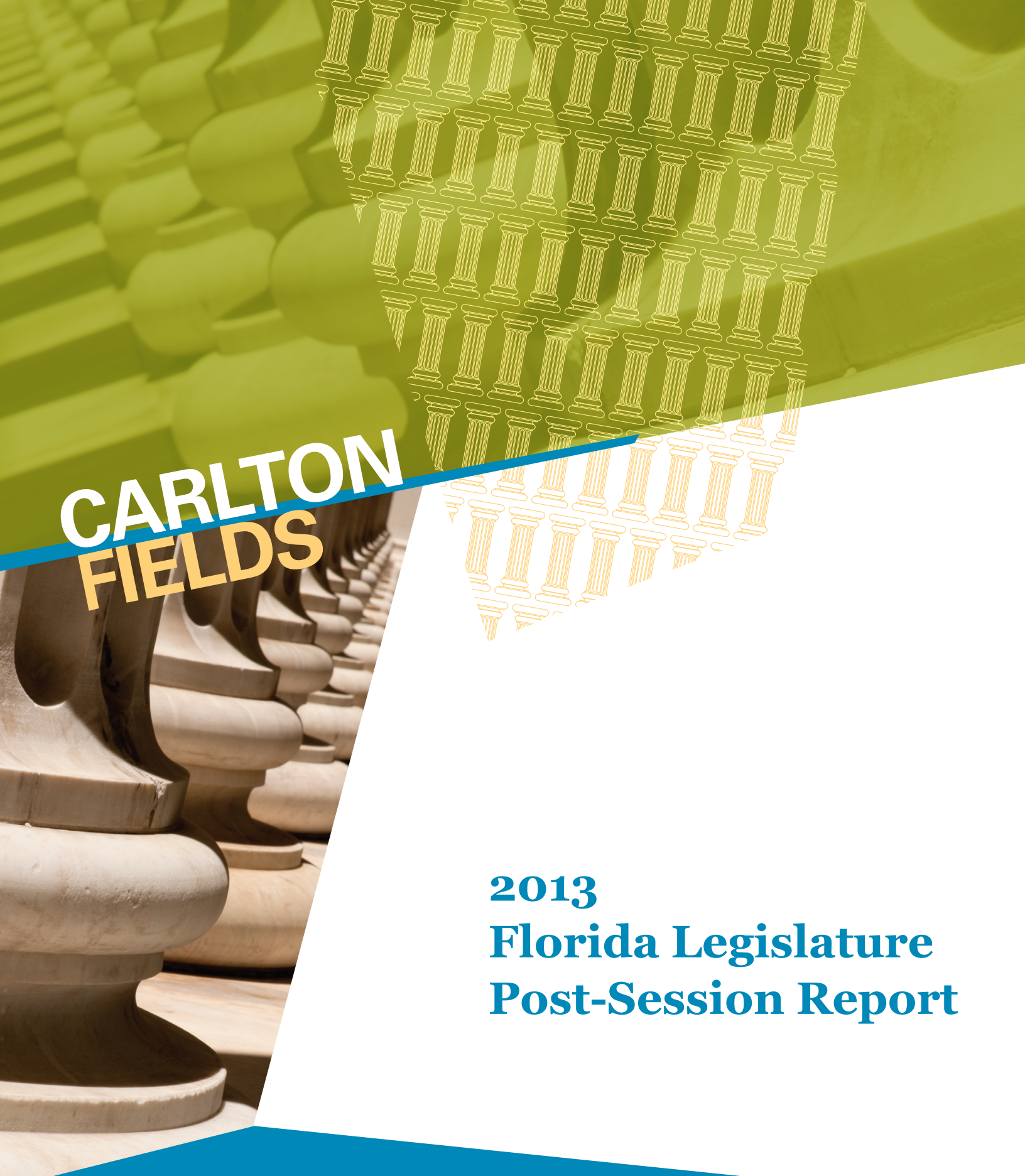

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2013 Florida Legislature Post-Session Report

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How To Use This Report

This is a summary of significant legislation that passed during the 2013 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.

The Carlton Fields Florida Legislative Team

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Table of Contents

Government Law and Consulting Practice Group

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

The lawyers and government consultants of Carlton Fields' 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—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 represent clients in administrative litigation proceedings involving challenges to licenses, permits, and comprehensive plan amendments, administrative bid protests and government agency divisions. 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 this clientele in the defense of government-initiated disciplinary actions based on alleged regulatory violations. Our statewide network of attorneys and diverse practice groups 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. counties, municipalities)
- Siting, Permitting and Obtaining State Leases For Linear Facilities (e.g., Power Lines, Pipelines)
- Contract Negotiations
- Tax, Corporate, and Securities
- Real Estate, Land Use, and Environmental Issues
- Renewables 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, Brownfield sites, Superfund, wetlands, zoning, listed species and water rights and supply.

▪ *Ethics and Elections*

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.

▪ *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 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 (CDD) 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 proposals and political and policy considerations, assessing their impact on client operations. We draft legislation and amendments to legislation, and use our extensive political relationships 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.

▪ *Government Law and Consulting Practice Group Members*

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

Nancy G. Linnan, Chair^	Tallahassee
H. Ray Allen	Tampa
Steven J. Brodie	Miami
Patricia S. Calhoun	Tampa
David E. Cannella	Orlando
Martha Harrell Chumbler^	Tallahassee
Kelly A. Cruz-Brown	Tallahassee
Michael P. Donaldson	Tallahassee
Lawrence M. Gold	Atlanta
Christine Davis Graves	Tallahassee
W. Douglas Hall^	Tallahassee
Rheb H. Harbison, Jr.*^	Tallahassee
Lynda J. Harris^	West Palm Beach
Donald E. Hemke	Tampa
Daniel C. Johnson	Orlando
Gary W. Johnson	Orlando
Cristin C. Keane	Tampa
Nicole C. Kibert	Tampa
Laurel E. Lockett	Tampa
A. Joshua Markus	Miami
Kim Pullen*	Tallahassee
Roger D. Schwenke	Tampa
Lorraine Speciale-Baxter*	Tampa
Stacey K. Sutton	West Palm Beach
Darrin F. Taylor*^	Tallahassee
Kenneth A. Tinkler^	Tampa
Joseph J. Verdone*^	West Palm Beach
Michael J. Walls	Tampa
Thomas E. Warner	West Palm Beach

**Non-lawyer; ^Lobbyist*

Government Law and Consulting Primary Team

H. Ray Allen
Shareholder, Tampa

- Judicial and Administrative Litigation
- Appellate Law
- Land Use & Environmental and Water Permitting

Ray Allen has a long history of representing local governments and he is intimately familiar with the inner workings of local governments. He has significant relationships with government officials and staff members at the local, state, and federal levels.

Prior to joining Carlton Fields, Allen served as the Managing Attorney of the Land Use Section for the Hillsborough County Attorney's Office in Tampa, Florida. He also previously served as Assistant County Attorney in Sarasota, Florida, and Assistant General Counsel, State of Florida Dept. of Environmental Regulation.

Martha Harrell Chumbler^
Shareholder, Tallahassee

- Administrative Law
- Procurement
- Bid Protests
- State and Local Taxation

Marti Chumbler has more than 30 years of experience in the area of state administrative law and administrative litigation. Her practice includes a focus on state and local government procurement, having represented both vendor and service providers, as well as public entities themselves in all phases of the contracting process, from the development of procurement procedures and solicitation documents through contract negotiation, implementation, and compliance. In addition to her procurement experience, Chumbler's practice includes significant involvement with state and local tax, rulemaking and rule challenges, land use matters, state licensing and permitting, state agency enforcement actions, and Florida's Government in the Sunshine laws.

Chumbler is board certified in State & Federal Government and Administrative Practice by The Florida Bar.

Kelly A. Cruz-Brown
Shareholder, Tallahassee

- Insurance Regulation
- Financial Services Regulation
- Administrative Law

Kelly Cruz-Brown practices primarily in the areas of insurance regulation and administrative law. She represents individuals, insurers, and other entities regulated under Florida's Insurance Code before the Florida Dept. of Financial Services and Office of Insurance Regulation concerning form and rate filings, acquisitions, issuance of licenses and certificates of authority, market conduct and solvency examinations/investigations, market withdrawal or exits from the State of Florida, disciplinary matters, and in litigation concerning such matters, including challenges to agency administrative rules.

Cruz-Brown also represents individuals and business interests regarding licensure and disciplinary matters before the Dept. of Professional Regulation, Dept. of Health, Agency for Health Care Administration, and other state agencies.

Michael P. Donaldson
Shareholder, Tallahassee

- Affordable Housing
- Administrative, Land-Use and Environmental Law
- Business and Professional Regulation
- Construction Litigation

Mike Donaldson practices in the areas of administrative, land use and environmental law with a particular focus in assisting or representing: developers of affordable housing seeking to obtain available funding from Florida Housing Finance Corporation, including LIHTC, SAIL, and MMRB funding

as well as green building and workforce housing initiatives and incentives; developers and utilities before the Public Service Commission; building contractors and other licensed professionals with licensure issues before the Dept. of Business and Professional Regulation and corresponding local government regulatory agencies, including representing clients before the various licensing boards in disciplinary proceedings; clients in competitive bid protests and other contract procurement matters; clients with comprehensive planning and permitting issues before the Dept. of Economic Opportunity, Dept. of Environmental Protection and corresponding local government agencies. Donaldson is an AV rated attorney with Martindale Hubbell.

*W. Douglas Hall^*
Shareholder, Tallahassee

- Business and Administrative Litigation
- Land Use and Comprehensive Planning
- Contract Disputes

Doug Hall handles a diverse range of complex commercial and administrative disputes in state and federal courts and administrative and local government forums. His business practice includes contract disputes, actions involving commercial lease and mortgage agreements, insurance coverage disputes, business tort claims, and other commercial matters. He also regularly represents and advises employers in litigation involving discrimination, whistleblower, and other employment claims.

His administrative practice focuses on land use and comprehensive planning. He represents developers at trial and on appeal in land use proceedings, including development order challenges, comprehensive plan consistency disputes, Bert Harris claims and other land use matters. Hall also has substantial experience handling bid protests, licensing disputes, and other types of administrative proceedings.

Rheb Harbison^*
Sr. Government Consultant, Tallahassee

- Legislative Lobbing
- Executive Lobbying
- Political Action and Contributions

Rheb Harbison's career comprises 31 years of progressive senior level experience in communications, public affairs, marketing, lobbying, and business development.

Harbison advocates on behalf of clients before the legislative and executive branches, asserting positions on a variety of state business issues. He is also responsible for fund-raising and the activities of the firm's political action committee, which supports the election of local and state candidates for public office.

Harbison has a broad range of experience in public affairs, lobbying, media relations, association management, business development, and marketing. He has held executive positions at the Florida Chamber as the organization's chief government affairs professional, the Supreme Court of Florida — where he oversaw legislative and communication policy for three chief justices — and Hospital Corporation of America.

*Nancy G. Linnan, Chair^*
Managing Shareholder, Tallahassee Office

- Land Use/Environmental/ Administrative Law
- Executive/Legislative/Local Government Lobbying
- Education
- Local Government Law

Nancy Linnan practices primarily in the areas of environmental/land use/administrative law and government consulting. She works with the Florida legislature, state agencies, and local governments in policy development in a number of different areas.

She works with state, federal, and local environmental permitting agencies. Included are water use permits, environmental resource permits, and

approvals for use of state-owned upland or sovereign lands.

Her general administrative law/government consulting activities include work before all state agencies with an emphasis on the Departments of Economic Opportunity (formerly Department of Community Affairs), Legal Affairs, Environmental Protection, Management Services (state procurement), Revenue (state tax), Business & Professional Regulation, Agriculture & Consumer Services, Financial Services, Health, the Executive Office of the Governor, and the Florida Legislature.

Laurel E. Lockett
Shareholder, Tampa

- Environmental Law
- Commercial Real Estate

Laurel Lockett practices in the areas of environmental law and commercial real estate. She has substantial experience with cleanup, purchase, sale and redevelopment of brownfields and other contaminated sites, including manuscripting of environmental insurance policies and other creative solutions to risk management including risk-based corrective action and alternative closure strategies. She also has experience dealing with issues such as industrial and domestic wastewater, storage tank regulation, landfill, used oil, and hazardous waste and air permitting and regulation; the negotiation of consent orders and remediation plans associated with the cleanup of hazardous waste, petroleum, chlorinated solvents and other contaminants with local, state, and federal environmental agencies; negotiation and oversight of consulting contracts; and other environmental aspects of real estate and commercial transactions, including asbestos and indoor air quality issues, vapor intrusion, and lead-based paint.

*Darrin F. Taylor**^*
Certified Planner & Government Consultant, Tallahassee

- State and Local Urban and Regional Planning and Zoning
- Expert Witness

Darrin Taylor has a wide range of experience in urban and regional planning from both the state and local perspective. His specialties include comprehensive planning, zoning and developments of regional impact (DRI). He works closely with attorneys in the firm to resolve land use issues. He has also been deemed an expert witness in the areas of comprehensive planning and land use planning.

Taylor is a certified planner through the American Institute of Certified Planners (AICP). He has served as a Planning Manager in the Florida Dept. of Community Affairs, and as a Senior Planner with the Tallahassee-Leon County Planning Dept. Taylor has a masters degree in Urban Planning from Florida State University.

*Kenneth A. Tinkler^*
Shareholder, Tampa

- Environmental and Energy Permitting
- Ethics Regulation & Election Law
- Land Use
- Local Government Law

Ken Tinkler's practice involves a wide variety of government law issues with a focus on land use, environmental & energy permitting, ethics regulation and election law. His experience includes representation of individuals and corporations dealing with federal, state, and local government agencies, as well as representation of county government and constitutional officers.

He has helped clients navigate a broad range of government law matters, including zoning, future land use plans, real estate due diligence reviews, ad valorem tax assessments, property tax appeals, code enforcement, variances, annexations, alcohol beverage regulation, tax incentives, and economic

development. Tinkler routinely handles public hearings and meetings on behalf of clients. He also advises on parliamentary procedure questions, Florida's Sunshine Law and public records regulation, and Florida Constitution and home rule issues related to City and County Charters.

His election law experience includes representation of officials handling election procedures and federal requirements, along with advising clients on campaign finance reporting and qualifying for election.

Joseph J. Verdone*^
Certified Planner & Government Consultant, West Palm Beach

- Real Estate Development
- Land Use, Zoning, and Construction Permitting
- Environmental and Coastal Permitting
- Licensing
- Due Diligence
- Feasibility Studies
- Mining
- Agriculture Exemptions

Joseph Verdone is a highly-skilled professional with proven competency in all aspects of planning, construction, and real estate development. He is well versed in proactively identifying and resolving problems, solving complex issues, streamlining processes and reducing project costs. He is a strategic and innovative leader with a recognized track record of building effective cross-functional and multi-disciplinary teams. He is an influential interpersonal communicator, negotiator, and presenter and maintains a strong network of business, legislative and community contacts.

Verdone has 23 years of experience, in land development, planning, urban design, permitting, project management, and implementation for both private and public entities.

**Non-lawyer; ^Lobbyist*

2013
Florida Legislature
Post-Session Report

Corporate, Business & Professional Regulation

Corporate, Business & Professional Regulation

- ***CS/CS/HB 57***
  Homeowners' Construction Recovery Fund Surcharge

The bill amends ss. 468.631 and 489.140, F.S., relating to the funding of the Florida Homeowners' Construction Recovery Fund. The bill revises the method of funding from a surcharge based on square footage (of new construction, renovations, alterations, and additions) to a surcharge based on 1.5% of permit fees associated with enforcement of the Florida Building Code. The bill authorizes any excess funds not needed to fund the Florida Building Code Administrators and Inspectors Board in the Department of Business and Professional Regulation to be transferred by the department to the fund. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/SB 160***
  Licensure Fee Exemptions for Military Veterans

The bill requires the Department of Health (DOH) to waive the licensing fees associated with obtaining an initial license for a profession within the jurisdiction of the DOH for honorably discharged military veterans. A veteran must apply to the DOH for licensure within 24 months of discharge from the U.S. Armed Forces to be eligible for the fee waiver. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 269***
  Public Construction Projects/ Miscellaneous

Amends a number of provisions related to building construction in the state. Specifically the bill:

- Requires counties and municipalities to attach disclaimers to development permits which include a condition that all other applicable state or federal permits must be obtained before the commencement of any development;
- Revises noticing requirements of alleged violators of local codes and ordinances;
- Clarifies that when a state agency is constructing a new building or renovating an existing building and is required to select a sustainable building rating system or national model green building code in accordance with s. 255.257(4)(a), F.S., the selection is made on a project-by-project basis and is not a choice that encompasses all projects within that particular agency;
- Requires all state agencies, when constructing public bridges, buildings and other structures, to use lumber, timber, and other forest products produced and manufactured in Florida if such products are available and their price, fitness, and quality are equal;
- Exempts specified septic tank system inspections and evaluations when remodeling a home;
- Provides that a residential remodeling addition or modification may not cover any part of the sewage treatment or disposal systems or encroach upon a required setback or the unobstructed area as determined by a local health department floor and site plan review. Clarifies that a verification of the location of a system is not an inspection or evaluation and assessment of the system. If the determination is not completed within seven days the project is considered approved;
- Provides that amendments enacted in 2012 related to the licensing of contractors and subcontractors are remedial in nature, are intended to clarify existing law, and apply retroactively;
- Increases the maximum civil penalty a local governing body may levy against an unlicensed contractor;
- Revises local government and the DBPR collection retention percentages for unpaid fines and costs ordered by the Construction Industry Licensing Board;
- Removes a requirement that local governments send minor violation notices to contractors prior to seeking fines and other disciplinary penalties;
- Extends the grandfathering period for certain registered electrical and alarm system

contractors to acquire statewide certified licenses;

- Adds a definition for "local technical amendment" in the Florida Building Code;
- Clarifies a prohibition to adopt any mandatory sprinkler provisions of the International Residential Code within the Florida Building Code or any local amendments to the state code;
- Adds a member to the Florida Building Commission from the natural gas distribution industry;
- Authorizes maintenance of an electronic copy of a building site plan for record retention and inspection purposes at a building site; includes "impact protective systems" among the categories of products that receive approval by the Florida Building Commission;
- Specifies DBPR procedures for Florida Building Code product approval compliance and authorizes the process for expedited 10-day approval reviews;
- Renames the statewide standard for energy efficiency as the "Florida Building Code-Energy Conservation," to reflect a coordination of construction standards related to energy efficiency within the Florida Building Code adopted in accordance with s. 553.73(7)(a), F.S.;
- Specifies that residential heating and cooling systems need only meet the manufacturer's approval and listing of equipment; and
- Amends s. 553.991, F.S., to specify that the purpose of the Act is to identify energy rating systems to promote energy efficiency rather than to develop a statewide rating system.

The bill repeals s. 553.992, F.S., which eliminates DBPR's responsibility to adopt, update, and maintain a statewide uniform building energy-efficiency rating system. It removes DBPR's authority to adopt rules for the tools and procedures used to develop energy-efficiency ratings. The bill creates the following definitions with regard to the Florida Building Energy-Efficiency Rating System:

- "Building energy-efficiency rating system" means a whole building energy evaluation system established by the Residential Energy Services Network, the Commercial Energy Services Network, the Building Performance Institute, or the Florida Solar Energy Center;
- "Energy auditor" means a trained and certified professional who conducts energy evaluations of an existing building and uses tools to identify the building's current energy usage and the condition of the building and equipment;
- "Energy-efficiency rating" means an unbiased indication of a building's relative energy efficiency based on consistent inspection procedures, operating assumptions, climate data, and calculation methods; and
- "Energy rater" means an individual certified by a building energy-efficiency rating system to perform building energy-efficiency ratings for the building type and in the rating class for which the rater is certified.

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

- ***CS/SB 286***
  Design Professionals/Immunity from Tort Liability

The bill permits a design professional employed by a business entity, or an agent of the entity, to be immune from tort liability for damages occurring within the course and scope of the performance of a professional services contract if:

- The contract is made between the business entity and a claimant or another entity for the provision of services to the claimant;
- The contract does not name an individual employee or agent as a party to the contract;
- The contract prominently states that an individual employee or agent may not be held individually liable for negligence;
- The business entity maintains any professional liability insurance required under the contract; and

- Any damages are solely economic in nature and do not extend to persons or property not subject to the contract.

The design professionals affected by this bill are licensed engineers, interior designers, surveyors, architects, landscape architects, and geologists.

This bill was approved by the Governor on April 24, 2013, Ch. 2013-028, Laws of Florida. These provisions take effect July 1, 2013.

- ***CS/CS/HB 347 Alcoholic Beverages/Craft Distilleries***

The bill permits craft distilleries to sell distilled spirits they produce on their licensed premises to consumers for off-premises consumption. The bill defines a "craft distillery" to mean a licensed distillery that produces 75,000 or fewer gallons of distilled spirits on its premises per calendar year.

The craft distilleries' sales must be made at the souvenir shop that is located on private property contiguous to the licensed distillery premises. The distilled spirits must be sold in factory-sealed containers that are filled at the craft distillery for off-premises consumption. Craft distilleries and licensed distilleries may sell distilled spirits only in face-to-face transactions with consumers making the purchases for personal use and not for resale. The craft distillery may sell no more than two containers per customer.

The bill requires that craft distilleries must cease making sales to consumers on the day after they reach the 75,000 gallon production limitation. The craft distilleries may not ship to consumers within the state. However, the craft distillery may ship, arrange to ship, or deliver to manufacturers of distilled spirits, wholesale distributors, bonded warehouses, and exporters.

The bill prohibits the transfer of a craft distillery license, including the transfer of an ownership interest in the license, to any individual or entity with a direct or indirect interest in another distillery. However, the bill permits a craft distillery to have its ownership interest affiliated with another distiller if the other distiller produces 75,000 gallons or fewer of distilled spirits on its licensed premises per calendar year. The bill authorizes the division to adopt rules to administer the craft distillery provisions of the bill.

The bill allows the board of county commissioners in a county where the voters have approved the sale of intoxicating liquors, wines, and beers by package only in a prior election, to order an election, no more frequently than every two years, on the sole question of whether the sale by the drink for consumption on the premises for alcoholic beverages should be allowed. The bill requires the board to order the second election upon a majority vote of the board of county commissioners or after a petition signed by one-tenth of the registered voters in the county. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/SB 372 Vehicle Permits for the Transportation of Alcoholic Beverages***

The bill expands the authority of licensed retail vendors to transport alcoholic beverages in vehicles that are owned or leased by the vendor to include vehicles owned or leased by a person disclosed on the alcoholic beverage license application (authorized person) filed by the vendor. The license application must be approved by the Division of Alcoholic Beverage and Tobacco within the Department of Business and Professional Regulation. In addition, the vehicle must have been issued a permit from the division for that purpose. The permit may be issued to an authorized vendor upon filing an application signed by the person and with the payment of a $5 per vehicle fee. Permitted vehicles must be operated by the vendor or by the authorized person when transporting alcoholic beverages from a distributor's place of business to the vendor's licensed premises or off-premises storage. A permit expires when the authorized person disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or revoked by the division, whichever occurs first. In addition, a vehicle permit may be canceled at the request of the vendor or the authorized person.

An authorized person with a vehicle permit would be subject to the same conditions regarding inspection and search as is a licensee under current law. The bill requires that the invoices or sales tickets for the purchased alcoholic beverages must be carried in the vehicle used by the vendor or the authorized person when the alcoholic beverages are being transported. In addition, the bill deletes the requirement that the division must have decals ready for

issuance. This would permit the division to issue only paper permits. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 623***
  Sale of Wine/Reusable Containers

The bill permits the sale of wine in reusable containers of 5.16 gallons. Current law prohibits the sale of wine in individual containers holding more than 1 gallon. The additional allowable container size would allow retail vendors to use wine kegs to dispense glasses of wine through a tap instead of through individual bottles of wine. The bill also provides that wine sold for off-premises consumption must be in the original, unopened container, except as provided in s. 564.09, F.S., which permits restaurant patrons to leave the restaurant with a partially consumed bottle of wine that has been secured in a bag or other container. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 667***
  Real Estate Brokers and Appraisers

The bill relates to the regulation of real estate brokers and real estate appraisers. It amends s. 475.215(1), F.S., to provide that an additional license may not be granted if that license will be used in a manner that is likely to be harmful to any person and provides that a final order of discipline against the brokers' primary license applies to both the primary license and to any multiple licenses held by that broker at the time the final order becomes effective. This is to prevent a broker from obtaining a different type of license in order to circumvent the disciplinary process.

The bill deletes references to "licensed appraiser" because, as of 2003, the department has been prohibited under current Florida law from issuing licenses for the category of licensed appraiser.

The bill requires the applicant for an appraiser registration or certification must meet the conditions adopted by the Appraiser Qualifications Board on December 9, 2011, as prescribed by rule of the department's Real Estate Appraiser Board. Effective January 1, 2014, the bill changes the term "Appraisal Qualifications Board" to the "Appraiser Qualifications Board." If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/HB 695***
  Sale of Alcoholic Beverages/Credits and Coupons

The bill authorizes the Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation to impose administrative sanctions for any violation of the limitations on credits, coupons and other forms of assistance to alcoholic beverage vendors as provided by the bill. Current law only authorizes the division to establish rules and require reports to enforce the limitation on credits and other forms of assistance to the alcoholic beverage vendor. The bill also extends the rulemaking and the sanctioning authority to violations related to coupons.

The bill prohibits alcoholic beverage licensees from possessing or using, in physical or electronic format, any type of malt beverage coupon in this state. This prohibition also applies to cross-merchandising coupons. Coupons may not be furnished by alcoholic beverage manufacturers, distributors, importers, brand owners or registrants, or their sale representatives. Current law, which the bill repeals, only prohibits distributors from furnishing coupons to consumers that are redeemable by the vendor. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 795***
  Premises Inspections/Public Lodging or Food Services

The bill amends s. 509.032, F.S., relating to Premises Inspections. The bill authorizes the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (division) to inspect all licensed public lodging establishments and public food service establishments at least biannually (two times per year), except for certain apartments that must be inspected at least annually. The bill requires that the division adopt a risk-based inspection frequency by rule no later than July 1, 2014, for each licensed public food service establishment to require at least one but not more than four routine inspections during a year.

The bill states that the rule may include guidelines that consider a food service establishment's inspection and compliance history, the type of food and food preparation methods, and the type of service being provided. The bill requires that the division annually reassess the inspection frequency of all

food service establishments. If approved by the Governor, these provisions take effect July 1, 2014.

- ***HB 875***
  Licensed Security Officers

The bill authorizes licensed security officers and licensed security agency managers to temporarily detain persons at a critical infrastructure facility and addresses other matters pertaining to personnel employed in services relating to private security, private investigation, or repossession services.

The bill authorizes licensed security officers with a class D license and licensed security agency managers with a class MB license, who also possess a valid class G firearm license, to temporarily detain a person, so long as the security officer or security agency manager:

- Is on duty and in a uniform with at least one patch or emblem visible at all times clearly identifying the agency employing the security officer or security agency manager;
- Is on the premises of a critical infrastructure facility; and
- Has probable cause to believe that the person has committed or is committing a crime against the client operating the premises or the client's patron.

The bill defines the term "critical infrastructure facility" as any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized personnel:

- A chemical manufacturing facility;
- A refinery;
- An electrical power plant as defined in s. 403.031, F.S., including a substation, switching station, electrical control center, or electrical transmission or distribution facility;
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- A natural gas transmission compressor station;
- A liquid natural gas terminal or storage facility;
- A telecommunications central switching office;
- A deep water port or railroad switching yard; or
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

The bill:

- Provides procedures for notifying law enforcement and transferring the detained person.
- Authorizes the licensed security officer or licensed security agency manager, while temporarily detaining the person, to search the detainee or the detainee's belongings if the officer or manager observes that the person is armed with a firearm, concealed weapon, or destructive device that poses a threat to the safety of the officer, manager, or any person for whom the officer or manager is responsible for providing protection, or if the detainee admits to having a weapon in his or her possession. The search may only be to the extent necessary to disclose the presence of the weapon. The bill provides procedures for seizure and transfer of the weapon.
- Makes it a first degree misdemeanor for a person to engage in any activity for which ch. 493, F.S. (private investigative, private security, and repossession services), requires a license if the person does not hold the required license, if this is the offender's first violation. A second or subsequent violation is a third degree felony and the Department of Agriculture and Consumer Services may seek the imposition of a civil penalty not to exceed $10,000. This offense does not apply if the person engages in unlicensed activity within 90 days after the expiration date of the person's license.
- Makes it a third degree felony for a person, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S., to knowingly and intentionally

force another person to assist the impersonator in an activity within the scope of duty of a professional licensed under that chapter. However, it is a second degree felony if a person commits this violation during the course of committing a felony, and a first degree felony if a person commits this violation during the course of committing a felony that results in death or serious bodily injury to another human being.

- Specifies uniform and badge or patch requirements for a security officer or security agency manager who possess a valid Class G license performing duties regulated under s. 493.631, F.S., which is created by the bill.
- Provides that a law enforcement officer, security officer, or security agency manager is not criminally or civilly liable for false arrest, false imprisonment, or unlawful detention due to his or her custody and detention of a person, if done in compliance with s. 493.631, F.S.

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

- ***CS/CS/CS/HB 973 Low-Voltage Alarm Systems and Telecom Data Transmissions***

The bill creates s. 553.793, F.S., regarding Low-Voltage Systems. The bill adds an exemption from regulation and licensing for the sale of certain equipment when those sales are by employees, contractors, subcontractors, or affiliates of telecommunications companies certified under ch. 364, F.S., companies with a state-issued franchise for the provision of cable or video services under ch. 610, F.S., or under a local franchise or right-of-way agreement (certificate holders), if the items transmit data as part of a television, radio, communications or telecommunications system.

The bill provides that employees, contractors, subcontractors or affiliates of certificate holders are not subject to any local ordinance or licensure for the performance of low-voltage electrical work. It clarifies that alarm system contractors are not exempt from contractor licensure requirements. The bill deletes an exemption previously granted to telecommunications companies, which allowed certain limited low voltage electrical work by employees, but not to work by subcontractors.

The bill adds an exemption from regulation and licensing for employees and sales representatives of an alarm system contractor who do not work on end-user premises and are not granted access to passwords or codes to arm or disarm systems. The bill exempts employees and sales representatives who have access to passwords or codes to arm or disarm systems, but only if they work at out-of-state locations and have had a satisfactory background check from a state or federal agency. It does not affect existing exemptions or background checks.

The bill defines a low-voltage alarm system project and states requirements for permitting by a local enforcement agency. The bill requires a local enforcement agency to issue uniform basic permit labels available for purchase by contractors.

