow up services and care require a referral from such providers and must be consistent with the underlying medical diagnosis rendered when the individual received initial services and care.

The bill applies two different coverage limits for PIP medical benefits, based upon the severity of the medical condition of the individual. An individual may receive up to \$10,000 in medical benefits for services and care if a physician, osteopathic physician, dentist, physician's assistant or advanced registered nurse practitioner has determined that the injured person had an emergency medical condition. An emergency medical condition is defined as a medical condition manifesting itself by acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to patient health, serious impairment to bodily functions, or serious dysfunction of a body organ or part. An individual who is not diagnosed with an emergency medical condition, the PIP medical benefit limit is \$2,500. Massage and acupuncture are not reimbursable, regardless of who the type of provider rendering such services.

PIP Death Benefit

Personal Injury Protection now offers \$5,000 in death benefits in addition to \$10,000 in medical and disability benefits. Previously, the death benefit was the lesser of the unused PIP benefits, up to a limit of \$5,000. The increased death benefit is effective January 1, 2013.

PIP Medical Fee Schedule

The bill revises provisions related to the PIP medical fee schedule in an effort to resolve alleged ambiguities in the schedule that have led to conflicts and litigation between claimants and insurers. The bill clarifies that the reimbursement levels for care provided by ambulatory surgical centers and clinical laboratories and for durable medical equipment is 200 percent of the appropriate Medicare Part B schedule. The Medicare fee schedule on effect on March 1 will be the applicable fee schedule for the remainder of that year until the subsequent update. Insurers are authorized to use Medicare coding policies and payment methodologies of the Centers for Medicare and Medicare Services, including applicable modifiers, when applying the fee schedule if they do not constitute a utilization limit. The bill also requires insurers to include notice of the fee schedule in their policies. These provisions are effective January 1, 2013.

Attorney Fees

The bill amends provisions related to attorney fee awards in No-Fault disputes. The bill prohibits the application of attorney fee multipliers. The offer of judgment statute, s. 768.79, F.S., is applied to No-Fault cases, providing statutory authority for insurers to recover fees if the plaintiff's recovery does not exceed the insurer's settlement offer by a statutorily specified percentage. The bill maintains current law allowing a party that obtains a favorable judgment from an insurer to recover reasonable attorney fees from the insurer. The bill also requires that the attorney fees awarded must comply with prevailing professional standards, not overstate or inflate the number of hours reasonably necessary for a case of comparable skill or complexity, and represent legal services that are reasonable to achieve the result obtained.

Investigation and Payment of Claims

Provisions relating to the investigation of PIP claims by insurers are revised, effective January 1, 2013. Insurers are authorized to take an examination under oath (EUO) of an insured. Compliance is a condition precedent for receiving benefits (the

insurer owes zero benefits if the insured does not comply). An insurer that unreasonably requests EUOs as a general business practice, as determined by the Office of Insurance Regulation (OIR), is subject to s. 626.9541, F.S. of the Unfair Insurance Trade Practices Act. The bill also provides that if a person unreasonably fails to appear for an independent medical examination (IME), the carrier is no longer responsible for benefits. Refusal or failure to appear for two IMEs raises a rebuttable presumption that the refusal or failure was unreasonable.

Changes are made to the statutory process for the payment of PIP benefits, primarily to assist claimants in their claim submissions, effective January 1, 2013. A claimant whose claim is denied due to an error in the claim is given 15 additional days to correct the erroneous claim and resubmit it timely. The insurer must maintain a log of all PIP benefits paid on behalf of the insured and must provide the log to the insured upon his or her request if litigation has initiated. If a dispute between insurers and insureds occurs, the insurer must provide notice within 15 days of the exhaustion of PIP benefits. Insurers must reimburse Medicaid within 30 days. The electronic submission of records is authorized, effective December 1, 2012.

Prevention of PIP-Related Insurance Fraud

The bill contains numerous provisions designed to curtail PIP fraud. The bill defines insurance fraud as knowingly presenting a PIP claim to an insurer for payment or other benefits on behalf of a person or entity that committed fraud when applying for health care clinic licensure, seeking an exemption from clinic licensure, or demonstrating compliance with the Health Care Clinic Law. Claims that are unlawful under the patient brokering law (s. 817.505, F.S.) are not reimbursable under the No-Fault Law. A health care practitioner found guilty of insurance fraud under s. 817.234, F.S., loses his or her license for 5 years and may not receive PIP reimbursement for 10 years. Insurers are provided an additional 60 days (90 total) to investigate suspected fraudulent claims, however, an insurer that ultimately pays the claim must also pay an interest penalty.

All entities seeking reimbursement under the No-Fault Law must obtain health care clinic licensure except for hospitals, ambulatory surgical centers, entities owned or wholly owned by a hospital, clinical facilities affiliated with an accredited medi-

cal school and practices wholly owned by a physician, dentist, or chiropractic physician or by such physicians and specified family members. The bill creates standards for evaluating whether an entity claiming it is exempt from the requirement to obtain clinic licensure is actually wholly owned by a physician.

The bill defines failure to pay PIP claims within the time limits of s. 627.736(4)(b), F.S., as an unfair and deceptive practice. The OIR may order restitution to the insured or provider, but is not limited in its other administrative penalties, which may include suspending the insurer's certificate of authority.

Law enforcement is required to complete a long-form crash report when there is an indication of pain or discomfort by any party to a crash. All crash reports completed by law enforcement must identify the vehicle in which each party was a driver or passenger. For all crashes that do not require a law enforcement report, the vehicle driver must submit a report on the crash to the Department of Highway Safety and Motor Vehicles within 10 days of the crash.

The bill creates a non-profit direct support organization, the Automobile Insurance Fraud Strike Force, which can accept private donations for the purposes of preventing, investigating, and prosecuting motor vehicle insurance fraud. Monies raised by the Strike Force may fund the salaries of insurance fraud investigators, prosecutors, and support personnel so long as such grants or expenditures do not interfere with prosecutorial independence. Funds may not be used to advertise using the likeness or name of any elected official or for lobbying.

Mandatory Rate Filings and Data Call

The Office of Insurance Regulation must contract with a consulting firm to calculate the expected savings from the act, which must be presented to the Governor and Legislature by September 15, 2012. By October 1, 2012, each insurer that writes private passenger automobile personal injury protection insurance must submit a rate filing. If the insurer requests a rate that does not provide at least a 10 percent reduction of its current rate, it must explain in detail its reasons for failing to achieve those savings. A second rate filing must be made by January 1, 2014. If the insurer requests a rate that does not provide at least a 25 percent reduction of the rate that was in effect on July 1, 2012, it must explain

in detail its reasons for failing to achieve those savings. The Office of Insurance Regulation must order an insurer to stop writing new PIP policies if the insurer requests a rate in excess of the statutorily required rate reduction and fails to provide a detailed explanation for that failure. The Office of Insurance Regulation must perform a comprehensive PIP data call and publish the results by January 1, 2015. The data call will analyze the impact of the act's reforms on the PIP insurance market.

If approved by the Governor, these provisions take effect July 1, 2012, except as otherwise provided.

▪ ***CS/HB 483***
Uniform Commercial Code

This bill adopts the 2010 amendment to Article 9 of the Uniform Commercial Code (UCC) as prepared by the National Conference of Commissioners on Uniform State laws. The bill provides the following changes to Article 9: revises statutes governing the name of a debtor for purposes of filing a financing statement; modifies definitions; revises s. 679.301, F.S., relating to the location of debtors; modifies provisions relating to guidelines for the continued perfection of security interests that were perfected according to the law of another jurisdiction; provides rules for transition to the proposed version of Article 9; and makes numerous stylistic and grammatical changes.

If approved by the Governor, these provisions take effect July 1, 2013.

▪ ***CS/CS/HB 643***
Title Insurance

The bill requires any person who holds a license as a title insurance agent to complete a minimum of 10 hours of continuing education credit every 2 years in title insurance and escrow management specific to this state and approved by the department, which shall include at least 3 hours of continuing education on the subject matter of ethics, rules, or compliance with state and federal regulations relating specifically to title insurance and closing services. The bill:

- Allows the department to deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency for failure to timely submit data as required by s. 627.782, F.S.

- Requires an attorney to deposit and maintain all funds received in connection with transactions in which the attorney is serving as a title or real estate settlement agent into a separate trust account that is maintained exclusively for funds received in connection with such transactions and permit the account to be audited by its title insurers, unless maintaining funds in the separate account for a particular client would violate applicable rules of the Florida Bar.
- Requires the Office of Insurance Regulation to approve or disapprove a form filed for approval within 180 days after receipt. When the office approves any form, it shall determine if the current rate in effect applies or if the coverages require the adoption of a rule pursuant to s. 627.782, F.S. The office may revoke approval of any form after providing 180 days' notice to the title insurer. An insurer may not achieve a competitive advantage over any other insurer, agency, or agent as to rates or forms. If a form or rate is approved for an insurer, the office shall expeditiously approve the forms of other insurers who apply for approval if those forms contain identical coverages, rates, and deviations which have been approved under s. 627.783, F.S.
- Requires each title insurance agency and insurer licensed to do business in this state and each insurer's direct or retail business in this state to maintain and submit information, including revenue, loss, and expense data, as the office determines necessary to assist in the analysis of title insurance premium rates, title search costs, and the condition of the title insurance industry in this state. This information must be transmitted to the office annually by March 31 of the year after the reporting year. The commission shall adopt rules regarding the collection and analysis of the data from the title insurance industry.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/HB 725***
Insurance Agents and Adjusters

The bill substantially revises the licensing procedures law for insurance agents, adjusters, and limited lines licensees. The bill creates the new

licensure classification of all-lines adjuster to replace the current licensure classifications of independent adjuster and company employee adjuster. The classifications of independent adjuster and all-lines adjuster are converted to appointment types for licensed all-lines adjusters. The bill:

- Prohibits an employee or an agent or agency from initiating contact with any proposed insured for the purpose of soliciting title insurance unless the employee is licensed as a title insurance agent or exempt from such licensure. The bill also provides that failure to comply with any civil, criminal, or administrative action taken by child support enforcement program under Title IV-D of the Social Security Act is grounds for action against an applicant, licensee, or appointee.
- Substantially revises the continuing education requirements for licensees. Each licensee will be required to complete a 5-hour update course every 2 years. The bill also revises licensure provisions related to a number of limited insurance licenses.

If approved by the Governor, these provisions take effect October 1, 2012, except as otherwise expressly provided in this act.

▪ ***SB 792***
Financial Institutions

The bill requires the Financial Services Commission to adopt rules establishing minimum standards that all state chartered financial institutions must adopt to detect whether any correspondent accounts or a payable-through accounts with a foreign financial institution are knowingly:

- Facilitating the efforts of the Iranian Government to develop weapons of mass destruction;
- Providing support to a foreign terrorist organization;
- Facilitating the activities of a person who is subject to financial sanctions by a United Nations Security Council's Iranian sanction resolutions;
- Engaging in related money laundering activity;

- Facilitating efforts by Iranian financial institutions to carry out prohibited activities; or
- Facilitating a significant transaction or providing significant financial services to an entity whose property interests are blocked pursuant to federal law associated with Iran's proliferation of weapons of mass destruction or support for international terrorism.

It creates an annual reporting requirement for all Florida-chartered financial institutions whereby each certifies that they are in compliance with the new rules created by the Financial Services Commission and are not knowingly in violation of federal requirements stemming from the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

The bill requires the Office of Financial Regulation to compile an annual report containing the rules, certifications and the status of each Florida-chartered financial institutions compliance. The compiled report is to be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and made available on the Office of Financial Regulation's website. The Office of Financial Regulation is permitted to impose an administrative fine, not to exceed \$100,000 per occurrence, on any Florida-chartered financial institution that fails to submit their annual certifications to the office. If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/HB 941***
Commercial Lines Insurance

The bill amends various provisions relating to commercial lines insurance. The bill:

- Provides that upon the expiration of the term of a commercial lines insurance policy, the insurer may transfer the policy to another authorized insurer that is a member of the same group or owned by the same holding company. This type of transfer would be treated as a renewal of the policy, rather than a cancellation or nonrenewal. The insurer is required to provide at least 45 days' notice of its intent to transfer, along with the financial rating of the insurer to which the policy is being transferred. The notice may

be provided in the notice of renewal premium.