The bill regulates labels and the method of issuance and use of permit labels. Labels may be purchased in bulk for unspecified current or future projects and are valid for one year. The labels must be posted by a contractor in a conspicuous place on the premises of the project site before commencement of work on the project. The bill provides that a contractor must submit a uniform notice within 14 days after completing the project.

The bill includes a format for a uniform notice of a low-voltage alarm system project and establishes a maximum cost for uniform basic permit labels of $55 per label. The bill provides that local enforcement agencies that charged more than $55 for such permits before January 1, 2013, may continue to charge the same amount until January 1, 2015. Local enforcement agencies that charged more than $175 before January 1, 2013, may charge a maximum of $175 until January 1, 2015. After January 1, 2015 all permit labels are limited to $55.

The bill prohibits a municipality, county, district, or other local government entity from adopting or maintaining an ordinance or rule regarding a low-voltage alarm system project that is inconsistent with the provisions of s. 553.793, F.S.

The bill provides that a uniform basic permit label may not be required for the maintenance, inspection, or service of an alarm system that was permitted in accordance with s. 558.793, F.S. The bill

provides that no new or additional licensure requirements are imposed on those licensed as contractors in accordance with ch. 489, F.S. If approved by the Governor, these provisions take effect October 1, 2013.

- ***SB 1398***
  Real Estate Appraisers' Education Requirements

The bill relates to the education requirement for an appraiser license issued by the Florida Real Estate Appraisal Board (board) within the Division of Real Estate of the Department of Business and Professional Regulation. The bill requires that all academic education courses must be completed through in-person classroom instruction or distance learning. Current law does not permit an applicant to meet required classroom hours through distance learning.

The board is required to prescribe by rule the education and experience requirements that meet or exceed the criteria adopted by the federal Appraisal Qualifications Board on December 9, 2011. It allows the board to approve distance learning courses as an alternative to classroom courses. An independent certifying organization authorized by the board must approve the delivery method for distance learning courses. The final examination for a distance learning course must be a written closed-book final examination. If approved by the Governor, these provisions take effect July 1, 2013.

- ***HB 5501***
  Weights and Measures Instruments and Devices

The bill creates s. 531.67, F.S., and extends the repeal date of the weights and measures permitting program and associated fees within the Department of Agriculture and Consumer Services from July 1, 2014, to July 1, 2020. The bill also repeals section 40 of Chapter 2009-66, L.O.F., which establishes a permitting and testing program for commercially operated weights and measures instruments to be administered by the Department of Agriculture and Consumer Services.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-055, Laws of Florida. These provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 7005***
  Massage Establishments and Human Trafficking

The bill amends various provisions relating to Massage Establishments. The bill amends s. 480.033, F.S., to include a college or university eligible to participate in the William L. Boyd, IV Florida Resident Access Grant Program (established in s. 1009.89, F.S.) in the definition of a board-approved massage school. The bill provides that denial of a license or a disciplinary action may be based on advertising to induce or attempt to induce, or to engage or attempt to engage, a client in unlawful sexual misconduct described in s. 480.0485, F.S.

The bill creates s. 480.0475, F.S., to prohibit the operation of certain massage establishments between the hours of midnight and 5 a.m.

Specifically, the bill creates s. 480.0475, F.S., which makes it a first degree misdemeanor for:

- A person to operate a massage establishment between the hours of midnight and 5:00 a.m.; or
- A person operating a massage establishment to use or permit such establishment to be used as a principal domicile unless the establishment is zoned for residential use under local ordinance.

The prohibition relating to operating hours does not apply to massage establishments:

- Located on the premises of a health care facility, health care clinic, hotel, motel, bed and breakfast inn, timeshare property, public airport, or a pari-mutuel facility;
- In which every massage performed between midnight and 5:00 a.m. is performed by a massage therapist acting under the prescription of a physician or other specified health-care personnel; or
- Operating during a special event if the county or city in which the establishment operates approves.

The bill exempts specified types of massage establishments based on the location of the facility or the type of supervision over those persons performing massages. The bill prohibits the use of a massage

establishment as a principal domicile in areas that are not zoned for residential use by local ordinance.

The bill provides that a person who violates s. 480.0475, F.S., commits a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083, F.S. A subsequent violation is a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. Current violations of ch. 480, F.S., are misdemeanors of the first degree.

The bill amends s. 823.05, F.S., to declare that a massage establishment that operates in violation of the restrictions on hours of operation, or that fails to immediately present to an investigator of the department or a law enforcement officer, all required government identification for each employee or for any person performing massage in the establishment is a nuisance and may be abated or enjoined pursuant to ss. 60.05 and 60.06, F.S. If approved by the Governor, these provisions take effect October 1, 2013.

2013
Florida Legislature
Post-Session Report

Education & Workforce Development

Education & Workforce Development

- ***HB 21***
  Background Screening for Noninstructional Contractors on School Grounds

The bill requires the Department of Education to create a uniform, statewide photo identification badge signifying that a noninstructional contractor meets certain background screening and other requirements. The bill requires the Department of Education to determine a uniform cost that a school district may charge for a badge.

The bill requires a school district to issue the badge if a noninstructional contractor:

- Is a resident and citizen, or a permanent resident alien of the United States;
- Is at least 18 years old; and
- Meets the background screening standards in s. 1012.467, F.S.

The bill requires a noninstructional contractor to wear the badge in a visible manner at all times when on school grounds. The bill requires all school districts to recognize the badge, which means that noninstructional contractors who work for multiple districts would not be required to obtain and pay for multiple identification badges.

The badge is valid for five years; however, a noninstructional contractor is required to return the badge to the school district within 48 hours of self-reporting an arrest for any disqualifying offense.

The bill does not apply to noninstructional contractors who are exempt from background screening requirements. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 284***
  School Emergencies

The bill establishes a process through which a private school can register to be notified at the same time the public school district is notified about an emergency occurrence in the local area that could threaten student safety.

The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and model emergency management and emergency preparedness procedures. The emergency response agencies identified by a district school board must notify private schools within the school district of occurrences that threaten student safety if such private schools request notification of emergencies by opting into the district school board's emergency notification procedures.

The bill authorizes both public and private schools to maintain a supply of epinephrine auto-injectors in a secure location for use in an emergency situation by authorized students and trained school personnel. Schools that choose to purchase and maintain a supply of epinephrine auto-injectors must adopt a protocol developed by a licensed physician for the administration of an epinephrine auto-injection by trained school personnel. The bill also provides immunity from liability for public and private school employees and agents for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 454***
  College System Institution Police Officers

The bill expands the jurisdiction of Florida College System institution police officers to enforce the law, consistent with the same authority that is provided to state university police officers. In particular, the bill authorizes college police officers to:

- Enforce laws within defined jurisdictional areas as agreed upon in a mutual aid agreement with another law enforcement agency;
- Enforce traffic laws when the violations occur within 1,000 feet of any college owned or controlled property or facilities;
- Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement;

- Arrest persons for violations of state law or applicable county or city ordinances if the violation occurs on or within 1,000 feet of college owned or controlled property or facilities; and
- Arrest persons for violations of state law or applicable county or city ordinances beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement.

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

- ***CS/HB 461***
  Deaf and Hard-of-Hearing Students

The bill clarifies the considerations that the individual educational plan (IEP) team must address to develop an IEP for a student who is deaf or hard-of-hearing. The bill also requires the Department of Education, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders including representatives of the auditory oral community, to develop a model communication plan for use during the IEP development. The Department of Education must provide technical assistance regarding using the model communication plan. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 609***
  Bullying in the Public School System

The bill amends the definition of bullying to include cyberbullying, and establishes new prohibitions for any technology-related activities that adversely affect the ability of a student to receive an education or that disrupt the orderly operation of school.

The bill defines cyberbullying as bullying through the use of:

- Specified technology or electronic communications;
- The creation of a webpage or weblog in which the creator assumes the identity of another person or knowingly impersonates another person; or
- The distribution of an electronic communication to more than one person or the posting of material on an electronic medium that is accessible to others.

The bill prohibits bullying or harassment through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if it:

- Substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school; or
- Substantially disrupts the education process or orderly operation of a school.

Current law prohibits bullying or harassment through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution. The bill expands current law to prohibit the bullying or harassment of any public K-12 student or employee:

- During a public K-12 education program or activity;
- During a school-related or school-sponsored program or activity;
- On a public K-12 school bus; or
- Through a computer, computer system, or computer network that, regardless of ownership, is physically located on school property or at school-related or school-sponsored programs or activities.

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

- ***CS/CS/HB 801***
  Certified School Counselors

The bill substitutes "certified school counselor" for the term "guidance counselor" to reflect current requirements that persons employed as school counselors be certified as set forth by law and State Board of Education rule. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/SB 1076***
  Revised K-12 Education Standards and Career Programs

Aligns education with economic opportunity for graduates of Florida's public schools, colleges, and universities to better prepare students for their future work. The law revises educational programs and targets funding to foster students' development of technology skills in pre-Kindergarten through college and to increase opportunities for students to earn industry certifications in high school and college.

Integration of Technology into the Classroom
The law establishes new requirements that integrate technology skills and knowledge into K-12 classrooms. The law:

- Expands software applications for students with disabilities in pre-K through grade 12;
- Requires the middle grades career and education planning course to be internet-based and to emphasize entrepreneurship skills; and
- Requires new mechanisms for students to demonstrate digital skills and knowledge through a Florida Cyber Security Recognition and a Florida Digital Arts Recognition for elementary school students; and a Florida Digital Tools Certificate for middle school students.

By December 31, 2013, the law requires the Department of Education to contract with one or more technology companies or affiliated non-profit organizations that have industry certifications on the Industry Certification Funding List or the Postsecondary Education Industry Certification Funding List to develop the new recognitions and certificate. The law requires the recognitions and the certificate to be available to all public school students in elementary schools and middle schools, respectively, at no cost to the school district or charter school.

High School Graduation and Assessment Requirements

Florida Standard High School Diploma
The law redefines one rigorous standard high school diploma for students entering 9th grade in the 2013-2014 school year at 24 credits that include:

- 4 English credits. Must pass the 10th grade English/Language Arts assessment.
- 4 Mathematics credits, including Algebra I, Geometry and 2 additional courses; a rigorous industry certification that leads to college credit can satisfy up to 2 math credits. Must pass the Algebra I end-of-course assessment. Geometry and Algebra II end-of-course assessments count as 30% of grade.
- 3 Science credits, including Biology I and 2 additional courses; a rigorous industry certification that leads to college credit can satisfy 1 science credit. Biology I end-of-course assessment counts as 30% of grade.
- 3 Social Studies credits, including U.S. History; World History; .5 credit in Economics (including financial literacy); and .5 credit in U.S. Government. U.S. History end-of-course assessment counts as 30% of grade.
- 1 Fine or Performing Arts, Speech and Debate, or Practical Arts credit.
- 1 Physical Education credit.
- 8 Elective credits.

High School Diploma Designations
The law establishes new Scholar and Merit diploma designations for current and future high school students earning a standard high school diploma:

- Students may earn a Scholar designation if they satisfy course and testing requirements above-and-beyond those required for a standard diploma (e.g., earn credit in Algebra II and Chemistry or Physics and an equally rigorous science course, pass the Biology I end-of-course (EOC) assessment, and pass future English Language Arts and Algebra II assessments as applicable).
- Students pursuing a Merit designation must attain one or more industry certifications. Rigorous industry certification courses that lead to college credit may satisfy up to two math credits and one science credit.

The law repeals the statute that established the 18-credit accelerated high school diploma, but

retains the opportunity as an Academically Challenging Curriculum to Enhance Learning (ACCEL) option for students. The law further repeals obsolete statutes related to the Florida Secondary School Redesign Act and high school graduation requirements that applied to students who entered grade 9 prior to 2007-2008.

Assessments
In addition to high school graduation requirements, the law further revises assessment requirements as follows:

- The middle school Civics end-of-course assessment is changed from a "must pass" requirement to 30 percent of the final course grade.
- Middle grade students scoring Level 1 or Level 2 on FCAT Reading or Math may receive remediation through either a remediation course or a content area course.
- The State Board of Education is required to adopt a concordant score for the 10th grade FCAT Reading assessment and a comparative score for the Algebra I end-of-course assessment.
- The State Board of Education is required to adopt a schedule to transition to English/Language Arts and Mathematics assessments.

The law codifies the Next Generation Sunshine State Standards to reflect subject area standards adopted by the State Board of Education. The standards are for the subject areas of English language arts, science, mathematics, and social studies. Visual and performing arts, physical education, health, and foreign language standards must include distinct grade-level expectations for the knowledge and skills a student is expected to acquire.

College and Career Planning
The law requires initiatives to help students focus on their future work while they are still in school and to target technical programs to industry needs.

Career Readiness Initiatives
The law:

- Establishes a process for developing career education courses that enable students to simultaneously earn credit in the career course and core academic credit required for high school graduation.
- Increases the emphasis on financial literacy by incorporating financial literacy into the required high school economics course.
- Requires students entering adult general education programs after July 1, 2013, to complete "Action Steps to Employment" activities prior to the completion of the first term. The action steps include identifying employment opportunities, creating a personalized employment goal, conducting an inventory of one's skills and knowledge, and upgrading skills, as necessary.
- Authorizes a school board to create a Technical Center Governing Board to better target local employment and industry certification needs.

Talent Retention Program
The law creates a new "Talent Retention Program," led by the State University System Chancellor in cooperation with the Commissioner of Education, to encourage middle and high school students who indicate an interest in or aptitude for physics or mathematics to continue their postsecondary education at a state university with excellent departments in selected fields.

Preeminent State Research Universities
The law creates a mechanism for designating Preeminent State Research Universities, based on institutional performance on 12 statutorily-established metrics.

- A state university that achieves 12 of 12 metrics is authorized to operate an Institute for Online Learning that offers high-quality, fully online bachelor degree programs at an affordable cost (no more than 75% of the tuition rate specified for resident, Florida students).
- A state university that achieves 11 of the 12 metrics is authorized to operate a University Enhancement Initiative to further advance the university's national excellence.

Complete Florida Degree Program
The law revises a degree completion pilot program as the Complete Florida Degree Program which will be a formal program for online bachelor degree options in state universities, coordinated through the University of West Florida in collaboration with other post-secondary institutions.

$10,000 Bachelor's Degree
The law provides for a $10,000 Bachelor Degrees at Florida College System institutions by authorizing the waiver of Florida College System tuition and fees for the purpose of offering baccalaureate degrees for state residents for which the cost for the degree program does not exceed $10,000.

These provisions became law upon approval by the Governor on April 22, 2013, Ch. 2013-27, Laws of Florida.

▪ *CS/SB 1096 Repeal of Education Provisions*

The bill reduces regulation of public educational institutions by repealing redundant, outdated, or unnecessary statutory or reporting requirements.

Specifically, the bill affects the following provisions:

- Amends s. 403.7032(3), F.S., eliminating the recycling reporting requirement for K-12 public schools.
- Repeals s. 1001.435, F.S., relating to the K-12 foreign language curriculum, as the purpose of this statute has been accomplished.
- Repeals subsections (4), (6), and (9) of s. 1002.23, F.S., relating to the parent-response center, school board reporting of parent involvement rules, and state board review.
- Repeals s. 1002.361, F.S., relating to a direct support organization (DSO) for the Florida School for the Deaf and the Blind, as no DSO exists and the Florida School for the Deaf and the Blind has no future intent to create one.
- Repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, which is no longer in existence. The bill also amends s. 1011.61, F.S., which is a conforming provision.
- Repeals s. 1003.4285(1), F.S., relating to the major area of interest diploma designation, which is now obsolete due to the repeal of the corresponding graduation requirement.
- Repeals s. 1003.43, F.S., relating to the general requirements for high school graduation for students entering 9th grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9th grade.
- Repeals s. 1003.453(2), F.S., relating to online posting of school wellness and physical education policies, thereby removing the outdated requirement that the Department of Education post links to school wellness policies on its website.
- Repeals s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program, as the program is not currently being implemented by school districts.
- Repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. These programs are inactive and unfunded.
- Repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. This program has not been implemented and has not received funding since FY 1999-2000.
- Repeals s. 1004.77, F.S., relating to Centers of Technology Innovation, as an inactive program.
- Repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition and amends s. 1006.025, F.S., which is a conforming provision. These requirements have been supplanted by other provisions governing workforce preparation and education planning.
- Repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project.

This project is no longer operational and has received no funding in over 10 years.

- Repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. The program was never implemented or funded.
- Repeals s. 1006.09(1)(d), F.S., relating to duties of school principals for student discipline and school safety, as the information reported is duplicative.
- Repeals ss. 1006.17 and 1006.70, F.S., relating to sponsorship of athletic activities similar to those for which scholarships are offered.
- Repeals s. 1006.65, F.S, relating to safety issues in courses offered by public postsecondary institutions. According to the Department of Education, these safety policies are already required by federal law and accrediting bodies and included in affiliation contracts with hospitals and law enforcement agencies.
- Repeals s. 1007.21, F.S., relating to readiness for postsecondary education and the workplace, as this provision is duplicative.
- Repeals s. 1008.31(3)(d) and (e), F.S., relating to paperwork reduction. Although intended to reduce paperwork, the provision creates more paperwork.
- Repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program.
- Repeals s. 1012.58, F.S., creating the Transition to Teaching Program, which is inactive and no longer funded.
- Repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program centralized electronic management system pilot program, as authority for the program has expired.
- Repeals s. 1013.231, F.S., relating to reduction in energy consumption by the Florida College System institutions and universities, as the purpose has been served.
- Repeals s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys. A separate provision of law similarly authorizes the commissioner to waive survey requirements upon school district request.
- Repeals ss. 1013.42 and 1013.72, F.S., relating to the School Infrastructure Thrift program, which has not been funded since FY 2004-05.
- Repeals ss. 1013.502 and 1013.721, F.S., relating to the A Business Community School Program.
- Repeals s. 1013.64(7), F.S., relating to exceptions to Special Facility Construction Account millage contribution requirements, as the last exception expires June 30, 2013.
- Repeals s. 1013.73(7), F.S., relating to effort index grants, which are no longer funded.
- Repeals rulemaking provisions of ss. 1001.26(3), 1002.32(10), 1007.35(10), and 1009.85, F.S., as unnecessary because the statutes are self-executing; s. 1003.433(5), F.S., as unnecessary due to duplicative statutory authority; s. 1004.435(5)(c) and (d), F.S., as unnecessary due to Board of Governor's constitutional authority; and s. 1004.45(2)(g), F.S., as unnecessary because the Florida State University property in question belongs to the Ringling estate and not to the university.

Performance Funding

The law establishes performance funding provisions for public schools, school district workforce education programs, Florida College System institutions, and state universities to reward education entities that align programs with economic demands.

Florida Education Finance Program Funding

The law:

- Streamlines Florida Education Finance Program (FEFP) funding for industry certifications earned in high school to establish two levels for funding including a weight of 0.1 for industry certifications that do not articulate for college credit, and a weight of 0.2 for industry certifications that articulate for college credit.

- Creates a bonus program for teachers of industry certification courses; and
- Expands existing bonus programs for Advance Placement and International Baccalaureate teachers.

Postsecondary Industry Certification Funding
The law requires the State Board of Education to approve a Postsecondary Industry Certification Funding List at least annually. The list will be used to determine annual performance funding distributions to school district technical centers and Florida College System institutions that provide instruction leading to rigorous industry certifications.

State University Performance Funding
The law specifies state university performance funding in three areas:

- Computer and information technology;
- High-demand programs as identified by the Board of Governors (BOG) using a gap analysis; and
- Cloud virtualization and related large data management.

Methodology for Allocation of Performance Funds
By October 31, 2013, the law requires the State Board of Education and the Board of Governors to recommend to the Legislature a mechanism for allocating performance funding to Florida College System institutions and state universities based on three employment outcomes:

- Percentage of graduates employed or enrolled in further education;
- The average wages of employed graduates; and,
- The average cost per graduate.

These provisions became law upon approval by the Governor on April 29, 2013, Ch. 2013-035, Laws of Florida.

- ***CS/SB 1108***
  Exceptional Student Education

The bill provides mechanisms for increased parental involvement and specifies school and program accountability requirements.

Parental Involvement
The bill creates a new framework for parents to participate in the individual education plan (IEP) process, encourages collaboration between public school and private instructional personnel to avoid duplication or conflicting services or plans, and provides for an extraordinary exemption from administration of a statewide standardized assessment or alternate assessment.

Parental Consent
The bill prohibits districts from interfering with meetings in which a parent invites another person to attend. Parental consent on an IEP is required for Exceptional Student Education (ESE) center placement and Florida Alternate Assessment (FAA) and instruction decisions, unless the school district documents that reasonable efforts have been made to obtain consent, the parent failed to respond, or approval was obtained through due process. An IEP team meeting must be held to make these decisions.

At the initial IEP meeting, the bill requires each school district to provide a parent with information on the amount of funds that the district receives from the state appropriation for each of the five ESE support levels for a full-time student (i.e., Level 1, Level 2, Level 3, Level 4, and Level 5).

Collaboration
The bill authorizes private instructional personnel who are employed by the parent or under contract to observe a student in a public school setting or provide services in the educational setting at a time agreed upon by the private instructional personnel and the school.

Extraordinary Exemption
The bill also provides a process for granting an extraordinary exemption from administration of a statewide standardized assessment or alternate assessment for a student with a disability who has not had allowable accommodations offered due to technology limitations in the testing administration program or whose assessment results would reflect the student's condition rather than student achievement. The bill also provides for an exemption, based on an IEP team determination, as well as a process for requesting an exemption from testing during a particular testing window. The latter request would be made to the district superintendent with a recommendation by him or her to the

Commissioner of Education. A parent would be permitted to appeal the decision.

Accountability
The bill defines an ESE center as a separate public school that is not accessible to nondisabled peers and provides for the choice of a school grade or school improvement rating, at the discretion of the center. The bill specifies that the student achievement scores and learning gains of students with a disability who have only been enrolled in or attended an ESE center for grades K-12 are not included in the home school's grade if the student receives a rating of "emergent," which is a FAA performance category.

Program Assessment
The bill requires a district and school to complete a Best Practices in Inclusive Education assessment with a Florida Inclusion Network facilitator. The assessment is designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels.

Federal Funding
The bill establishes requirements for the reimbursement of federal funds to charter schools, including Title I, Title II, and Individuals with Disabilities Education Improvement Act of 2004 (IDEA) funds. The sponsor must reimburse the charter school on a monthly basis for all invoices submitted by charter schools for federal funds available for the benefit of charter schools and students.

Renewal of Professional Educator Certificate
The bill requires applicants to earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities, for renewal of a professional educator certificate. The requirement may not, however, add to the total hours required by the Department of Education for continuing education or inservice training. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/SB 1388 Instructional Materials***

The bill retains the existing statewide instructional materials process, except to:

- Require school districts that participate in the state adoption process to purchase instructional materials in the first three years of the adoption cycle; and
- Require instructional materials to reference statewide standards in the teacher's manual, not at the point of student use.

The bill provides school districts, or a consortium of school districts, with flexibility to implement their own instructional materials review, approval, adoption and purchase program. The bill authorizes school districts implementing their own instructional materials program to:

- Adopt rules implementing the program;
- Annually certify to the Department of Education that all instructional materials adopted for core courses are aligned with all applicable state standards;
- Require reviewers to comply with the standards and duties applicable to the state level instructional materials reviewers; and
- Use up to 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards by FY 2015-2016.

The bill authorizes school districts to collect fees from publishers who submit instructional materials for review, provided:

- The fees do not exceed the actual cost to review a publisher submission, or $3,500, whichever is less; and
- The fees are not used to cover the actual cost of substitute teachers for instructional staff that serve as an instructional materials reviewer.

The bill provides school districts that implement their own instructional materials program with discretion to:

- Purchase instructional materials off the state-adopted list;
- Requisition instructional materials from the publisher's depository;

- Follow the same review cycle used for state instructional materials; and
- Purchase materials that have intellectual content which assist in the instruction of a subject or course, when purchasing materials not on the state adopted list.

For school districts implementing their own instructional materials program, the bill requires publishers to:

- Offer most-favored nations pricing, and automatically reduce the price of the instructional materials if a lower price is offered elsewhere in the United States; and
- Comply with the same duties that are applicable to publishers for the state level review.

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

- ***SB 1514***
  Education Funding
  - Authorizes school districts and virtual charter schools to provide virtual courses for a student in the summer for course completion when the student does not complete the virtual course by the end of the regular school year.
  - Authorizes school districts and virtual charter schools to provide virtual courses for a student in the summer for credit recovery when a student has unsuccessfully completed a traditional or virtual education course during the regular school year and must re-take the course in order to be eligible to graduate with the student's class.
  - Limits credits earned through the Florida Virtual School (FLVS) to 1.0 full-time equivalent (FTE).
  - Requires the FLVS trustees to provide information for activities within the state, outside the state, and for Florida Virtual School Global.
  - Allows full-time and part-time school district virtual instruction programs.
  - Removes limitations to students taking virtual courses in another school district.
  - Prohibits school districts from requiring a student to take a course outside the school day that is in addition to the student's courses for a given term or on school grounds.
  - Requires the maximum value for funding a student shall be as calculated by the Department of Education (DOE).
  - Requires that if the sum of courses taken by a student is greater than 1.0 FTE, the membership value shall be equally distributed to all entities providing instruction so that the student's total FTE is equal to 1.0.
  - Requires school districts and the FLVS to use a common student identifier to ensure that funding and the FTE can be accurately distributed to all providers of student instruction and authorizes the State Board of Education to adopt rules for this provision.
  - Provides that courses delivered by the FLVS on a public school campus may be reported only by the school district in which the student is enrolled.
  - Clarifies the role and responsibility of the Florida Virtual Campus is to provide online academic support services, resources, and access to distance learning courses offered by the state's public postsecondary education institutions.
  - Clarifies student eligibility and funding from non-education sources for the College Preparatory Boarding Academy Pilot Program authorized in s. 1002.3305, F.S.
  - Makes a technical adjustment to the reporting sequence of FTE for students enrolled in career education in grades 9-12 for accuracy and funding.
  - Extends the provision of an additional hour of intensive reading instruction daily for students enrolled in the 100 lowest performing elementary schools for a third year, 2014-2015, as a required use of funds for the Supplemental Academic Instruction (SAI) and Reading allocations.
  - Approves the 2012-2013 class size alternate calculation required by s. 1003.03(4), F.S., in lieu of approval by the Legislative Budget Commission.

- Requires public schools to pay tuition costs from district Florida Education Finance Program (FEFP) appropriations to compensate colleges and universities for dually enrolled students.
- Repeals the state satellite network and transfers duties and responsibilities for the satellite transponder from the DOE to WFSU.
- Requires the DOE to publish by October 1, 2013, minimum and recommended technology requirements necessary for students to access electronic and digital instructional materials.
- Terminates the Sophomore Level Test Trust Fund relating to the College-Level Academic Skills Test.
- Renames the Knott Data Center Working Capital Trust Fund as the Education Working Capital Trust Fund, and restates and revises the purpose of the trust fund.
- Continues the $200,000 cap on state funds that may be expended for the remuneration of college and university presidents and administrative employees.
- Changes the name of Brevard Community College to Eastern Florida State College.
- Authorizes universities to enter into local development agreements with affected local governments for the purpose of negotiating the mitigation of the impact of a university construction project on the local government.
- Changes the date for the Tuition Differential Report required in s. 1009.24(16)(e), F.S., from January 1 to February 1.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-045, Laws of Florida. These provisions take effect July 1, 2013.

▪ *CS/CS/SB 1664 Education Personnel Evaluations*

The bill revises criteria for evaluating classroom teachers, other instructional personnel, and school administrators for purposes of the performance pay schedule in s. 1012.22, F.S. The bill also revises requirements for state-approved educator preparation programs, educator and principal certification, and the Florida Teachers Lead Program.

Performance Evaluations and Assessments
The bill requires the Department of Education (DOE), through the performance evaluation system approval process, to ensure that the provisions of the bill are implemented.

The bill reiterates existing law authorizing the percentage of a classroom teacher's or school administrator's performance evaluation that is based upon student performance to be reduced from 50 percent to 40 percent, if less than three years of student data are available. The bill requires the DOE to approve district-determined factors that are used in the remaining portion of performance evaluations.

Classroom Teachers
The student learning growth portion of a classroom teacher's evaluation must be based only on the performance of his or her students. For courses associated with a statewide assessment, a student achievement measure may be used, if there is no approved statewide growth formula for the assessment. For courses associated with a school district assessment, a student achievement measure may be used if it is a more appropriate measure of performance. The remaining portion of the evaluation would continue to be based on instructional practice.

Other Instructional Personnel
The student learning growth portion of evaluations for other instructional personnel would be based on student performance data that reflects their actual contributions to the performance of students assigned to their areas of responsibility. The remaining portion of their evaluations would continue to be based on instructional practice and professional and job responsibilities.

School Administrators
The student learning growth portion of a school administrator's performance evaluation would be based on the performance of the students attending his or her school. The remainder of the evaluation would continue to be based on indicators that include the recruitment and retention of effective or highly effective teachers, improvement in the percentage of classroom teachers evaluated at the effective or highly effective level, other leadership

practices that result in improved student outcomes, and professional responsibilities.

Assessments
The student assessment data used in performance evaluations would continue to be based on statewide assessments or school district assessments. Under the bill, a school district would be required to approve and publish district-mandated testing administration schedules on its website and report the schedules to the Department of Education by October 1, annually.

State-Approved Educator Preparation Programs
The bill provides a new accountability framework for the approval of teacher preparation programs that is based on performance outcome metrics. The bill requires the Commissioner of Education to determine continued approval of each program based on specific metrics including placement rate data, retention rate data, student performance by subgroups, and critical teacher shortage.

Traditional programs
The bill requires each state-approved teacher preparation program to include in its uniform core curricula: Florida Educator Accomplished Practices, state-adopted student content standards, reading instruction, content literacy and mathematical practices, strategies for the instruction of English language learners and students with disabilities, and school safety.

Institutions must annually report to the DOE the status of each candidate who is admitted into the program under a waiver of admission requirements.

The bill requires each candidate to:

- Be instructed and assessed on the uniform core curriculum in his or her program concentration.
- Demonstrate his or her ability to positively impact student learning growth during a field experience prior to program completion.
- Demonstrate sufficient mastery of general knowledge as a prerequisite for admission into the undergraduate program, and a baccalaureate degree from an accredited institution for admission into graduate level programs.
- Pass all portions of the Florida Teacher Certification examination prior to program completion.

For clinical instructors and sites, the bill:

- Specifies the qualifications for instructors in postsecondary teacher preparation programs who instruct or supervise field experience courses or internships in which candidates demonstrate an impact on student learning growth.
- Specifies the qualifications for district and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships.
- Requires that the candidate's pre-service field experiences include a diverse population of students in a variety of settings.
- Requires the selection of school sites for pre-service field experiences to be based on the qualifications of supervisory personnel and the needs of candidates.

For each teacher preparation program, the bill:

- Requires each institutional program evaluation plan to include how the institution addresses continuous program improvement.
- Revises the current requirement that each teacher preparation program provide additional training to a graduate who is employed in a Florida public school. For a graduate who receives a rating of "developing" or "unsatisfactory" on his or her performance evaluation two years immediately following completion of the program or initial certification, his or her teacher preparation program would be required to provide additional training by the program at no expense to the educator or employer.
- Requires that the continued approval of a program is contingent upon specific performance measures for programs and program completers.
- Requires institutions and their programs to provide evidence of their capacity to meet requirements for continued approval.

Educator Preparation Institutes
The bill provides criteria for the DOE to approve an institute's competency-based certification program. An educational plan is required for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification. The bill requires students to have field experiences with a diverse population of students in a variety of settings. Personnel who instruct or supervise field experiences must meet additional qualifications.

The bill authorizes qualified private providers to offer competency-based certification programs, if approved by the Department of Education, based on a proven history of delivering high-quality teacher preparation. The provider must submit evidence from other state recipients of its services and data showing the successful performance of its completers based on student achievement.

District Programs
The bill allows rather than requires each school district to provide a competency-based professional development certification program. The bill authorizes the Commissioner of Education to determine continued approval of each district's program based upon specified performance measures for programs, as well as program completers.

The bill specifies the professional content knowledge for each district program participant and requires passing scores on subject area and professional education competency examinations, as well as mastery of general knowledge.

The bill also establishes new requirements for peer mentors of district programs. A peer mentor must hold a valid educator certificate, provide evidence of proven effectiveness, have at least three years of teaching experience, or be a peer evaluator under a school district's evaluation system.

Professional Certification
The bill requires the State Board of Education to adopt rules authorizing an individual to be eligible for a temporary certificate in educational leadership if he or she passes the Florida Educational Leadership Examination, holds a bachelor's degree or higher degree from an accredited postsecondary institution, provides evidence of successful executive management or leadership experience, and is mentored by a state-certified school administrator. Additionally, the bill allows the State Board of Education to adopt rules to provide for the acceptance of college course credits recommended by the American Council for Education (ACE) to satisfy specific certification requirements shown on an official ACE transcript.

Florida Teachers Lead Program
The bill changes the name of the program to the Florida Teachers Classroom Supply Assistance Program and requires that local contributions be added to the funds allocated by the state when calculating each teacher's proportionate share.

Professional Development System
The bill allows rather than requires each school principal to establish and maintain a professional development plan for each employee assigned to the school. If approved by the Governor, these provisions take effect July 1, 2013.

▪ *CS/CS/SB 1720 Developmental Education and Educational Accountability*

The bill requires Florida College System institutions to implement developmental education, creates an Office of K-20 Articulation in the Department of Education, revises postsecondary general education requirements, gives the Board of Governors stronger oversight authority over state universities, and revises a number of statutes to improve accountability in K-12 and postsecondary education.

Developmental Education in Florida College System Institutions
The bill restructures remedial college preparatory instruction as developmental education and requires Florida College System institutions to provide developmental education that is more tailored to the specific communication and computation skills a student needs to develop to be successful in performing college-level work. The bill does not repeal non-credit courses but requires colleges to offer developmental education options a student may pursue while also enrolled in college-credit courses. Students whose test scores indicate the need for developmental education must be advised of options and may enroll in the developmental education options of their choice.

The bill specifies that two groups of students must not be required to take the common placement test or to enroll in developmental education:

- Students who entered 9th grade in a Florida public school in 2003-2004 or thereafter and who earned a standard Florida high school diploma; or
- Students who are serving as active duty members of the United States Armed Services.

Students who are not required to be tested or to enroll in developmental education may request assessment and may enroll in developmental education if they wish.

The bill requires:

- By October 31, 2013, the State Board of Education to establish by rule the test scores a student must achieve on the common placement test in order to perform college-level work;
- By December 31, 2013, the State Board of Education to approve a series of meta-majors and academic pathways and identify the gateway courses to the meta-majors;
- By March 1, 2014, Florida College System institutions to submit developmental education plans to the Chancellor of the Florida College System for implementation beginning no later than fall 2014; and
- Each Florida College System institution and the Florida College System Chancellor to submit annual accountability reports to the state beginning in 2015.

Revision of General Education Requirements
The bill reinstates the general education credit hour requirement to 36 semester hours from the proposed 30 hours; extends implementation of the revised core course requirements for one year, from 2014-15 to 2015-16; and allows for the inclusion of an additional core course option.

Office of K-20 Articulation
The bill creates a new Office of K-20 Articulation in the Department of Education to support the work of the Higher Education Coordinating Council and the Articulation Coordinating Committee. The bill also revises duties of the Articulation Coordinating Committee and revises membership and duties of the Higher Education Coordinating Council.

Postsecondary Education Accountability
- Gives the Board of Governors stronger oversight authority over state universities in regard to laws, rules, and regulations.
- For education accountability purposes, establishes dates by which licensed private postsecondary institutions must report data to the Commission for Independent Education and nonprofit independent colleges and universities must report data to the Department of Education.
- Transfers oversight of the Moffitt Cancer Center and Research Institute's lease from the Board of Governors to the University of South Florida.
- Provides rule making authority regarding penalties for not reporting child abuse at postsecondary institutions.

Access to Postsecondary Education
- Raises the cap on the number of fee exemptions a Florida College System institution may grant from 40 to 54 full-time-equivalent students or one percent of the institution's total full-time equivalent enrollment, whichever is greater;
- Repeals the Free Application for Federal Student Aid requirement for Bright Futures Scholarships and for Florida Resident Access Grant and Access to Better Learning and Education tuition assistance grants; and
- Authorizes a Florida College System institution to establish a differential out-of-state fee for non-resident distance learners.

K-12 Accountability
- Specifies minimum sample size and minimum percentage of students tested in order for schools to receive a school grade or school improvement rating, and defines "colocated schools" for purposes of school accountability.
- Requires specified content to be included on student report cards that are distributed to parents.

- Directs the Department of Education to develop criteria for issuing and revoking master school identification (MSID) numbers.

- Requires the Division of Law Revision and Information to prepare a reviser's bill for 2014 to change the term GED test to high school equivalency examination, throughout the statutes, thereby increasing a student's options for attaining a high school equivalency diploma.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-051, Laws of Florida. These provisions take effect July 1, 2013.

- ***CS/HB 7003***
  Interstate Compact on Educational Opportunity for Military Children

The bill reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (compact) and provides for future legislative review and repeal of the compact in 2016.

Participation in the compact enables member states to address educational transition issues faced by military families as they transfer from various states and school districts in accordance with official military orders. States are required to enact the compact into law in order to join the compact, which the Florida Legislature did in the 2008 Regular Session. Currently, 45 states and the District of Columbia are members of the compact. Since enactment in 2008, Florida's compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. The Legislature last reauthorized the compact in 2010, and provided for repeal of the compact in three years, which is May 11, 2013.

In addition to reauthorizing the compact and providing for future legislative review and repeal of the law, the bill also specifies that compact membership dues must be paid within existing resources by the Department of Education.

These provisions became law upon approval by the Governor on April 10, 2013, Ch. 2013-20, Laws of Florida.

- ***CS/CS/HB 7009***
  K-12 Education

The bill strengthens accountability and increases flexibility for charter schools; creates a District Innovation Schools of Technology; provides flexibility for maximum class size compliance calculations for district schools of choice (i.e., virtual instruction program, magnet school, alternative school, special program, advanced placement, and dual enrollment); prohibits a student from having teachers in consecutive years that have a rating of "unsatisfactory" or "needs improvement;" and requires successful load testing of technology and online assessments before implementation.

Charter Schools
The bill provides various measures to strengthen the financial and performance accountability of charter schools. These accountability provisions:

- Prohibit a governing board member (or spouse) from being an employee of a charter school or an employee of a charter school's management organization;

- Require a uniform monthly financial statement summary sheet based upon two forms from the Governmental Accounting Standard Board;

- Require charter schools to maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.; and

- Prohibit expenditures above $10,000 upon a school receiving a notice of termination or closing. Additionally, the provisions prohibit acceleration clauses in contracts and grant a sponsor clawback authority to recoup improperly expended funds.

The bill also expands charter school flexibility. These provisions:

- Prohibit a sponsor from requiring a charter school to comply with updated policies until incorporated in the written charter agreement;
- Authorize a school district to enter into nonexclusive interlocal agreements to issue permits to a charter school on behalf of governmental permitting entities. This is a voluntary option for all parties;
- Place certain district school board and superintendent duties on the charter school governing board and administrative personnel in order to enable a charter school to create its own compensation and salary schedules and employee evaluation system, procedures and criteria;
- Authorize a charter school to have at-will employees and to release at-will and annual contract employees without cause; and
- Authorize charter schools to pay a $500 fee to have a sponsor review a draft application for material deficiencies.

The bill authorizes high-performing charter schools to increase enrollment once per school year up to facility capacity. When a high-performing charter school requests to consolidate charters, the bill creates deadlines for a sponsor to provide a high-performing charter school a draft charter agreement and for the parties to negotiate the charter agreement.

The bill creates an undesignated section of law that requires the Department of Education to develop a proposed statewide, standard charter contract and a proposed definition of "management company." Additionally, the bill requires the Department of Education to consult and negotiate with school districts and charter schools, and provide the proposed standard charter contract to the Governor, the President of the Senate, and the Speaker of the House of Representative by November 1, 2013.

District Innovation School of Technology
The bill creates s. 1002.451, F.S., authorizing a District Innovation School of Technology for the purpose of developing the innovative use of industry-leading technology while requiring high student academic achievement and accountability, in exchange for flexibility and exemption from certain provisions of ch. 1000-1013, F.S. (i.e., the Education Code). The exemption from the Education Code is similar to that provided to charter schools.

A district school board is eligible to apply to the State Board of Education for a performance contract to operate an Innovation School of Technology if the district meets certain student enrollment, financial, and performance accountability requirements. A district school board may apply to the State Board of Education to establish additional Innovation Schools of Technology if other requirements are subsequently met. Three or more contiguous school districts may apply to enter into a joint performance contract as a Region of Technology.

The bill requires an Innovation School of Technology to adopt and implement a blended learning program, and be open to any student covered in an interdistrict agreement or residing in the school district. The bill permits enrollment preferences for students who identify the Innovation School of Technology as the student's preferred choice pursuant to the district's controlled open enrollment plan.

The school district of an Innovation School of Technology must submit an annual report to the State Board of Education, President of the Senate, and Speaker of the House of Representatives by December 1 of each year. The report must delineate the performance of the Innovation School of Technology as it relates to the academic performance of students.

School District Maximum Class Size Compliance Calculation
The bill requires the calculation for compliance with maximum class size pursuant to be the average number of students at the school level for a school or program that is a public school of choice (i.e., virtual instruction program, magnet school, alternative school, special program, advanced placement, and dual enrollment).

Prohibition of Consecutive Unsatisfactory Teachers
The bill prohibits a high school or middle school student from being assigned a classroom teacher

that has received a performance evaluation rating of “needs improvement” or “unsatisfactory” if that child was taught by a classroom teacher that had received either of these evaluation ratings in the same subject area the previous school year.

The bill prohibits an elementary school student from being assigned a classroom teacher that has received a performance evaluation rating of “needs improvement” or “unsatisfactory” if that child was taught by a classroom teacher that had received either of these evaluation ratings in the previous school year.

The bill provides an exception for extracurricular courses, subject to parental written consent.

Successful Load Testing of Technology Infrastructure and Online Assessments
The bill creates an undesignated section of law that prohibits the Department of Education from fully implementing online common core assessments for Next Generation Sunshine State Standards in English/language arts and mathematics for all K-12 public school students until the technology infrastructure, connectivity, and capacity of all public schools and school districts has been load tested and independently verified as ready for successful deployment and implementation.

The bill also requires the technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments, including online assessments, to be load tested and independently verified as appropriate, adequate, efficient, and sustainable. If approved by the Governor, these provisions take effect July 1, 2013.

▪ *CS/HB 7029 Digital Learning*

The bill creates the Florida Approved Courses and Tests (FACT) Initiative, expands student choice regarding online education, and includes accountability provisions for the Florida Virtual School.

Florida Approved Courses and Tests (FACT) Initiative
The bill requires that the FACT Initiative be implemented beginning in the 2015-2016 school year to expand student choice in selecting high-quality online courses, including, but not limited to, massive open online courses (MOOCs) in Algebra I, biology, geometry, and civics, and remedial education associated with courses that are measured by statewide standardized assessments. Providers of Florida approved courses must meet certain requirements that are similar to virtual instruction program provider requirements.

The bill requires the Department of Education to contract with a qualified contractor to conduct a comprehensive study on online courses including MOOCs and competency-based online courses. The findings of the study must be provided by the Department of Education to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2014.

K-12 Online Education
The bill also requires the Department of Education to develop an online catalog of digital learning courses and provide specific information for such courses. The Department of Education must also provide identifiers for courses that are used for blended learning.

The bill removes blended learning courses provided by traditional public schools and charter schools and Florida approved courses from the definition of core curricular courses for purposes of class size requirements. In addition, the bill authorizes students to take online courses across district lines and requires that access to courses be provided to students during the normal school day.

The bill authorizes school districts to contract with qualified contractors to administer and proctor statewide standardized assessments.

Florida Virtual School
The bill requires the Florida Virtual School to annually submit detailed reports to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education regarding the operations, accomplishments, marketing, assets and liabilities, financial audits, and accountability mechanism for the Florida Virtual School Global. In addition, the Florida Virtual School must annually report the cost of providing services to students through the Florida Virtual School and the Florida Virtual School Global.

The bill requires the Auditor General to conduct an operational audit of the Florida Virtual School and the Florida Virtual School Global and submit findings to the President of the Senate and the Speaker of the House of Representatives by January 31, 2014. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 7165***
  Early Learning

The bill changes the governance structure of the Office of Early Learning by establishing the Office of Early Learning within the Department of Education's Office of Independent Education and Parental Choice. The Office of Early Learning must be administered by an executive director who is fully accountable to the Commissioner of Education. The bill requires that the Office of Early Learning independently exercise all power, duties, and functions prescribed by law and must not be construed as part of the K-20 education system.

It increases accountability and transparency in the administration of early learning programs by:

- Requiring the Office of Early Learning to:
- Adopt a list of approved curricula and a process for reviewing and approving provider's curriculum that meets the performance standards.
- Identify a pre-assessment and post-assessment for school readiness program participants.
- Adopt a statewide, standardized contract to be used by coalitions with each school readiness program provider.
- Coordinate with other agencies to perform data matches on individuals or families participating in the School Readiness program.
- Revising procurement and expenditure requirements for early learning coalitions.
- Revising the methodology for calculating the market rate schedule to require that the Office of Early Learning biennially calculate the market rate at the average of the market rate by program care level and provider type in a predetermined geographic market.
- Revising the eligibility criteria for the enrollment of children in the School Readiness program.
- Requiring the Office of Early Learning and each early learning coalition to limit expenditures to no more than 22 percent of funds for any combination of administrative costs, nondirect services, and quality activities in any fiscal year.
- Including provisions for fraud investigations and penalties for early learning coalitions, providers, and parents who submit false information.
- Requiring private providers to maintain a minimum level of general liability insurance, any required workers' compensation, and any required reemployment assistance or unemployment compensation.
- Requiring the Early Learning Advisory Council to periodically analyze and provide recommendations to the office on the effective and efficient use of local, state, and federal funds; the content of professional development training programs; and best practices for the development and implementation of coalition plans.

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

2013
Florida Legislature
Post-Session Report

General Government

Including legislation relating to:

- **Agriculture**
- **Disasters and Emergencies**
- **Consumer Services and Protection**
- **Ethics and Elections**
- **Government Operations, Powers and Budget**
- **Procurement**
- **Security**

General Government

- ***CS/SB 2***
  Ethics for Public Officers and Employees

The bill is an omnibus ethics reform package containing significant changes to the Code of Ethics for Public Officers and Employees that include:

Dual Public Employment
Prohibiting public officers from accepting employment with the state or a political subdivision that is being offered for the purpose of gaining influence or other advantage based upon the person's holding office or candidacy; and providing criteria that must be met for the employment to be lawfully accepted.

Revolving Door
Prohibiting a former legislator from lobbying an executive branch agency, agency official, or employee for a period of two years after leaving office.

Ethics Training
Requiring all constitutional officers to complete 4 hours of ethics training each year; specifying requirements for ethics training; requiring the commission to adopt rules to establish minimum course content; and requiring each house of the Legislature to provide for ethics training pursuant to its rules.

Blind Trusts
Allowing public officers to create a blind trust in order to avoid conflicts of interests arising from the ownership of those assets; specifying that assets placed in a qualified blind trust do not give rise to a conflict of interest under s. 112.313(3), F.S., s. 112.313(7), F.S., and s. 112.3143, F.S.; specifying that assets placed in the trust must be free of any restrictions concerning sale or trade and may not be improbable or impossible to transfer without the officer's knowledge; prohibiting certain conduct and communications to assure that the trust is truly "blind;" specifying who may serve as a trustee; prohibits certain individuals from managing the blind trust; and requiring the officer to file a notice of the trust or a copy of the trust agreement with the Commission on Ethics (Commission).

Voting Conflicts
Providing a definition for the terms "principal by whom retained" and "special private gain or loss;" prohibiting a state public officer from voting on any matter that would inure to his or her special private gain or loss; requiring disclosure of any interest prior to the vote unless it is not possible to do so; providing that, if it is not possible for an officer to disclose an interest prior to the vote, he or she must disclose the interest no later than 15 days after the vote; allowing members of the Legislature to satisfy the disclosure requirements using forms promulgated by their respective house; clarifying that an attorney who serves as a member of the Legislature is not required to disclose information that would violate confidentiality or privilege provided, however, that the member makes a general disclosure apprising the public of the general nature of the conflict; and clarifying that members of the Board of Directors of Enterprise Florida are subject to the voting conflict provisions relating to state public officers in s. 112.3143(2), F.S.

Financial Disclosure

- Requires the qualifying officer to electronically transmit financial disclosure forms of a candidate for elected office to the Commission;
- Requires the Commission to refrain from taking action for 30 days on complaints filed after August 25 and pertaining to the current year which allege immaterial, inconsequential, or de minimis errors or omissions to allow an officer time to cure such an error or omission; Providing what constitutes an immaterial, inconsequential, or de minimis error or omission;
- Authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant;
- Requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief;
- Providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation;

- Authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure;
- Requiring all full and public disclosures of financial interests (CE Form 6) filed with the Commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year;
- Requiring the Commission to submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system by December 1, 2015;
- Revising the definitions in s. 112.3145, F.S. of the terms "local officer" and "specified state employee;"
- Requiring a person filing a statement of financial interest to indicate the method of reporting income;
- Amending the collections techniques available for collecting an unpaid fine for failing to timely file financial disclosure;
- Requiring the Commission to attempt to determine whether an individual owing certain fines is a current public officer or public employee;
- Authorizing the Commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the Commission by such individuals;
- Requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee until the fine is satisfied;
- Authorizing the Chief Financial Officer or the governing body to retain a portion of payment for administrative costs;
- Authorizing garnishment of wages to collect unpaid fines for failure to timely file financial disclosure owed by individuals who are no longer public officers or public employees;
- Authorizing the Commission to contract with a collection agency;
- Authorizing a collection agency to utilize collection methods authorized by law; and
- Extending the statute of limitations to allow up to 20 years to collect such an unpaid fine.

Gifts and Honoraria
Provides that a person is not a "procurement employee" if he or she does not exceed, or is expected not to exceed, $10,000 in purchasing during a year; providing a definition of vendor; prohibiting solicitation of gifts and honoraria from vendors; removing references to committees of continuous existence and political committees from existing gifts and honoraria laws; creating a new prohibition on soliciting or accepting certain "gifts" from a political committee, regardless of the value of the "gift"; defining "gifts" for purposes of the new prohibition; and providing penalty.

Executive Branch Lobbying
Authorizing the Commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the Commission to investigate a lobbyist or principal upon a sworn complaint or random audit; authorizing the Governor and Cabinet to assess a fine on a lobbyist or principal under specified conditions; and providing a civil penalty for failure to disclose certain required information.

Complaint Procedures
Authorizing the Commission on Ethics, upon a vote of six members, to investigate a referral alleging a breach of the public trust, or violation of the Code of Ethics that is received from the Governor, the Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney; providing that a complaint may not be filed against a candidate for public office within the 30 day period before the election unless the complaint is based upon personal information or information other than hearsay; authorizing the Commission to dismiss a complaint alleging a de minimis violation; providing exceptions; and defining "de minimis violation."

This bill was approved by the Governor on May 1, 2013, Ch. 2013-036, Laws of Florida. The provisions of this bill took effect upon becoming law.

- ***CS/CS/SB 50***
  Public Meetings

Neither the Florida Constitution nor the Sunshine Law specifies that members of the public have the right to speak at public meetings. This bill creates a new section of law that requires members of the public to be given a reasonable opportunity to be heard on a proposition considered by the board or commission of a state agency or local government. Such opportunity does not have to occur at the same meeting at which the board or commission takes official action if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. The bill excludes specified meetings and acts from the opportunity to be heard requirement, as follows:

- An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
- An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- A meeting that is exempt from s. 286.011; or
- A meeting during which the board or commission is acting in a quasi-judicial capacity.

The bill authorizes a board or commission to adopt certain reasonable rules or policies governing the opportunity to be heard. If a board or commission adopts such rules or policies and thereafter complies with them, it is deemed to be acting in compliance with the section.

The bill authorizes a circuit court to issue injunctions for the purpose of enforcing the section upon the filing of an application for such injunction by any citizen of Florida. If such an action is filed and the court determines that the board or commission violated the section, the bill requires the court to assess reasonable attorney fees against the board or commission. The bill also authorizes the court to assess reasonable attorney fees against the individual filing the action if the court finds that the action was filed in bad faith or was frivolous. The bill excludes specified public officers from such attorney fee provisions. If a board or commission appeals a court order finding that it violated the section and the order is affirmed, the bill requires the court to assess reasonable appellate attorney fees against the board or commission.

The bill provides that any action taken by a board or commission that is found to be in violation of the section is not void as a result of such violation. Finally, the bill includes a legislative finding of important state interest. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/SB 62***
  Low-Speed Vehicles

The bill establishes procedures to allow a vehicle titled or branded and registered as a low-speed vehicle to be administratively converted to a golf cart upon verification of the conversion by the Department of Highway Safety & Motor Vehicles, which is accomplished by the owner's submittal of an affidavit, surrender of the registration license plate and current certificate of title, payment of a $40 administrative fee, and placement of a specified decal on the rear of the converted vehicle. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 85***
  Public-Private Partnerships

Public-private partnerships are contractual agreements formed between public entities and private sector entities that allow for greater private sector participation in the delivery and financing of public buildings and infrastructure projects. Through these agreements, the skills and assets of each sector, public and private, are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service or facility.

The bill authorizes public-private partnerships to contract for public service work with not-for-profit-organizations. The bill adds provisions for contracts for park land and public education facilities. This bill creates an alternative procurement process and requirements for public-private partnerships to facilitate the construction of public-purpose projects, and creates the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to

make recommendations guidelines for the Legislature to consider for public-private partnerships to foster uniformity across the state. The bill specifies the requirements for such partnerships, which include provisions that require responsible public entities to provide notice of unsolicited proposals, conduct independent analyses of proposed partnerships, notify other affected local jurisdictions, and enter into interim and comprehensive agreements for qualifying projects.

The bill authorizes responsible public entities to approve a qualifying project if there is a need for or benefit derived from the project, the estimated cost of the project is reasonable, and the private entity's plans will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project. The bill also authorizes the use of public-private partnerships for purposes of county road projects. It permits counties to receive or solicit proposals and enter into agreements with private entities to construct, extend, or improve a county road if it is in the best interest of the public. The bill revises the limit on terms for leases that the Orlando-Orange County Expressway Authority may enter into from 40 years to 99 years. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 93***
  Homelessness and Emergency Assistance

The bill allows individuals obtaining or renewing their motor vehicle registration or driver license to make a voluntary contribution of $1 to assist the homeless. Specifically, the bill:

- Effective October 1, 2013, authorizes the Department of Highway Safety and Motor Vehicles to collect a voluntary contribution of $1 in addition to required motor vehicle registration and driver license fees. The funding will go to Department of Children and Family Services to aid the homeless. Exempts the Department of Children and Family Services and the State Office on Homelessness from the required $10,000 fee paid to the Department of Highway Safety and Motor Vehicles to process applications for voluntary contributions associated with motor vehicle registration and driver licenses; and
- Replaces the current emergency assistance program that assists homeless families with a newly-created homeless prevention grant program to provide emergency financial assistance to families facing the loss of their current home due to a financial or other crisis. The bill sets goals for the new program and requires the grant recipients to report on the program's performance.

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

- ***CS/SB 142***
  Developmental Disabilities

The bill substitutes the term "intellectual disability" for "mental retardation" throughout the Florida Statutes, thus eliminating terminology that is now considered out-dated and potentially offensive. The bill also substitutes "the Arc of Florida" for "the Association for Retarded Citizens," where it appears in law, to reflect the correct name of the organization. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 171***
  Disposition of Human Remains

The bill amends various provisions relating to the disposition of human remains. The bill:

- Defines the term "final disposition" to include anatomical donation;
- Adds the Department of Health as an authorized issuer of extensions of time to provide the medical certification and of burial-transit permits, adds the appropriate district medical examiner as one of the persons who must file a death certificate, permits electronic transfer of medical certification of cause of death, and clarifies the obligations of primary and attending physicians;
- Defines several terms to have the same meaning as provided in ch. 497, F.S.;
- Defines a nontransplant anatomical donation organization as a tissue bank or other organization that facilitates nontransplant anatomical donations, including activities such as referral, obtaining of consents and authorizations, acquisition, transport, assessment of acceptability of donors,

preparation, storage, release, evaluation of intended use, distribution, and final disposition of donations.

- Directs any person or entity that has possession, charge, or control of unclaimed human remains that will be buried or cremated at public expense, to notify the anatomical board at the University of Florida Health Science Center (board), and specifies the situations in which notification of the board is not required;
- Defines the reasonable effort that must be undertaken to identify deceased persons and veterans who may be eligible for burial in a national cemetery, and to dispose of unclaimed remains;
- Authorizes the board to embalm the human remains that it receives;
- Permits a funeral director licensed under ch. 497, F.S., to act as a legally authorized person for the unclaimed remains when no family exists or is available, and releases a funeral director from liability for damages when exercising that authority;
- Provides that, when the identity of the unclaimed remains cannot be ascertained, the remains may not be cremated, donated as an anatomical gift, buried at sea, or removed from the state;
- Authorizes counties to dispose of unclaimed remains by burial or cremation pursuant to an ordinance or resolution if the remains are not claimed by the board;
- Clarifies that competing claims for unclaimed remains are prioritized according to the priority of legally authorized persons provided in s. 497.005, F.S.;
- Permits the board to lend remains to accredited colleges of mortuary science for education or research purposes;
- Authorizes the board to pay or reimburse the reasonable expenses, as determined by the board, for the transportation, removal, or storage of unclaimed remains by licensed funeral establishments or removal services;
- Requires the board, rather than the Department of Financial Services (DFS), to keep a record of all fees and other financial transactions, and authorizes the University of Florida to audit these records using an accounting firm paid by the board at least once every three years and provide DFS with the audit;
- Limits the conveyance of human remains by the board outside the state for educational or scientific purposes;
- Allows third parties to convey human remains or any part outside the state for dental education or research purposes, with proper notice to and approval by the board;
- Creates an exception for nontransplant anatomical donation organizations that are accredited by the American Association of Tissue Banks (AATB) to convey human remains into or outside the state, for medical or dental education or research purposes;
- Requires that the original burial-transit permit must accompany human remains received by the board or a nontransplant anatomical donation organization;
- Requires that a nontransplant anatomical donation organization must obtain written consent to dissect, segment, or disarticulate human remains, with such consent expressly stating the long-term preservation or extensive preparation methods that may be used on the remains being dissected, segmented or disarticulated; and
- Prohibits, in exchange for human remains, the giving by any person, institution or organization of any monetary inducement or other valuable consideration to the donor's estate, or other third party. It permits the payment or reimbursement of the reasonable costs associated with the removal, storage, and transportation of human remains, including payment or reimbursement to a funeral establishment or removal service, or the reasonable costs after use, including the disposition of human remains.

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

- ***CS/HB 215***
  Dependent Children Normalcy

The bill amends the law related to children in foster care to better enable these children to participate in extracurricular, enrichment and other social activities. Currently children in foster care are often not allowed to participate in normal, age appropriate activities such as sports, spending an overnight with friends, and even going to the prom. The bill also facilitates the ability of the caregiver to approve activities for foster children, without fear of civil liability. The bill specifies a standard, the reasonable and prudent parent standard, which governs whether a caregiver may be held liable for harm to a foster child while engaged in activities approved by the caregiver. The bill requires the department to adopt rules to administer the new requirements.

The bill provides and clarifies the standard for a court to use in determining whether to return a child to a parent after the court enters an adjudication of dependency. If the child is living with a parent, in order to approve the return of the child to the other parent, there must be finding of substantial compliance with the case plan and the standard shall be that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification. Reunification must also be in the best interest of the child.

This clarifies that a child may not be returned to the parent who harmed the child simply on the basis that the risk of present or future harm is removed. Rather, the move must also be in the child's best interest if the child is currently living in the home of a stable, non-abusive parent.

The bill replaces current law which requires caregivers to produce quarterly progress reports on age appropriate activities with inclusion of activities into the agency's judicial social study report provided to the court.

These provisions were approved by the Governor and take effect on July 1, 2013, Ch. 2013-21, Laws of Florida.