- Creates a streamlined exemption process for construction and non-construction corporate officers and members of a limited liability company (LLC) by requiring both to elect to be exempt (opt-out) from consideration as an employee for workers' compensation purposes. Presently, under ch. 440, F.S., Florida employers are required to maintain workers' compensation coverage for "employees." In the construction industry, corporate officers and members of a LLC who are at least 10 percent owners of the corporation or LLC may elect to be exempt (opt-out). In contrast, full-time sole proprietors or partners not engaged in the construction industry may include themselves in the definition of "employee" by mailing a notice of election (opt-in) as provided in s. 440.05(2), F.S. There is no ownership requirement for non-construction industry exemptions. If no notice is made, the sole proprietor or partner engaged in a non-construction business is not considered an employee and is not eligible for workers' compensation benefits. Current law also provides that full-time members of a non-construction LLC are not currently afforded such an opt-in provision.
- Removes requirement for workers' compensation insurers to refund excess profits to businesses they insure in the form of cash or credit, as determined by the Office of Insurance Regulation (OIR). Under current law, an excess profit is triggered when an insurer's underwriting gain is greater than the anticipated profit, plus 5 percent, for the 3 most recent calendar years.
- Eliminates the mandatory onsite premium audits of policyholders if a workers' compensation insurer meets certain financial requirements. This change will provide insurers with flexibility to implement risk-based audits.
- Authorizes the Office of Insurance Regulation to expend funds within existing resources for professional development of its employees.

If approved by the Governor, these provisions take effect July 1, 2012, except as otherwise expressly provided in this act.

▪ ***CS/CS/HB 959***
State and Local Government
Relations with Cuba or Syria

The bill prohibits the State Board of Administration (SBA) from serving as a fiduciary with respect to voting on a proxy resolution that advocates for expanded United States trade with Cuba or Syria, and prohibits the SBA from voting in favor of a proxy resolution that would expand United States trade with Cuba or Syria. The bill also prohibits a company with business operations in Cuba or Syria from bidding on or entering into a contract with an agency or local governmental entity for goods or services of \$1 million or more. Agencies and local governments must include in contracts a provision allowing for termination of a contract, if a company has been engaged in business operations in Cuba or Syria, or is found to have submitted a false certification about those business operations. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1011***
Warranty Associations

The bill provides criteria for motor vehicle service agreement companies to effectuate refunds through the issuing salesperson or agent. The bill deletes the provision excluding service agreements sold to persons other than consumers that cover motor vehicles used for commercial purposes. Therefore, motor vehicle service agreement coverage for commercial vehicles having a gross weight rating of less than 10,000 pounds will be required to be offered through a regulated company and vehicles over 10,000 pounds will continue to not be covered.

Under the bill if a motor vehicle service agreement company effectuates refunds through the issuing salesperson or agent, the company must send to the salesperson or agent effectuating the refund the unearned pro rata premium refund due less any unearned pro rata commission. The salesperson or agent must then refund the unearned pro rata premium including any unearned pro rata commission and the sales tax to the service agreement holder. The bill requires the salesperson, agent, or company maintain a copy of certain specified documents demonstrating the occurrence of

the refund to the service agreement holder. The salesperson or agent effectuating the refund shall provide a copy of the required documentation to the company within 45 days after a request is made by the Department of Financial Services (DFS) or the Office of Insurance Regulation (OIR). If the OIR finds that a salesperson or agent exhibits a pattern or practice of failing to properly effectuate refunds owed or to maintain and remit to the service agreement company the required documentation, the OIR shall notify the DFS.

The bill authorizes home and service warranty associations to effectuate refunds through the issuing sales representative. The bill provides that refunds for service warranties may be made by cash, check, store credit, gift card, or other similar means. The bill provides that upon the request of the service warranty holder the refund must be remitted by check.

The bill provides that the OIR is not required to conduct periodic examinations of motor vehicle service agreement companies, home warranty associations, or service warranty associations but may at the OIR's discretion. An examination may only cover a period of the most recent 5 years. The bill provides that the costs of an examination conducted by an independent examiner is limited to no more than 10 percent of the companies' prior year reported net income. The bill maintains that if the OIR examines a service warranty association that has less than \$20,000 in gross written premiums, the examination fee may not exceed 5 percent of the gross written premiums of the association.

Additionally, the bill creates new provisions that allow a governmental unit, public agency, institution, person, firm, or legal entity to provide money to the DFS to enable the DFS to pursue unauthorized entities operating in violation of provisions relating to warranty associations. The DFS may transfer the funds to the OIR to pursue unauthorized entities. The bill requires all donations to the DFS be deposited into the Insurance Regulatory Trust Fund (fund) and separately accounted for. The bill allows money deposited into the fund to be appropriated by the Legislature pursuant to ch. 216, F.S., for the purpose of enabling the DFS or the OIR to pursue unauthorized warranty entities. The bill provides that any balance of moneys deposited into the fund for the purpose of pursuing unauthorized warranty entities and remaining at the end of any fiscal year shall be available for carrying out the

duties of the DFS or the OIR. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/SB 1050***
Fiduciaries

Current law allows mortgagors to request and receive, within 14 days, information about their loan, such as the payoff, from the mortgagee. This information is provided by a mortgagee and is known as an estoppel letter. The bill allows a record title owner of a property, a fiduciary or trustee lawfully acting on behalf of a record title owner, or any other person lawfully authorized to act on behalf of a mortgagor or record title owner of the property to obtain an estoppel letter. To receive the information, these authorized persons must provide a copy of the instrument proving title in the property ownership interest or lawful authorization. Once a request is made, the mortgagee must provide the total unpaid balance on a per-day basis, but may also include additional information in the estoppel letter.

The bill also makes a number of clarifying and substantive changes to the Florida Principal and Income Act (act). This bill represents the first broad revision of the act since it was enacted in 2002. The bill implements a smoothing rule where fiduciaries calculate the average fair market value of the current year assets and the preceding years' assets to address spikes due to fluctuations in the market. The bill modifies the default guidelines applicable to unitrusts, distribution of income, the partial liquidation rule, marital tax deductions, liquidating assets, income taxes, and property improvements.

If approved by the Governor, these provisions take effect January 1, 2013.

▪ ***CS/CS/HB 1101***
Insurance Regulation

The bill changes a number of provisions relating to the regulation of insurance companies, insurance agents, insurance adjusters, and insurance coverage. The bill:

- Specifies that a salvage motor vehicle dealer is not required to carry the \$25,000 combined single-limit liability coverage for bodily injury and property damage, or the \$10,000 PIP coverage, for vehicles that cannot be operated legally on state roads.

- Revises the current exemption provisions relating to such alien insurers by providing that an insurer who has an affiliate would not be disqualified from obtaining an exemption, and by expanding the definition of nonresident to include a trust or other entity organized and domiciled under the laws of a country other than the United States.

Alien Insurers

The bill creates an exemption from the certificate of authority (COA) requirements for an alien insurer issuing life insurance or annuity contracts covering only persons who are not residents of the U.S., if the insurer meets the following requirements:

1. The insurer is an authorized insurer in its domiciliary country in the kinds of insurance proposed to be offered in this state; and:

- Has been an insurer for at least the last 3 consecutive years; or
- Is the wholly owned subsidiary of an authorized insurer; or
- Is the wholly owned subsidiary of an already eligible authorized insurer as to the kind of insurance proposed to be issued in this state for a period of not less than the immediately preceding 3 years.

2. Prior to the OIR granting eligibility to an alien insurer to issue policies and contracts in Florida, the insurer is required to meet the following requirements:

- Submit a copy of its annual financial statement to the OIR in English and with all monetary values expressed in U.S. dollars.
- Maintain a surplus of at least \$15 million in eligible investments for like funds of like domestic insurers or by investments permitted by the domiciliary regulator, if such investments are substantially similar in terms of quality, liquidity, and security to eligible investments for like funds of domestic insurers under ch. 625, part II, F.S.
- Have a good reputation for providing service and paying claims.
- Furnish to the OIR with annual and quarterly financial statements.

- Provide certain disclosures to policy or contract applicants.

In addition, the bill:

- Allows a not for profit self insurance fund to purchase for its members coverage for health, accident, or hospitalization if certain conditions are met.
- Clarifies that a current exemption from filing specified reinsurance information applies to any insurer with less than \$500,000 in direct written premiums in Florida in the preceding calendar year, and not more than \$250,000 of premium during the preceding calendar quarter and less than 1,000 policyholders at the end of the preceding calendar year.
- Allows the DFS to provide licensing examinations in Spanish at the expense of the applicant.
- Expands the list of entities to whom a limited license for travel insurance may be issued.
- Allows a licensed independent adjuster or a licensed agent to supervise up to 25 individuals who are not required to obtain a license to perform functions in connection with entering data into an automated claims adjudication system for portable electronics insurance claims.
- Provides that a resident of Canada cannot obtain a license as a nonresident independent adjuster for the purpose of adjusting portable electronics insurance claims, unless the individual obtains an adjuster license in another U.S. state.
- Provides that a surplus lines carrier is not required to provide 45 days' notice of nonrenewal if the insurer has manifested its willingness to renew.
- Specifies that it is an unfair or deceptive act or practice for someone to knowingly present a property and casualty certificate of insurance that has been altered after being issued.
- Provides that an insurer with surplus as to policyholders of \$25 million or less can qualify as a limited apportionment company (LAC) for all statutory purposes.

- Requires Citizens to begin offering a basic personal lines policy similar to an HO-8 policy by January 1, 2013.
- Requires that in establishing replacement costs for dwelling coverage, Citizens must accept the lowest valuation from 3 specified sources.
- Provides that mandated health benefits are not intended to apply only to limited benefit types of health benefit plans, unless specifically designated otherwise.
- Provides a definition of the term “rebate” within the context of performing repairs made pursuant to sinkhole damage.
- Allows an insurer to cancel a private passenger motor vehicle insurance policy within the first 60 days for nonpayment of premium.
- Specifies that the alternative dispute resolution procedure for personal and commercial residential property insurance claims can be requested only by the policyholder, as a first-party claimant, or by the insurer.
- Provides that when the notice of loss is reported more than 36 months after a declaration of a state of emergency by the Governor in response to a hurricane, the alternative claim dispute resolution process is not available.
- Allows the cancellation of a private passenger motor vehicle insurance policy, regardless of whether the first 2 months of premiums need to be paid up front, within the first 60 days for non-payment of premium when the check or other method of payment presented is subsequently dishonored.
- Clarifies that when an insurer fails to meet the statutory requirements for timely payment of PIP benefits, the obligation will accrue interest at the rate established in the contract or the statutory interest rate that applies to judgments and decrees, whichever is greater, that is in effect on the date the payment became overdue.
- Specifies that an insurer providing PIP coverage does not have a right of reimburse-

ment from an owner or registrant of a motor vehicle used as a taxi cab.

Captive Insurance Companies

The bill also deletes the current definition of captive insurer and redefines it as meaning a domestic insurer established under ch. 628, part V, F.S., including any of three specified types of captive formation, defined as:

- Pure captive insurance company means a company that insures the risks of its parent, affiliated companies, controlled unaffiliated business, or a combination thereof.
- Special purpose captive insurance company means a captive insurance company licensed under ch. 628, F.S., that does not meet the definition of any other type of captive insurance company.
- Industrial insured captive insurance company means a company that insures risks of the industrial insureds that comprise the industrial insured group and their affiliated companies.
- Establishes capital and reserve requirements for each type of captive insurer and removes the current requirement that captive insurers are also subject to the same level of surplus specified for various lines of insurance written in this state.
- Adds accumulated interest on allowed claims as a new class for distribution of claims from an insurer’s estate, which precedes the priority of claims of shareholders and other owners.

If approved by the Governor, these provisions take effect July 1, 2012, except as otherwise expressly provided in this act.

▪ ***HB 1127 Citizens Property Insurance Corporation***

House Bill 1127 reduces the Citizens Property Insurance Corporation (Citizens) regular assessment from 6 percent per account to 2 percent for deficits in the Coastal Account and eliminates the regular assessment in the Personal Lines Account (PLA) and the Commercial Lines Account (CLA). The reduction of the regular assessment in the

Coastal Account and its elimination for deficits in the PLA and CLA will not reduce the overall assessment authority of Citizens. Instead, greater levies will be imposed through emergency assessments, which are levied on all lines of property and casualty policies (except workers' compensation and medical malpractice) in the state, including Citizens' own policies.

The bill also makes revisions designed to assist Citizens in the promulgation and collection of assessments. Citizens is authorized to levy the policyholder surcharge, a regular assessment for the Coastal Account, and emergency assessments upon a determination by the Citizens Board of Directors that a Citizens account has a projected deficit. The Office of Insurance Regulation (OIR) is authorized to assist Citizens to collect assessments in any way that the OIR deems appropriate. Assessable insurers and the Florida Surplus Lines Service Office (FSLSO) must begin collecting and paying the emergency assessments within 90 days after Citizens levies such assessments. Limited apportionment companies must also begin collecting regular assessments within 90 days of their levy by Citizens. However, the bill expands the time limited apportionment companies have to pay regular assessments in full from 12 months to 15 months after Citizens levies the assessment.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 1277**
Money Services Businesses

In 2011, the Chief Financial Officer formed the Money Service Business (MSB) Facilitated Workers' Compensation Work Group (work group) to study the issue of workers' compensation insurance premium fraud facilitated by check cashers. Currently, legitimate contractors are placed at a significant competitive disadvantage by unscrupulous contractors avoiding the payment of workers' compensation insurance, as well as state and federal employment taxes. The bill incorporates the following consensus recommendations of the work group to provide increased regulatory oversight of MSBs that are designed to provide greater prevention, detection, and prosecution of workers' compensation premium fraud:

- Requires licensees to maintain and deposit all checks accepted into a bank account in

its own name and to report the termination of bank accounts to the OFR within 5 business days.