- ***HB 235***
  Identification Requirements for Driver Licenses

The bill amends s. 322.08(2)(c), F.S., to include a notice of an approved application for Deferred Action for Childhood Arrivals as an acceptable form of identification when applying for a driver license. Deferred Action for Childhood Arrivals effectively postpones deportation of persons who were brought unlawfully to the United States as children, provided they meet other specific requirements. Deferred action does not provide lawful immigration status or a path to a green card or citizenship. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 247***
  Paper Reduction

Amends the voter registration application to have a blank in which an applicant can provide his or her email address and space in which to indicate if the voter would like to receive a sample ballot via email. The bill authorizes the Supervisor of Elections to send the sample ballot via email at least 7 days before the election. The bill requires county ordinances, amendments, and emergency ordinances to be submitted to the Department of State electronically. Additionally, the bill permits electronic transmission of the following documents:

- Decisions of a value adjustment board may be sent to the property appraiser and the taxpayer, if the taxpayer selects electronic delivery on the originally filed petition;
- Notice of proposed property taxes;
- Tax exemption renewal applications required under s. 196.011(6)(a). and s. 196.011(6)(b);
- Notification of intent to deny a tax exemption required under s. 196.011(9)(e);
- Decision of the value adjustment board required under s. 194.034(2);
- Bail bond surety affidavits stating the consideration for the bond;
- Notice of forfeiture of a bail bond;
- Orders and notices concerning unpaid bail bond forfeitures converted to a judgment; and,

- Executed Certificate of Cancellation of a cancelled bail bond being sent to a surety.

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

- ***CS/SB 298***
  Department of Citrus

Corrects minor errors and/or unintended changes to chapter 601, F.S., which occurred in HB 1237 during the 2012 Legislative Session when substantial revisions were made to update the Florida Citrus Code. It amends s. 601.152, F.S. to delete an obsolete reference and amends ss. 601.9918 and 601.992, F.S., reverting certain references to the Department of Citrus that were changed to references to the Department of Agriculture and Consumer Services by chapter 2012-182, Laws of Florida.

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

- ***CS/CS/HB 411***
  Children's Initiatives

Florida children's initiatives were created to assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within its boundaries. There are currently three Florida children's initiatives, the Miami Children's Initiative, Inc., the New Town Success Zone, and Parramore Kidz Zone. The Miami Children's Initiative, Inc. is the only initiative codified. There are currently three Florida children's initiatives, the Miami Children's Initiative, Inc., the New Town Success Zone, and Parramore Kidz Zone. The Miami Children's Initiative, Inc. is the only initiative codified.

The bill codifies two other existing children's initiatives:

- The New Town Success Zone in Council District 9 in Duval County (Jacksonville); and
- The Parramore Kidz Zone in Orange County (Orlando).

The bill also provides that in order to be consistent with existing law relating to the Miami Children's Initiative:

- Both initiatives must be managed by a not-for-profit corporation, in accordance with ch. 617, F.S.;
- The corporation is subject to ch. 119, F.S., relating to public records, ch. 286, F.S., relating to public meetings and records, and ch. 287, F.S., relating to procurement of commodities or contractual services;
- The initiatives are not subject to control, supervision, or direction by any department of the state in any manner;
- Both initiatives are designed to encompass an area that is large enough to include all of the necessary components of community life, including, but not limited to, schools, places of worship, recreational facilities, commercial areas, and common space, yet small enough to allow programs and services to reach every member of the neighborhood who is willing to participate in the project; and
- The Department of Children and Families is required to contract with a not-for-profit corporation to implement the provisions of s. 409.147, F.S., on behalf of the Miami Children's Initiative.

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

- ***CS/SB 464***
  Disposition of Unclaimed Property

The bill authorizes the Department of Financial Services to adopt rules to allow an apparent owner of unclaimed property to electronically submit a claim to the department. If the electronically submitted claim is for $1,000 or less, the department may use an alternative method of identity verification. The bill also applies the procedures of ch. 717, F.S., to property reported or remitted by the Chief Financial Officer pursuant to:

- Section 43.19, F.S., Money Paid into Court; Unclaimed Funds. Provides that unclaimed funds held in the court registry for 5 years shall be deposited with the Chief Financial

Officer to the credit of the State School Fund. Accounts/funds held in perpetuity.

- Section 45.032, F.S., Disbursement of Surplus Funds after Judiciary Sale. Provides that unclaimed funds as a result of a property foreclosure are to be deposited with the Chief Financial Officer. Accounts/funds held in perpetuity.
- Section 732.107, F.S., Escheat. Property held by an Estate without Heirs escheats' to the state. Accounts/funds can be claimed for 10 years, after which the funds permanently escheat.
- Section 733.816, F.S., Disposition of Unclaimed Property Held by Personal Representatives. Property held by a Personal Representative that cannot be distributed to a beneficiary is deposited into the court registry and then deposited with the Chief Financial Officer. Accounts/funds can be claimed for 10 years, after which the funds permanently escheat.
- Section 744.534, F.S., Disposition of Unclaimed Funds Held by Guardian. Property held by a Legal Guardian that cannot be distributed to a ward or ward's estate is deposited into the court registry and then is deposited with the Chief Financial Officer. Accounts/funds can be claimed for 5 years, after which the funds permanently escheat.

This bill was approved by the Governor on April 29, 2013, Ch. 2013-034, Laws of Florida. These provisions take effect July 1, 2013.

▪ *CS/CS/CS/HB 489 Railroad Police Officers*

Section 354.01, F.S., authorizes the Governor to appoint "special officers," which are persons employed by railroads or other common carriers for the protection of the railroad's employees, passengers, freight, equipment, and properties. Currently, special officers are required to meet the law enforcement qualifications and training requirements of s. 943.13(1)-(10), F.S.

The bill amends s. 354.01, F.S., to:

- Provide that, until the governor either appoints or rejects an application for appointment, the railroad or common carrier may temporarily employ the person as a special officer if the person complies with the qualifications for employment as a law enforcement officer in s. 943.13, F.S.;
- Require such special officers to have the same training as a law enforcement officer in accordance with ss. 943.13 and 943.135(1), F.S., relating to continuing training and education requirements;
- Provide that a Class I, Class II, or Class III railroad is considered an employing agency for purposes of ss. 943.13 and 943.135(1), F.S., and
- Direct such railroads to pay all costs associated with the training and continuing education of employed special officers.

The bill also amends s. 784.07, F.S., which reclassifies assault and battery offenses committed against specified officers, to include railroad special officers employed by a Class I, II, or III railroad and appointed or pending appointment by the Governor. If approved by the Governor, these provisions take effect July 1, 2013.

▪ *CS/CS/CS/HB 569 Campaign Finance*

The bill is an omnibus campaign finance bill that makes the following substantive changes:

- Eliminates committees of continuous existence (CCE) and provides for an orderly transition process through de-certification on September 30, 2013; retains the $250 aggregate reporting limit for former CCEs reporting "multiple uniform contributions" (formerly "member dues") as a political committee (PC).
- Modifies the current $500 per election individual limit on contributions to candidates as follows:
- $3,000 for statewide and Florida Supreme Court retention candidates;
- $1,000 for other local and state candidates.
- Provides for unlimited contributions to PCs supporting or opposing candidates, in lieu of the current $500 per election limit.

- Removes the "3-pack" exemption that allows PCs to run ads jointly endorsing three (3) or more candidates outside the scope of the contribution limits in ch. 106, F.S.
- Authorizes county political party executive committees to contribute an aggregate of $50,000 to each non-statewide candidate, in addition to the aggregate $50,000 that all other party committees may contribute.
- Limits to $25,000 political party turn backs from candidate surplus funds.
- Increases the frequency of campaign finance reporting for candidates and committees (excluding political party committees), with monthly reports due before state candidate qualifying in June and post-qualifying reporting as follows:
  - **Statewide Candidates and Non-Local PCs/Electioneering Communication Organizations (ECOs)—** WEEKLY full reports of contributions and expenditures, from the end of qualifying to the FRIDAY prior to election; and DAILY contribution only reports beginning on the 10th day before the general election and ending on either the MONDAY (ECOs) or THURSDAY (statewide candidates and non-local PCs) before the general election.
  - **Other Candidates and Local PCs/ ECOs—** BI-WEEKLY beginning on the 60th day before the primary election (FRIDAY) and continuing through the FRIDAY before the general election, with an additional report due on the 25th and 11th days before each election. Requires persons seeking a publicly-elected political party executive committee position who receive contributions or make expenditures to file a single campaign finance report on the FRIDAY immediately preceding the primary election. Prohibits candidates who switch races from "double-dipping" contributors for maximum contributions in both races. Increases the amount certain successful candidates can contribute to an office account, and expands the permissible uses of such funds. Allows a successful state candidate to retain up to $20,000 of campaign funds for reelection. Removes the requirement for petition candidates to pay a deferred one (1) percent election assessment before disposing of surplus funds, transferring funds to an office account, or rolling over reelection funds. Reinstates sponsorship identification disclaimers for campaign fundraiser tickets and advertising. Modifies the titling of campaign depositories and associated checks and debit cards, removing the requirement to include the specific words "Campaign Account."

These provisions were approved by the Governor and take effect on November 1, 2013, unless otherwise provided, Ch. 2013-37, Laws of Florida.

- ***CS/CS/SB 674***
  Animal Shelters and Animal Control Agencies

Requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The bill requires these records to be made available to the public pursuant to the provisions in ch. 119, Florida Statutes.

This bill was approved by the Governor on April 24, 2013, Ch. 2013-032, Laws of Florida. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 701***
  Electronic Benefits Transfer Cards

The bill prohibits the use or acceptance of electronic benefits transfer cards (EBT cards) for the following activities or at the following locations:

- Establishments licensed to sell distilled spirits;
- Adult entertainment establishments;
- Pari-mutuel facilities;
- Slot machine facilities;
- Commercial bingo facilities;
- Casinos;
- Gaming and gambling facilities; or

- Any gaming activities authorized under part II of ch. 285, F.S., (the Gaming Compact between the Seminole Tribe of Florida and the State of Florida, executed on April 7, 2010).

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

- ***CS/CS/HB 939 Medicaid Recoveries***

The bill modifies existing healthcare statutory provisions relating to fraud and abuse, provider controls, and accountability in the Medicaid program. This bill includes the following provisions:

- Requires a Medicaid provider to report a change in any principal of the provider to the Agency for Health Care Administration (AHCA) within 30 days after the change occurs;
- Provides a definition for "administrative fines" for purposes of liability for payment of such fines in the event of a change of ownership;
- Authorizes, rather than requires, the AHCA to perform an onsite inspection of a provider before entering a provider agreement to ensure that the entity complies with the Medicaid program and professional regulations;
- Modifies provider's surety bond requirements to provide that the amount of the bond need not exceed $50,000, if the physician or group of physicians licensed under ch. 458, ch. 459 or ch. 460, has a 50 percent or greater ownership interest in the provider or if the provider is an assisted living facility under ch. 429;
- Provides a definition for principals of a provider with a controlling interest for hospitals and nursing homes, for purposes of conducting criminal background checks to be consistent with the definition for licensure;
- Removes exceptions to the background screenings requirements for hospices or assisted living facilities that are Medicaid providers;
- Permits enrollment of an out-of-state provider if the provider is located within 50 miles of the state line; the provider is a physician actively licensed in the state and interprets diagnostic testing results through telecommunications and information technology from a distance; or the AHCA determines a need for that provider type to ensure adequate access to care;
- Amends the Medicaid Third Party Liability Act with respect to procedures for challenging certain recovered medical expenses to ensure compliance with federal law;
- Expands the list of criminal offenses for which the AHCA may terminate the participation of a Medicaid provider;
- Requires the AHCA to impose the sanction of termination for cause against providers that voluntarily relinquish their Medicaid provider numbers after being notified that an audit, survey, or inspection that could result in the sanction of suspension or termination is underway or has been conducted;
- Requires that when the AHCA determines that an overpayment has been made, the AHCA must base its determination solely on the information available before the issuance of an audit report and upon contemporaneous records. The AHCA may consider addenda and modifications to a note made contemporaneously with the patient care episode if the addenda is germane to the care;
- Requires overpayments or fines to be paid to the AHCA within 30 days after the date of the final order;
- Clarifies the scope of immunity from civil liability for persons who report fraudulent acts or suspected fraudulent acts;
- Amends the membership of the Medicaid and Public Assistance Fraud Strike Force to allow members to utilize designees and repeals the Strike Force effective June 30, 2014; and,
- Repeals s. 624.352, F.S., relating to interagency agreements to detect and deter Medicaid and public assistance fraud effective June 30, 2014.

The AHCA will primarily oversee the implementation of the bill relating to Medicaid in coordination with

the Chief Financial Officer and other state agencies involved in Medicaid and public assistance fraud activities. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 1036***
  Independent Living for Young Adults in Foster Care

This legislation is entitled the "Nancy C. Detert "Common Sense and Compassion Independent Living Act." The bill creates an option for young adults in foster care who have not found permanency before turning 18 years of age to remain in care up to 21years of age in order to finish high school, earn a GED, pursue postsecondary education, or begin a career. The bill also restructures the current Road-to-Independence Program (RTI), strengthens the role and authority of foster parents and group home parents, and codifies the concept of normalcy for children in care where children can participate in age appropriate childhood activities.

The bill contains the following provisions related to the extension of foster care to 21 years of age:

- Provides that a child who is living in licensed care on his or her18th birthday and who has not achieved permanency under s. 39.621, F.S., is eligible to remain in licensed care if he or she meets specified criteria;
- Requires a young adult choosing to remain in care beyond 18 years of age to reside in a supervised living environment, approved by the Department of Children and Families (DCF) or a community-based care lead agency (CBC);
- Allows a young adult to leave and reenter care an unlimited number of times before reaching 21 years of age;
- Requires a CBC lead agency to provide regular case management reviews that ensure contact with a case manager at least monthly while a young adult participates in extended foster care and requires the court to review the young adult's status at least every six months and hold a permanency hearing at least annually; and
- Requires the creation of a transition plan after the 17th birthday of a child in foster care that will be reviewed and updated as necessary until the child leaves care.

The bill provides for the following related to foster parents and normalcy:

- Relieves caseworkers from many responsibilities associated with independent living services for children from 13-17 years of age, transfers those duties to the foster parents and group home parents, and eliminates the need to contract for those services;
- Provides requirements and expectations for foster parents, group home parents, DCF, CBCs and providers;
- Requires adequate training and support for foster parents, inclusion of foster parents in a full and equal respectful partnership with other participants in the child welfare system, and the authority to assist in meeting the goals of the child and the family;
- Codifies the room and board rates for foster parents, provides for an annual cost of living adjustment and a supplemental room and board payment for providing independent living skills to children who are 13 through 17 years of age; and
- Creates the reasonable and prudent parent standard, which governs whether a caregiver may be held liable for harm to a foster child while engaged in activities approved by the caregiver and allows a caregiver to approve activities for foster children, without fear of civil liability.

The bill restructures the current RTI program to accommodate the differing needs of young adults who have either chosen to remain in foster care or who were formerly in care. The bill provides:

- A young adult is eligible to receive financial assistance only while enrolled in a postsecondary educational institution;
- The amount of financial assistance provided for pursuing postsecondary education is dependent upon whether a young adult remains in care and whether he or she continues to live in a licensed foster home,

licensed group home, or another supervised living arrangement;

- Flexibility for young adults enrolled in an eligible postsecondary educational institution. "Full-time student" is defined to mean 9 credit hours or the vocational school equivalent and a student may enroll part-time if he or she has a recognized disability or is faced with another challenge or circumstance that would prevent full-time attendance;
- Payment of financial assistance for a young adult who is not in foster care and is attending a postsecondary school, is made to the CBC lead agency in order to secure housing and utilities, with the balance paid directly to the young adult until the lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance. Payment of financial assistance for a young adult who remains in extended foster care and is attending postsecondary school, is made directly to the foster parent or group home provider;
- An annual eligibility evaluation for renewal of financial assistance is required. A young adult may apply for reinstatement to the program an unlimited number of times if the application is made before the young adult reaches 23 years of age;
- Aftercare services are available to a young adult who has reached 18 years of age but is not yet 23 years of age and is not in foster care or is temporarily not receiving financial assistance under the RTI program. Young adults may receive a variety of aftercare services and temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses; and
- Portability of services and support for children and young adults who relocate within the state.

The bill also contains the following provisions:

- Requires collaboration between the DCF and colleges and universities to create and implement an educational support program for young adults who are or have been in the foster care system;
- Provides for the transfer of young adults who are participating in the current RTI program to the new program without a change in the amount of monthly stipend, the payment method or the living arrangement of the young adult; and
- Requires DCF, in collaboration with the Florida Foster and Adoptive Parent Association and the Quality Parenting Initiative, to design and disseminate training for caregivers on the life skills necessary for children in the foster care system.

If approved by the Governor, these provisions take effect January 1, 2014.

- ***CS/CS/CS/SB 1122***
  Florida Fire Prevention Code

The Florida Fire Prevention Code (FFPC) is a complex set of fire code provisions enforced by the local fire official within each county, municipality, and special fire district in the state. Makes two changes to the statutes governing the application of the FFPC.

First, the bill addresses an apparent discrepancy between the FFPC and the Florida Building Code that currently requires upgrades of multiuse commercial buildings whenever a mercantile use (for the display and sale of merchandise) adjoins a business use (for the transaction of business other than mercantile). The FFPC requires a two-hour fire rated wall or partition between these two use groups while the building code does not. The bill provides that for structures of less than three stories and 10,000 square feet, a fire official shall enforce the less stringent wall fire-rating provisions found in the building code.

Second, the bill exempts certain structures on agricultural lands from the FFPC. Existing law already exempts "farm outbuildings" from the FFPC. The bill provides an additional exemption for structures in which the occupancy is limited to no more than 35 persons, which are part of a "farming or ranching operation," and which are situated on property classified as agricultural for property tax purposes. The bill provides that such structures may not be used

by the public for direct sales or as an educational outreach facility. Moreover, under no circumstances may the structures be used for either residential or assembly occupancies. If approved by the Governor, these provisions take effect July 1, 2013.

▪ *CS/CS/CS/HB 1145 State-Owned or State-Leased Space*

The bill addresses various inventory, sales, lease, and reporting requirements applicable to state-owned and state-leased property. The bill:

- Revises reporting requirements applicable to the annual inventory of state-owned facilities.
- Requires the Division of State Lands in the Department of Environmental Protection to consider a comparable sales analysis or a broker's opinion of value, as opposed to an appraisal, when determining the sale price of lands determined to be surplus, if such property has an estimated value of $500,000 or less.
- Provides and revises various reporting, notice, and bidding requirements applicable to surplus property.
- Requires a state agency, state university, or Florida College System institution, when seeking to use a building or parcel determined to be surplus, to submit a plan for the proposed use.
- Authorizes the Department of Management Services (DMS) to direct a state agency (except Cabinet member agencies) to occupy or relocate to space in any state-owned office building within existing appropriations.
- Requires state agencies to report on their vacant or underutilized space.
- Requires the DMS to include the strategic leasing plan in the annual master leasing report, and directs the DMS to submit the report by October 1 of each year.
- Requires the annual master leasing report to contain recommendations for using capital improvement funds to implement the consolidation of state agencies into state-owned office buildings.
- Removes the authorization for an agency (except for Cabinet member agencies) to negotiate a replacement lease with the lessor if that agency determines that it is in its best interest to remain in the space it currently occupies, and gives the authority to the DMS to make the determination.
- Authorizes the DMS to approve emergency acquisition of space without competitive bids under certain conditions.
- Revises energy performance analysis requirements for buildings occupied by state agencies.

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

▪ *CS/CS/HB 1147 Office of Attorney General*

This bill makes changes to laws enforced by or governing the Office of the Attorney General, also known as the Department of Legal Affairs, including:

- Reduces the amount of funds that revert from the Legal Affairs Revolving Trust Fund to the General Revenue Fund at the end of a fiscal year. Under existing law, amounts in excess of 3 times the combined budgets for the antitrust and racketeering sections of the Department of Legal Affairs revert to the General Revenue Fund. Under the bill, the trust fund will also retain 3 times the amount of the budget for the department's consumer protection section.
- Corrects a discrepancy in statute and specify that rewards for reporting Medicaid fraud to the Florida Department of Law Enforcement be paid from the Operating Trust Fund.
- Incorporates current federal consumer protection laws and regulations of the Federal Trade Commission into the Deceptive and Unfair Trade Practices Act.
- Allows final written notification of the need to repair a vehicle that does not conform to the manufacturer's warranty to be made by any method providing a delivery confirmation.
- Requires that, upon receipt from a manufacturer of a procedure for handling consumer

complaints, the Department of Legal Affairs notify the manufacturer of any deficiencies in the procedure, certify the procedure for a period not to exceed 1 year, or deny the certification and state the reasons for the denial.

- Allows a notice to be sent by the Department of Legal Affairs which rejects a motor vehicle dispute for arbitration be sent by any method by deleting a requirement that the notice be sent by registered mail.

- Allows the Attorney General's discretion as to whether to file an action based on a complaint involving discriminatory housing practices.

These provisions became law upon approval by the Governor on July 1, 2013.

▪ *CS/CS/SB 1300 Limited Liability Companies*

The bill creates the Revised Limited Liability Companies Act. Many provisions in existing law are retained, but the bill makes some substantial changes to the rules governing Limited Liability Companies. The bill is substantially based on the Revised Uniform Limited Liability Company Act of 2006 as amended in 2011 with deviations to reflect unique situations present in Florida. Among the most significant changes, the bill:

- Imposes an obligation directly on the members or managers of an LLC, as applicable, to correct information in articles of organization that become inaccurate.

- Expands the list of nonwaivable default rules that cannot be superseded by the operating agreement of an LLC.

- Authorizes an LLC to file a statement of authority, which provides constructive notice as to who can bind the LLC.

- Modifies provisions addressing the LLC's management structure. It removes the concept of a "managing member" who is elected from among the existing members. An LLC that was managed by a "managing member" is now considered to be member managed and the former managing member is not entitled to compensation unless agreed upon in an operating agreement.

- Requires the unanimous vote of the members to amend the operating agreement or the articles of organization of a member-managed LLC.

- Allows a member of an LLC to dissociate at any time, rightfully or wrongfully, by withdrawing by "express will." If a member dissociates, the member loses the right to participate in the LLC's management. Additionally, the bill provides 14 new causes for dissociation of a member other than bankruptcy or insolvency of a member, which already exist in current law.

- Provides specific procedures for service of process on an LLC, including the method of delivery and waiver of a right any to notice given by the bill or the articles of organization or the operating agreement of the LLC.

- Allows a member of an LLC to maintain a derivative action to enforce a right of the LLC when, within a reasonable time, an action is not instituted after a member or manager makes a demand. If the demand would be futile or irreparable injury would result to the LLC by waiting for the members or managers to bring the action, the bill authorizes the member to begin a derivative action.

- Permits interest exchanges in another business entity and allows non-U.S. entities to become LLCs in this state while continuing its existence in the foreign jurisdiction.

If approved by the Governor, these provisions take effect January 1, 2014.

▪ *CS/CS/HB 1309 Procurement of Commodities and Contractual Services*

The bill makes the following revisions to provisions governing state agency procurement and contracting, including, but not limited to:

- Requiring public agency contracts for services to include provisions that the public has access to public records, and requiring the public agency to enforce compliance with public records requests;

- Requiring specified accountability provisions to be included in grant agreements;
- Requiring agencies to appoint grant managers; such grant manager must be a certified contract manager if the grant agreement is in excess of $100,000 annually;
- Providing for the Chief Financial Officer's (CFO) audit of executed grant agreements and contracts;
- Providing that both the Department of Management Services (DMS) and the CFO are jointly responsible for contract management training;
- Requiring invitations to bid to be awarded to the lowest responsive bidder;
- Permitting the DMS to lead joint agreements with governmental entities; and
- Removing the requirement that an agency head certify emergency procurement documents.

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

- ***CS/CS/HB 1355***
  Purchase of Firearms by Mentally Ill Persons

Current law prohibits dealers from selling firearms to persons who have been committed to a mental institution. The bill broadens the definition of "committed to a mental institution" to include persons who have had an involuntary examination under the Baker Act and who have then voluntarily admitted themselves for outpatient or inpatient treatment so long as all of the requirements below are satisfied:

- An examining physician found that the person is an imminent danger to himself or herself or others.
- The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing in the petition.
- Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license, and the person acknowledged such notice in writing.
- A judge or a magistrate has reviewed the record classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the Florida Department of Law Enforcement (FDLE).

Within 24 hours after the person's agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgement must be filed by the administrator of the receiving or treatment facility, with the clerk of the court for the county in which the involuntary examination occurred. No fee may be charged for such filing. The clerk must present the record to a judge or magistrate within 24 hours after receipt. The judge or magistrate is required to review the record ex parte (in private) and, if he or she determines that the record supports the classifying of the person as an imminent danger to themselves or others, to order that the record be submitted to FDLE. If so ordered, the record must be submitted to FDLE within 24 hours.

The new definition of "committed to a mental institution" and the procedure created for the examining physician, receiving or treatment facility, and the court to follow will allow the court order and records to be transmitted to FDLE to be included in state and federal firearm purchase related databases. Because the records are a part of the databases, the person will not be able to purchase a firearm or receive a concealed weapons permit, and if he or she possesses a concealed weapons permit, it will be suspended or revoked. The firearm and concealed weapons restrictions will remain 2013 Summary of Legislation Passed Committee on Criminal Justice effective until the person is ready to avail him or herself of the process under current law for having these restrictions lifted. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 1393***
  Agricultural Storage and Shipping Containers

This bill provides protection for owners of plastic bulk merchandise containers used for the storage or transport of agricultural or other commercial goods. Specifically, the bill allows for the recording of marks or brands in the office of the Department of Agriculture and Consumer Services. The bill sets forth procedures that must be followed for the sale and purchase of five or more such containers and further establishes record keeping requirements, criminal penalties for violations, and a civil cause of action for damages. The bill provides an exemption for charitable organizations exempt from income tax under s. 501(c)(3) of the Internal Revenue Code and licensed waste haulers. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/SB 1410***
  Fire Safety and Prevention/Omnibus Bill

The bill makes changes to ch. 633, F.S., Fire Prevention and Control, which is administered by the Division of State Fire Marshal within the Florida Department of Financial Services. The bill:

- Revises provisions relating to the authority of the State Fire Marshal.
- Revises the renewal period for firesafety inspector certification from 3 years to 4.
- Revises provisions relating to the disciplinary authority of the State Fire Marshal.
- Authorizes the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons, and provides terms and conditions of probation.
- Revises provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal.
- Requires the State Fire Marshal to investigate a fire or explosion resulting in property damage and to keep records from such investigations.
- Revises provisions relating to the authority of agents of the State Fire Marshal.
- Clarifies provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided.
- Provides penalties for rendering a fire protection system inoperative and provides penalties for using a certificate issued to another person.
- Revises provisions to include investigation of explosions in fraudulent insurance claim investigations.
- Authorizes the State Fire Marshal to adopt rules to implement provisions relating to an insurance company's investigation of a suspected explosion by intentional means.
- Requires the division to establish by rule:
  - Uniform minimum standards for the employment and training of firefighters and volunteer firefighters;
  - Minimum curriculum requirements and criteria for the approval of education or training providers;
  - Standards for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities for training firefighters and volunteer firefighters;
  - Standards for the certification, denial of certification, probation, and revocation of certification for instructors; and
  - Minimum training qualifications for persons serving as specified firesafety coordinators.
- Requires the division to issue specified licenses, certificates, and permits.
- Requires notification of any felony actions against a licensee, permittee, or certificate holder.
- Revises terminology to provide for declaratory statements rather than formal interpretations in nonbinding interpretations by the division regarding the Florida Fire Prevention Code.

- Provides that a special district may enact any ordinance relating to firesafety codes that is identical to ch. 633, F.S., or any state law, except as to penalties.
- Clarifies persons authorized to inspect buildings and structures.
- Revises requirements of persons conducting firesafety inspections.
- Increases from 3 to 4 the number of years a fire safety inspector certificate is valid.
- Increases the continuing education requirements for a fire safety inspector certificate from 40 hours to 54 hours.
- Requires the department to provide by rule for the certification of Fire Code Administrators.
- Authorizes, rather than requires, the State Fire Marshal or agents thereof to conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned building or state-leased building or space on a recurring basis.
- Requires the State Fire Marshal or agents thereof to ensure that fire drills are conducted in all high-hazard state-owned buildings or high-hazard state-leased occupancies at least annually.
- Authorizes the division to inspect state-owned buildings and spaces and state-leased buildings and spaces as necessary before occupancy or during construction, renovation, or alteration to ascertain compliance with uniform firesafety standards.
- Authorizes the Florida Fire Safety Board to review complaints and make recommendations, and, provides for the election of officers, quorum, and compensation of the board and requires the board to adopt a seal.
- Provides conditions that an applicant for a license of any class who has facilities located outside the state must meet in order to obtain a required equipment inspection.
- Provides for the adoption of rules with respect to the establishment and calculation of inspection costs.
- Revises and clarifies provisions that exclude from licensure, for a specified period, applicants having a previous criminal conviction and defines the term “convicted.”
- Revises provisions that authorize the State Fire Marshal to suspend a fire protection system contractor’s or permittee’s certificate.
- Provides for an additional member of the Firefighters Employment, Standards, and Training council to be added from the Florida Forest Service; provides for organization of the council and its meetings, and compensation; and provides for special powers of the council in connection with the employment and training of firefighters.
- Specifies classes of certification awarded by the division and authorizes the division to establish specified additional certificates by rule, and:
- Revises provisions relating to firefighter and volunteer firefighter training and certification.
- Requires the division to establish by rule specified courses and course examinations.
- Provides that courses may only be administered by specified education or training providers and taught by certified instructors.
- Revises provisions with respect to payment of training costs and payment of tuition for attendance at approved courses.
- Provides requirements for issuance by the division of a firefighter and volunteer firefighter certificate of compliance.
- Authorizes the division to issue a Special Certificate of Compliance and provides requirements and limitations with respect thereto.
- Increases the required number of hours of the structural fire training program from 40 to 54 hours.
- Provides for a Forestry Certificate of Compliance and prescribes the rights, privileges, and benefits thereof.

- Revises provisions relating to disqualifying offenses and provides requirements of the division with respect to suspension or revocation of a firefighter certificate.
- Prohibits a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or a supervisor of firefighters without required certification.
- Requires a fire service provider to notify the division of specified hirings, retentions, terminations, decisions not to retain a firefighter, and determinations of failure to meet certain requirements.
- Authorizes the division to conduct site visits to fire departments to monitor compliance.
- Requires the State Fire Marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals, and:
- Specifies that supplemental compensation shall be paid to qualifying full-time employees of a fire service provider.
- Specifies that policy guidelines be adopted by rule, classifying the division as a fire service provider responsible for the payment of supplemental compensation to full-time firefighters employed by the division.
- Revises provisions relating to revocation of certification.
- Provides requirements with respect to application for certification.
- Revises provisions that require the division to make studies, investigations, inspections, and inquiries with respect to firefighter employee injuries, illnesses, safety-based complaints, or line-of-duty deaths in firefighter employee places of employment.
- Authorizes the division to adopt by rule procedures for conducting inspections and inquiries of firefighter employers and further authorizes the division to enter the premises to investigate compliance; provides criminal penalties; requires firefighter employers to submit a plan for the correction of noncompliance issues to the division for approval in accordance with division rule; and provides the procedure if a plan is not submitted, does not provide corrective actions, is incomplete, or is not implemented.
- Provides for workplace safety committees and coordinators, including mandatory negotiations during collective bargaining; provides for compensation of the workplace safety committee; and authorizes the cancellation of an insurance plan due to noncompliance.
- Prescribes additional administrative penalties for firefighter employers for violation of, or refusal to comply with, part V of ch. 633, F.S., and provides for location of hearings.
- Clarifies requirements from which private firefighter employers are exempt.
- Requires reinspection after specified noncompliance.
- Removes provisions that exclude from employment for a specified period an applicant for employment with a fire department who has a prior felony conviction.
- Revises provisions relating to adjustments in payments of accidental death benefits for firefighters.
- Repeals the retrofit of existing nursing homes through the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program.
- Repeals the State Fire Marshal Scholarship Grant Program.
- Specifies that independent special fire control districts may levy non-ad valorem assessments for emergency medical services and emergency transport services, and provides that if a district levies a non-ad valorem assessment for emergency medical services or emergency transport services, that district must cease charging an ad valorem tax for that service.
- Recognizes that the provision of emergency medical services and emergency transport

services constitutes a benefit to real property.