- Prohibits any money services business, its authorized vendor, or affiliated party to possess any fraudulent identification paraphernalia, or for someone other than the person who is presenting the check for payment to provide the customer's personal identification information to the check casher. A person who willfully violates these provisions commits a felony of the third degree.
- Authorizes the Office of Financial Regulation to issue a cease and desist order; issue a removal order; the denial, suspension, or revocation of a license or any other action permitted by ch. 560, F.S., for noncompliance with the following: maintaining a federally insured depository account; depositing all checks accepted into its depository account; or submitting transactional information to the office.
- Requires a licensee to suspend its check cashing operations immediately if there is any interruption in its depository relationship and prohibits the resumption of check cashing operations until the licensee has secured a new depository relationship

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 1417**
State Investments

This bill allows the State Board of Administration to invest up to 20 percent of any fund in alternative investments, up from the current 10 percent limit. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 4061**
Uniform Home Grading Scale

In 2006, the Legislature required the Office of Insurance Regulation (OIR) to develop a program to provide an objective rating system allowing homeowners to evaluate the relative ability of Florida properties to withstand the wind load from a sustained severe tropical storm or hurricane. In 2007, the Legislature created s. 215.55865, F.S., requiring that by 2007, the Financial Services Commission

adopt a uniform home grading scale consistent with the 2006 legislation. In 2007, pursuant to the statutory requirement, the Commission adopted the uniform home grading scale. Section 215.5586, F.S., established within the Department of Financial Services (DFS) the My Safe Florida Home Program (MSFH), which was created to provide Florida residential property owners with mitigation inspections and grants for installation of specified mitigation features in order to make property less vulnerable to hurricane damage. The MSFH program expired on June 30, 2009, and is no longer operative. All funds originally appropriated to the program were exhausted and no additional funding has been appropriated.

In 2008, the Legislature passed a law that established a two-part phase-in of a requirement that sellers of homes located in the state's wind borne debris region disclose the home's windstorm mitigation rating based on the home grading scale to prospective purchasers: However, both phase-in provisions were repealed before they took effect. In addition, in 2008, the Legislature passed s. 627.0629(1)(b), F.S., which required the OIR to develop a method by February 1, 2011, to establish mitigation discounts for hurricane mitigation measures that correlate to the home's rating calculated by the uniform home grading scale. In 2011, the Legislature repealed s. 627.0629(1)(b), F.S., thereby removing the requirement that the OIR establish a new wind mitigation discount scale to correlate with the uniform home grading scale.

The bill repeals s. 215.55865, F.S., requiring the development of the uniform home grading scale. The bill amends s. 215.5586, F.S., by removing the requirement that the MSFH program adopt a hurricane resistance rating scale that conforms to the uniform home grading scale.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 5505**

Department of Financial Services

The bill provides for the following:

- Allows for the electronic submission of workers' compensation exemption applications, with streamlined reporting requirements (e.g., elimination of notarization requirement and, for construction industry exemptions, the filing of copies of stock certificates).
- Requires additional data elements to be reported by all applicants filing electronically to include:
 - Date of birth, Florida driver's license number or identification card number.
 - For construction industry applicants, statement of ownership interest.
- Provides that exemptions issued after January 1, 2013, are valid for two years.
- Repeals the requirement for the Department of Financial Services to prepare an annual report on the administration of the workers' compensation laws of the prior year.
- Provides for a cost savings of nine positions and \$348,289 incorporated into the Fiscal Year 2012-13 General Appropriations Act.
- Amends the delinquent finance charge related to consumer finance loans by adjusting the current \$10 fee annually based on the consumer price index.
- Provides that revenues collected for money transmitter functions will be deposited into the Financial Institutions Regulatory Trust Fund rather than the Regulatory Trust Fund.
- Authorizes the Governor, at his option, to direct the State Board of Administration (SBA) to create the Florida Insurance Premium Tax Pre-Payment Program in order to provide an additional funding mechanism for the Florida Hurricane Catastrophe (CAT) Fund.
 - If the Governor approves, the SBA may sell up to \$1.5 billion in tax credits that can be applied to reduce future tax liabilities. The bill limits the amount of tax

credits that can be applied each year to \$150 million.

- The SBA will loan the proceeds of the tax credit sale to the CAT Fund.
- Loan repayments are to be deposited in the General Revenue Fund.
- The loan repayment schedule is to be designed so that in each fiscal year the General Revenue Fund receives an amount equal to the tax credits being applied.

If approved by the Governor, these provisions take effect July 1, 2012.

Legal, Criminal Justice & the Judiciary

- **CS/HB 37**
Knowingly and Willfully Giving False Information to a Law Enforcement Officer

This bill implements the recommendation of the Senate Select Committee on Protecting Florida's Children to amend s. 837.055, F.S., which currently makes it a first degree misdemeanor to knowingly and willfully provide false information to law enforcement during a missing person or felony criminal investigation. It arose from the Casey Anthony Specifically, the bill creates a third degree felony offense for persons who knowingly and willfully provide false information with the intent to mislead or impede a law enforcement officer in a missing person investigation involving a child 16 years of age or younger, and such child suffers great bodily harm, permanent disability, permanent disfigurement, or death. If approved by the Governor, these provisions take effect October 1, 2012.

- **CS/HB 173**
Department of Juvenile Justice

The bill authorizes the Department of Juvenile Justice (DJJ) to develop or contract for mother- infant programs within its continuum of care. The bill also defines a "mother-infant program" as a residential program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents. A mother-infant program must be licensed as a childcare facility under s. 402.308, F.S.

The bill also amends s. 985.601, F.S., to allow the DJJ to pay up to \$5,000 toward basic funeral expenses for a youth who dies in the department's custody, if the parents or guardians are indigent and unable to pay and there is no other funding source available to pay these expenses. The decision to pay funeral expenses will be made at the discretion of the secretary of the department.

Finally, the bill deletes provisions in numerous sections in chapters 984 and 985, F.S., which reference serious or habitual juvenile offenders and the serious or habitual juvenile offender programs. This change conforms the statutes to repeals made by legislation passed during the 2011 Legislative Ses-

sion. If approved by the Governor, these provisions take effect July 1, 2012.

- **CS/CS/CS/HB 177**
Inmate Reentry

This bill creates a new section of the Florida Statutes that requires the Department of Corrections (department) to develop and administer a non-violent offender reentry program. The program is limited to inmates who are imprisoned for committing a nonviolent third degree felony and who have not previously been convicted of certain serious offenses. With approval of the sentencing court, nonviolent offenders with substance abuse issues who have served at least one-half of their sentence and who are selected by the department may participate in the program. If the offender successfully completes the program, the court must modify the offender's sentence and place him or her on drug offender probation. The modified sentence must be for a period at least as long as the remainder of the prison sentence if the sentence has not been modified.

Among the conditions of drug offender probation that can be ordered by the court is placement of the offender in a community residential or non-residential substance abuse treatment facility. If available in the county where the offender will live upon release from incarceration, the court can order participation in a postadjudicatory drug court program as a condition of probation.

The nonviolent offender reentry program is intended to divert nonviolent offenders from long periods of incarceration when a reduced period followed by intensive substance abuse treatment may have the same deterrent effect, protect the public, rehabilitate the offender, and reduce recidivism. The department is required to submit an annual report that includes details regarding the operation of the program as well as its goals and recommended legislative action. In addition, it must develop a method for tracking recidivism of program participants and report the recidivism rate in the annual report. If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/SB 186***
Misdemeanor Pretrial Substance Abuse Programs

The bill expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. It does so by making the following changes to current law:

- Removing the requirement that a person not have previously been admitted to a pretrial program in order to participate in a misdemeanor pretrial substance abuse education and treatment intervention program.
- Eliminating the current restriction that only a person charged with misdemeanor drug or paraphernalia possession under ch. 893, F.S., may participate in a program. The bill retains that offense as an eligible category for participation, but it also adds that a person may participate if he or she is charged with a misdemeanor for:
 - A nonviolent, nontraffic-related offense and it is shown that the person has a substance abuse problem;
 - Prostitution;
 - Underage possession of alcohol; or
 - Possession of certain controlled substances without a valid prescription.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 189***
Criminal Restitution

This bill amends s. 775.089, F.S., by including in the definition of victim a victim's trade association if the offense is a violation of s. 540.11(3)(a)3., F.S., and the victim has granted the trade association written authorization to represent the victim's interests in criminal legal proceedings, as well as to collect restitution on the victim's behalf. The restitution obligation applies to physical articles on which sounds are recorded, but does not apply to any electronic articles or digital files that are distributed or made available online.

Lastly, the term "trade association" is defined to mean an organization founded and funded by businesses that operate in a specific industry to protect their collective interests.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/CS/HB 233***
Substance Abuse Education and Intervention Programs

The bill gives county criminal courts the option of sentencing a defendant found guilty of misdemeanor possession of a controlled substance or drug paraphernalia to a licensed substance abuse education and treatment intervention program as a condition of probation. The bill also provides for a licensed substance abuse education and treatment program to provide probation services to those misdemeanor drug offenders who are assigned to the program. This bill substantially amends s. 948.15, F.S.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***SB 278***
Preventing Deaths from Drug-Related Overdoses

The bill creates the "911 Good Samaritan Act" and provides that:

- A person making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the person's seeking medical assistance.
- A person who experiences a drug-related overdose and is in need of medical assistance may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the overdose and the need for medical assistance.
- The bill states that the above-described protection from prosecution for possession offenses may not be grounds for suppres-

sion of evidence in other criminal prosecutions. The bill also adds the following to the list of mitigating circumstances a judge may consider when departing from the lowest permissible sentence: The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose. This bill substantially amends s. 921.0026, F.S. The bill creates s. 893.21, F.S. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **CS/HB 401**
Effect of Dissolution or Annulment of Marriage on Certain Designations

The bill generally nullifies upon divorce or annulment the designation of a spouse as a beneficiary of nonprobate assets such as life insurance policies, individual retirement accounts, and payable on death accounts. Certain state-administered retirement plans are exempt from the bill. If the provisions of the bill apply, an asset will pass as if the former spouse predeceased the decedent.

The bill also specifies criteria for a payor of a nonprobate asset to use in identifying the appropriate beneficiary. The bill specifically provides that the payor is not liable in some circumstances for transferring an asset to the beneficiary identified through the bill's criteria.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **SB 436**
Video Voyeurism

This bill amends s. 810.145, F.S., to raise the offense level of video voyeurism offenses that are currently first degree misdemeanors to third degree felonies if the offender was 19 years of age or older at the time of the offense. The section is also amended to raise the offenses of video voyeurism against specified young persons and repeat video voyeurism from third degree felonies to second degree felonies. In addition, the bill amends s. 921.0022, F.S., to rank a violation of s. 810.145(8)(b), F.S. (video voyeurism against specified young persons), after a previous conviction of video voyeurism in Level 6 of the Offense Severity Ranking Chart.

The bill also amends s. 810.145, F.S., to specify that the interior of a residential dwelling is a place where a person has a reasonable expectation of privacy. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/HB 437**
Protection of Minors

This bill creates the "Protect Our Children Act" relating to laws that prohibit video voyeurism and possession of child pornography. With respect to child pornography, s. 827.071(5), F.S., is amended to allow charging of a separate offense for each child included in a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that shows sexual conduct by a child. Under the current statute, intentional viewing of a single video can only be charged as one offense no matter how many children are depicted in the video. With respect to video voyeurism, the bill:

- Amends s. 810.145(1)(c), F.S., to specifically include "the interior of a residential dwelling" in the definition of a "place and time when a person has a reasonable expectation of privacy."
- Amends s. 810.145(8)(a), F.S., which includes three video voyeurism offenses that are third degree felonies either because the offender holds a position of authority in relation to a child or student or the relative ages of the offender and the victim. These offenses are raised to second degree felonies under the bill, increasing the maximum sentence from five years to fifteen years in prison and the maximum fine from \$5,000 to \$10,000.
- Amends s. 921.0022(3)(f), F.S., to rank a violation of s. 810.145(b), F.S., on the Offense Severity Ranking Chart for sentencing purposes. In order to be convicted under s. 810.145(8)(b), F.S., a person must commit one of the offenses against a child or a student that are described in s. 810.145(8)(a), F.S., and also have a previous conviction of any form of video voyeurism. As a second degree felony, this offense is considered to be ranked at Level 4 and scores 22 sentencing points. The increased sentencing points make it more likely that the offender will be

sentenced to a term of imprisonment if he or she has prior convictions for any offense.