- Provides that a district can levy non-ad valorem assessments on lands within the district (current law has allowed theses assessments on "benefitted property") for the exercise of the Independent Special Fire Control District Act, and removes the current law that had required that these assessments must be based on the specific benefit accruing to the benefitted property.

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

- ***SB 1500***
  Appropriations

The General Appropriations Act for Fiscal Year 2013-2014 provides for a total budget of $74.5 billion, including:

- General revenue (GR): $26.8 billion
- Trust funds (TF): $47.7 billion
- Full time equivalent positions (FTEs):
  - FY 2013-2014 FTE = 114,481.50
  - FY 2012-2013 FTE = 117,930
  - Reduction of 3,448.50 FTE
- Total reserves - $2.8 billion:
  - $1.4 billion Working Capital Trust Fund
  - $214.5 million Budget Stabilization Transfer (Fiscal Year 2013-2014 transfer)
  - $708.3 million Budget Stabilization Fund (Est. 6/30/13 balance based on anticipated transfers)
  - $499.3 million Lawton Chiles Endowment Fund (Est. 6/30/13 balance)
- Total reserves as a percentage of general revenue: 9.7 percent.

This bill was approved by the Governor on May 20, 2013, with an Appropriation veto, Ch. 2013-040, Laws of Florida. These provisions take effect July 1, 2013.

- ***SB 1502***
  Implementing the 2013-2014 General Appropriations Act

The bill implements the 2013-2014 General Appropriations Act, SB 1500, and makes conforming substantive changes to law for the 2013-2014 fiscal year.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-041, Laws of Florida. These provisions take effect July 1, 2013, except as otherwise provided.

- ***SB 1518***
  Department of Children and Families

This bill allows managing entities under contract with the Department of Children and Families (DCF) for the regional management of behavioral health and substance abuse services, to carry forward unspent state dollars from one fiscal year to the next, under specified parameters. DCF is required to provide a two-month advance payment to a managing entity at the beginning of a fiscal year. These provisions mirror current law for community-based care (CBC) lead agency contracts. It alters the weighting for DCF's allocations to CBC lead agencies. Currently, the allocations are weighted 75% for recurring core services funding and 25% for the equity allocation model. The bill changes the weighting to 90% and 10%, respectively. This change will alter the allocations among the CBC lead agencies but will not require more state funding.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-047, Laws of Florida. These provisions take effect July 1, 2013.

- ***SB 1784***
  Military Installations

The bill amends the purpose and functions of the Military Base Protection Program (MBPP), within the Department of Economic Opportunity (DEO). The bill provides legislative findings related to encroachment of military installations, redefines the functions of the MBPP, and provides funding authority for the Board of Trustees of the Internal Improvement Trust Fund (Board) to acquire non-conservation lands to buffer a military base against encroachment.

The bill redefines the functions of the MBPP to include:

- Securing non-conservation lands to serve as a buffer to protect military installations against encroachment; and
- Supporting local community efforts to engage in service partnerships with military installations.

The bill revises the current funding appropriation purposes of the MBPP to include encroachment reduction or prevention. The bill authorizes the DEO to submit an annual list to the Board to acquire non-conservation lands, and directs the Board to consider the recommendations of the Florida Defense Support Task Force in making determinations to acquire non-conservation lands. The bill authorizes the Board to acquire non-conservation lands from the list submitted by the DEO for buffering a military base against encroachment, subject to a specific appropriation. As it relates to the provisions outlined in the bill, the term "non-conservation lands" is defined as lands that are not subject to acquisition by the Florida Forever Program.

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

- ***SB 1810***
  Florida Retirement System

The bill sets the employer-paid contribution rates for the Florida Retirement System (FRS) and the Retiree Health Insurance Subsidy (HIS) program, effective July 1, 2013.

The employer-paid contribution for the HIS program is increased from 1.11 percent of the employer's payroll to 1.20 percent of the employer's payroll. These funds will be deposited into the Retiree Health Insurance Subsidy Trust Fund to pay benefits to participating retirees.

The employer-paid contribution rates to pay the normal costs and amortization of the unfunded actuarial liability of the FRS are increased. These rates are based on the rates recommended in the "Blended Rate Study" associated with the 2012 Actuarial Valuation of the FRS. These funds will be deposited into the FRS Trust Fund to fund retirement benefits to members participating in the FRS.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-053, Laws of Florida. These provisions take effect July 1, 2013.

- ***HB 5401***
  Transparency in State Contracting

The Transparency Florida Act (act) requires specified government fiscal and contract information to be made publicly available via website or management system. Among other provisions, it requires:

- The Executive Office of the Governor to establish a website making certain information relating to the state budget open to the public; and
- The Chief Financial Officer to provide public access to a state contract management system providing specified information relating to government contracts.

This bill amends the act relating to government fiscal information websites as follows:

- Requires the creation of a single website through which all other websites required by the act may be accessed;
- Creates style and formatting requirements for all websites required by the act;
- Requires the creation of a website relating to state employee and officer data;
- Requires the creation of a website relating to state fiscal planning data; and
- Adds search criteria and informational requirements to the existing state budget website.

The bill amends the act relating to the state contract management system as follows:

- Renames the state contract management system the state contract tracking system;
- Expands the posting requirements to include the contract itself, certain related procurement documents, and additional related information;
- Creates an exemption from posting requirements for those records that could reveal attorney work product or strategy;

- Authorizes the Chief Financial Officer to regulate or prohibit the posting of certain records, including any that could jeopardize the health, safety, or welfare of the public;
- Requires redaction of confidential or exempt information in a record prior to its posting and creates related provisions; and
- Authorizes the Department of Legal Affairs and the Department of Agriculture and Consumer Services to post the required information on their own websites in lieu of in the state contract tracking system operated by the Chief Financial Officer.

The bill also creates a User Experience Task Force tasked with developing a design for consolidating existing state-managed websites that provide public access to state operational and fiscal information into a single website.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-054, Laws of Florida. These provisions take effect July 1, 2013.

- ***HB 5503***
  Fish and Wildlife Conservation Commission

The bill deletes ss. 328.72(1)(b) and 379.354(1)(b), Florida Statutes, eliminating the Consumer Price Index adjustments to vessel registration fees and recreational hunting and fishing license fees which would have taken effect July 1, 2013.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-056, Laws of Florida. These provisions take effect July 1, 2013.

- ***CS/HB 7013***
  Florida Election Code/Omnibus Bill

The bill consists of numerous significant changes to the Florida Election Code that include:

Early Voting
Providing a minimum of 8 days of early voting up to a maximum of 14 days of early voting; permitting early voting to begin as early as the 15th day prior to the election; requiring early voting between the 10th day before the election and the 3rd day before the election; permitting early voting on the second day before the election; permitting between 8 and 12 hours per day of early voting; requiring a minimum of 64 hours of early voting; permitting a maximum of 168 hours allowable; permitting Supervisors of Elections ("Supervisor") flexibility to schedule site hours by location; expanding the list of permissible early voting sites to include fairgrounds, civic centers, courthouses, county commission buildings, stadiums, convention centers, government-owned senior centers, and government-owned community centers; permits Supervisors to select one additional early voting site of his or her choosing under certain circumstances; requires Supervisors to have at least the same number of early voting sites in a general election as were utilized in the 2012 general election.

Election Preparation Report
Creating a requirement that Supervisors create an election preparation report addressing staffing and equipment for the general election; requiring the Supervisors to post the election preparation report on the Supervisors' official website.

Legislative Ballot Summaries
Providing that the first ballot summary for a legislative constitutional amendment or revision must be no longer than 75 words; any other alternative ballot summary is not subject to the 75 word limitation; providing that an invalidated summary being rewritten by the Attorney General is not subject to the 75 word limitation.

Late Registration
Extending the deadline for a uniformed services member or Merchant Marine and his/her family member who has returned from military deployment or activation to register to vote until 5 p.m. on the Friday before an election.

County Canvassing Boards
Allowing appointment of alternate members in addition to substitute members; requiring the Supervisors to upload Early Voting and Absentee ballots that have been canvassed and tabulated by the end of early voting by 7 p.m. on the day before the election; providing that the tabulation and results of the uploaded Early Voting and Absentee ballots uploaded are not public until the polls close.

Absentee Ballots
Requiring absentee ballot requests for ballots which are to be sent to an address other than the one on

file in the Florida Voter Registration System to be made in writing and signed by the elector; providing an exemption to that requirement for absent uniformed service voters and overseas voters; requiring the free access system to indicate when an absentee ballot was returned unsigned; providing a method to cure an unsigned absentee ballot by submitting an affidavit up to 5 p.m. on the day before an election; making it a first degree misdemeanor for a person who, for pecuniary or other benefit, distributes, orders, requests, collects, delivers or otherwise possesses more than two absentee ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member; codifying the federal consent decree to provide that an absentee ballot from uniformed service voters and overseas voters must be counted if they were signed and dated, or postmarked, no later than election day and were received by the Supervisor no later than 10 days after the election; expanding the consent decree to require counting of all votes cast in all races in a Presidential Preference Primary or general election; prohibiting distribution of absentee ballots to an elector or an elector's immediate family member on election day unless there is an emergency rendering the elector unable to go to his or her polling place; permitting the use of a voter's signature on file in a precinct register to verify the signature on an absentee ballot.

Primary Election Date
Moving the primary election date to 10 weeks before the general election.

No Solicitation Zone
Prohibiting establishment of a no solicitation zone, designation of an area in which solicitors are required to stay, or otherwise restricting access to voters outside of the 100 foot statutory no solicitation zone; clarifying that soliciting voters is prohibited within 100 feet of a Supervisor's office where absentee ballots are requested and printed on demand for the convenience of electors who appear in person to request the absentee ballots.

Voting System Vendors
Requiring anyone who submits an electronic or electromechanical voting system for approval, or any person entering a contract for the sale or lease of such equipment, to provide the Department of State the name, address, and telephone number of a registered agent within the state; creating a mechanism for the Department to investigate defective voting systems, suspend sales and use of systems, and impose a civil penalty against vendors under certain circumstances; providing for vendor disclosure of defects in voting systems to the Department; providing that, if a defect is found which was not disclosed by the vendor, the system may not be used or sold until the system has been inspected by the Department; exempts all proceedings from the Administrative Procedures Act in ch. 120, F.S.

Voting System Audit
Creating an option for the Canvassing Board to conduct an automated, independent audit; specifying that the automated, independent audit would consist of a public tally of the votes cast across every race that appears on the ballot in at least 20 percent of randomly-chosen precincts; requiring the Department of State to adopt rules for approval of an independent, automated audit system and provide minimum standards.

Change of Address at the Polls
Providing an exception for an elector who has moved to an assigned precinct that uses an electronic database as the precinct register at the polling place.

ADA Voting Equipment
Providing that voting equipment must be available for the disabled that meets the requirements in the federal Help America Vote Act and s. 101.56062, F.S., by the year 2020.

Multi-Language Ballots
Allowing Supervisors in counties that are subject to the federal multi-language ballot requirement to petition the U.S. Department of Justice for authority to print and deliver single language ballots for each minority language required to be provided.

Presidential Preference Primaries
Removing the presidential preference primary date selection committee; providing instead that the primary dates will be on the first Tuesday that the major political parties' rules allow for allocating delegates without penalty.

Committees of Continuous Existence
Providing that the gifts law and honoraria law apply to Committees of Continuous Existence ("CCEs") and reporting individuals or procurement employ-

ees through September 30, 2013, when CCEs are de-certified under the campaign finance bill.

This bill was approved by the Governor on May 21, 2013, Ch. 2013-057, Laws of Florida. These provisions take effect January 1, 2014, except where otherwise provided therein.

- ***CS/CS/HB 7023***
  Department of Agriculture and Consumer Services

The bill modifies a number of regulatory activities under the jurisdiction of the Florida Department of Agriculture and Consumer Services (DACS). Specifically, the bill makes the following changes to DACS' regulatory activities:

Recovery Agents and Private Investigators

- Revises the definition of repossession to specify when a recovery agent has active possession and command of a recovered vehicle or other equipment, i.e., when the repossession is complete.
- Clarifies that proof of annual firearms training for class "G" and "K" licensees be submitted to DACS upon completion, provides suspension or non-renewal for non-compliance, and creates a third-degree felony for issuing a fraudulent training certificate as part of an application for licensure.
- Removes the 50-mile radius limitation on private investigator and recovery agent internships.
- Charitable Organizations and Professional Solicitors
- Updates the requirements for filing financial reports for charitable organizations, and provides that charitable organization and sponsor renewal statements must be issued by DACS 30 days prior to expiration and may be sent via electronic mail. In addition, removes notary requirements for registration packages, increases the application and renewal processing time from 10 to 15 days, and clarifies criminal reporting requirements for charitable organizations and sponsors.
- Updates the annual registration requirement for professional solicitors and fundraising consultants so that registration renewal is based on the date of issuance.
- Exempts charities that have total revenue of less than $25,000, have no employees or members compensated to do fundraising, and that do not use a professional solicitor, from the $10 annual registration fee.
- Reduces the time for professional solicitors to file financial documentation for campaigns lasting less than 1 year and extends the due date for financial reporting on campaigns lasting more than 1 year.
- Eliminates the requirement that charitable organizations and sponsors place a statement on all printed material stating the percentage of each contribution retained by a professional solicitor and the percentage of each contribution received by the organization or sponsor.
- Makes it unlawful for solicitors of contributions to provide false, misleading, or inaccurate information and authorizes the issuance of cease and desist orders for certain prohibited acts committed by charitable organizations.

Health Studios

- Reduces the required security for certain health studios from $50,000 to $25,000.

Telemarketers

- Amends the Florida Do Not Call statute to prohibit telephone solicitors seeking donations on behalf of charities from contacting individuals who have previously communicated to the solicitor that he or she does not wish to receive telephone solicitations from that charitable organization.
- Eliminates the requirement that telemarketing salespersons provide a 3-year work history, and requires a telemarketing business to keep its bond or other security in force as long as the business is open and operating. Authorizes onsite inspection by investigators and provides notice to telemarketers engaged in timeshare sales that they must comply with DACS and the Department of Business and Professional Regulation licensing requirements.

Moving Brokers

- Requires moving brokers to supply a list of affiliated movers, and requires moving brokers only contract with properly registered movers.

Fuels

- Transfers petroleum inspection fee collections from DACS to the Department of Revenue, exempts certain measuring devices from permitting fees, and exempts devices used for measuring aviation fuel from permitting requirements.
- Amends the definition of alternative fuel to provide for adopting fuel quality standards that cover new blended fuels.
- Requires entities that sell or distribute petroleum or alternative fuels to meet fuel standards adopted by DACS.
- Provides that terminal suppliers, wholesalers, or blenders licensed under ch. 206, F.S., are not liable for injuries or damage resulting from the subsequent blending of petroleum or alternative fuels if the petroleum or alternative fuels met the standards adopted by DACS while under ownership of the terminal suppliers, wholesale, or blender.
- Provides that terminal suppliers, wholesalers, or retailers are not liable for damages caused by the incompatible use of motor fuels under certain circumstances.

LP Gas Licenses

- Staggers the license expiration dates for Liquefied Petroleum gas licensees, requires applicants taking the license examination pass each area of the examination with a score of at least 75 percent, and increases the minimum number of hours of continuing education from 12 to 16 hours.

Weighing and Measuring Devices

- Extends the sunset repeal provision from July 1, 2014, to July 1, 2020, relating to permitting fees for weighing and measuring devices.

Pawnshops

- Allows pawnshop owners to have their fingerprints taken at a fingerprinting service provider authorized by the Florida Department of Law Enforcement.

Business Opportunities

- Authorizes DACS to create a form allowing franchises to file a notice of exemption from the business opportunity regulation statute and eliminates the required disclosure statements and mandatory filing requirements applicable to the seller of a business opportunity. In addition, eliminates the required $300 annual fee and the $50 filing update fee due from the seller of a business opportunity, and eliminates DACS' enforcement authority on unlawful acts committed by a seller of a business opportunity.

Motor Vehicle Repair Council

- Decreases the size of the Motor Vehicle Repair Council from eleven to nine members.

Amusement Rides

- Eliminates the option of obtaining a bond for operators of amusement rides.

The bill contains a severability clause. If approved by the Governor, these provisions take effect July 1, 2013.

▪ *HB 7059 International Driving Permits*

The bill restores s. 322.04, F.S., to its condition prior to the revisions made in 2012. As a result, no International Driving Permit is required for nonresidents wishing to drive legally in the state. Possession of a valid driver license remains a requirement.

These provisions were approved by the Governor and take effect retroactively to January 1, 2013, Ch. 2013-001, Laws of Florida.

▪ *CS/HB 7087 Department of Agriculture and Consumer Services*

Modifies several programs and activities under the jurisdiction of the Department of Agriculture and Consumer Services (department). The bill generally does the following:

- Provides public hearings to discuss a proposed 10-year Resource Management Plan for a state forest must be held in any one of the affected counties rather than in each affected county.

- Transfers management of the state-owned portion of the Babcock Ranch to the department, including:
- Providing Lee County will retain ownership and assume responsibility for a specified portion of the Babcock Ranch acquisition.
- Revising provisions of the Babcock Reserve Ranch Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.
- Creating the Babcock Ranch Advisory Group to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.
- Authorizing the department and commission to establish and implement permit fees for Tier II public hunting to capitalize on the value of hunting on portions of the Babcock Ranch Preserve and to help ensure the Preserve is financially self-sufficient.
- Authorizes the Board of Trustees of the Internal Improvement Trust Fund to enter into agreements necessary and appropriate to carry out the purposes and activities of the Preserve and to grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors to the Preserve. No natural curiosities or objects of interest are to be made available if it will interfere with free access to them by the public.
- Clarifies any cash, unexpended balances, or assets remaining after the Babcock Ranch, Inc., is dissolved shall revert to the state.
- Revises provisions relating to the distribution of funds to aid local mosquito control programs.
- Eliminates all permitting requirements for livestock haulers and the issuance of metal tags or plates to the livestock haulers by the department.
- Creates the Division of Food, Nutrition, and Wellness within the department.
- Authorizes the department to enter into agreements or to terminate agreements with Direct Support Organizations without having to file legislation.
- Moves procedures for certain fertilizer analyses from statute to rule to allow for changes in technology and in commercial fertilizer practices.
- Moves numeric criteria for laboratory analysis of fertilizer samples from statute to rule and provides the department with clear authority to adopt rules that address the criteria.
- Authorizes the department to recover costs incurred during enforcement actions related to the adulteration or misbranding of honey.
- Expands the Operation Outdoor Freedom Program to provide more recreational opportunities for wounded veterans.
- Gives the Florida Forest Service (FFS) the power, authority, and duty to authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning.
- Changes the name of the Florida Center for Wildfire and Forest Resources Management Training to the Florida Forest Service Training Center and removes the advisory committee for the training center.
- Defines the term “gross negligence” to limit the liability of the FFS, landowners, and leaseholders when conducting prescribed burns. Authorizes the FFS to delegate land clearing and yard trash burning to special districts as well as to counties and municipalities.
- Revises provisions relating to criminal penalties for obstructing the prevention, detection or suppression of wildfires.
- Creates ch. 595, F.S., the “Florida School Food and Nutrition Act.”
- Provides state policy for school food service and food service programs.
- Requires each school to electronically submit its local school wellness policy to the Department of Agriculture and Consumer Services rather than to the Department of Education.

- Requires Implement and adopt by rule, as required, federal regulations to maximize federal assistance for the program.
- To develop and propose legislation necessary to implement the program, encourage the development of innovative school nutrition programs, and expand participation in the program.
- To employ persons as are necessary to perform the duties of chapter 595, F.S.
- To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the program.
- To assist, train, and review each sponsor in its implementation of the program.
- To advance funds from the program's annual appropriation to sponsors, when requested, in order to implement the provisions of chapter 595, F.S., and in accordance with federal regulations.

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

- ***CS/CS/HB 7125***
  Highway Safety and Motor Vehicles

The bill makes numerous changes to the way the Department of Highway Safety and Motor Vehicles (DHSMV, department) administers many of its programs and functions.

The major provisions of this bill include:

- Correcting inconsistencies and references to the International Registration Plan.
- Revising procedures related to red light camera enforcement. The bill provides a 60 day period in which a person must pay the fine, identify another driver was in control of the vehicle, or request a hearing before a local hearing officer. Enforcement of right-turn-on-red violations is restricted.
- Requiring drivers to yield the left lane to overtaking vehicles when traveling 10 mph slower than posted speed.
- Lowering the blood alcohol level threshold at which an ignition interlock device (IID) will prevent a vehicle from starting from 0.05 to 0.025 for persons convicted of DUI and required to install an IID.
- Requiring commercial motor vehicle drivers to comply with federal regulations relating to the use of handheld mobile devices and medical certification standards, and establishing a schedule of penalties for violations.
- Requiring holders of commercial learners permits adhere to the same noncriminal traffic infraction provisions as commercial driver license holders.
- Allowing the DHSMV to use a new form for buyers and sellers when transferring electronic titles as it relates to motor vehicle casual sales.
- Clarifying vehicle and vessel registration identification requirements as follows:
- An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport.
- A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number.
- Allowing the DHSMV to eliminate certificates of repossession as such documents are effectively obsolete.
- Clarifying the DHSMV's rulemaking authority to regulate driver improvement schools.
- Clarifying the DHSMV's criteria for approval of traffic law and substance abuse education courses, and the requirements of course providers.
- Revising the requirements of eligibility for serving on the Medical Advisory Board.
- Allowing county tax collectors to have re-examination authority for vehicle operators based on mental and physical abilities.
- Authorizing the department to implement a pilot program in Miami-Dade and Hills-

borough Counties to evaluate rebuilt motor vehicle inspection services provided by private firms.

- Revising Commercial Driver License and Commercial Learner Permits to align with federal rules, and allowing penalties.
- Authorizing the DHSMV to prohibit future financial transactions with an individual when an insufficient check fee has not been satisfied with the agency.
- Authorizing driver license suspension for persons under 21 years of age when found driving with blood alcohol level of 0.02 or higher.
- Allowing law enforcement authorities to disqualify Commercial Driver License holders found driving with unlawful blood alcohol levels and refusing to submit to breath, urine or blood test, and issue a 10-day temporary permit while a determination is made.
- Allowing persons with an IID to be granted a medical waiver for employment purposes only license.
- Providing same day DUI convictions be treated as separate offenses.
- Clarifying the reinstatement process for habitual traffic offenders in license restoration.
- Requiring insurance companies to report new or cancelled policies within 10 days of processing date or effective date.
- Changing requirements for self-insuring motorists.
- Amends ss. 324.031 and 324.161, F.S., which modifies two of the four methods by which motorists may prove financial responsibility. Specifically, the proposed change eliminates the option to prove financial responsibility via surety bond.
- Modifies the deposit of cash or securities process. DHSMV will no longer hold the deposit. Requires individual to obtain a certificate of deposit in the amount of $30,000 issued and held by a financial institution.
- Allowing persons with certain alcohol-related driving offenses, having no previous convictions, to be issued a business purposes only driver license without a hearing.
- Authorizing the Florida Department of Transportation to immediately receive crash reports ordinarily confidential and exempt.
- Creating definitions, provisions, and remedies relating to the electronic collection of personal data from driver licenses or identification cards by private entities.
- Authorizing the attachment of a forklift to the rear of a straight truck for towing purposes provided the overall length does not exceed 50 feet.
- Expanding exceptions to width and height limitations to include farming and agricultural equipment operated within a 50 mile radius of managed or harvested real property by the equipment owner.
- Requiring a salvage motor vehicle dealer to notify the National Motor Vehicle Title Information System (NMVTIS) when a motor vehicle is sold to a salvage dealer or upon applying for a certificate of destruction or salvage certificate of title.
- Requiring a person claiming a lien upon a vehicle to conduct a records check using NMVTIS or an equivalent commercially available system, e.g., CARFAX.
- Establishing a valid driver license/identification card and passport are acceptable documents for motor vehicle registration.
- Authorizing the use of electronic media as roadside proof-of-insurance.
- Establishing a $1 voluntary donation checkoff on driver license application forms with proceeds going to the Auto Club Group Traffic Safety Foundation, Inc., (AAA), a not-for-profit organization.
- Creating additional specialty license plates and allowing distribution of use fee proceeds: Lauren's Kids license plate, $25; Big Brothers Big Sisters license plate, $25; American Legion license plate, $25.
- Creating Operation Desert Storm and Operation Desert Shield special license plates

for members of the Armed Forces who participated in these operations.

- Increasing the use fee and redirecting the proceeds of the Hispanic Achievers specialty license plates.
- Authorizing the DHSMV to redirect previously collected and future specialty license plate revenues accruing from an organization found to be in non-compliance with statutory use fee controls, to an organization able to perform the same or similar purpose as defined by the originating statute.
- Creating definitions, provisions, exemptions, and remedies relating to electronic collection of personal data on driver licenses or identification cards by private entities.
- Requiring wreckers to disclose, in writing and prior to towing a vehicle, his or her full name and driver license number, the maximum charges for towing and storage and whether the wrecker carries liability insurance of $300,000 and on-hook insurance of $50,000.

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

▪ *CS/HB 7129 Residential Services for Children*

The bill makes changes to residential facilities serving children, child abuse reporting requirements and makes several appropriations. Currently, residential facilities serving children are either licensed by the Department of Children and Families (DCF), registered with the Florida Association of Christian Child Caring Agencies (FACCCA), or registered with DOE as a boarding school.

The bill amends s. 409.175, F. S., to make a number of changes related to boarding schools including:

- Clarifying that boarding schools must receive one accreditation for academic programs and one accreditation for residential programs;
- Clarifying that boarding schools must register with DOE as a school which provides residential service for students;
- Setting a timeframe for applying for accreditation and directing DOE to remove boarding schools who fail to comply with these requirements from their website;
- Requiring boarding schools to report to DCF on progress made towards accreditation; and
- Requiring level 2 background screening of boarding school employees or contractors with direct student contact.

Under s. 409.176, F.S., residential child-caring agencies and family foster homes may not receive a child for continuing full-time care or custody without first registering with a "qualified association." The only such association is the FACCCA. The bill amends s. 409.176, F.S, related to residential child-caring agencies and family foster homes. Revisions include:

- Adding a timeframe of 24 hours for the "qualified association" to notify DCF when a specified violation occurs which threatens harm to any child or constitutes an emergency requiring immediate action;
- Setting a timeframe of 3 days for the qualified association to notify DCF of facilities who are not licensed or properly registered for residential child care; and
- Granting DCF the authority to fine the qualified association for failure to comply with statutory requirements.

The bill amends s. 39.201, F.S., creating the following two exceptions to the requirement that any person who knows, or 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 report such knowledge or suspicion to the hotline:

- An officer or employee of a law enforcement agency is not required to provide notice to the hotline when an incident of suspected child abuse by an adult other than a parent, legal custodian or other person responsible for the child's welfare under investigation by law enforcement was originally reported to law enforcement by the hotline through electronic transfer; and

- The central abuse hotline is not required to electronically transfer calls and reports to the county sheriff's office if the incident of alleged child abuse by an adult other than a parent, legal custodian or other person responsible for the child's welfare was originally reported to the hotline by the county sheriff's office or another law enforcement agency.

The bill also provides for an appropriation for three programs:

- $3 million in recurring general revenue for a rural primary care residency program at Sacred Heart Hospital to include family physicians and pediatricians;
- $250,000 in nonrecurring general revenue to the Department of Health for a Safe Haven for Newborns program; and
- $200,000 in nonrecurring general revenue to the Department of Health for St. Johns Bosco Clinic.

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

2013
Florida Legislature
Post-Session Report

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

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

- ***CS/CS/CS/HB 73***
  Residential Properties/Condos, Coops & HOAs

The bill revises several provisions relating to the governance of condominium, cooperative, and homeowners' associations.

The bill prohibits the enforcement of the Phase II Firefighter's Service requirements for existing elevators until an elevator is replaced or the elevator requires major modification. This requirement permits the operation and exclusive control of an elevator by firefighters for evacuating the physically disabled in occupied buildings and for moving firefighters and equipment during an emergency.

Regarding condominium, cooperative, and homeowners' associations, the bill:

- Gives association members the right to use their smartphone, tablet, portable scanner, or other technology capable of scanning or taking pictures in lieu of the association providing copies to the member, and without charge to the member;
- Permits associations to print and distribute a directory with the members' name, parcel address, and telephone number. However, the association must permit members to exclude their telephone number from the directory by submitting a written request;
- Requires that any challenge to the election process be commenced within 60 days after the election results are announced;
- Prohibits election recalls when there are less than 60 days before the next election; and
- Provides that the suspension of an owner's rights does not apply to limited common elements that are intended to be used only by that owner, common elements needed to access the unit or home, utility services to the unit or home, parking spaces, or elevators, and that suspended interests are not needed for establishing a quorum, conducting an election, or obtaining member approval.

Regarding condominiums, the bill:

- Decreases the number of votes required for the purchase of a lease;
- Defines the unit owner's responsibility for the cost of reconstruction of condominium property;
- Clarifies that broadcast notice by closed-circuit television may be made in lieu of a notice posted physically on the condominium property;
- Clarifies that the board must maintain a copy of a board member's post election certification for at least 5 years or the duration of the board member's tenure, whichever is longer;
- Revises the hurricane protection provisions to include impact glass, code-compliant windows and doors, and other types of code-compliant hurricane protection and clarifies the conditions for a unit owner to receive credit for the prior installation of hurricane protection;
- Extends from 7 years to 10 years the period for completion of all phases of a phase condominium;
- Provides for the creation of a secondary condominium within a primary condominium;
- Permits officers or full-time employees of the condominium ombudsman's office to engage in another profession or any other business that is not directly or indirectly related, or conflicts with, his or her work in the ombudsman's office;
- Provides that 50, rather than 75, or fewer units shall prepare a cash report in lieu of a financial statement.