- Amends s. 943.0435(1), F.S., to require a person convicted of video voyeurism against a child or student in violation of s. 810.145(8)(a), F.S., to register as a sexual offender.
- Amends s. 775.21(4), F.S., to require a person who is convicted of video voyeurism under s. 810.145(8)(b), F.S., to be designated as a sexual predator if the person also has a prior conviction of a qualifying sexual offense other than video voyeurism.
- In order to be consistent with the amendments to s. 943.0435(1), F.S., and s. 775.21(4), F.S., the bill adds persons convicted of violating s. 810.145(8), F.S., to the list of offenders for whom notification of release must be made to the county sheriff under s. 944.606, F.S., and to the Florida Department of Law Enforcement under s. 944.607, F.S.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/CS/HB 667***
Murder

The bill expands what constitutes first, second, and third degree murder to include the unlawful killing of a human being when the defendant commits aggravated fleeing or eluding and that act causes serious bodily injury or death to another. It also makes certain conforming changes to the Offense Severity Ranking Chart.

Additionally, the bill amends s. 782.065, F.S. Current law provides for a life sentence when a defendant murders or attempts to murder a law enforcement officer who is engaged in the performance of his or her official duties at the time of the offense, regardless of the degree of the murder or attempted murder. The bill includes correctional officers and probation officers for the purposes of the life sentence penalty.

This bill substantially amends ss. 782.04 and 921.0022, F.S. It also reenacts the following statutes to incorporate changes made to s. 782.04, F.S.:

- s. 775.0823, F.S., violent offenses committed against law enforcement and correctional officers, state attorneys, assistant state attorneys, justices, or judges;
- s. 782.051, F.S., attempted felony murder;
- s. 782.065, F.S., murder; law enforcement officer; and
- s. 947.146, F.S., Control Release Authority.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/HB 701***
Florida Evidence Code

This bill creates a hearsay exception to allow a court to consider statements that would otherwise be inadmissible into evidence if a party wrongfully makes a witness unavailable. Specifically, this bill creates a hearsay exception for a statement offered by an unavailable witness against a party that has engaged or acquiesced in wrongdoing intended to make the witness unavailable. The Florida Evidence Code generally prohibits a judge or jury from considering hearsay, which is an out-of-court statement offered by someone other than the declarant while testifying at trial or a hearing used to prove the truth of the matter asserted. If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/CS/HB 729***
Hiring, Leasing, or Obtaining Personal Property or Equipment with the Intent to Defraud

The bill provides an additional method by which the owner or agent of the owner of leased personal property or equipment may make a demand for return or provide notice to a lessee, such that the lessee's failure to respond to the demand or notice may be evidence of the abandonment of or refusal to return the leased property. Section 812.155(4), F.S., is amended by the bill to allow for delivery by courier service with tracking capability to the address of the lessee as it appears on the rental contract.

A new subsection is added to the statute providing that possession of personal property or equipment by a third party is not a defense for failure to return the property unless the lessee provides documen-

tation to the owner or the court showing that the lessor is not in possession of the property without his or her consent.

The bill creates a permissive inference in ss. 812.155(4)(b) and 812.155(4)(c), F.S., that would give the evidence of abandonment or refusal to return the personal property or equipment greater weight than it has under the current language found therein.

Proper notice or a demand for return of property (not responded to) may be considered as prima facie evidence of the crimes of abandonment of or refusal to return leased property. Considering (or not considering) the fact of the unresponded to notice or demand does not require a finding that an element of the crime has been proven. In other words, it is evidence a jury is free to consider or to dismiss as it determines whether the facts presented by the prosecution prove the crime beyond a reasonable doubt.

The bill provides that, so long as the property owner has fulfilled the requirements of s. 812.155, F.S., he or she may report a rented vehicle as stolen and have it listed on any local or national registry of stolen vehicles. The bill also makes organizational and stylistic changes to ss. 812.155(1), 812.155(2), and 812.155(3), F.S. These changes are not substantive in nature. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 733**
Probate

The bill revises the effective date of the 2011 amendments to s. 732.102, F.S., so that the changes to that section apply only to the estates of decedents dying on or after October 1, 2011. Section 732.102, F.S., was amended in 2011 to revise the share a decedent's spouse receives as part of an intestate estate under certain circumstances.

Effective July 1, 2012, and applicable to estates of persons dying on or after July 1, 2012, the bill:

- Clarifies that real property owned in joint tenancy with right of survivorship is not protected homestead. It clarifies that property not subject to devise may be transferred before a person dies by titling the property in joint tenancy with right of survivorship.

- Revises the time in which an attorney in fact or guardian for an incapacitated spouse must file a petition for authority to make an election to take an undivided one-half interest as a tenant in common in the decedent's homestead.
- Bars inheritance through intestate succession by a parent from a child in cases when the natural or adoptive parent's parental rights were terminated prior to the death of the child. In such cases, the natural or adoptive parent must be treated as if the parent predeceased the child.

If approved by the Governor, and except as otherwise provided in the bill, these provisions take effect upon becoming law.

▪ **HB 777**
Criminal Penalties for Violations of Securities Laws

The bill increases the ranking of securities-related offenses in the Offense Severity Ranking Chart as follows:

- A violation of s. 517.07(1), F.S. (requiring certain securities to be registered prior to sale), increases from a Level 2 offense (equating to 10 sentencing points) to a Level 4 offense (equating to 22 sentencing points).
- A violation of s. 517.12(1), F.S. (requiring securities dealers, associated persons or issuers of securities to be registered), increases from a Level 1 offense (equating to 4 sentencing points) to a Level 4 offense (equating to 22 sentencing points). As a result, the lowest permissible sentence for violations of ss. 517.07(1) and 517.12(1), F.S., will be increased. This bill substantially amends s. 921.0022, F.S.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 803**
Child Protection

The bill makes changes to numerous provisions in ch. 39, F.S., relating to the central abuse hotline, child protective investigations, and the dependency process. The bill redesigns the process of child protective services by strengthening the investiga-

tion process, streamlining activities, and providing a more focused framework for on-going services to be provided. Specifically, the bill:

- Amends the central abuse hotline procedures to provide that the hotline may accept a call from a parent or legal custodian seeking assistance for themselves when the call does not meet the statutory requirement of abuse, abandonment or neglect;
- Allows the Department of Children and Family Services (DCF or department) to discontinue an investigation if it is determined that a false report of abuse, abandonment or neglect has been filed;
- Requires the department to maintain one electronic child welfare case file for each child;
- Requires child protective investigators (CPIs) to determine the need for immediate consultation with law enforcement personnel, child protection teams, and others prior to the commencement of an investigation;
- Eliminates the current bifurcated investigative process and provides for a single procedure for every case accepted for investigation; and
- Requires that monitoring of protective investigation reports are used to determine the quality and timeliness of safety assessments, and teamwork with other professionals and engagement with families.

In addition, the bill makes changes to ch. 39, F.S., protective injunction process to prevent child abuse and to mirror language in the civil injunction process in ch. 741, F.S., amends requirements relating to criminal background and records checks for individuals being considered for placement of a child, and amends provisions relating to termination of parental rights that apply to incarcerated parents. The bill provides specific circumstances in which the court may order maintaining and strengthening families as a permanency goal in a child's case plan when the child resides with a parent. Finally, the bill revises the number of times per year the Children and Youth Cabinet must meet. If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 917**
***Jurisdiction of the Courts –
Long Arm Statute***

This bill amends Florida's long arm statute by including language that extends the court's jurisdiction to individuals entering into a contract that complies with Florida's forum-selection statute. The bill also expands the court's jurisdiction to hear cases concerning a commercial dispute that has arisen from the parties' contract where Florida law is designated as governing. Such provisions would apply to contracts entered into on or after July 1, 2012.

Additionally, the term "foreign judgment" as found in the Florida Enforcement of Foreign Judgment Act is amended to apply to any judgment, decree, or order of a court which is entitled to full faith and credit in this state. The effect of this removal would allow for the recognition of judgments, orders, and decrees issued from courts located in U.S. territories.

Lastly, provisions from the Florida International Commercial Arbitration Act are amended to correct cross-references in order to conform to the UNCITRAL Model Law on Commercial Arbitration.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **CS/CS/HB 947**
***Possession of a Firearm
or Destructive Device During
the Commission of an Offense***

The bill provides that an offender who is before the court for sentencing on a conviction of possession of a firearm by a convicted felon and who has a prior conviction for committing or attempting to commit the following listed offenses, during which time he or she possessed a firearm or destructive device, is subject to the 10 year mandatory sentence under s. 775.087(2)(a)1., F.S.

The felony offenses that comprise the listed prior conviction offenses referred to above are:

- Arson;
- Sexual battery;
- Robbery;

- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;
- Manslaughter;
- Aggravated manslaughter of an elderly person or disabled adult;
- Aggravated manslaughter of a child;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary;
- Aggravated battery; or
- Aggravated stalking.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***SB 990***
Natural Guardians

Under s. 744.301, F.S., the mother and father of a child generally are the natural guardians of the child. The statute gives natural guardians substantial authority to act on the behalf of their minor child in matters of managing assets, transferring real or personal property, and settling of disputes when, in the aggregate, those matters do not exceed \$15,000. This bill conforms terminology used in s. 744.301, F.S., to terminology used in ch. 61, F.S., which relates to divorce and child custody. Specifically, the bill changes “mother and father” to “parents” and changes “child custody” to “parental responsibility.” If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1097***
Sexually Violent Predators

This bill amends Florida law related to the Involuntary Civil Commitment of Sexually Violent Predators (“Jimmy Ryce Act”) by:

- Requiring the Department of Children and Families (department) to prioritize written

assessments and recommendations of persons convicted of a sexually violent offense who will be released from total confinement within one year;

- Extending the deadline in which the department’s multidisciplinary team is required to complete its assessment to the state attorney;
- Extending the deadline for the state attorney to file a petition to the circuit court alleging that a person is a sexually violent predator;
- Allowing a sexually violent predator, who has a deportation detainer and is released from confinement, to be taken into custody by the federal government rather than be immediately committed to the custody of DCF; and
- Making it a third-degree felony for a person to knowingly and intentionally bring, send, take, or attempt to take any intoxicating beverage, controlled substance, or firearm or weapon into any facility providing secure confinement and treatment under the Jimmy Ryce Act.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1099***
Stalking

The bill amends the stalking statute, s. 784.048, F.S., by revising definitions related to stalking, primarily the definition of “credible threat.” It establishes a cause of action for an injunction for protection against stalking and cyberstalking, provides procedures and protections for obtaining a temporary or final injunction against stalking or cyberstalking, provides a first-degree misdemeanor penalty for violating an injunction against stalking or cyberstalking, and requires the court to consider issuing an injunction restraining a defendant from victim contact for up to ten years. If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/CS/CS/HB 1163***
Adoption

This bill substantially amends the Florida Adoption Act. Specifically, the bill:

- Requires that a petition for termination of parental rights contain facts supporting the allegation that the parents of the child is informed of the availability of private placement of the child with an adoption entity;
- Removes legislative intent that all placements of minors for adoption be reported to the Department of Children and Family Services (DCF or department);
- Amends certain definitions in ch. 63, F.S.;
- Exempts adoption proceedings which were initiated under ch. 39, F.S., from the requirement to search the Florida Putative Father Registry if the search was previously completed;
- Requires the use of an adoption entity for all adoptions of minor children, unless the adoption is by a relative or stepparent;
- Requires that a newborn who tests positive for illicit or prescription drugs or alcohol, but who shows no other signs of child abuse or neglect, be placed in the custody of a licensed child placing agency;
- Prohibits DCF from being involved with a properly surrendered newborn who tests positive for illicit or prescription drugs or alcohol, except when reasonable efforts to contact an adoption entity to take custody of the child fail;
- Prohibits a court from ordering scientific testing until the court determines that a previously entered judgment terminating parental rights is voidable;
- Prohibits a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parents;
- Prohibits an attorney from removing a child, who was voluntarily surrendered to the attorney, from a prospective adoptive home without a court order unless the child is in danger of imminent harm;
- Revises the obligations and responsibilities of an unmarried biological father seeking to assert his parental rights with regard to his child;
- Requires a court to permit an adoption entity to intervene in a dependency case and outlines the responsibilities of the adoption entity throughout the proceedings;
- Authorizes the prospective adoptive parents to waive receipt of certain medical records;
- Outlines the duties of the court when considering a petition for termination of parental rights and, when the petition has been denied, providing for placement of the child;
- Places restrictions on advertisements offering a minor for adoption or seeking a minor for adoption and establishes criminal penalties for violations of the advertising restrictions;
- Creates the crime “adoption deception”;
- Clarifies the rights and obligations of a volunteer mother involved in a preplanned adoption agreement; and
- Makes technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1175***
Controlled Substances – Bath Salts

This bill lists a number of synthetic cannabinoids and synthetic stimulants (none of which have been previously scheduled) as Schedule I controlled substances. This bill also amends a reference to synthetic cannabinoids in s. 893.13(6)(b), F.S., to include reference to the synthetic cannabinoids scheduled by the bill. Section 893.13(6)(b), F.S., provides that simple possession of 3 grams or less of a referenced synthetic cannabinoid in a non-powdered form is a first degree misdemeanor. If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/HB 1323***
Metal Theft

This bill amends s. 538.23, F.S., to increase penalties such that a secondary metals recycler who violates specified secondary metal recycler laws commits a felony of the third degree and that a third or subsequent violation of such provisions will be punished as a felony of the second degree.

This bill also amends s. 812.145, F.S., by defining an “electrical substation” as a facility that takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size. Furthermore, the bill provides that anyone who removes copper or other nonferrous metals from an electrical substation site commits a felony of the first degree.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***CS/HB 1351***
Homeless Youth

The bill provides a mechanism for a homeless minor to become a “certified homeless youth,” and, if the minor is 16 years of age or older, petition a court for removal of the disabilities of nonage. The bill also allows the minor to avoid having to prepay court costs and fees when filing the petition. Lastly, the bill allows a certified homeless youth or a minor who has had the disabilities of nonage removed through marriage or by a judicial process to obtain his or her birth certificate.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/CS/HB 1355***
Protection of Vulnerable Persons

This bill addresses child abuse, neglect and abandonment, relocation assistance for sexual battery victims, and assistance for child abuse victims by doing the following:

- Requires reporting to the Department of Children and Family Services by any person who knows, or who has reasonable cause to suspect, that a child:
 - Is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare.
 - Is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender.
- Requires that each report of known or suspected child abuse by an adult other than a

parent, legal custodian, caregiver, or other person responsible for the child’s welfare be made immediately to the Department of Children and Family Services’ central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report. Such reports or calls shall be immediately electronically transferred to the appropriate county sheriff’s office by the central abuse hotline.

- Requires that reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior be made and received by the Department of Children and Family Services, and provides the following additional requirements:
 - The department shall determine the age of the alleged offender, if known.
 - If the alleged offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the report or call to the county sheriff’s office. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307, F.S. (reports on child-on-child sexual abuse) and send a written report of the allegation to the appropriate county sheriff’s office within 48 hours after the initial report is made to the central abuse hotline.
 - If the alleged offender is 13 years of age or older, the central abuse hotline shall immediately electronically transfer the report or call to the appropriate county sheriff’s office and send a written report to the appropriate county sheriff’s office within 48 hours after the initial report to the central abuse hotline.
- Authorizes reporting by web-based chat.
- Requires the Department of Children and Family Services to:
 - Update the web form used for reporting child abuse, abandonment, or neglect to include specified information and capabilities.

- Conduct a feasibility study on using text and short message service formats to receive and process reports of child abuse, etc.
- Promote public awareness of the central abuse hotline through community partner organization and public service campaigns.
- Collect and analyze reports of child abuse and sexual abuse reported from or occurring on the campus of any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1001.21, F.S., or s. 1005.02, F.S.
- Changes from a first degree misdemeanor to a third degree felony the current offense of knowing and willful failure to report known or suspected child abuse, etc., and authorizes repeat offender sanctions under s. 775.084, F.S., if applicable.
- Punishes with a \$1 million fine for each failure a Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21, F.S., or s. 1005.02, F.S., whose:
 - Administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on school property or during a school-sponsored event or function, or who knowingly and willfully prevent another person from doing so.
 - Law enforcement agency fails to report known or suspected child abuse, etc., committed on school property or during a school-sponsored event or function.
- Specifies that the fine shall be assessed as follows:
 - A Florida College System institution subject to a fine shall be assessed by the State Board of Education.
 - A state university subject to a fine shall be assessed by the Board of Governors.
- A nonpublic college, university, or school subject to a fine shall be assessed by the Commission for Independent Education.
- Provides that the university, college, etc., has the right to challenge the determination of a violation in an administrative hearing; however, if it is found that actual knowledge and information of known or suspected child abuse was in fact received by the institution's administrators and this information was not reported, a presumption of a knowing and willful act will be established.
- Directs the Department of Education to require teachers in grades 1-12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.
- Reclassifies the felony or misdemeanor degree of any violation of ch. 796, F.S., other than s. 796.03, F.S., or s. 796.035, F.S., in which a minor engages in prostitution, lewdness, assignation, sexual conduct, or other conduct as defined in or prohibited by ch. 796, F.S., but the minor is not the person charged with the violation.
- Provides that relocation payments for a domestic violence claim shall be denied if the Department of Legal Affairs has previously approved or paid out a sexual battery relocation claim under s. 960.199, F.S., to the same victim regarding the same incident.
- Provides criteria for a victim of sexual battery to receive relocation payments from the Department of Legal Affairs and provides that relocation payments for a sexual battery claim shall be denied if the department has previously approved or paid out a domestic violence relocation claim under s. 960.199, F.S., to the same victim regarding the same incident.
- Provides that for state fiscal year 2012-13, \$1.5 million in nonrecurring funds is appropriated from General Revenue to the Department of Legal Affairs for sexual battery victim relocation as provided in s. 960.199, F.S.
- Amends s. 827.03, F.S., which punishes child abuse and neglect, to:

- Define the term “mental injury,” a definition which is relevant to criminal penalties under that statute for certain acts of child abuse that may result in a mental injury to a child. “Mental injury” is defined as an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability of the child to function within the normal range of performance and behavior as supported by expert testimony. (This new definition is the same as the definition of mental injury in s. 39.01, F.S., applicable to dependency cases, except that the definition in s. 39.01, F.S., does not include the language relating to expert testimony.)
 - Specify that a physician may not provide expert testimony in a criminal child abuse case unless the physician is a physician licensed under ch. 458, F.S., or ch. 459, F.S., or has obtained certification as an expert witness pursuant to s. 458.3175, F.S.
 - Specify that a physician may not provide expert testimony in a criminal child abuse case regarding mental injury unless the physician is a physician licensed under ch. 458, F.S., or ch. 459, F.S., who has completed an accredited residency in psychiatry or has obtained certification as an expert witness pursuant to s. 458.3175, F.S.
 - Specify that a psychologist may not give expert testimony in a criminal child abuse case regarding mental injury unless the psychologist is licensed under ch. 490, F.S.
 - Specify that the expert testimony requirements apply only to criminal child abuse cases and not to family court or dependency court cases.
 - Amends s. 960.03, F.S., by modifying the definition of “crime” and “victim” as used in the Florida Crimes Compensation Act to include any child abuse offense that results in mental injury to a minor who was not physically injured by the criminal act. As a result, the bill expands eligibility for certain types of assistance available under the act to victims physically injured by child abuse to include victims who are mentally injured by child abuse.
- If approved by the Governor, these provisions take effect October 1, 2012.
- ***SB 1960***
State Judicial System
- This bill makes the following changes:
- Amends statutes to refine the qualifications of the Regional Conflict Counsel and provide for a more efficient Regional Counsel selection and appointment process.
 - Makes real property record and motor vehicle record searches optional when clerks review applications of persons applying for indigency status.
 - Permits a judicial circuit to create a limited registry of court-appointed attorneys willing to waive compensation above the flat fees to handle conflict cases.
 - Requires the state court system to pay court-appointed attorney fees ordered by the court above the flat fees established in law, once the funds appropriated for that purpose have been spent.
 - Allows guardian ad litem volunteers to transport clients.
 - Allows for the supervision and oversight of county funded employees by the guardian ad litem program.
 - Requires the Clerk of Court Operations Corporation to collect and submit to the Legislature a quarterly report from the clerks of court on a local surcharge on traffic infractions.
- If approved by the Governor, these provisions take effect July 1, 2012.
- ***SB 1964***
Court-related Assessments
- This bill makes the following changes:
- Provides that a monetary assessment mandated by law shall be imposed and included

in the judgment without regard to whether the assessment is announced in open court.

- Requires the clerks of court to develop a uniform form for the identification and imposition of all assessments mandated by statutes.
- Refines the definition of assessment data elements collected by the clerks of court.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **SB 1968**
Criminal Justice

The bill makes the following changes:

- Requires the courts to assess individuals convicted of a crime a \$100 fee for any crime lab services provided.
- Requires all fines collected will continue to be deposited into FDLE's Operating Trust Fund and used to reimburse local county-operated crime laboratories.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 4047**
Judicial Census Commissions

This bill repeals s. 26.011, F.S., an obsolete statute, which provides for the use of judicial census commissions in determining the population of a judicial circuit. The Legislature created the judicial census commissions to determine the population of a given judicial circuit because the State Constitution formerly required one circuit judge for every 50,000 people in a circuit. The Constitution was amended in 1973 to provide for a different method of determining the number of circuit judges, making the judicial census commissions unnecessary. If approved by the Governor, these provisions will take effect July 1, 2012.

▪ **HB 4077**
Actions for Damages

This bill repeals s. 768.75, F.S., which authorizes a court in a negligence action to require the attorneys, parties, and persons having authority to settle to attend a settlement conference at least 3 weeks

before trial. Courts, however, retain this authority under the Florida Rules of Civil Procedure.

If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 5401**
Shared County and State Responsibility for Juvenile Detention

This bill modifies the definition of the term "detention care" to include respite beds for juveniles charged with a domestic violence crime. If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 5403**
State Court Revenues

This bill redirects revenues associated with mortgage foreclosure filing fees and mortgage foreclosure counterclaims filing fees from the State Courts Revenue Trust Fund into the General Revenue Fund. If approved by the Governor, these provisions take effect June 1, 2012.

▪ **HB 7005**
Official Florida Statutes

The bill adopts the Florida Statutes 2012 and designates the portions that constitute the official statutory law of the state. The bill amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and cures any title or single subject defects that may have existed in an act as originally passed.

It adopts all statutes of a general and permanent nature passed through the end of the 2011 Regular Session together with corrections, changes, and amendments to and repeals of the provisions of the 2011 Florida Statutes enacted in additional Reviser's bill(s) by the 2012 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 2011, which thus serve as the best evidence of the law.

Legislation passed in the 2012 Regular Session, occurring after publication of the 2011 edition of the Florida Statutes, is not adopted as the official statutory law of the state but serves as prima facie evidence of the law until being adopted into the statutes in 2013.

The bill has no fiscal impact.

The bill was approved by the Governor on February 24, 2012, ch. 2012-4, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die.

▪ **HB 7007**
Official Florida Statutes

This 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.

Section 11.242, F.S., requires the Division of Statutory Revision of the Office of Legislative Services to conduct 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; and
- Facilitate correct and proper interpretation.

Such changes include:

- Corrections to grammatical and typographical errors;
- Removal of expired or obsolete statutes and law; and
- 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 was approved by the Governor on February 24, 2012, ch. 2012-5, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die, March 9, 2012.

▪ **HB 7009**
Official Florida Statutes

The bill 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 2012 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

Florida statute requires the Division of Statutory Revision of the Office of the 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 will remove inconsistencies, redundancies, and unnecessary repetition from the statutes and otherwise improve their clarity and facilitate their correct and proper interpretation. In furthering this statutory requirement, Statutory Revision recommends changes such as correcting grammatical and typographical errors and removing obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature as technical, non-substantive reviser's bills.

The bill was approved by the Governor on February 24, 2012, ch. 2012-6, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die, March 9, 2012.

▪ **HB 7011**
**Official Florida Statutes/
Reviser's Bill**

This reviser's bill replaces statutory references to the "Division of Forestry" with references to the "Florida Forest Service" pursuant to the Legislative directive to the Division of Statutory Revision in s. 12, ch. 2011-56, Laws of Florida. The bill was approved by the Governor on February 24, 2012, ch. 2012-7, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die.

▪ **HB 7049**
Human Trafficking

This bill addresses human trafficking in the following manner:

- Authorizes the Office of Statewide Prosecution to investigate and prosecute any violation of the provisions of ch. 787, F.S., as well

as any and all offenses related to a violation of the provisions of that chapter (including human trafficking offenses) if other statutory requirements are also met.

- Requires a person employed by a massage establishment and any person performing massage therein to immediately present, upon the request of a Department of Health investigator or a law enforcement officer, valid government identification while in the establishment, and provides criminal penalties for noncompliance.
- Adds various new human trafficking offenses to the list of offenses that qualify a person as a sexual predator or sexual offender for the purpose of registration and to various statutes that require agencies to provide information regarding sexual predators and sexual offenders.
- Repeals s. 787.05, F.S., which punishes unlawfully obtaining labor and services, and s. 796.045, F.S., which punishes sex trafficking, and addresses the conduct prohibited in those statutes through changes to the human trafficking statute, s. 787.06, F.S.
- Provides for a number of human trafficking offenses which are first degree felonies, first degree felonies punishable by up to life imprisonment, or life felonies, and ranks those offenses.
- Authorizes seizure and forfeiture of any real or personal property that was used, was attempted to be used, or intended to be used in violation of s. 787.06, F.S., subject to the provisions of the Florida Contraband Forfeiture Act.
- Raises the degree of the offense of human smuggling from a first degree misdemeanor to a third degree felony; provides for repeat offender sanctions under s. 775.084, F.S., if applicable; and ranks the offense.
- Modifies the elements of the current first degree felony offense of selling or buying minors into sex trafficking or prostitution so that the offense now punishes any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfers custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will engage in prostitution.
- Provides a statewide grand jury with subject matter jurisdiction over any violation of ch. 787, F.S., as well as any and all offenses related to a violation of ch. 787, F.S.
- Provides that the Governor, the Attorney General, the Statewide Prosecutor, or any state attorney may authorize an application to a judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications by the Florida Department of Law Enforcement or any law enforcement agency having responsibility for the investigation of the offense as to which the application is made when such interception may provide or has provided evidence of the commission of a violation of s. 787.06, F.S.
- Adds two human trafficking offenses that only involve a victim who is a minor or a child under 15 years of age to the definitions of “child molestation” and “sexual offense” in s. 90.404, F.S., which provides, in part, that in a criminal case in which the defendant is charged with a crime involving child molestation, evidence of the defendant’s commission of other crimes, wrongs, or acts of child molestation is admissible and may be considered for its bearing on any matter to which it is relevant.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 7095
Clerks of Court***

The bill amends current law relating to the responsibilities of the clerks of the court to enhance the collection of court fees and fines and to improve the efficiency of their operations. The bill requires a broader use of the Comprehensive Case Information System (CCIS) among state agencies to reduce operational costs and duties of the clerks of the court.