Regarding cooperative associations, the bill provides that meetings of the board held for the purpose of discussing personnel matters are not subject to the open meetings requirement. It also expands the types of official records that are not accessible to members of the association, including

records containing specified personal identifying information. The bill also requires newly elected or appointed members of the cooperative board to provide a post-election certification that they have read the governing documents of the association, or alternatively, to submit a certification showing the satisfactory completion of the educational curriculum within 1 year before the election or 90 days after the election or appointment.

Regarding homeowners' associations, the bill includes the personnel records of the management company among the records that are not accessible to the association's members. It also deletes the condition that the parcel owner must submit a written request to speak prior to the meeting in order to exercise his or her right to speak at a meeting.

Regarding cooperative and homeowners' associations, the bill provides a process for amending association documents without the approval of all mortgagees.

Regarding condominium and homeowners' associations, the bill also increases the total annual revenue amounts used to determine the type of financial report that association is required to prepare. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 77***
  Landlords and Tenants/Residential

The bill makes numerous changes to the Florida Residential Landlord and Tenant Act. Specifically, the bill makes the following changes:

- Authorizes the use of the eviction procedures under the Florida Landlord and Tenant Act, instead of foreclosure procedures, to apply to a person who occupies a dwelling pursuant to a lease-purchase agreement in some circumstances.
- Provides that the right of a prevailing party to attorney fees for enforcing a rental agreement may not be waived in the rental agreement.
- Provides that the right to the statutorily required notices before a landlord or tenant may terminate a lease may not be waived in the lease.
- Provides that attorney fees may not be awarded in a claim for personal injury damages based on a breach of duty to maintain the rental premises.
- Revises the notice that a landlord must provide a tenant which describes how advance rent and security deposits will be held and used by the landlord or returned to the tenant.
- Allows landlords to withdraw advance rents when the advance notice period commences without notice to tenants.
- Creates a rebuttable presumption that a new owner of a rental property receives the security deposits paid by a tenant to the previous owner, but limits the presumption to one-month's rent.
- Lessens the duty of landlords of single-family homes and duplexes to maintain screens on windows. A landlord must ensure that screens are installed in reasonable condition at the beginning of the tenancy and repaired once annually thereafter.
- Provides that a right or duty enforced by civil action under the Florida Landlord and Tenant Act does not preclude prosecution for a criminal offense related to a lease or leased property.
- Eliminates a landlord's obligation to make certain disclosures regarding fire safety to tenants.
- Provides that upon the re-occurrence within 12 months after the initial notice of tenant actions constituting noncompliance under a lease, the landlord is not required to provide an additional notice before initiating an eviction action.
- Provides that a lease must require a landlord to give advance notice of the intent to nonrenew the lease if the lease requires a tenant to give advance notice to a landlord of the intent to vacate the premises at the end of the lease.
- Revises procedures for restoration of possession of a rental property to a landlord to provide that Saturdays, Sundays, and

holidays do not stay the applicable notice period.

- Prohibits a landlord from retaliating against a tenant who lawfully pays a landlord's association dues pursuant to a lawful demand, or against a tenant who complains of a fair housing violation.

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

▪ *CS/CS/HB 87 Mortgage Foreclosures*

Statute of Limitations on Certain Actions
The bill reduces the statute of limitations period for a lender to enforce a deficiency judgment following the foreclosure of a one-family to four-family dwelling unit from 5 years to 1 year, for any such deficiency action that commences on or after July 1, 2013, regardless of when the cause of action accrued.

The Foreclosure Complaint
The bill requires that in order to bring a complaint to foreclose a mortgage on residential real property designed principally for occupation by 1 to 4 families, including condominiums and cooperatives but excluding timeshare interests under part III of ch. 721, F.S., the complaint must establish that the plaintiff holds the original note or is a person entitled to enforce a promissory note. If a plaintiff has been delegated the authority to institute a foreclosure action on behalf of the person entitled to enforce the note, the complaint must describe with specificity the authority of the plaintiff and the document that grants such authority to the plaintiff.

A plaintiff in possession of the original promissory note must certify, under penalty of perjury, that the plaintiff possesses the original note. An "original note" or "original promissory note" is defined as the signed or executed promissory note, including a renewal, replacement, consolidation, or amended and restated note or instrument that substitutes for the previous promissory note. The term includes a transferrable record, but not a copy of any of the foregoing. The required certification must be submitted contemporaneously with the foreclosure complaint, and set forth the location of the note and other specified information. The original note and allonges must be filed with the court before the entry of any judgment of foreclosure or judgment on the note.

A plaintiff seeking to enforce a lost, destroyed, or stolen instrument must attach to the complaint an affidavit executed under penalty of perjury, detailing the chain of all endorsements, transfers, or assignments of the promissory note, and setting forth the facts and documents showing that the plaintiff is entitled to enforce the instrument. Adequate protection as required under s. 673.3091(2), F.S., must be provided before final judgment.

Finality of Mortgage Foreclosure Judgment
The bill provides that an action to challenge the validity of a final judgment of mortgage foreclosure, or to establish or re-establish a lien or encumbrance of property is limited to monetary damages if all of the following apply:

- The party seeking relief from the final judgment of mortgage foreclosure was properly served in the foreclosure lawsuit;
- The final judgment of mortgage foreclosure was entered as to the property;
- All applicable appeals periods have run as to the final judgment with no appeals having been taken or having been finally resolved; and
- The property has been acquired for value by a person not affiliated with the foreclosing lender or the foreclosed owner, at a time in which no lis pendens regarding the suit is in the official county records.

The bill defines affiliates of the foreclosing lender to include any loan servicer for the loan being foreclosed, and any past or present owner or holder of the loan being foreclosed, and:

- A parent entity, subsidiary, or other person who directly or indirectly controls, is controlled by, or under common control of any such entities; or
- A maintenance company, holding company, foreclosure services company or law firm under contract with such entities.

The bill provides that the former owner can continue to pursue money damages against the lender. The claims of the former owner, however, cannot impact the marketability of the property of the new owner.

The bill provides that when a foreclosure of a mortgage occurs based upon enforcement of a lost, destroyed, or stolen note, a person who was not a party to the foreclosure action but claims entitlement to enforce the promissory note secured by the mortgage has no claim against the foreclosed property once it is conveyed to a person not affiliated with the foreclosing lender or the foreclosed owner. That person may still pursue recovery from any adequate protection given pursuant to s. 673.3091, F.S., or from the party who wrongfully claimed entitlement to enforce the promissory note, from the maker of the note, or any other person against whom a claim may be made.

Deficiency Judgments
The bill limits the amount of a deficiency judgment on owner-occupied residential property to the difference between the judgment amount and the "fair market value" on the date of the foreclosure sale. Similarly, the deficiency for a short sale may not exceed the difference between the outstanding debt and the fair market value of the property on the date of the sale.

Show Cause Procedure
The bill makes several revisions to the show cause process. The bill provides that after filing a complaint, the plaintiff may request an order to show cause for the entry of final judgment, and the court must immediately review the request and the court file in chambers without a hearing. If the complaint is verified, complies with the requirements in s. 702.015, F.S., and alleges a cause of action to foreclose on real property, the court must issue an order to show cause why a final judgment of foreclosure should not be entered to the other parties named in the action. The bill adds a number of elements that must be included in the court's order to show cause that is sent to the other parties named in the action. The court must set a hearing no sooner than the later of 20 days after service of the order to show cause or 45 days after service of the initial complaint. The hearing is no longer required to be held within 60 days of the date of service, as required by current law. The bill specifies that the Legislature intends that the alternative show cause procedure may run simultaneously with other court proceedings.

The bill adds the requirement that the plaintiff must file the original note, establish a lost note, or show the court the obligation to be foreclosed is not evidenced by a promissory note, before the court can enter a final judgment of foreclosure after the court has found that all defendants have waived the right to be heard. If the hearing time is insufficient, the court may announce a continued hearing on the order to show cause.

The bill exempts foreclosures of owner-occupied residences from provisions authorizing the plaintiff to request the court to enter an order to show cause why it should not enter an order to make payments during the pendency of the foreclosure proceedings, or an order to vacate the premises.

Adequate Protections for Lost, Destroyed, or Stolen Notes
The bill provides that the following may constitute reasonable means of providing adequate protection, if so found by the court:

- A written indemnification agreement by a person reasonably believed sufficiently solvent;
- A surety bond;
- A letter of credit issued by a financial institution;
- A deposit of cash collateral with the clerk of the court; or
- Such other security as the court deems appropriate under the circumstances.

The bill provides that a person who wrongly claims to be the holder of a note or to be entitled to enforce a lost, stolen, or destroyed note is liable to the actual holder of the note for damages and attorney fees and costs. The bill specifies that the actual holder of the note can pursue any other claims or remedies it may have against the person who wrongly claimed to be the holder, or any person who facilitated or participated in the claim.

Application and Implementation of Bill
The Legislature finds that the act is remedial and not substantive in nature. The act applies to all mortgages encumbering real property and all

promissory notes secured by a mortgage, regardless of when executed. The following sections are exempted from this general rule of application:

- Section 702.015, F.S., only applies to cases filed on or after July 1, 2013.
- The amendments to s. 702.10, F.S., and the entirety of s. 702.11, F.S., apply to causes of action pending on the act's effective date.

The Legislature also requests the Supreme Court to amend the Rules of Civil Procedure to implement the expedited foreclosure process. If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/CS/CS/SB 112***
  Filing False Documents Against Real or Personal Property

The bill creates the offense of filing or directing to file, with the intent to defraud or harass another, a document in an official record which contains materially false, fictitious, or fraudulent statements or representations that affect the owner's interest in property described in the document. A person who commits the new offense commits a third-degree felony. A third-degree felony is punishable by imprisonment of up to 5 years and the imposition of a fine of up to $5,000. If a person commits this offense a second or subsequent time, the person commits a second-degree felony. A second-degree felony is punishable by imprisonment of up to 15 years and the imposition of a fine of up to $10,000. The bill increases the felony degree of these offenses under circumstances outlined in the bill. The bill also provides that a person who files a fraudulent construction lien is subject to penalties under the Construction Lien Law, not the newly-created offense in the bill.

Under current s. 843.0855, F.S., a person commits a third degree felony by engaging in the following actions under color of law or through the use of simulated legal process:

- Deliberately impersonating or falsely acting as a public officer in connection with or relating to any legal process affecting persons and property, or otherwise taking action under color of law against persons or property.
- Simulating legal process, including but not limited to, actions affecting title to real estate or personal property, indictments, subpoenas, warrants, injunctions, liens, orders, judgments, or any legal documents or proceedings, knowing or having reason to know the contents of any such documents or proceedings or the basis for any action to be fraudulent. The bill revises the definition of "legal process" to include documents recorded with any state or federal official governmental entity.
- Falsely under color of law attempting in any way to influence, intimidate, or hinder a public officer.

For purposes of the offenses under s. 843.0855, F.S., the bill defines public officer or employee to encompass more individuals. As a result, the application of the statute establishes a broader variety of crimes relating to impersonating public officers and employees and fraudulently simulating legal process.

The bill creates additional civil remedies to grant relief to public officers or employees affected by the offense of filing of false statements or claims. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/SB 120***
  Condominiums

The bill amends the Florida Condominium Act to clarify when a condominium is created. It provides that, regardless of any requirement or description in a declaration of condominium that may provide when a condominium is created, a condominium is created when the declaration is recorded.

For the following procedural time periods, the bill substitutes the recording date of the certificate of a surveyor and mapper, or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit (known as the first unit owner deed), whichever occurs first, rather than the recording of the declaration of condominium:

- The deadline to bring an action to correct an omission or error in a declaration, which

must be brought within 3 years after the recording of the first event;

- The beginning of the 2-year time period, during which the developer and unit owners, when the developer has not turned over control of the association, may vote to waive the financial reporting requirement;
- During the first 2 fiscal years, the date when the developer's right to waive or reduce the funding of reserves expires;
- The beginning date for the 12-month period during which an association may enter into agreements for leasehold interests or membership rights before such an agreement or leasehold is considered a material alteration or substantial addition to the association property which would require a majority vote of the total voting interests or as authorized by the declaration; and
- The beginning date for the time periods for the turnover of association control from the developer to the unit owners.

These changes allow a developer to record a declaration, and thereby provide a description of the property to a prospective buyer in compliance with the federal Interstate Land Sales Full Disclosure Act.

The bill extends from 3 years to 5 years the period of time that a county clerk is required to hold funds deposited by a developer who has not prepared and provided the surveyors certificate of the land which will be a part of the condominium. This provides additional time for developers to provide the surveyor's certificate of the land to the county clerk.

The bill revises the 7-year period for completion of all phases of a condominium project, which is one of the conditions that allows the election of a majority of non-developer board members. The bill provides that the 7-year period runs from the date the surveyor's affidavit of substantial completion is recorded, or 7 years from the date the sale of a unit to a non-developer is recorded in the initial phase of the condominium. The bill deletes from the current provision that established the beginning of this 7-year period from the date the declaration was recorded. The bill also creates a mechanism to extend the 7-year time period for an additional 3 years. If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/CS/HB 203***
  Agricultural Lands

Revises the Agricultural Lands and Practices Act which was adopted by the Legislature in 2003. The bill prohibits counties from adopting or enforcing any duplicative policy that limits activity of a bona fide farm or farm operation on agricultural land if the activity is already regulated by the state or federal government. This bill expands the prohibition to include not just counties but all governmental entities, with the exception of water management districts and water control districts. In addition, the bill prohibits governmental entities from charging fees on bona fide agricultural activities of such farms or farm operations. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 229***
  Land Trusts

The bill revises the laws relating to land trusts. In general, a land trust is a written instrument in which title to real property is vested in a trustee who has the authority to manage or dispose of the property.

More specifically, the bill:

- Clarifies the distinction between a land trust governed by s. 689.071, F.S., and other trusts governed by the Florida Trust Code.
- Defines a land trust based on the functional scope of the land trustee's duties, although the power to manage or dispose of property remains an essential element of a Florida land trust.
- Relocates provisions of s. 689.071, F.S., to a newly-created section, s. 689.073, F.S. These provisions generally state that purchasers and others can rely on a land trustee's authority over property as described in a recorded instrument. These provisions will remain equally applicable to any recorded instrument, created before or after the effective date of the bill, which conveys title to property and the power to manage or dispose of the property.
- Codifies a number of land trust practices and principles commonly used in Florida

and Illinois which are derived from judicial precedents or treatises on land trusts.

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

- ***SB 244***
  Water Management Districts

The bill provides the water management districts (WMDs) with guidance concerning minimum flows and levels (MFLs), water reservations, recovery or prevention strategies, and multi-district projects by:

- Requiring proposed water reservations and waterbodies that may be affected by water withdrawals in an adjacent water management district to be identified on a district's annual MFL priority list and schedule; directing the WMDs to provide technical information and staff support to the Department of Environmental Protection (DEP) when the department proposes adoption of a reservation, MFL, or recovery or prevention strategy by rule;
- Requiring the WMDs to apply any reservation, MFL, or recovery or prevention strategy adopted by the DEP to the applicable waterbody without having to adopt its own district rules;
- Authorizing the WMDs to enter into interagency agreements designating a single district to conduct or fund non-regulatory water management activities or projects that cross district boundaries;
- Providing for joint regional water supply planning between WMDs and affected regional water supply authorities; and
- Excluding WMD cooperative funding programs from rulemaking requirements.

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

- ***CS/HB 267***
  Real Property Liens and Conveyances

The bill removes the requirement that warranty deeds include a blank space for the grantee's Social Security number.

The bill also provides that a lien by a governmental or quasi-governmental entity for an improvement, service, fine, or penalty is valid against a creditor or subsequent purchaser only if the lien is properly recorded in the county in which the property is located. The bill specifies information that must be included in a lien by a governmental or quasi-governmental entity. The bill excludes liens for taxes, non-ad valorem or special assessments, or utilities from the recording requirement. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/HB 277***
  Assessment of Residential and Non-Homestead Real Property

In the November 2008 General Election, Florida voters approved a constitutional amendment relating to property taxes. The amendment authorized the Legislature, by general law, to prohibit consideration of the following in the determination of the assessed value of real property used for residential purposes:

- Any change or improvement made for the purpose of improving the property's resistance to wind damage, and
- The installation of a renewable energy source device.

This bill provides for the implementation of the renewable energy conditions outlined in the 2008 constitutional amendment. Specifically, the bill defines "renewable energy source device." It also provides that a property appraiser may not consider the increase in the just value attributed to the installation of a renewable energy source device when determining the assessed value of real property used for residential purposes. The bill specifies that the provisions apply to installations occurring on or after January 1, 2013, when made to new and existing residential real property. The bill would take effect on July 1, 2013, and apply to assessments beginning January 1, 2014. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 319***
  Community Transportation Projects/ Proportionate Share

Transportation concurrency is a growth management strategy aimed at ensuring transportation

facilities and services are available concurrent with the impacts of development. Implementing transportation concurrency is optional for local governments. Local governments that choose to implement transportation concurrency are required to follow the guidelines set forth in s. 163.3180, F.S. Local governments who opt-out of concurrency may implement development regulations similar to transportation concurrency, such as mobility plans. This bill provides that an alternative funding system must provide a means for new development to pay for its impacts and proceed with development. The bill allows local governments to pool contributions from multiple applicants toward one planned facility improvement and clarifies when s. 163.3180(5)(h), F.S., proportionate share applies to local governments implementing transportation concurrency or development agreements. The bill also provides that an applicant may satisfy concurrency requirements by making a good faith offer to enter into a binding agreement and requires local governments to provide the basis upon which landowners will be assessed a proportionate share of costs.

This bill requires any local government implementing an alternative mobility funding system to follow the same general principles as local governments implementing transportation concurrency which includes "pay and go" and payment related to imports.

The bill provides that an alternative mobility funding system may not be used to deny approvals if the developer agrees to pay for the development's identified transportation impacts using the funding mechanism implemented by the local government. The bill also requires a mobility-fee-based funding system to comply with the dual rational nexus test applicable to impact fees If approved by the Governor, these provisions take effect upon becoming law.

- ***SB 326***
  Powers and Duties of the Department of Environmental Protection

The bill amends s. 253.7827, F.S., to remove an obsolete reference relating to right-of-way access in Marion County across portions of the Cross Florida Greenway (CFG). The bill also repeals s. 253.783, F.S., relating to the surplus and exchange procedures specific to CFG lands. The repeal of the specific CFG surplus and exchange procedures will allow the Department of Environmental Protection's (DEP) Office of Greenways and Trails to follow current DEP Division of State Lands procedures for the surplus and exchange of conservation lands. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 333***
  Fish and Wildlife Conservation Commission

The bill amends various statutes relating to certain programs under the authority of the Florida Fish and Wildlife Conservation Commission (FWC). The bill:

- Amends the definition of "navigation rules" by removing an outdated reference to the U.S. Code and replacing it with the updated reference to the Code of Federal Regulations;
- Provides an exemption for certain military veterans and one other person to accompany each veteran to outdoor hunting and fishing events permitted by the FWC for the purpose of rehabilitation or enjoyment of the veterans attending;
- Authorizes the FWC to increase the total number of license-free recreational saltwater and freshwater fishing days from two to four annually; and
- Deletes a requirement to automatically adjust vessel registration and recreational hunting and fishing license fees every five years in line with changes to the Consumer Price Index for All Urban Consumers.

The bill changes the residency requirement for a commercial hunting or fishing license so that someone applying for an in-state license must reside in Florida for one year. The bill removes a requirement that a person must reside in a Florida county for six months. The bill also changes the residency requirement for recreational hunting and fishing licenses so that someone applying for an in-state license must reside in Florida for six months. The bill also changes the definition of "resident alien." Currently, for someone to apply as a resident alien and thus be treated as a resident for the purposes of getting an in-state license, the person has to reside in a particular Florida county for six months and in Florida for one year. The bill removes the six-month requirement.

In order for someone to fish commercially, they must have a saltwater products license. The license allows someone to fish commercially for any commercially harvestable sea life. The FWC maintains an extensive list of aquatic species that may only be harvested with a restricted species endorsement on the saltwater products license. The restricted species endorsement requires the applicant to document a certain level of income from commercial fishing during the previous year. The bill waives that income requirement for one year. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 342***
  Rental of Homestead Property

The rental of all or substantially all of a dwelling previously claimed to be a homestead for tax purposes constitutes the abandonment of the dwelling as a homestead. If the homestead is terminated, any Save Our Homes assessment limitation is forfeited and the property is assessed at just value.

The underlying rationale for the termination of homestead due to a rental is that the owner's rental activity signifies the owner's intent to reside elsewhere. There are occasions though when a property owner does not intend to abandon their residence through rental. Examples of these types of short-term rentals include those associated with annual sporting events, arts festivals, college graduations, or business-related symposiums and conventions.

Amends s. 196.061, F.S., to allow the rental of homestead property for up to 30 days per calendar year without the property being considered abandoned or affecting the homestead status of the property. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 364***
  Consumptive Use Permits for Development of Alternative Water Supplies

The bill directs that alternative water supply (AWS) development projects approved on or after July 1, 2013, are eligible for an extended consumptive use permit (CUP) of at least 30 years. Permits are subject to compliance reports and water management district (WMD) water shortage orders. The bill provides that the quantity of water allocated to such AWS CUPs may be reduced to prevent harm to water resources or existing legal uses. Under the bill, extended permits may not authorize the use of non-brackish groundwater supplies or non-alternative water supplies. Finally, the bill clarifies that if sufficient data exists to provide reasonable assurance the conditions for permit issuance will be met, permits for at least 20 years or 30 years may be approved. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 375***
  Onsite Sewage Treatment and Disposal Systems

The bill amends s. 381.0065, F.S., to:

- Authorize inspection reports for engineer-designed onsite sewerage treatment and disposal systems (OSTDS) and aerobic treatment units (ATU) to be submitted electronically to the Department of Health (DOH);
- Remove the requirement that the technical review advisory panel assist the DOH in developing performance criteria applicable to engineer-designed OSTDS;
- Clarify that property owners of owner-occupied single-family residences may be approved and permitted by the DOH as a maintenance entity for their own engineer-designed OSTDS or ATU system upon written certification from the manufacturer that they have received training on the proper installation and maintenance of their own engineer-designed OSTDS or ATU system;
- Clarify that maintenance entity service contracts must conspicuously disclose that property owners of owner-occupied single-family residences have the right to maintain their own engineer-designed OSTDS or ATU system and are exempt from contractor registration requirements for performing construction, maintenance, or repairs on an own engineer-designed OSTDS or ATU system, but are subject to all permitting requirements;
- Provide that a septic tank contractor licensed under ch. 489, part III, F.S., and approved by the ATU manufacturer must not be denied access to ATU training and spare

parts by the manufacturer for maintenance entities;

- Allow component parts for ATUs to be replaced with parts that meet the manufacturer's specifications but are manufactured by others after the original warranty period for the ATU expires; and

With respect to OSTDs in Monroe County:

- Require property owners who are not scheduled to be served by a central sewer by December 31, 2015, to comply with chemical concentration level standards;
- Provide that an OSTDS that reduces nitrogen concentrations by at least 70 percent, or if the OSTDS system has been tested and certified to reduce nitrogen concentrations by at least 70 percent, is deemed to be in compliance with current nitrogen standards;
- Allow property owners who have recently installed OSTDS in areas scheduled to be served by a central sewer system to continue to use the systems until December 31, 2020, except if located in special wastewater districts; and
- Allow property owners who have paid connection fees or assessments for connection to a central sewer system, in an area scheduled to be served by a central sewer by December 31, 2015, the option of installing a holding tank with a high water alarm until they are able to connect to a central sewer system.

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

- ***CS/CS/HB 437***
  Community Development/Affordable Housing

Addresses a number of community development issues related to the development, funding, and maintenance of affordable housing in the state. Many of the bill's provisions are directly connected to the operation and practices of local Housing Finance Authorities (HFA) and the Florida Housing Finance Corporation (FHFC). The bill allows HFAs to utilize a more expansive federal definition for qualified housing developments and also revises an authority's loan-making eligibility parameters. The combined effect of the changes will permit HFAs to promote more mixed-income affordable housing in the state.

A number of the bill's provisions are a direct result of recommendations generated by a joint audit and review of the FHFC. The Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA) conducted these examinations pursuant to Chapter 2012-127, L.O.F. Recommendations incorporated in the bill include:

- Authorizing the FHFC to allocate financial resources, including federal low income housing tax credits, through a competitive solicitation process;
- Revising FHFC reporting requirements to enhance information provided to the Legislature, Governor, and public;
- Clarifying that the FHFC utilizes state travel reimbursement rates; and
- Scheduling a 2016 operational audit of the FHFC by Auditor General.

Additional FHFC bill provisions prescribe that the corporation target a certain portion of its tax credit, revenue bond, and State Apartment Incentive Loan Program funds to address high priority affordable housing projects. Among these projects is a funding allocation specifically aimed at developing rental units tailored to persons with disabling conditions. The bill also repeals two current provisions in statute. The first removes the Homeownership and Opportunity for People Everywhere (HOPE) program in s. 420.5091, F.S. This federal program was created in 1990. In 1992, the Legislature added the HOPE program to statute; however, it was never funded.

The second provision amends s. 196.1978, F.S., to repeal a charitable ad valorem tax exemption for property held by non-profit corporations, or a Florida-based limited partnership whose sole general partner is a corporation not for profit. Enacted in 2011, the law was intended to help non-profit builders to receive the same property tax exemptions for building larger-scale apartment projects for the needy as for building single-family houses. An unintended consequence of the legislation was the ability of for-profit developers to create a

nonprofit partner for the purposes of qualifying for the exemption. This allowed the ostensibly for-profit businesses to significantly reduce their tax bills which triggered a commensurate reduction in revenue for local governments and schools. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 444***
  Domestic Wastewater Discharged Through Ocean Outfalls

This bill allows utilities additional flexibility to meet the 60 percent reuse requirement. The bill allows utilities to continue to discharge peak flows up to five percent of utilities' baseline flows through ocean outfalls. Additionally, the bill requires utilities to include supplemental information on costs and options in their detailed plans necessary to achieve the requirements of s. 403.086(9), F.S. Finally, the bill requires the utilities, the Department of Environmental Protection, and the South Florida Water Management District to evaluate the detailed plans and recommend adjustments to the Legislature, if necessary, to the reuse requirements in this section.

These provisions were approved by the Governor and take effect July 1, 2013, Ch. 2013-031, Laws of Florida.

- ***CS/CS/HB 537***
  Growth Management/Prohibition on "Baby Hometowns"

Clarifies which local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments are not prohibited. Under the bill, the local initiative and referendum processes that are allowed to continue are limited to those that:

- Were in effect on June 1, 2011;
- Affect more than five parcels of land; and
- Were expressly authorized in a local government charter specifically for matters such as development orders or comprehensive plan or map amendments.

The bill applies retroactively to any initiative or referendum process on local growth management issues commenced after June 1, 2011. The bill also retroactively repeals s. 4, Chapter 2012-75, L.O.F., relating to a presumption regarding agricultural enclaves. If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/HB 579***
  Natural Gas Motor Fuel

The bill repeals the decal fee program for motor vehicles powered by alternative fuels, repeals the sales tax on alternative fuels, establishes a new fuel tax structure for motor vehicles powered by natural gas, and creates a natural gas fuel fleet vehicle rebate program. Specifically, the bill:

- Creates part V of ch. 206, F.S., entitled "Natural Gas Fuel."
- Repeals the current decal fee program for motor vehicles powered by alternative fuels effective January 1, 2014.
- Establishes a fuel tax structure for natural gas used as a motor fuel, beginning January 1, 2019.
- Relocates statutory provisions relating to licenses for retailers of alternative fuel and related reporting requirements and provides penalties for acting as a retailer without a license.
- Provides exemptions from the tax and refunds of the tax on natural gas fuel when used for specified purposes.
- Revises the distribution of the proceeds of the taxes imposed on natural gas.
- Expands the definition of "energy efficiency improvement" to include "installation of systems for natural gas fuel" under uses authorized by the Local Government Infrastructure Surtax.
- Exempts natural gas and natural gas fuel placed into the fuel supply system of a motor vehicle from sales tax.
- Directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete a report reviewing the taxation of natural gas fuel used to power motor vehicles by December 1, 2017.

- Creates a natural gas fuel fleet vehicle rebate program within the Department of Agriculture and Consumer Services (DACS) and appropriates an annual $6 million from General Revenue for FY 2013-2014 through FY 2017-2018 to fund the program.
- Requires DACS to provide an annual assessment of the rebate program.
- Requires OPPAGA to release a report reviewing the fleet vehicle rebate program by January 31, 2016.

If approved by the Governor, except as otherwise provided, these provisions take effect January 1, 2014.

- ***CS/SB 606***
  Northeast Florida Regional Transportation Commission

The bill creates the Northeast Florida Regional Transportation Commission (commission) for the purposes of improving mobility and expanding multimodal transportation options for persons and freight throughout Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties. The primary provisions of the bill:

- Create the Northeast Florida Regional Transportation Commission;
- Provide for commission membership, powers, and duties;
- Provide for employment of permanent or temporary staff or use of the staff of certain other entities;
- Direct the commission to develop and update at least bi-annually a multimodal and prioritized regional transportation plan consisting of transportation projects of regional significance;
- Direct the commission to develop and update at least bi-annually an implementation plan that identifies available but not yet imposed, and potentially developable, sources of funding to execute the regional plan;
- Authorize the commission to provide transportation services of regional significance identified in the regional transportation plan, subject to available funding and the approval of the affected counties and transportation authorities;
- Authorize the commission to facilitate efforts to secure funding commitments from federal and state sources, or from the applicable counties, and to request funding and technical assistance from the Department of Transportation and from federal and local agencies;
- Direct the commission to timely request annually each constituent county appropriate a certain cash contribution to support its budget and limit the contribution of a certain county;
- Provide criteria for transportation projects of regional significance;
- Direct the commission, to the extent feasible, to coordinate its planning activities with certain entities;
- Exempt the commission from taxation;
- Require the commission to hold certain public meetings and hearings;
- Provide the commission is not an “authority” for purposes of the discretionary sales surtax in s. 212.055(1), F.S.;
- Provide for repeal of the commission unless certain conditions are met; and
- Provide the commission is exempt from the Administrative Procedures Act.