The bill:

- Makes discretionary the clerk's review of property and motor vehicle records of persons seeking an indigency determination for purposes of obtaining a public defender.
- Provides that filing fees are due when a party files a pleading to initiate a proceeding.
- Provides that fees are due upon filing a pleading to reopen a case that has been closed at least 90 days.
- Requires clerks to collect a \$10 service charge for issuing a certified copy or an electronic certified copy of a summons rather than only for an original summons.
- Updates jury legislation to reflect modern practices and current procedures.
- Allows an action for the collection of court costs and fines to be brought at any time.
- Requires the state attorney to notify the clerk of the court when a defendant is a public officer charged with a specified offense before the clerk is required to send notice of the proceedings to the Commission on Ethics.
- Ranks claims for the collection of unpaid fees, court costs, and fines at level three for payment of claims against a decedent's estate by a personal representative.
- Removes the requirement for clerks of the court to send certified copies of felony drug convictions to agencies issuing business or professional licenses, and replaces it with a requirement for the licensing agency to obtain such information from the CCIS.
- Provides that, with respect to criminal financial obligations, a previously imposed criminal or civil judgment constitutes a civil lien against the judgment debtor's real or personal property when recorded as required by s. 55.10, F.S. The bill exempts such liens from the current 10 year re-recording requirement of the statute.
- Adds the payment of fines, fees, and other court related costs as a condition of parole

in addition to the current condition of paying restitution.

If approved by the Governor, these provisions take effect July 1, 2012.

Public Records

- **SB 374**
**Public Records/Donor Information/
Florida Historic Capitol/Legislative
Research Center and Museum**

This bill creates a public records exemption for the identity of a donor or prospective donor who desires to remain anonymous to the direct support organization of the Florida Historic Capitol and Legislative Research Center and Museum. The bill provides for future repeal of the exemption on October 2, 2017, pursuant to the requirements of the Open Government Sunset Review Act. If approved by the Governor, these provisions take effect July 1, 2012.

- **SB 446**
**Public Records/Insurance Claim
Data Exchange Information/
Past Due Child Support**

Currently, s. 409.25659, F.S., requires the Department of Revenue (DOR or department) to develop and operate a data match system in which an insurer may voluntarily provide DOR with the name, address, and, if known, date of birth and Social Security number or other taxpayer identification number for each noncustodial parent who has a claim with the insurer and who owes past-due child support. Section 409.25661, F.S., provides that specified information regarding a noncustodial parent who owes past-due child support, collected by DOR pursuant to s. 409.25659, F.S., is confidential and exempt from public records. The exemption will expire October 2, 2012, unless saved from repeal through reenactment by the Legislature. This bill reenacts this public-records exemption.

If approved by the Governor, these provisions take effect October 1, 2012.

- **SB 570**
**Public Records/Donor Identity/
Publicly Owned Performing Arts
Center**

This bill creates a public records exemption for information that identifies a donor or a prospective donor to a publicly owned performing arts center should the donor wish to remain anonymous. The exemption is subject to legislative review and repeal under the provisions of the Open Govern-

ment Sunset Review Act. If approved by the Governor, these provisions take effect October 1, 2012.

- **CS/HB 629**
**Public Records/Personal Identifying
Information/Certain Current and
Former Public Employees, Spouses,
and Children**

The bill expands the public record exemptions for identification and location information of certain public employees to include dates of birth of the public employees and of their spouses and children. It also specifies that the public record exemption for identification and location information of law enforcement personnel applies to sworn and civilian law enforcement personnel.

The current exemption for identification and location information applicable to the judiciary is expanded to include former justices and judges, and their spouses and children.

The bill deletes the current statutorily-required repeal of public records exemptions that apply to magistrates, administrative law judges, guardians ad litem, public defenders and others.

The bill defines the term "telephone numbers" to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

The bill becomes effective on October 1, 2012, and provides for repeal of the exemptions in s. 119.071(4)(d), F.S., on October 2, 2017, unless reviewed and saved from repeal by the Legislature. The bill specifies that the exemptions apply to information held before, on, or after the effective date of the exemptions. If approved by the Governor, these provisions take effect October 1, 2012.

- **CS/CS/HB 645**
**Public Records/Title Insurance
Data/Office of Insurance
Regulation**

The bill requires title insurers, their direct or retail businesses in the state, and title agencies to submit to the Office of Insurance Regulation, on or before March 31 of each year, revenue, loss, and expense data for the most recently concluded year that are

determined necessary to assist in the analysis of premium rates, title search costs, and the condition of the Florida title insurance industry. The Financial Services Commission is required to adopt rules to assist in data analysis and collection. The Department of Financial Services is required to take action against the authority of any title insurance agent or agency that fails to timely submit the required data, including suspension or revocation of a license or appointment.

The bill provides that proprietary business information provided to the Office of Insurance Regulation by a title insurance agency or insurer is confidential and exempt from public records requirements until such information is otherwise publicly available or is no longer treated by the title insurance agency or insurer as proprietary business information. However, information provided by multiple title insurance agencies and insurers may be aggregated on an industry-wide basis and disclosed to the public as long as the specific identities of the agencies or insurers are not revealed.

The bill defines “proprietary business information” as information that is:

- Owned or controlled by a title insurance agency or insurer requesting confidentiality under this section;
- Intended to be and is treated by the title insurance agency or insurer as private in that the disclosure of the information would cause harm to the business operations of the title insurance agency or insurer;
- Has not been publicly disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement, providing that the information may be released to the public and;
- Concerns business plans, internal auditing controls and reports of internal auditors, reports of external auditors for privately held companies, trade secrets as defined in s. 688.002, F.S., or financial information, including, but not limited to, revenue data, loss expense data, gross receipts, taxes paid, capital investment, customer identification, and employee wages.

The bill provides for repeal of the exemption on October 2, 2017, unless reviewed and saved from repeal by the Legislature. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***SB 878***
Public Records/Florida
College System Personnel
Records

The bill narrows the public records exemption for employee records maintained by a Florida College System institution. The definition of limited-access records includes only academic evaluations of employee performance, records of investigations of employee misconduct, disciplinary proceedings, and grievance proceedings. The bill requires that records relating to a complaint, investigation, or disciplinary proceeding must be made public after a final decision has been made in the investigation or proceeding. While the bill makes academic evaluations of employee performance exempt from public records requirements, it does not exempt other types of employee performance evaluations. Thus, evaluations of employee performance, other than academic performance, would be public.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/CS/HB 1089***
Public Records/Agency
Personnel Information

This bill expands the public records exemption for agency personnel information to include the home addresses, telephone numbers, and photographs of current or former investigators and inspectors of the Department of Business and Professional Regulation (department). The bill also exempts the home addresses, telephone numbers, and places of employment of the spouses and children of current or former investigators and inspectors of the department, as well as the names and locations of the schools and day care facilities attended by their children. The bill requires investigators and inspectors of the department to have made reasonable efforts to protect their personal information from being accessible by alternate means.

The bill further expands the public records exemption for agency personnel information to include the home addresses and telephone numbers of county

tax collectors. The bill also exempts the home the home addresses, telephone numbers, and places of employment of the spouses and children of the county tax collectors, as well as the names and locations of the schools and day care facilities attended by their children.

The bill specifies that the exemptions are subject to the Open Government Sunset Review Act and would stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature. If approved by the Governor, these provisions take effect upon becoming law.

▪ ***CS/CS/HB 1193***
Public Records/Victims of Violence

The bill creates public records exemptions for the personal contact information provided by a petitioner in his or her request for notices relating to an injunction for protection against domestic violence, repeat violence, sexual violence, or dating violence. The court clerk must apprise the petitioner of the right to make a written request that his or her contact information be exempt from public records requirements. After receipt of the written request, the information is exempt for 5 years. The bill grants access to any state or federal agency that is authorized by law to have access to such information in furtherance of the agency's statutory duties. The public records exemptions will be repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature. If approved by the Governor, these provisions take effect October 1, 2012.

▪ ***HB 1239***
Public Records/Department of Citrus

This bill creates a public records exemption for information contained in non-published reports or data related to certain studies or research related to citrus fruit and processed citrus products that is conducted, caused to be conducted or funded by the Department of Citrus. The exemption is subject to review and repeal on October 2, 2017, unless saved from repeal by the Legislature, under the provisions of the Open Government Sunset Review Act. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/HB 1305***
Public Records/Officers-Elect

This bill clarifies the application of public records and public meetings requirements to officers-elect. The bill:

- Provides that it is the policy of the state for officers-elect to apply the public records requirements contained in ch. 119, F.S., upon their election to public office.
- Requires officers-elect to adopt and implement reasonable measures to ensure compliance with the public records requirements in ch. 119, F.S.
- Provides that if an officer-elect uses an online or electronic communication or record-keeping system, all public records maintained on such system must be preserved to not impair the ability of the public to inspect or copy such records.
- Requiring the officer-elect to deliver transition records to the custodian of records in their respective office upon taking the oath of office.
- Defining "officer-elect" as used in this section to mean the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

The bill also provides that meetings with or attended by any person elected to any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision are subject to the public meetings requirements contained in ch. 286, F.S. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***CS/SB 1856***
***Public Records and Public Meetings/
Peer Review Panels/Biomedical
Research Grants***

The bill exempts from Florida's public records and public meetings laws information related to a peer review panel's review of applications for biomedical research grants under the James and Esther King Biomedical Research Program (King Program) and the William G. "Bill" Bankhead, Jr., and David

Coley Cancer Research Program (Bankhead-Coley Program). Meetings in which peer review panels review applications for biomedical research grants are exempt from public meetings laws; records generated by the panels are confidential and exempt from public records laws, except for final recommendations of the panels; and the research grant applications themselves are held confidential and exempt from public records laws. The bill authorizes the disclosure of the exempted information under certain circumstances, provides for the repeal of the public records and public meetings exemption unless reenacted before October 2, 2017, in accordance with the Open Government Sunset Review Act, and provides a statement of public necessity for the exemption.

If approved by the Governor, these provisions take effect on the same date that CS/SB 616 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

▪ **HB 7013**
Public Records/U.S. Census Bureau Address Information

This bill is the result of an Open Government Sunset Review by the Governmental Oversight and Accountability Committee of the public records exemption for U.S. Census Bureau address information held by an agency pursuant to the Local Update of Census Address program. This bill repeals the public records exemption for U.S. Census Bureau address information held by an agency pursuant to the Local Update of Census Address program. This public records exemption will not be reenacted as the Census Bureau permanently suspended the Local Update of Census Address Program in March 2010. If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 7015**
**Public Records/Donor Information/
Publicly Owned House Museums**

This bill is the result of the Environmental Preservation and Conservation Committee's Open Government Sunset Review of the public records exemption for information that identifies a donor or prospective donor to publicly owned house museums designated by the U.S. Department of Interior as National Historic Landmarks if the donor desires to remain anonymous. The exemption will expire on

October 2, 2012, unless saved from repeal through reenactment by the Legislature. This bill reenacts this public records exemption. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7017**
**Public Records/Donor Information/
Historic Preservation of City of St.
Augustine**

This bill reenacts the public records exemptions for information held by the University of Florida's direct support organization that supports the university's historic preservation and historic preservation education responsibilities for the City of St. Augustine. The exemption applies to the identities of donors or prospective donors who wish to remain anonymous. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7033**
**Public Records/Personal Injury
Protection and Property Damage
Liability Insurance Policies**

The bill is the result of an Open Government Sunset Review and saves the exemption, in s. 324.242, F.S., from public records requirements for personal identifying information and the insurance policy number contained in personal injury protection (PIP) and property damage liability insurance policies held by the Department of Highway Safety and Motor Vehicles. The information exempt from public records includes the name, address, and driver's license number of insureds and former insureds and the insurance policy number contained in PIP and property damage liability motor vehicle insurance policies. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7035**
**Public Records/Physician Workforce
Surveys**

This bill re-enacts the exemptions from the requirements of the Public Records Law for all personal identifying information contained in records provided by allopathic and osteopathic physicians in response to the Department of Health physician workforce survey. The bill is the result of a review of the exemptions under the Open Government Sunset Review Act. The exemptions will expire on October 2, 2012, unless re-enacted by the Legisla-

ture before that date. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7037**
Public Records/Sunshine State One-Call of Florida, Inc.

The bill saves from repeal a public records exemption for proprietary confidential information held by Sunshine State One-Call of Florida, Inc., thus ensuring that Sunshine State One-Call of Florida, Inc., can continue to operate the automated call-before-you-dig notification system to more effectively protect underground utility facilities. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7103**
Public Records/Florida Opportunity Fund and Institute for the Commercialization of Public Research

This bill is the result of the Commerce and Tourism Committee's Open Government Sunset Review (Interim Report 2012-303) of the public records and public meetings exemption for the Florida Opportunity Fund and the Institute for the Commercialization of Public Research. The exemptions will expire October 2, 2012, unless saved from repeal through reenactment by the Legislature and approval by the Governor.

In 2007, the Legislature created the Florida Opportunity Fund (FOF) and the Institute for the Commercialization of Public Research (institute) to provide certain types of businesses access to capital – both public and private investments – that would assist them in reaching their full potential as job-creators. Additionally, the Legislature created exemptions from the state's public records and public meetings laws, under specified circumstances, for both entities.

The Sunset Review recommended re-enactment of the public records exemption and public meetings exemption in s. 288.9626, F.S., with a few changes. The key change separates the portions related to the FOF and the institute into two separate statutes to make the exemption clear as it applies to each entity. These changes clarify, but do not expand, the scope of the current statutory exemptions.

If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7105**
Public Records/Florida Workers' Compensation Joint Underwriting Association, Inc.

This bill is the result of an Open Government Sunset Review of the public records and meetings exemption for certain records and meetings held by the Florida Workers' Compensation Joint Underwriting Association, Inc. Current law provides that certain records and meetings held by the Florida Workers' Compensation Joint Underwriting Association are confidential and exempt from the public records requirements found in s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution, and from the public meetings requirements found in s. 286.011, F.S., and Art. I, s. 24(b), State Constitution. The public records and meetings exemption specifies circumstances under which the protected information may be disclosed. This bill reenacts the exemptions and removes redundant language. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7107**
Public Records/Consumer Complaints and Inquiries

The bill is the result of an Open Government Sunset Review and saves the exemption in s. 624.23, F.S., from public records requirements for certain personal financial and health information of a consumer held by the Department of Financial Services or the Office of Insurance Regulation relating to a consumer's complaint or inquiry regarding a matter regulated under the Florida Insurance Code or s. 440.191, F.S., (Workers' Compensation Employee Assistance and Ombudsman Office). The bill retains the current law that defines "consumer" and "personal financial and health information" that is considered exempt. Under current law the personal financial and health information may be disclosed to another governmental entity when necessary to perform its duties and the National Association of Insurance Commissioners, the bill adds to this list the consumer or the consumer's legally authorized representative. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7109**
Public Records/Lifeline Assistance Plan

This bill is the result of the Open Government Sunset Review of the public records exemption for personal identifying information of Lifeline Assistance Plan participants held by the Public Service Commission.

Current law provides that personal identifying information of a participant in a telecommunication carrier's Lifeline Assistance Plan held by the Public Service Commission is confidential and exempt from disclosure under the public records requirements of s. 119.07(1), F.S., and Art. 1, s. 24(a), State Constitution. The exemption provides for limited circumstances of disclosure of the protected information by an officer or employee of the Public Service Commission or a telecommunications carrier. The exemption provides that any officer or employee of a telecommunications carrier who otherwise intentionally discloses the protected information commits a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.

This bill reenacts the public records exemption for personal identifying information of Lifeline Assistance Plan participants held by the Public Service Commission. The exemption is also amended to provide that an officer or employee of the Public Service Commission who intentionally discloses the exempt information commits a misdemeanor of the second degree. If approved by the Governor, these provisions take effect October 1, 2012.

▪ **HB 7111**
Public Records/Unclaimed Property

The bill reenacts current exemptions of public records for social security numbers and other unique identifiers for owners of unclaimed property held by the Department of Financial Services.

The bill allows for the limited release of information to registered locators and expands the exemption with regards to the release of social security numbers for locator services. Registered locators include certified public accountants licensed by the Department of Business and Professional Regulation; private investigators licensed by the Department of Agriculture and attorneys in good standing with the Florida Bar.

The bill provides for future review and repeal of the exemption pursuant to the Open Government Sunset Review Act. If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/HB 7115**
Public Records/Economic Development Agencies

Currently, certain business records are confidential and exempt from Florida's public records requirements when held by an economic development agency and requested to be exempt by the affected business. Examples of economic development agencies include the Department of Economic Opportunity (DEO), Enterprise Florida, Inc., (EFI), and public economic development agencies of local governments.

The following information is confidential and exempt from public records requirements:

- Upon written request, information relating to a business's plans, intentions, and interests to locate, relocate, or expand its business activities in Florida.
- Trade secrets.
- Proprietary confidential business information.
- A federal employer identification number, unemployment compensation account number, or Florida sales tax registration number.
- Certain information pertaining to economic incentive programs.

This bill reenacts the public records exemptions, which will repeal on October 2, 2012, if this bill does not become law.

The bill makes additional changes, including:

- Providing that a business's plans, intentions, and interests may become public record 180 days after a final project order for an economic incentive agreement is issued, or until a date specified in the final order; and
- Making certain wage, job, and tax information public 180 days after a final project order for an economic incentive agreement

is issued, or until a date specified in the final order.

These changes do not expand the public records exemption currently in law. If approved by the Governor, these provisions take effect upon becoming law.

Taxation & Economic Development

▪ **CS/HB 95** **Homestead Property Tax Exemptions**

The bill amends s. 196.081, F.S., to establish the “Fallen Heroes Family Relief Act” to provide a full exemption from ad valorem taxes to a surviving spouse of a first responder who died in the line of duty. The provisions in the bill amending s. 196.081, F.S., are contingent on the approval by the voters of the proposed amendment to the State Constitution contained in CS/HJR 93. The bill provides that the exemption may apply as long as the spouse holds the legal and beneficial title to the homestead, permanently resides thereon, and does not remarry.

The bill defines the term “first responder” to mean a law enforcement officer, a correctional officer, a firefighter, or an emergency medical technician or paramedic, who is a full-time paid employee, part-time paid employee, or unpaid volunteer. The bill defines “in the line of duty” to mean:

- While engaging in law enforcement;
- While performing an activity relating to fire suppression and prevention;
- While responding to a hazardous material emergency;
- While performing rescue activity;
- While providing emergency medical services;
- While performing disaster relief activity;
- While otherwise engaging in emergency response activity; or
- While engaging in a training exercise related to any of the events or activities enumerated in this paragraph if the training has been authorized by the employing entity.

Upon approval of the amendment proposed by CS/HJR 93 by the voters, the bill will operate prospectively to tax rolls submitted to the Department of Revenue by each county tax collector beginning January 2013 and each January thereafter. The provisions in the bill apply for surviving spouses of

first responders whose deaths occur before, on, or after January 1, 2013.

If approved by the Governor, these provisions take effect January 1, 2013, contingent upon approval by the electors of the proposed amendment to the State Constitution contained in CS/HJR 93 at the 2012 General Election. If approved by the Governor, the provisions in section 4 of the bill take effect January 1, 2012.

▪ **HB 103** **Transfer of Tax Liability**

This bill consolidates and revises statutes governing transfer of tax liabilities when businesses or business assets are transferred to successor owners. In general, a person who buys a business (transferee) assumes the tax liabilities of the seller (transferor), unless an exception applies. This bill allows the transferee to take the business without assuming the transferor’s liabilities under either of the following two circumstances:

- The transferee receives a certificate of compliance from the transferor showing that the transferor has not received notice of audit, has filed all required tax returns, has paid the tax due from those returns, and there are no insiders in common between the transferor and the transferee; or
- The Department of Revenue conducts an audit, at the request of the transferee or transferor, and finds that the transferor is not liable for any taxes.

The bill also repeals two tax-specific statutes relating to sales tax and communications services tax which are substantially similar to the provisions of the bill. As a result of the repeals, the misdemeanor penalty provisions for violations of these statutes are also eliminated.

If approved by the Governor, these provisions take effect upon becoming law.

▪ **CS/HB 357** **Homestead Exemptions for Seniors**

This bill provides that the board of county commissioners or the governing body of a municipality may adopt an ordinance to allow an additional homestead exemption for certain low income seniors.

The exemption would be equal to the assessed value of the property with a just value less than two hundred and fifty thousand dollars. A person qualifies for the potential additional homestead exemption if she or he has maintained permanent residence on the property for at least 25 years; has attained the age of 65; and has a household income that does not exceed \$20,000. The provisions of this bill require passage of an amendment to the Florida Constitution prior to implementation.

These provisions become effective upon approval of House Joint Resolution 169, or a similar joint resolution having substantially the same specific intent and purpose, at general election in November 2012 or earlier special election specifically authorized by law for that purpose.

▪ ***CS/HB 809***
Communications Services Taxes

The bill:

- Allows a dealer of communications services to exclude charges for any good or service that is exempt from the communications services tax, with specified exceptions, so long as those exempt items can be reasonably identified from the selling dealer's books and records;
- Provides that a dealer may be held liable for net aggregate underpayment of the tax, including interest and penalties, which is due as a result of assigning one or more service addresses to an incorrect local taxing jurisdiction if the dealer failed to use one or more of the specified methods for making such assignments and if:
 - The dealer's failure results in a net aggregate underpayment of the local communications services taxes with respect to one or more tax periods that are being examined by the department; and
 - The department has determined the misallocations between jurisdictions for all taxes levied and collected by the dealer with respect to any tax period being examined by the department;
- Creates the Communications Services Tax Working Group within the Department of Revenue to:

- Review national and state tax policies relating to the communications industry;
- Review the historical amount of tax revenue that has been generated by the communications services taxes for the purposes of determining the effect that laws passed in the past 5 years have had on declining revenues;
- Review the extent to which this revenue has been relied on to secure bonded indebtedness;
- Review the fairness of the state's communications tax laws and the administrative burdens it contains, including whether the applicability of the tax laws is reasonably clear to communications services providers, retailers, customers, local government entities and state administrators;
- Identify options for streamlining the administrative system;
- Identify options that remove competitive advantages within the industry as it relates to the state's tax structure without unduly reducing revenue to local governments; and
- Prepare a report addressing these issues and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***HB 1015***
Tourist Development Tax

This bill permits counties to use the tax revenues from the tourist development tax for purposes related to publicly owned and operated aquariums, including the acquisition, construction, maintenance, or promotion of such aquariums. If approved by the Governor, these provisions take effect July 1, 2012.

▪ ***SB 1996***
Department of Economic Opportunity

Senate Bill 1996 provides for the following:

- Continues implementation of an amendment to s. 163.3247(3), F.S., which eliminates the travel and per diem reimbursement for members of the Century Commission.
 - Continues implementation of an amendment to s. 201.15(1)(c)2., F.S., which eliminates the distribution of documentary stamp tax revenues to the Century Commission.
 - Requires the Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to jointly conduct an audit and review of the programs and operations of the Florida Housing Finance Corporation. A work plan for such audit and review must be submitted to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2012. The audit and review shall also include formulation of recommendations to the Legislature for changes to the structure, governance and operational processes of the Florida Housing Finance Corporation. Unless otherwise directed in writing jointly by the President of the Senate and the Speaker of the House of Representatives, a written report on the audit and review shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than December 1, 2012. This section of the bill is effective upon becoming law.
 - Authorizes the Florida Housing Finance Corporation to utilize up to 10 percent of its annual allocation of low-income housing tax credits, allocation of nontaxable revenue bonds, and State Apartment Incentive Loan Program funds appropriated by the Legislature and available to allocate by request for proposals or other competitive solicitation funding for high-priority affordable housing projects, such as housing to support economic development and job creation initiatives, housing for veterans and their families, and other special needs populations in communities throughout the state as determined by the corporation on an annual basis.
 - Authorizes the Florida Housing Finance Corporation's State Apartment Incentive Loan Program (SAIL) to accept payment of deferred program interest at an interest rate that is consistent with rates currently authorized in law, provided the deferred interest is paid in not more than five equal annual installments. This section also provides authority for additional SAIL funding to preserve existing projects having financing guaranteed under the Florida Affordable Housing Guarantee Program. Projects shall be given priority for funding which meet specified criteria. The maximum amount that may be funded is \$2,500,000 per project, and authority for such funding expires on June 30, 2013.
 - Directs the DEO to prepare draft legislation to conform the Florida Statutes to the provisions of this act, and to submit such draft legislation to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before October 1, 2012.
 - Provides that if the governing body of an independent special district that provides water, wastewater, and sanitation services in a disproportionately affected county as defined in s. 288.106(8), determines that a new user or the expansion of an existing user of one or more of its utility systems will provide a significant benefit to the community in terms of increased job opportunities, economies of scale, or economic development in the area, the governing body may authorize a reduction of its rates, fees, or charges for that user for a specified period of time. A governing body that exercises this power must do so by resolution that states the anticipated economic benefit justifying the reduction as well as the period of time that the reduction remains in place.
- If approved by the Governor, these provisions take effect, except as otherwise expressly provided in this act, on July 1, 2012.