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

- ***CS/HB 633***
  Biodiesel Fuel

This bill exempts municipalities, counties, and school districts that manufacture biodiesel for internal use from the reporting, bonding, and licensing requirements applying to wholesalers of biodiesel fuel. The bill requires these entities to report biodiesel fuel manufactured for internal use to the Department of Revenue on a Local Government User of Diesel Fuel Tax Return and remit the appropriate tax. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/SB 682***
  Fossil Fuel Combustion Products/ Regulation

The bill creates s. 403.7047, F.S., to provide for the regulation of fossil fuel combustion products (FFCPs) and to define the beneficial uses of FFCPs. The beneficial uses include:

- Asphalt, concrete or cement products, flowable fill, roller-compacted concrete;
- Structural fill and pavement aggregate;
- Waste stabilization or cover material used for lined Class I or II landfills; and
- Building products that include roofing materials, blasting grit, aggregate in products, wallboard, plastic paints, and insulation products.

The bill specifies that the beneficial use of FFCPs is not subject to regulation as a solid or hazardous waste under Part IV of ch. 403, F.S.; however, FFCPs are subject to air pollution control limits, national pollution discharge elimination systems permits, and water quality certification pursuant to s. 401 of the Clean Water Act. The bill also exempts disposal facilities that accept FFCPs from the prohibition on hazardous waste landfills in Florida. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 713***
  Water Quality Credit Trading

The bill expands statewide a voluntary water quality credit trading program currently occurring only in the Lower St. Johns River Basin as a pilot program. The bill specifies that the Department of Environmental Protection (DEP) may authorize water quality credit trading in adopted basin management action plans and under certain pollution control programs under local, state, or federal authority. Entities that participate in water quality credit trades must timely report to the DEP the prices for credits, how the prices were determined, and any state funding received for the facilities or activities that generated the credits. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 903***
  Adverse Possession

This bill addresses the problem of individuals squatting illegally on property while preserving adverse possession actions for legitimate purposes.

The bill adds new requirements that a person must satisfy to take title to property through adverse possession. One such requirement is that the person pays all outstanding taxes against the property within 1 year after entering into possession. Additionally, the form of the return a person must file in connection with an adverse possession claim is revised. The form requires a person to acknowledge that the return "does not create any interest enforceable by law" in the property.

The bill subjects a person to criminal penalties for trespassing if the person attempts to occupy or occupies a residential structure on the basis of adverse possession before filling a return with the property appraiser. If the person attempts to occupy a residential structure by claim of adverse possession before filing a return and then offers the property for lease, the bill subjects the person to criminal penalties for theft. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 934***
  Stormwater Management Permits

The bill amends s. 373.4131, F.S., requiring the development of statewide environmental resource permit rules that provide for a conceptual permit for municipalities or counties that create a stormwater management master plan for urban infill and redevelopment areas or community redevelopment areas. It specifies that the master plan becomes part of the conceptual permit and that the rules must provide for an associated general permit for the construction and operation of urban redevelopment projects that meet the criteria established in the conceptual permit. The bill also provides requirements for the conceptual permit. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 948***
  Water Supply/Department of Agriculture

The bill amends ss. 373.701, 373.703, 373.709, 570.076, and 570.085, F.S., to require the Depart-

ment of Agriculture and Consumer Services (DACS) to establish an agricultural water supply planning program to develop data regarding prospective agricultural water supply demand. For purposes of regional water supply plans, the bill requires water management districts to consider the data supplied by the DACS, and agricultural demand projection data and analysis submitted by local governments, in determining the best available data for future agricultural water supply demands. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 969***
  Recreational Vehicle Parks

The bill, to be cited as "The Jim Tillman Act":

- Creates a definition for the term "occupancy" from language already present in the definition of the term "recreational vehicle" (RV);
- Fixes setback and separation distances for RV sites at the time of initial approval of an RV park; and,
- Repeals s. 513.111, F.S., which regulates site rates, the posting of signs, and advertising in and for RV parks and establishes penalties for violating those regulations.

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

- ***CS/HB 975***
  Archaeological Sites and Specimens

Current law prohibits unpermitted archaeological activity or the removal or alteration of any archaeological site or specimen located upon state land or within the boundaries of a designated state archaeological landmark or landmark zone.

This bill expands the lands upon which such unpermitted activities are prohibited to include lands owned by a water authority. The bill defines "water authority" to mean an independent special district created by special act whose purpose is to control and conserve freshwater resources. The term does not include water management districts. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 999***
  Environmental Regulation

The bill amends various statutes related to environmental regulations and permitting. Specifically, the bill:

- Allows the Department of Environmental Protection (DEP) to adopt rules requiring or incentivizing the electronic submission of forms, documents, fees, and/or reports;
- Provides that when reviewing an application for a development permit, local governments cannot request additional information more than three times, unless the applicant waives the limitation in writing;
- Expands the activities that qualify as "phosphate-related expenses" for the purpose of receiving severance tax proceeds;
- Provides that the Board of Trustees of the Internal Improvement Trust Fund (BOT) is authorized to issue leases or letters of consent to special event promoters and boat show owners to allow the installation of temporary structures;
- Defines "first-come, first-served basis" as it relates to marinas; provides requirements for the calculation of lease fees for certain marinas; and provides conditions for the discount and waiver of lease fees for certain marinas, boatyards, and marine retailers;
- Provides general permits for local governments to construct mooring fields and authorizes the BOT to delegate authority to the DEP to issue leases for mooring fields constructed under the general permit;
- Provides guidelines on the size of certain single- and multi-family docks over sovereign submerged lands that are exempt from paying lease fees;
- Provides that when there are competing consumptive use permit applications, and the water management district (WMD) or the DEP has deemed the applications complete, the WMD or the DEP has the right to approve or modify the application that best serves the public interest;

- Prohibits WMDs from reducing permitted allocations due to additional water supplies resulting from the development desalination plants;
- Authorizes WMDs and the DEP to notify a permittee by electronic mail of any change or suspension to a permit as a result of a water shortage in the district; Provides that the issuance of well permits is the sole responsibility of WMDs, delegated governments, or local county health departments, and prohibits other government entities from imposing additional or duplicative requirements, fees, or permitting programs associated with the boring or abandonment of groundwater wells; Provides that licensure of water well contractors by a WMD must be the only water well contractor license required for the location, construction, repair, or abandonment of water wells in the state or any political subdivision;
- Exempts farm ponds of a certain size and depth that are more than 50 feet from existing wetlands, and wetlands created solely by the unauthorized flooding or interference with the natural flow of surface water by an adjoining landowner, from regulatory requirements under part IV of ch. 373, F.S., relating to the management and storage of surface waters;
- Increases the funds available for the DEP to enter into contracts for preapproved advanced cleanup work each fiscal year from $10 million to $15 million. The bill increases the amount a particular facility may be preapproved for from $500,000 to $5 million of cleanup activity each fiscal year;
- Provides that a person can bring a cause of action for damages resulting from a discharge or some other condition of pollution covered by ss. 376.30-376.317, F.S. (relating generally to the discharge of pollutants or hazardous substances into or upon surface or groundwater), not authorized pursuant to chapter 403, F.S.;
- Extends the payment deadline for permit fees for major sources of air pollution from March 1 to April 1, annually, and requires the annual assessment fee for air pollution must be based on the amount of air pollutants actually emitted;
- Provides that a permit is not required for the restoration of seawalls when they are constructed within 18 inches seaward of the original location;
- Specifies that field procedures and lab methods for certain water quality testing must be adopted by rule or approved by order;
- Specifies that for a period of 90 days after it is submitted, a local government cannot use the registration information it receives from a recovered materials dealer to compete unfairly with the recovered materials dealer;
- Authorizes the DEP to establish permits for special events relating to boat shows;
- Authorizes expedited permitting for natural gas pipelines and for summary hearings, if challenged; and
- Ratifies and approves certain leases or state-owned uplands in the Everglades Agricultural Area approved by the BOT.

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

- ***CS/CS/CS/HB/1083 Underground Natural Gas Storage***

The bill creates the Underground Natural Gas Storage Act. Specifically the bill:

- Provides tax exemptions for natural gas stored in Florida;
- Declares that the underground storage of natural gas is in the public interest;
- Clarifies that natural gas stored in Florida is not subject to the specific provisions relating to the control and regulation of all common sources of oil or gas;
- Revises and provides definitions for “well site,” “operator,” “department,” “lateral storage reservoir boundary,” “native gas,” “natural gas storage facility,” “natural gas storage reservoir,” “oil and gas,” “reservoir protection area,” and “shut-in bottom hole pressure”;

- Provides jurisdiction and authority to the Division of Resource Management (division) for underground natural gas storage, and provides the Department of Environmental Protection (DEP) with rulemaking authority;
- Provides specific permitting and permit application fee requirements and specifies the contents of the permit application;
- Requires each well to be permitted individually;
- Provides specific authority to the DEP to issue permits related to underground natural gas storage;
- Provides specific criteria and conditions under which a permit may be issued;
- Provides provisions for recertification of a permit;
- Provides specific circumstances for which a permit may not be issued;
- Provides for the protection of water supplies while providing defenses to claims for the contamination of a water supply;
- Provides for the protection of natural gas storage facilities and for the property rights of the natural gas injected;
- Allows the DEP to issue orders related to additional recovery of oil or gas, subject to specific conditions;
- Exempts stored natural gas from certain limitations;
- Provides penalties for violations of a permit for a natural gas storage facility;
- Prohibits pollution and requires the cost of clean-up to be incurred by the responsible party;
- Allows for expedited permitting of underground natural gas storage facilities and interstate pipelines; and
- Requires the DEP to adopt rules prior to issuing a permit for underground natural gas storage.

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

- ***CS/CS/SB 1106 Agritourism***

States the intent of the Legislature to eliminate duplication of regulatory authority over agritourism. The bill prohibits a local government to adopt ordinances, regulations, rules, or policies that prohibit, restrict, regulate or otherwise limit an agritourism activity on land classified as agricultural by a property appraiser. The bill establishes a limitation on liability from inherit risks for the land owner, agritourism operator, and employees if a notice of risk is posted on the land. The bill provides the specific warning language that must be posted in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. Finally, the bill denies use of the limited liability defense if the owner, agritourism operator, or employee fails to post the sign as required by this act or fails to place the notice of inherent risk in the contract. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/SB 1472 Nuclear and Integrated Gasification Combined Cycle Power Plants/ Funding***

The bill provides that the applicable rate for allowance for funds used during construction of a nuclear or integrated gasification combined cycle power plant is the rate in effect at the time the increment of cost is incurred and recovery is sought, which will, under current conditions, reduce costs to ratepayers.

The bill also establishes a process for review and approval by the Public Service Commission before a utility can continue with:

- Post-license or post-certificate preconstruction work,
- Purchases of preconstruction materials or equipment that exceed one percent of the total projected cost for the project, or
- The construction phase for a power plant for which it is obtaining early cost recovery.

The bill provides that in order for the commission to grant such approval and allow a utility to continue obtaining early cost recovery for the next phase of development, it must determine that the plant

remains feasible and that the projected costs for the plant are reasonable.

The bill provides that within 10 years after obtaining the appropriate license or certificate, the utility must either begin construction on the plant or petition the commission to preserve the opportunity for future cost recovery, and the commission must determine if the utility remains intent on building the plant.

Finally, the bill provides that if a utility has not begun construction of a plant within 20 years of receiving the license or certificate, it may not use the early cost recovery statute to recover future costs relating to the plant. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/SB 1594***
  Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act

The bill authorizes a county school district, or an institution of higher education, including all state universities, colleges, and technical colleges, to enter into guaranteed energy, water, and wastewater performance savings contracts. It includes a building retrofit or renovation in the definition of the term "energy, water, and wastewater efficiency and conservation measure" and authorizes inclusion of a variety of new savings measures in a performance savings contract. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 1806***
  Total Maximum Daily Loads

The bill amends s. 403.067, F.S., exempting the Department of Environmental Protection's rules on total maximum daily loads for impaired waterbodies from the legislative ratification requirements of s. 120.541(3), F.S. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 1808***
  Numeric Nutrient Criteria

The bill amends s. 403.061, F.S., and creates four unnumbered sections of law. The bill provides guidance for setting numeric nutrient criteria (NNC) for flowing waters of the state.

The bill allows the Department of Environmental Preservation (DEP) to implement its adopted nutrient standards for streams, springs, lakes, and estuaries in accordance with the document "Implementation of Florida's Numeric Nutrient Standards." The bill provides for the repeal of Rule 62-302.531(9), Florida Administrative Code (F.A.C.), when the United States Environmental Protection Agency withdraws all federal NNC rules in Florida and otherwise ceases all federal nutrient rulemaking, which allows for the implementation of the state's NNC rules. The bill subjects any NNC rules for estuaries adopted by the DEP in 2013 to the provisions of Rule 62-302.531(9), F.A.C., and exempts them from legislative ratification.

The bill directs the DEP to establish estuary specific NNC for estuaries not already subject to NNC, and sets NNC for chlorophyll a for non-estuarine coastal waters by December 1, 2014. The bill establishes the water quality standard for non-estuarine coastal waters until such time as NNC are established for those waters. The bill directs the DEP to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 1, 2013, on the status of setting NNC for estuaries and non-estuarine coastal waters for which NNC have not been set. If approved by the Governor, these provisions take effect upon becoming law.

- ***HB 4001***
  Florida Renewable Fuel Standard Act

The bill repeals the statutes comprising the Florida Renewable Fuel Standard Act, allowing a terminal supplier, importer, blender, or wholesaler to sell unblended gasoline for any use or purpose, not just those currently listed as exemptions to the act. The repeal of the Florida requirements on sellers of gasoline will leave the federal blending requirements on producers untouched and in effect. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 7019***
  Development Permits/Misc., including Prohibition on "Baby Hometowns" and Permit Extensions

National Flood Insurance Program Compliance
The bill requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or

federal permits must be obtained before the commencement of any development. These changes will ensure Florida is fully compliant with the National Flood Insurance Program administered by the Federal Emergency Management Administration.

House Bill 503 (2012 Regular Session) contained provisions that, if implemented, would impede the state's ability to enforce required components of NFIP's floodplain management regulations and jeopardize Florida's voluntary participation in NFIP. The bill seeks to bring state law into compliance with the federal requirements of NFIP.

Referenda Approval of Amendments to Comprehensive Plans or Development Orders

The bill clarifies an existing exemption to a current provision which prohibits local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments. Under the bill, the local initiative and referendum processes that are allowed to continue are limited to those that:

- Were in effect on June 1, 2011;
- Affect more than five parcels of land; and
- Were expressly authorized in a local government charter specifically for matters such as development orders or comprehensive plan or map amendments.

These provisions of the bill apply retroactively to any initiative or referendum process on local growth management issues commenced after June 1, 2011.

High-Speed Rail Communication Facilities

The bill requires the Florida Rail Enterprise (enterprise), within the Department of Transportation, to establish a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high-speed rail system. The bill defines the terms "communications facilities" and "railroad company" and prohibits owners of communication facilities from providing voice or data services to persons or entities not involved in the operation of a high-speed rail system.

The bill contains provisions relating to the submission and review of an application for a railroad company to obtain a permit to construct communication facilities and authorizes the enterprise to adopt rules regarding the administration of such permits. The enterprise is required to provide a copy of a completed permit application to the municipalities or counties where the high-speed rail system will be located and allow the affected local governments 30 days to provide comments to the enterprise regarding the application.

The bill provides that the activities authorized in a permit issued by the enterprise for the construction of communication facilities are not subject to local government land use or zoning regulations. Additionally, such permit is in lieu of any license, permit, certificate, or similar document required by any local agency and may include variances and exemptions from rules of the enterprise or any other agency, which would otherwise be applicable to the communication facilities.

Leasing of County Property Ancillary to a Professional Sports Franchise Facility

The bill allows boards of county commissioners to negotiate the terms and conditions of a lease or license associated with commercial development that is ancillary to a professional sports franchise facility, if the ancillary development property is part of or contiguous to, the professional sports franchise facility. This leasing authority applies only in situations in which a professional sports franchise facility lease has been in effect for at least 10 years and has at least an additional 10 years remaining in the lease term.

Permit Extensions

Chapter 2011-39, L.O.F., provides a 2-year extension for any building permit or any permit issued by the Department of Environmental Protection or by a water management district pursuant to ch. 373, part IV, F.S., which has an expiration date from January 1, 2012, through January 1, 2014. The bill extends the deadline in which a permit holder must notify the authorizing agency of the permit holder's intention to utilize the 2-year permit extension. The deadline for notification is extended from December 31, 2012 to October 1, 2013.

Onsite Sewage Treatment and Disposal Systems in Monroe County

The bill provides the following conditions relating to onsite sewage treatment and disposal systems (OSTDSs) in Monroe County:

- Requires property owners not scheduled for service by a central sewer system by 2015 to comply with statutorily prescribed OSTDS effluent standards.
- Allows property owners that have recently installed an OSTDS in an area to be served by a central sewer system to continue to use the OSTDS until 2020.
- Allows property owners who have paid the fees to connect to a central sewer system, in an area scheduled to be served by a central sewer by 2015, to install a holding tank with a high water alarm until connection to the central system.

Permits Extensions: Monroe County
The bill provides a 3-year extension for any building permit or any permit issued pursuant to ch. 373, part IV, F.S., regarding the management and storage of surface waters, which expires between January 1, 2012, and January 1, 2016. The bill sets a maximum extension of 7 total years for specified extensions in combination with this extension. This 3-year extension applies only in areas that are to be served by central sewer systems by December 2015 within the Florida Keys Area of Critical State Concern in unincorporated Monroe County and excludes special wastewater districts. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 7025 Timeshares***

The bill relates to the Florida Vacation Plan and Timesharing Act. It revises provisions related to the nonjudicial, trustee foreclosure process for the foreclosure of liens on timeshare interests, including liens based on unpaid assessments and unpaid mortgage obligations. In current law, the lienholders appoint a trustee to serve the required notices and forms on the timeshare interest holder.

The bill provides for the regulation of timeshare interest transfer companies. These businesses solicit timeshare owners to transfer ownership of their timeshare to another entity or person for a fee paid by the timeshare owner to relieve the timeshare owner from paying maintenance fees and other obligations of ownership. The bill requires that timeshare transfer companies or their agent must provide an estoppel letter to the managing entity of the timeshare plan. An estoppel letter indicates whether all assessments and other money owed to the managing entity by the timeshare interest owner have been paid. The bill requires timeshare transfer companies to deliver a signed written resale transfer agreement to the consumer timeshare reseller, and specifies the information that must be included in the agreement. The agreement must contain a statement that no fees or costs will be paid before delivery to the consumer timeshare reseller and managing entity of written evidence that the transfer services have been performed. The agreement must also identify the escrow agent.

The person providing transfer services must establish an escrow account. The funds or property must be held with the escrow agent until the transfer company has fully complied with the obligations under the agreement. The escrow records must be kept for 5 years. It provides that it is a third degree felony to intentionally fail to comply with the escrow and recordkeeping requirements. The bill provides managing entities with a private right of action to recover actual damages; plus attorney fees and court costs, to bring an action for a declaratory judgment; and to bring an action to obtain an injunction. The bill also provides exemptions for real estate brokers, licensed attorneys, title insurers, or agents, who receive total consideration from a consumer reseller of less than $600, and for transfers from a timeshare reseller to the developer or managing entity of that timeshare plan.

The bill also:

- Exempts timeshare condominiums from the requirements related to the conduct of condominium board member elections;
- Permits timeshare plan reserves to be calculated using the pooling accounting method as an alternative to the straight line accounting method, as is also currently permitted for condominium associations;
- Revises the definition of the term “timeshare estate” in s. 721.05(34), F.S., to include direct and indirect interest in a trust;

- Revises the definition of the term "notice address" to include any address that is known to be the current address of a timeshare mortgagor, owner, or junior interest holder;
- Amends the definition of the term "permitted delivery service" in s. 721.82(11), F.S., to allow the trustee to use a foreign jurisdiction's recognized equivalent of certified or registered mail;
- Requires that the required title search must be conducted and delivered to the trustee prior to the sale of the timeshare interest with an effective date of within sixty days of the date it is delivered to the trustee;
- Provides that the initiation of a foreclosure proceeding against a timeshare interest does not automatically act as a lis pendens, which is a notice, recorded in the chain of title to real property that gives notice that the property is the subject matter of litigation, and that any interests acquired during the pendency of the suit are subject to its outcome;
- Provides the information that must be included in a notice of lis pendens;
- Provides a good faith standard for determining whether the obligor is the person who signed the receipt of the notice of default and intent to foreclose;
- Provides that it will not be a third degree felony, as provided in current law, if the trustee makes an incorrect determination as to the identity of the signature on the notice receipt and he or she made a good faith effort to properly ascertain if the obligor signed the return receipt in accordance with the good faith standards provided in this bill;
- Delineates the information that must be included in the publication notice that is required if the obligor cannot be served with a notice of default and intent to foreclose;
- Provides that circumstances in which the attestation that a diligent search and inquiry to ascertain the obligor has been done is not required;
- Permits the notice of default and intent to foreclose to be perfected as to all obligors at the same address, so long as notice is perfected as to at least one obligor at that address;
- Permits the trustee to use a third party to conduct the sale on behalf of the trustee; and
- Corrects scrivener's error by deleting duplicative terms.

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

- ***CS/HB 7065***
  Everglades Improvement and Management

The bill amends s. 373.4592, F.S., to merge Florida's existing Long-Term Plan with the South Florida Water Management District's (SFWMD) Restoration Strategies plan in order to create a single comprehensive plan for achieving the restoration efforts envisioned under the Everglades Forever Act (EFA). The bill allows the SFWMD to continue to use ad-valorem funds currently collected in accordance with the EFA for the continued implementation of the Long-Term Plan. The bill also extends the agricultural privilege tax in the Everglades Agricultural Area as follows:

- $25 an acre for tax notices mailed November 2014 to November 2026;
- $20 per acre for tax notices mailed November 2027 to November 2029;
- $15 per acre for tax notices mailed November 2030 to November 2035; and
- $10 per acre for tax notices mailed on or after November 2036.

The bill appropriates $12 million in recurring general revenue funds and $20 million in recurring funds from the Water Management Lands Trust Fund for the Restoration Strategies Regional Water Quality Plan starting in Fiscal Year 2013-2014 and each year thereafter through Fiscal Year 2023-2024. The bill also directs the SFWMD to conduct a use attainability analysis after all of the projects and improvements in the Long-Term Plan are complete. If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/HB 7119***
  Homeowners' Associations

The bill revises requirements for the governance of homeowners' associations. The bill provides additional grounds for disciplining licensed community association managers for failing to comply with the governing statutes for condominium, cooperative, and homeowners' associations. Regarding the homeowner's access to official records of the association, the bill:

- Requires that the official records must be maintained for seven years and maintained within 45 miles of the community or within the same county;
- Permits associations to maintain the records electronically;
- Permits members to photograph records using a camera or other electronic device at no charge;
- Permits associations to charge copying costs and personnel costs required to retrieve and copy records that exceed one half hour, but the cost may not exceed $20 per hour, except that personnel costs may not be charged for requests that result in 25 or fewer pages; and
- Decreases the cost of copies provided on the association's photocopier from 50 cents per page to 25 cents per page.

The bill requires homeowners' associations to report specified information to the Division of Florida Condominiums, Timeshares, and Mobile Homes within the Department of Business and Professional Regulation. It requires the department to establish an Internet-based registration system and to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. This reporting requirement would expire on July 1, 2016, unless reenacted by the Legislature.

The bill provides that associations do not have to allow nominations at the meeting where the election is to be held if it permits nominations in advance of the meeting. It also provides that an election is not required unless more candidates are nominated than board vacancies exist.

The bill limits the liability of associations for assessments that came due before the association acquired title through a foreclosure.

Regarding the officers and directors of homeowners' associations, the bill requires:

- Newly elected directors to certify that they have read, and will uphold, the governing documents;
- Contracts with interested directors to be disclosed and approved by a two-thirds vote of the board, and permits the contract to be cancelled by a vote of the members;
- The removal of officers and directors who solicit or accept things of value from anyone providing or offering to provide services to the association, with exceptions;
- The removal of officers or directors charged with theft or embezzlement of association funds; and
- Associations to maintain insurance or fidelity bonding, but permits the associations to annually waive the insurance requirement upon a majority vote of the members.

Regarding developer control of homeowners' associations, the bill provides:

- Additional events that trigger control of the association by the non-developer members, including when the developer has failed to complete the amenities and infrastructure, has filed Chapter 7 bankruptcy, has lost title through foreclosure, or when a receiver has been appointed;
- That homeowners can elect at least one member to the board when 50 percent of the parcels are conveyed to non-developer members; and
- That the right of a developer to amend the association's governing documents must be reasonable and prohibits the developer from making unilateral changes to those governing documents under certain circumstances.

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

2013
Florida Legislature
Post-Session Report

Health Care & Health Insurance

Health Care & Health Insurance

- ***CS/SB 56***
  Infant Death

The bill replaces the concept of Sudden Infant Death Syndrome (SIDS) with Sudden Unexplained Infant Death (SUID). SUID is defined as the sudden, unexpected death of an infant under 1 year of age which remains unexplained after a complete autopsy, death-scene investigation, and review of case history. Accordingly, training requirements for first responders and protocols for medical examiners are revised to show this change in emphasis. The modifications also reflect the current practices of medical examiners and coroners in the identification of the SUID classification for infant death. SIDS remains a component of SUID.

The bill requires the Department of Health to include the child protection teams within the Division of Children's Medical Services in the development of the rule for law enforcement investigations of sudden infant deaths. The bill further requires that the curriculum be based on the federal Centers for Disease Control SUID Initiative.

The bill also deletes the Department of Health's responsibility to coordinate the SIDS hotline and other liaison activities were re-focused from the local alliance to the Florida SIDS Alliance.

The bill requires hospitals with birthing centers to provide information to patients on safe sleep practices for infants and the causes of SUID as part of postpartum care. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 239***
  Practice of Optometry/Prescriptions

The bill authorizes licensed certified optometrists to administer or prescribe oral ocular pharmaceutical agents, including statutorily specified analgesics which are controlled substances, for the relief of pain due to ocular conditions of the eye and its appendages. The 14 oral ocular pharmaceutical agents that may be administered or prescribed by a certified optometrist are identified in a statutory formulary. The bill repeals the formulary committee and authorizes the Board of Optometry to establish and update the formulary for topical ocular pharmaceutical agents.

Before administering or prescribing oral ocular pharmaceutical agents, the certified optometrist must provide proof to the Department of Health of successful completion of a course and examination on general and ocular pharmaceutical agents and the side effects of those agents. The first course and examination must be presented by October 1, 2013. The 20-hour course and examination may satisfy 20 hours of continuing education for the optometrist.

The bill provides a definition of ocular pharmaceutical agent as a pharmaceutical agent that is administered topically or orally for the diagnosis or treatment of ocular conditions of the human eye and its appendage without the use of surgery or other invasive techniques. Additionally, a definition of surgery is provided and certain procedures under the practice of optometry are excluded from this definition.

A procedure for the co-management of post-operative care by the surgeon and the optometrist is specified in law, which includes certain disclosures to the patient and the patient's consent to the co-management of care. Any adverse incident, as defined in this law, which is attributable to the prescription of an oral ocular pharmaceutical agent by a certified optometrist must be reported to the Department of Health.

The bill prohibits an optometrist from prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug for the purpose of treating a systemic disease. A certified optometrist is authorized to perform eye examinations, including a dilated examination, related to pugilistic exhibitions (boxing, kickboxing, or mixed martial arts matches). The bill also authorizes an optometrist to operate a clinical laboratory to treat his or her own patients and requires other clinical laboratories to accept specimens submitted for examination by an optometrist.

The bill prohibits a certified optometrist from administering or prescribing a controlled substance listed in Schedule I or Schedule II.

This bill was approved by the Governor on April 19, 2013, Ch. 2013-026, Laws of Florida. These provisions take effect July 1, 2013.

- ***CS/SB 248***
  Treatment Programs for Impaired Licensees and Applicants

The bill authorizes an entity that employs a registered nurse as an executive director to serve as a consultant and provides that entities serving as consultants for the impaired practitioner treatment program are not required to be licensed as substance abuse providers or mental health treatment providers for purposes of participating in this program. Consultants are authorized to assist students enrolled in a school or program to become licensed as health care practitioners as defined in ch. 456, F.S., or as veterinarians, and certain health care practitioner schools and veterinary schools are released from liability for referring students to consultants.

The chair or a designee from each board or profession within the Division of Medical Quality Assurance within the Department of Health (DOH), has the authority to ask any licensure applicant to undergo an evaluation for impairment before deciding to certify or not certify the licensure application. If the applicant agrees to undergo such an evaluation, DOH's deadline for certifying or not certifying the application is tolled until the evaluation can be completed and results reported to the appropriate board.

The bill provides guidelines concerning the release and custody of records relating to the impaired practitioner. The bill also subjects radiologic technologists to the impaired practitioner provisions in s. 456.076, F.S. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 365***
  Biosimilar Pharmacy

The bill authorizes a Class II institutional pharmacy (typically a hospital pharmacy) to add biological products, biosimilars, and biosimilar interchangeables to its institutional formulary system.

Under the bill, pharmacists may only dispense biosimilar products to patients in place of prescribed biological products if:

- The federal Food and Drug Administration (FDA) has determined that the substitute biological product is biosimilar to and interchangeable for the prescribed biological product;
- The prescriber does not express any preference against such a substitution;
- The person presenting the prescription is notified of the substitution in a manner consistent with s. 465.025(3), F.S., which includes advising the presenter that he or she may refuse the substitution and request the brand name biological product and that any savings in dispensing the biosimilar will be passed on to the presenter; and
- The pharmacist retains a record of the substitution for at least 2 years.

A pharmacist who practices in a Class II or modified Class II institutional pharmacy must comply with the reporting provisions by entering the substitution into the institution's medical record system. The bill also requires the Board of Pharmacy to maintain on its public website a list of biological products that the FDA has determined to be biosimilar and interchangeable. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/SB 398***
  Physician Assistants

The bill amends the medical practice act and the osteopathic medical practice act to clarify that a supervising physician may delegate to a physician assistant authority to order medications, including controlled substances, for patients in hospitals, ambulatory surgical centers and mobile surgical facilities. The bill also specifies that an order is not a prescription in these instances. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 413***
  Physical Therapy

The bill amends the definition of the practice of physical therapy to authorize a physical therapist to implement a plan of treatment ordered for a patient by an advanced registered nurse practitioner (ARNP). The bill also makes several technical changes to the definition to improve readability. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 520***
  Emergency Medical Services

The bill updates provisions relating to training and education for emergency medical technicians (EMTs) and paramedics. Specifically the bill:

- Removes emergency personnel certified under ch. 401, F.S., from the instruction requirements on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) contained in s. 381.0034, F.S.;
- Deletes the requirement that any curricula for training EMTs and paramedics include 4 hours of HIV/AIDS instruction;
- Links the definitions of advanced life support and basic life support to the EMT-Paramedic National Standard and the EMT-Basic National Standard, respectively, as well as the National EMS Education Standards of the United States Department of Transportation;
- Adds those National EMS Education Standards approved by the Department of Health to the allowed standards on which emergency medical services trainers may base their curricula; and,
- Increases, from 1 year to 2 years, the period within which an EMT or a paramedic must pass the required certification exam after completing their training program.