▪ **HB 5701**
Corporate Income Tax

This bill allows documentary stamp receipts that are dedicated for other uses to be available to pay debt service for bonds issued before January 1, 2013. This change is expected to result in lower interest rates for these bonds. It limits eligibility for the dealers' collection allowance to sales tax dealers who file and remit taxes by electronic means. It adopts the 2012 version of the United

States Internal Revenue Code for purposes of the Florida corporate income tax. It provides that any estimated corporate income tax payment which would otherwise have been due no later than June 30, 2013 must be paid on or before June 28, 2013, and requires the Department of Revenue to provide adequate notice to affected persons about this change in the due date. If approved by the Governor, these provisions take effect upon becoming law.

▪ **HB 7087**
Economic Development

This bill contains many provisions relating to taxation. It provides tax incentives for various Florida industries, and provides for additional distributions of tax revenue for various purposes.

1. **New Markets** – It increases the total amount of tax credits available for the New Markets Development Program from \$97.5 million to \$163.8 million. The amount of credits that can be taken in a given fiscal year is increased from \$20 million to \$33.6 million.
2. **Enterprise Zones** – It authorizes Charlotte and Citrus counties to apply for enterprise zones.
3. **Electricity Used in Packing Houses** – It provides a sales tax exemption for electricity used in packinghouses for fresh fruit and vegetables and for meat from cattle and hogs.
4. **Aircraft Repairs** – It extends the current-law sales tax exemption for labor charges and parts used in the repair of aircraft weighing more than 15,000 pounds to include aircraft weighing more than 2,000 pounds.
5. **Aircraft Engine Manufacturing** – It creates sales tax exemptions for certain items used to manufacture aircraft and gas turbine engines.
6. **Accessible Vehicles** – It provides a sales tax exemption for vehicles-for-hire designed to transport eight or fewer physically-disabled persons and for the cost of an after-market conversion of such a vehicle.
7. **Manufacturer's Machinery and Equipment** – It lowers from 10% to 5% the increase in productive

output needed to qualify for a sales tax exemption for industrial machinery and equipment.

8. **Corporate Tax Exemption** – Increases from \$25,000 to \$50,000 the amount of corporate income that is exempt from the corporate income tax.
9. **Cigarette Tax Distributions** – Effective July 1, 2013, it increases the cigarette tax distribution to the H. Lee Moffitt Cancer Center by \$5.0 million annually and continues the distribution through 2033. It also creates a new distribution of \$2.6 million annually through June 30, 2021 to the Sanford-Burnham Medical Research Institute.
10. **Urban High-Crime Area Job Tax Credit** – Under current law taxpayers are entitled to a credit for increasing employment in certain areas of the state. The bill changes the date from which employment increases are measured to January 1, 2009, or the previous application date, whichever is later.
11. **Entertainment Industry Financial Incentive Program – (Film Tax Credits)** – The bill extends the program for one year and provides an additional \$42 million in tax credits that may be taken in 2015-16. It also makes changes to the order in which projects are awarded credits and the types of projects that qualify.
12. **Sale of a Municipal Airport** – It authorizes a municipality participating in the Federal Aviation Administration's Airport Privatization Pilot Program to lease or sell an airport to a private party. If state funds were provided to the municipality to pay for the airport, the transfer must be approved by DOT. The only eligible Florida facility is located in Hendry County.
13. **Governmental Leaseholds** – The bill grants an exemption from the intangibles tax to leaseholds of government-owned property that serve a public purpose.
14. **Severance Tax on Phosphate** – It reduces the tax rate and changes the distribution of the severance tax on phosphate.
15. **153 Proof Spirits** – It allows distilled spirits greater than 153 proof to be manufactured in Florida for sale outside the state.

16. Sales Tax Holiday – It provides for a 3-day holiday on clothing, shoes, and textbooks valued \$75 or less and school supplies valued \$15 or less, August 3-5, and provides an appropriation of \$226,284 to the Department of Revenue to administer the sales tax holiday.

17. Mature Field Recovery Oil – It provides a lower severance tax rate for oil recovered from new wells in fields discovered prior to 1981.

18. SEED Fund – It provides \$14.9 million in non-recurring funds to the State Economic Enhancement and Development Trust Fund, to be used by the Department of Economic Opportunity for economic development programs, supplementing amounts provided in the GAA.

19. Preference for Florida Businesses – It grants a 5% preference to Florida vendors for purchases of printing services and purchases of tangible personal property by state agencies, universities, colleges, school districts and other political subdivisions of the state. Counties and municipalities are not required to provide this preference. It exempts the provider of a statewide public service announcement program provided by a Florida statewide nonprofit corporation, with a guaranteed documented match of at least \$3 to \$1 from competitive bidding requirements. Also, it provides that a vendor whose principal place of business is in Florida may not be precluded from being an authorized reseller of information technology commodities of a state contractor if certain criteria are met.

If approved by the Governor, these provisions take effect July 1, 2012, except as otherwise provided.

▪ ***CS/HB 7097***
Ad Valorem Tax Administration

The bill contains recommendations by the Department of Revenue for property tax oversight improvements. Among other things, the bill clarifies ambiguous language, deletes obsolete statutory provisions, and eliminates unneeded reporting requirements in the property tax statutes. The bill also:

- Amends statutory requirements for scheduling value adjustment board hearings so that taxpayers having to wait to be called into the hearing is limited to two hours;

- Allows a husband and wife who abandon jointly titled homestead property to designate the percentage of the differential between just (market) value and assessed value that is portable to a new homestead property and that is attributed to each spouse;
- Allows certain disabled veterans and other disabled persons to apply for property tax exemptions before they have received required documentation from certain agencies of the federal government;
- Amends the current order in which homestead tax exemptions are to be applied to require that the base \$25,000 homestead exemption and the additional \$25,000 non-school levy homestead exemption (which applies to assessed value from \$50,001 to \$75,000) apply before all other homestead exemptions, which are then to be applied in a manner that results in the lowest taxable value;
- Requires the property appraiser to mail an additional form along with the TRIM notice, upon request of the governing body of the county that informs taxpayers of the portion of the proposed nonvoted county millage rate which is attributable to each constitutional officer and the county commission;
- Provides that, effective retroactively to the 2012 tax roll, all property of municipalities of this state shall be exempt from ad valorem taxation when used as an essential ancillary function of a facility constructed with financing obtained in part by pledging proceeds from the tax authorized under s. 212.0305(4), F.S., that is upon exempt or immune Federal, State or County property;
- Provides an exemption for certain property used exclusively for educational purposes;
- Clarifies that rental of all or substantially all of a dwelling previously claimed to be a homestead constitutes abandonment of such dwelling as a homestead;
- Updates the list of operations for which certain deployed servicemembers may receive an additional homestead exemption;
- Clarifies that certain nonhomestead property is to be assessed at just value when it is

subject to a new assessment limitation. The bill also amends these provisions to provide that parcels combined or divided are not to be included as such on the tax notice until the following January 1 on which it is first assessed as a combined or divided parcel. The bill further provides that increases in value due to dividing property are apportioned to each parcel pro rata based on just value, and increases in value of property when properties are combined are attributable to the combination.

The Revenue Estimating Conference estimated negative impacts to school tax revenue of \$1.75 million beginning in fiscal year 2013-14. Reductions in local government non-school tax revenues are estimated to be \$2.55 million in fiscal year 2012-13, with a recurring negative revenue impact of \$2.45 million.

The bill takes effect upon becoming law, except as otherwise provided in the bill.

▪ **CS/HB 7099**
Tax Administration

This bill contains the Department of Revenue's recommendations for changes to the tax administration statutes. The bill:

- Amends statutes concerning criminal penalties to remove redundant and potentially confusing language. No new penalties are created by this bill.
- Clarifies the department's authority to require security to prevent delinquent sales tax dealers from closing down a business with tax liabilities and reopening under a new name.
- Changes the remittance date for funds collected by the Clerks of the Court to conform to changes made by the Legislature in 2010.
- Makes an automated sales suppression device an illegal contraband article. An automated sales suppression device is a software program that falsifies the records of electronic cash registers and other point-of-sale systems in order to evade state and federal taxes and allows dealers to steal taxes collected from customers. The bill makes it unlawful to willfully and knowingly

sell, purchase, install, transfer, or possess in this state any automated sales suppression device.

- Corrects a glitch in language that was enacted last year in the definition of "qualified capital expenditure."
- Allows the Department of Revenue to use drivers' license images to establish positive identification for tax administration purposes.
- Allows local governments additional time to notify the Department of Revenue of gas tax rate changes.
- Requires an employer to produce records requested by AWI or the department for audit purposes in order to receive an unemployment tax rate below the standard rate.
- Reduces the interest rate imposed on unemployment compensation tax deficiencies from 12 percent to prime plus 4 percent.
- Clarifies statutory language about the taxability of storage fees for towed vehicles, and provides a definition of "lawful impoundment" for purposes of determining whether storage fees are taxable.
- Provides a retailer, dealer, or vendor an absolute defense to a claim for a sales tax refund if a tax on delivery charges was collected and remitted pursuant to an agreement with the Department of Revenue.
- Distributes \$5 million annually to the Florida Institute of Technology for a space exploration research institute, beginning July 1, 2013.

If approved by the Governor, these provisions take effect July 1, 2012.

▪ **HB 7125**
Exemptions from Local Business Taxes

This bill specifies that an individual licensed and operating as a broker associate or sales associate is not required to apply for an exemption from a local business tax or take certain actions relating to a local business tax. The bill prohibits a local governing authority from holding such exempt individual liable for the failure of a principal or employer

to comply with certain obligations related to a local business tax. The bill also prohibits a local governing authority from requiring a principal or employer to provide personal or contact information for such exempt individuals in order to obtain a local business tax receipt. If approved by the Governor, these provisions take effect October 1, 2012.

Additional 2012 Proposed Constitutional Amendments

Four Constitutional Amendments were passed during the 2012 Legislative Session in addition to the seven passed during the 2011 Legislative Session bringing the November, 2012 ballot total to 11.

- ***CS/HJR 93
Homestead Property Tax
Exemption for Surviving Spouse
of Military Veteran or
First Responder***

The joint resolution proposes an amendment to Art. VII, s. 6, State Constitution that would allow the Legislature to provide ad valorem tax relief to the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the U.S. Armed Forces and to the surviving spouse of a first responder who died in the line of duty. The amount of tax relief, to be defined by general law, may partially, or totally, exempt the ad valorem tax owed on homestead property.

Section 32 is added to Art. XII, State Constitution to provide that if approved by voters, the amendment permitting the Legislature to provide ad valorem relief to surviving spouses of veterans who died from service-connected causes and first responders who died in the line of duty shall take effect January 1, 2013.

If approved by 60 percent of persons voting in the November 2012 General Election, these provisions will take effect on January 1, 2013.

- ***CS/HJR 169
Additional Homestead Tax
Exemption for Seniors***

This joint resolution provides for a proposed constitutional amendment to be placed on the ballot at the November 2012 general election. The proposed amendment to Art. VII, s. 6, State Constitution, would authorize the Legislature, by general law and subject to conditions set forth in the general law, to allow counties and municipalities to grant an additional homestead tax exemption for certain low income seniors. The exemption would be equal to the assessed value of the property with a just value less than two hundred and fifty thousand dollars.

To qualify, a person must have maintained permanent residence on the property for not less than 25 years, must be at least 65 years of age and must have a household income less than \$20,000.

These provisions shall be submitted to the electors of this state for approval or rejection at the general election in November 2012 or at an earlier special election specifically authorized by law for that purpose.

- ***CS/HJR 931
1st Eng. Board of Governors/
Student Member Selection
Process***

This Joint Resolution proposes an amendment to article IX, section 7 of the State Constitution to change the process for selecting the student member of the Board of Governors of the state university system. Under the change proposed in the joint resolution, the student member of the Board of Governors would not be the president of the Florida Student Association, but, rather, would be the chair of a council comprised of all state university student body presidents which must be organized by the Board of Governors.

To take effect upon approval by the electors of this state.

- ***CS/HJR 1003
Tangible Personal Property
Tax Exemptions***

This joint resolution provides for a proposed constitutional amendment to be placed on the ballot at the November 2012 general election. The proposed amendment to Art. VII, s. 3, State Constitution, would grant an additional exemption for tangible personal property when property is assessed at more than \$25,000, but less than \$50,000. In addition, the proposed amendment would allow the Legislature to provide by general law that counties and municipalities may grant additional exemptions for tangible personal property by adopting an ordinance.

If adopted by the voters at the 2012 General Election, this resolution will take effect January 1, 2013.

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