The bill also increases, from 2 years to 5 years, the period within which the Department of Health must revise its comprehensive state plan for basic and advanced life support systems. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 604***
  Impaired Practitioners

The bill directs certain fees collected by the Department of Health for examinations, certification, and recertification of emergency medical technicians and paramedics to be deposited into the Medical Quality Assurance Trust Fund instead of the Emergency Medical Services Trust Fund.

The bill also adds to the types of proceedings that the Department of Financial Services must defend to include any action for injunctive, affirmative, or declaratory relief against an impaired practitioner consultant involving emergency interventions on behalf of impaired practitioners when the consultant is unable to perform the intervention if the act or omission arises out of and is in the scope of the consultant's contractual duties. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 648***
  Health Insurance Marketing Materials

The bill eliminates the requirement that health insurers and health maintenance organizations submit marketing communications for small employer health plans to the Office of Insurance Regulation (OIR) for review. The bill also deletes the requirement that each marketing communication contain specific disclosures, but retains the requirement that such disclosure be provided to a small employer upon the offer of coverage.

The bill continues the requirement that insurers file with the OIR any long-term care insurance advertising materials, but deletes the requirement to file such materials 30 days prior to use. The bill allows the insurer to begin using such materials upon filing, subject to subsequent disapproval by the OIR. The bill does not eliminate the authority of the Financial Services Commission to adopt rules establishing standards for the advertising, marketing, and sale of long-term care insurance policies.

Florida law would continue to prohibit persons involved in the business of insurance from knowingly publishing any advertising with respect to the business of insurance, which is untrue, deceptive, or misleading.

The bill also specifies that the rules adopted by the Financial Services Commission to establish the format for the notice of the estimated premium impact of the federal Patient Protection and Affordable Care Act (PPACA) are not subject to s. 120.541(3), F.S., which requires that rules obtain legislative ratification if they exceed certain regulatory costs. These rules are required to be adopted pursuant to CS/SB 1842, which was passed by the Legislature on April 26, 2013, and ordered enrolled.

That bill requires health insurers and health maintenance organizations to provide a notice to individual and small group policyholders of nongrandfathered

health plans that describes or illustrates the estimated impact of PPACA on monthly premiums. This notice would be required one time, when the policy is issued or renewed on or after January 1, 2014, and must first be filed with the OIR by September 1, 2013. The notice must be in a format established by rule by the Financial Services Commission. The OIR and the Department of Financial Services must develop a summary of the estimated impact of PPACA on monthly premiums as contained in the notices, which must be available on their respective websites by October 1, 2013. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 1071***
  Health Care Accrediting Organizations

The bill amends ss. 154.11, 394.741, 397.403, 400.925, 400.9935, 402.7306, 408.05, 430.80, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S., to replace requirements that health care entities be accredited by specific accreditation organizations with general provisions requiring health care entities to be accredited by an accrediting organization whose standards incorporate comparable licensure regulations required by this state and, where appropriate, is approved by the Centers for Medicare and Medicaid Services.

The bill amends s. 395.3038, F.S., to delete an outdated provision requiring the Agency for Health Care Administration to notify hospitals that it is creating a registry of primary and comprehensive stroke centers.

The bill also amends s. 486.102, F.S., to specify that any regional or national institutional accrediting agency recognized by the United State Department of Education, as well as the Commission on Accreditation for Physical Therapy Education, are appropriate accrediting agencies for the purpose of approving courses for the preparation of physical therapist assistants. If approved by the Governor, these provisions take effect July 1, 2013

- ***CS/CS/HB 1093***
  Volunteer Health Services

The bill amends the Medical Practice Act and the Osteopathic Medical Practice Act to revise the criteria for limited licensure for physicians. Limited licenses are typically issued to physicians providing volunteer, uncompensated services for low-income Floridians or services in areas of critical medical need. The bill provides greater flexibility for the Department of Health to issue the limited licenses.

The bill also amends s. 766.115, F.S., the Access to Health Care Act (the Act), to:

- Revise the contractual requirements for patient referrals and care under the Act. The contract between the governmental contractor and the provider may authorize the provider to determine patient selection and initial referral. The Department is required to retain review and oversight authority of this process;
- Eliminate the requirement that patient care, including follow-up or hospital care, is subject to approval by the government contractor;
- Require the Department of Health to post online volunteers, volunteer providers' hours, and the number of patient visits for each volunteer. However, a provider may request in writing to be excluded from the online listing;
- Permit volunteer providers to earn continuing education credit for participating in the program.

The bill allows each hour of volunteer services to count as a continuing education hour for up to eight hours per licensure period. If approved by the Governor, these provisions take effect July 1, 2013

- ***CS/CS/SB 1094***
  Home Health Agencies

The bill reduces the mandatory fine amount levied against home health agencies that fail to file a quarterly report which includes several indicators of potential Medicaid fraud with the Agency for Health Care Administration. The bill reduces the current fine of $5,000 to a fine of $200 per day up to a maximum of $5,000 per quarter. The bill also exempts home health agencies that do not bill Medicare or Medicaid, and are not owned by a health care entity which bills Medicare or Medicaid, from submitting the report and from the fine for failing to file the report. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 1129***
  Infants Born Alive

The bill provides protections for an infant born alive during an attempted abortion. Specifically, the bill:

- Defines "born alive" as the complete expulsion or extraction from the mother of a human infant, at any stage of development, who, after such expulsion or extraction, breathes or has a beating heart, or definite and voluntary movement of muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, Cesarean section, induced abortion, or other method;
- Grants an infant who is born alive during or immediately after an attempted abortion the same rights as infants born naturally;
- Requires healthcare professionals to apply the same level of care towards an infant born alive as they would for an infant born naturally of the same gestational age;
- Requires that an infant born alive as part of an attempted abortion be immediately transported and admitted to a hospital;
- Requires health care practitioners to report violations of these provisions to the Department of Health;
- Causes violations of these provisions to be punishable as a first degree misdemeanor;
- Specifies that these provisions do not preclude the prosecution for a more general offense, regardless of penalty;
- Specifies that these provisions do not affirm, deny, expand, or contract any legal status or right of a fetus or infant prior to being born alive; and
- Requires facilities that perform abortions to report monthly the number of infants born alive to the Agency for Health Care Administration.

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

- ***HB 1157***
  Health Flex Plans

The bill amends s. 408.909, F.S., relating to the Health Flex Plans program. The bill eliminates the statute's repeal date of July 1, 2013, extending the Health Flex Plan program indefinitely. Health Flex plans were designed to provide affordable, alternative health care coverage for low-income individuals.

The bill also modifies the definition of "health care coverage" or "health flex plan coverage" to allow Health Flex plans coverage to include excepted benefits, such as hospital indemnity or other fixed indemnity insurance, and limited scope dental or vision. This change will bring the Health Flex plans, as an excepted benefits plan, into conformity with the provisions of the federal Patient Protection and Affordable Care Act.

The Agency for Health Care Administration and the Office of Insurance Regulation will continue to jointly regulate and monitor the operation of the Health Flex Plan program. If approved by the Governor, these provisions take effect June 30, 2013.

- ***CS/CS/HB 1159***
  Health Care and Health Care Facilities

The bill amends various sections of law relating to the provision of health care. Specifically, the bill amends sections relating to Obstetrical Services in Specialty Licensed Children's Hospitals.

- The bill allows a specialty licensed children's hospital located in a county with a population of 1,750,000 or more to provide obstetrical services, in accordance with the guidelines with the American College of Obstetricians and Gynecologists, to up to 10 beds. These services are restricted to the diagnosis, care, and treatment of pregnant women who have documentation by an examining physician that their fetus has at least one fetal characteristic or condition diagnosed intra-utero that would characterize the pregnancy or delivery as high risk or who have medical advice or a diagnosis indicating that the fetus may require at least one perinatal intervention.

The Cancer Treatment Fairness Act
The bill creates the "Cancer Treatment Fairness Act" which requires an individual or group insurance policy, or a health maintenance organization contract, that provides medical, major medical, or similar comprehensive coverage and includes coverage for cancer treatment to also cover prescribed, orally administered cancer treatment medications. The Act restricts such policies and contracts from applying cost-sharing requirements for orally administered cancer treatment medications that are less favorable than cost-sharing requirements for other cancer treatment medications covered under the policy or contract except that if the cost sharing requirements for intravenous or injected cancer medications are less than $50 per month the cost-sharing requirements for orally administered cancer treatment medications may be up to $50 a month.

The Act also restricts insurers offering such policies and contracts from:

- Varying the terms of the policy or contract after July 1, 2014 to avoid compliance with these provisions;
- Providing any incentive or imposing any treatment limitation to encourage a covered person to accept less than the minimum protections available under these provisions;
- Penalizing a health care practitioner for recommending or providing services or care to a covered person as required under these provisions;
- Providing any incentive to induce a health care practitioner to not comply with these provisions; or,
- Changing the classification of any intravenous or injected cancer treatment medication or increasing the amount of cost sharing applicable to any intravenous or injected cancer treatment medication in order to achieve compliance with this section.

Grandfathered health plans, Medicare supplement, dental, vision, long-term care, disability, accident only, and specified disease policies, or other supplemental limited-benefit plans are exempted from the provisions of the act.

The Prescription Drug Monitoring Program
The bill appropriates $500,000 of nonrecurring funds to the Department of Health for the general administration of the prescription drug monitoring program.

Level II Trauma Center Designation
The bill requires the Department of Health to designate a hospital as a Level II trauma center if the hospital has a valid certificate of trauma center verification from the American College of Surgeons and is located in an area with limited access to trauma center services. A hospital is located within an area with limited access to trauma center services when it is located:

- In a trauma service area with a population of greater than 600,000 persons and a density of less than 225 persons per square mile;
- In a county with no verified trauma center; and,
- At least 15 miles or 20 minutes travel time by ground transport from the nearest verified trauma center.

Clinics
The bill exempts pediatric cardiology and perinatology clinical facilities, anesthesia clinical facilities that are not otherwise exempt, and entities that are owned by a corporation that has $250 million or more in total annual sales of health care services provided by licensed health care practitioners where one or more of the persons responsible for the operations of the entity are a health care practitioner from the definition of "clinic" under s. 400.9905, F.S.

Expedited Review for Certain Nursing Home Certificates of Need for Retirement Communities
The bill allows for an expedited review for the certificate of need application for the construction of a new nursing home, regardless of the moratorium on nursing home certificates of need established by s. 408.0435, F.S., in a retirement community:

- Where the residential use area is deed-restricted as housing for older persons as defined in s. 790.29(4)(b), F.S.;
- That is located in a county with 25 percent or more of its population aged 65 and older;

- That is located in a county that has a rate of no more than 16.1 nursing home beds per 1,000 people age 65 or older;
- That has a population of at least 8,000 residents; and,
- Where the number of proposed nursing home beds does not exceed 16.1 beds per 1,000 persons aged 65 or older for the county projected 3 years into the future.

The bill authorizes the expedited review process for up to 120 new beds per application and for a total of 240 beds per community regardless of whether the community spans multiple counties. Each community may make a second request for an expedited review of a certificate of need application 2 years after the construction of the first nursing home facility has commenced or 1 year after the initial beds have been licensed. Also, each nursing home approved for the expedited review process must be dually certified for participation in the Medicare and Medicaid programs.

After verifying that a retirement community meets the criteria for the expedited review, the Agency for Health Care Administration (Agency) must publish a notice of the request in the Florida Administrative Weekly which includes the information specified in the bill. The retirement community must determine what requirements applicants for the certificate of need must meet and make land available to applicants it deems to have met the requirements. However, the retirement community only must sell or lease land to the applicant that is issued the certificate of need by the Agency. Within the certificate of need application, the applicant must identify the intended site for the project and show written evidence that the retirement community's requirements are met. If there are multiple applicants that meet the requirements specified by the retirement community, the community may notify the Agency of which applicant it prefers.

If approved by the Governor, and except as specified in the act, these provisions take effect upon becoming law.

- ***CS/SB 1302***
  Temporary Certificates for Visiting Physicians

The bill amends s. 458.3137. F.S., relating to temporary certificates for visiting physicians to obtain medical privileges for instructional purposes. The types of training programs and educational symposiums for which visiting faculty may seek a temporary certificate are expanded beyond the current single subject matter of plastic surgery to include other medical or surgical training programs affiliated with a medical school or educational symposium sponsored in conjunction with a medical school or teaching hospital.

In addition, the bill expands the types of entities that may sponsor the training programs to include any other medical or surgical training program that is affiliated with a medical school accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or is part of a teaching hospital as defined in s. 408.07, F.S.

The temporary certificates are capped on a per symposium basis of 12 per event instead of the existing limit of 6 per year. Each certificate is valid for 5 days, an increase from the current limit of 3 days.

The bill also modifies the requirements for proof of financial responsibility for medical malpractice for physicians seeking a temporary certificate by providing as an additional option for physicians not licensed in this country proof that the physician is covered under the medical malpractice insurance of a teaching hospital or medical school. The amount of the bond, certificate of deposit, or guaranteed letter of credit continues to be at least $250,000.

The Department of Health is responsible for issuing the temporary certificates and updating any rules and procedures to accommodate these modifications. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 1420***
  Mental Health Treatment

The bill authorizes the admitting physician at a civil or forensic facility operated by the Department of Children and Families to continue psychotherapeu-

tic medications for a client who has been receiving these medications at the jail prior to transfer based on certain conditions. These conditions include the client lacking the capacity to make an informed decision regarding treatment at the time of admission and the physician's clinical judgment that abrupt cessation of the medication could pose a risk to the health or safety of the client while a court order to medicate is pursued. The administrator or designee of the civil or forensic facility must petition the court for an order authorizing the continued treatment of the client within 5 business days after admission. The jail physician must provide a current psychotherapeutic medication order at the time of transfer to the forensic or civil facility or upon request of the admitting physician after the client is evaluated.

The bill requires the court to hold a commitment hearing within 30 days after receiving notification that a defendant, who has been adjudicated not guilty by reason of insanity, no longer meets the criteria for continued commitment. Current law is silent with respect to the timeframe within which the proceeding must be heard.

The bill provides for the dismissal of charges against any defendant, who is adjudicated mentally incompetent to proceed, if he or she remains incompetent 3 (rather than 5) years after the initial competency decision was made, unless the court believes that he or she will become competent in the future. If the defendant was committed in relation to an allegation of certain specified crimes of a violent nature, the period before charge dismissal remains 5 years. The bill preserves the state's ability to refile dismissed charges should the defendant be declared competent to proceed in the future.

The bill also provides additional details for how incompetency is determined in juvenile delinquency cases. It provides a definition for when a child is considered competent and specifies certain components which must be included in a competency evaluation report. Concerning competency evaluations related to mental retardation or autism, the bill requires the evaluator to provide a clinical opinion as to whether the child is competent to proceed with delinquency hearings. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 1520***
  Medicaid
  - Amends the definition of a "rural hospital" to provide that hospitals licensed as rural hospitals in the 2010-2011 or 2011-2012 fiscal years are deemed to continue to be rural hospitals from the date of designation through June 30, 2015, if they continue to have 100 or fewer beds and an emergency room.
  - Repeals current law that directs the Agency for Health Care Administration (AHCA) to set inpatient hospital rates based on allowable costs, requires the use of diagnosis-related groups (DRGs) for inpatient hospital reimbursement, allows DRG reimbursement to be modified if authorized under the GAA, and maintains cost-based rates for hospital outpatient reimbursement.
  - Creates the Statewide Medicaid Residency Program in AHCA. For this program, graduate medical education (GME) funds related to Medicaid are removed from regular hospital reimbursement payments and will instead be subject to a formula-based distribution. Each hospital participating in the program will receive an annual allocation determined by a calculation of the hospital's percentage of total residents statewide and the hospital's percentage of total Medicaid inpatient reimbursement among participating hospitals.
  - Repeals the Community Hospital Education Act.
  - Conforms Medicaid third-party liability statutes to a recent U.S. Supreme Court ruling.
  - Updates the years of audited data that AHCA uses to determine each hospital's Medicaid days and charity care for the disproportionate share hospital (DSH) programs.
  - Amends the DSH program for specialty hospitals to account for DSH dollars that previously went to A.G. Holley Hospital by redirecting those dollars to hospitals under contract with the Department of Health to provide those services.

- Reenacts a provision in the Medicaid managed care selection and assignment statutes so that Medicaid recipients with HIV/AIDS who fail to choose a managed care plan on their own will continue to be assigned to an HIV/AIDS specialty plan.
- Replaces the current Medicaid county billing methodology with a new cost-sharing system.
- Repeals and replaces a paragraph of proviso in the General Appropriations Act to correct a scrivener's error.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-048, Laws of Florida. These provisions take effect July 1, 2013.

- ***CS/CS/SB 1660***
  Quality Cancer Care and Research

Cancer Center of Excellence Award
This bill creates the Cancer Center of Excellence Award to recognize hospitals, treatment centers, and other providers in the state which demonstrate excellence in cancer care.

The Florida Cancer Control and Research Advisory Council (the Council) and the Biomedical Research Advisory Council (BRAC) will appoint members to a joint committee for purposes of creating selection criteria and application forms for the award. The committee will be administratively housed under the Department of Health (the department), and the department is given rulemaking authority related to application cycles and the submission of the application form. The committee will consist of 13 members, seven chosen by majority vote of the Council and six chosen by majority vote of the BRAC. Members of the committee shall serve without compensation but may be reimbursed for travel and other necessary expenses.

Specific duties of the committee include:

- By January 1, 2014, develop performance measures, a rating system, and a rating standard that must be achieved for consideration for the award;
- Review these criteria at least every 3 years to ensure providers are continually enhancing their programs to reflect advances in cancer treatment from the perspective of quality, comprehensive, and patient-centered coordinated care;
- Submit the proposed criteria to the Council and BRAC for approval by both entities prior to their use for award evaluation; and,
- Develop an application form for the award which requires, among other things, submission of documentation which demonstrates that the selection criteria have been met.

The criteria developed by the committee must require, at minimum, that each award applicant:

- Maintain a license in good standing in this state which authorizes the health care services to be provided;
- Be accredited by the Commission on Cancer of the American College of Surgeons;
- Actively participate in at least one regional cancer control collaborative operating pursuant to the Florida Comprehensive Cancer Control Program's cooperative agreement with the Centers for Disease Control and Prevention's National Comprehensive Care Control Program;
- Demonstrate excellence in and dissemination of scientifically rigorous cancer research;
- Integrate training and education of biomedical researchers and health care professionals; and,
- Meet enhanced cancer care coordination standards which, at a minimum, focus on:
  - Coordination of care by cancer specialists and nursing and allied health professionals;
  - Psychosocial assessment and services;
  - Suitable and timely referrals and follow-up;
  - Providing accurate and complete information on treatment options, including clinical trials, which consider each person's needs, preferences, and resources, whether provided by that center or available through other health care providers;

- Participation in a network of cancer specialists of multiple disciplines;
- Family services and support;
- Aftercare and survivor services; and
- Patient and family satisfaction survey results.

The department will conduct semiannual application cycles for this award, starting after January 1, 2014. A team of five evaluators will be selected by the State Surgeon General to assess applicants for award eligibility. Each evaluator must sign a conflict of interest form stating his or her lack of connection with any health care provider or facility licensed in this state. The evaluators may be chosen from any of the following groups:

- No more than five health care practitioners or health care facilities not licensed in this state which provide cancer diagnosis or treatment services;
- No more than three members of the Council;
- No more than two members of the BRAC; and,
- No more than one layperson who has experience as a cancer patient or as the family member of a cancer patient, as long as that patient did not receive care from the applicant being evaluated.

The evaluation team will present to the State Surgeon General those applications which have met or exceeded selection criteria, employing the rating system developed by the joint committee. The State Surgeon General will then notify the Governor of those providers eligible to receive the award. The grant of the award by the State Surgeon General is not final agency action, and the award program is not subject to the provisions of ch. 120, F.S., the Administrative Procedure Act.

The Cancer Center of Excellence Award is good for 3 years, and the recipient may use the designation in its advertising and marketing during this time and may receive preference in competitive state solicitations related to cancer care or research. Previous award recipients are eligible for subsequent awards.

By January 31, 2014, and by December 15 thereafter, the State Surgeon General must provide a report to the President of the Senate and the Speaker of the House of Representatives detailing implementation status of the award program and recommendations for improvement.

Reporting Requirements for Recipients of Cancer-Related Appropriations

Any entity associated with cancer research or care which receives a specific appropriation in the General Appropriations Act and does not have statutory reporting requirements for the receipt of such funds must submit an annual fiscal-year progress report to the President of the Senate and the Speaker of the House of Representatives by December 15. The report must describe the general use of the funds, specify the research (if any) funded by the appropriation, describe any fixed capital outlay project funded by the appropriation, and identify any federal or private sources of funding generated as a result of the appropriation (if traceable).

State-Endowed Research Chairs at Cancer Institutions

To attract and retain talented cancer researchers to the state, the department will award endowments to integrated cancer research and care institutions for establishment of funded research chair positions. Funding must be specified in the General Appropriations Act and are independent of funds appropriated for the James and Esther King Biomedical Research Program. The endowment aims to provide 7 years' of funding, not tied to time-limited grant awards, for a cancer scientist to facilitate coordination among Florida research institutions and to attract other promising researchers and funding to the state.

Each institution which has received an endowment must notify the chairs of the appropriations committees in the Senate and the House of Representatives upon selection of its research chair. Each institution must also provide an annual progress report describing the performance of the chair and use of the endowment funds to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15.

If an institution needs to replace a research chair, the endowment will cease funding all expenses except those related to recruitment until a new chair is found. During the interim, the endowment will

continue to earn interest, and all earnings must be added to the balance of the endowment. A vacancy tolls the 7-year timeframe for the research chair.

The General Appropriations Act for state FY 2013–2014 (SB 1500) includes total funding in the amount of $10 million to be allocated equally to Shands Cancer Hospital at the University of Florida, H. Lee Moffitt Cancer Center and Research Institute, and Sylvester Cancer Center at the University of Miami for an endowed chair.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-050, Laws of Florida. These provisions take effect July 1, 2013.

▪ *SB 1792 Medical Negligence Actions*

This bill clarifies a heath care practitioner's or provider's right to legal counsel, authorizes a prospective defendant to interview a claimant's treating health care providers, and revises the qualifications of experts authorized to testify in medical negligence actions against a specialist.

Health Care Practitioner or Provider Access to Legal Counsel

Whether a heath care practitioner or provider may consult with legal counsel before serving as a witness in a medical negligence action was made unclear as the result of Hasan v. Garvar, 108 So. 3d 570 (Fla. 2012). The bill clarifies that a health care practitioner or provider may consult with an attorney before serving as a witness in a medical negligence action.

During a consultation, the practitioner or provider may disclose to his or her attorney information disclosed by a patient or records created during the course of care or treatment of the patient. However, the bill prohibits the attorney from being a conduit for ex parte communications between the practitioner or provider and the defendant or the defendant's insurer. If the liability insurer for the provider or practitioner represents a defendant or prospective defendant in the action:

- The insurer may not choose an attorney for the practitioner, but may recommend attorneys other than the attorney representing the defendant or a prospective defendant.
- The practitioner's attorney may not disclose any information to the insurer, other than categories of work performed or time billed.

Presuit Investigation of Medical Negligence Claims

This bill revises the informal discovery procedures available for the presuit investigation of a medical negligence claim.

Under existing law, a prospective defendant may not interview the claimant's treating health care providers without the consent of the claimant. Under the bill, the claimant's attorney is responsible for arranging an interview between the prospective defendant and the claimant's treating heath care providers within 15 days after receiving a request. For a subsequent interview, a prospective defendant need only provide 72 hours advance notice of taking the interview to the claimant. However, if the claimant's attorney fails to schedule the first interview, the prospective defendant may conduct an interview of the claimant's treating health care providers without notice to the claimant.

The bill does not require a health care provider to submit to an interview.

Medical Specialists as Expert Witnesses

The bill limits the class of individuals who may offer expert testimony in a medical negligence action against a specialist. Under existing law, these experts must specialize in the same or similar specialty as the defendant. Under the bill, these experts must specialize in the same medical specialty as the defendant. If approved by the Governor, these provisions take effect July 1, 2013.

▪ *CS/SB 1842 Health Insurance Regulation Under PPACA*

The bill makes changes to the Florida Insurance Code related to the requirements of the federal Patient Protection and Affordable Care Act (PPACA) that apply to health insurers and health insurance policies. PPACA preempts any state law that prevents the application of a provision of the PPACA. Each state may enforce the requirements of the PPACA, but if the U.S. Department of Health and Human Services (HHS) determines that a state has failed to substantially enforce any provisions, HHS must enforce those provisions.

The bill makes the following changes to the Florida Insurance Code:

- Provides that a provision of the Florida Insurance Code (Code) or rule adopted pursuant to the Code applies unless such provision or rule prevents the application of a provision of PPACA. This is substantially the same preemption provision that is included in PPACA.
- Authorizes the Office of Insurance Regulation (OIR) to assist HHS in enforcing the provisions of the PPACA by reviewing policy forms and performing market conduct examinations or investigations for compliance with PPACA. OIR must first notify the insurer of any noncompliance and then notify HHS if the insurer does not take corrective action.
- Authorizes the Division of Consumer Services within the Department of Financial Services (DFS) to respond to complaints by consumers relating to requirements of PPACA, by performing its current statutory responsibilities to prepare and disseminate information to consumers as it deems appropriate, provide direct assistance and advocacy to consumers, and require insurers to respond, in writing, to a complaint, and further authorizes the division to report apparent or potential violations to OIR and to HHS.
- Temporarily suspends, for 2014 and 2015, the requirement that health insurers and HMOs (insurers) obtain approval from OIR for nongrandfathered health plans which, generally, are plans under which an individual was insured on March 23, 2010, and for which rates must be filed with HHS. Insurers will still be required to file rates and rate changes for such plans with OIR prior to use, but such rates may be used without OIR approval. For this 2-year period, the rates for nongrandfathered plans would be exempt from all rating requirements. These rating law changes are repealed on March 1, 2015. Under PPACA, insurers must file rate changes with HHS for nongrandfathered health plans, subject to review and determination of whether the rate increase is unreasonable. Grandfathered health plans are not subject to PPACA rate filing requirements and remain subject to the current Florida law requirements for filing rates for approval with OIR.
- Requires insurers to provide a notice to individual and small group policyholders of nongrandfathered health plans that describes or illustrates the estimated impact of PPACA on monthly premiums. This notice is required one time, when the policy is issued or renewed on or after January 1, 2014. The notice must be in a format established by rule by the Financial Services Commission. The OIR and DFS must develop a summary of the estimated impact of PPACA on monthly premiums as contained in the notices, which must be available on their respective websites by October 1, 2013.
- Requires individuals acting as a "navigator" under PPACA to be registered with DFS, beginning August 1, 2013. Under PPACA, beginning on October 1, 2013, individuals and small businesses will be able to purchase private health insurance through Affordable Insurance Exchanges (Exchanges). Exchanges must certify qualified health plans (QHPs) offered by insurers through the Exchange. PPACA directs Exchanges to award grants to "navigators" that will facilitate enrollment in QHPs and exercise certain other duties.

To be registered as a navigator under the bill, an individual must certify completion of federally-required training, submit fingerprints for a criminal background check, and pay a $50 application fee (currently, there is a $50.30 fingerprint processing fee for agents, so the total cost for a navigator would be $100.30). Certain crimes would either permanently bar an individual from registration or disqualify an applicant for specified periods. A navigator will be prohibited from:

- Recommending the purchase of a particular health plan or represent that one health plan is preferable over any other;
- Recommending or assisting with the cancellation of insurance coverage purchased outside the Exchange;
- Receiving compensation or anything of value from an insurer, health plan, business, or consumer in connection with performing

activities as a navigator, other than from the Exchange or an entity or individual who has received a navigator grant under the PPACA.

- Specifies grounds for suspension or revocation of registration and authorizes DFS to impose an administrative fine in lieu of, or in addition to suspension or revocation. Any person who acts as a navigator without registration is subject to an administrative penalty not to exceed $1,500.

Makes the following changes that allow or require insurers to take certain actions that would preserve the status of grandfathered health plans which, in general, are plans under which an individual was insured on March 23, 2010, and which are exempt from many of the requirements of PPACA:

- If a policy form covers both grandfathered health plans and nongrandfathered health plans, the bill allows an insurer to non-renew coverage only for all of the nongrandfathered health plans, subject to certain conditions.
- Requires that the claims experience for grandfathered health plans be separated from nongrandfathered health plans for rating purposes, as also required by PPACA.

Allows an insurer to discontinue a policy form that does not comply with PPACA without being subject to the current prohibition on selling a new, similar policy form after a policy form is discontinued.

Provides two different definitions of "small employer" – one for grandfathered health plans, which is the current law definition, and one for nongrandfathered health plans, which is the same as the federal definition used for PPACA (but capped at 50 employees, as allowed by PPACA). For nongrandfathered health plans, any state law that applies to small group coverage will apply to coverage for a small employer as defined under

- PPACA and will no longer apply to an employer who is not a small employer under the federal definition.
- Requires the dissolution of the Florida Comprehensive Health Association (FCHA), which is the state's high risk pool for persons unable to obtain health insurance, by September 1, 2015. Coverage for current FCHA policyholders will be terminated by June 30, 2014. The FCHA is required to assist each policyholder in obtaining health insurance coverage, which is available to all persons on a guaranteed-issue basis under PPACA beginning October 1, 2013, with coverage beginning January 1, 2014.

Specifies that health insurers and HMOs may non-renew individual conversion policies if the individual is eligible for other similar coverage (which is available under PPACA).

Repeals the statute that establishes the Florida Health Insurance Plan, which has never been implemented.

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

- ***CS/SB 1844 Florida Health Choices Program***

The bill amends s. 408.910, F.S., and expands the current Florida Health Choices Program (FHCP) eligibility guidelines by modifying the participation criteria for individuals and employers as long as other program criteria are met. The bill also clarifies that products sold in the FHCP marketplace are not limited to those specifically listed or to risk-bearing products.

The bill provides Florida Health Choices Corporation (FHCC) more flexibility in setting open enrollment periods and removes product pricing guidelines that are in conflict with the provisions of the federal Patient Protection and Affordable Care Act.

The bill provides that any standard forms, website design, or marketing communication developed by the FHCC and used by the FHCC or any vendor is not subject to the Florida Insurance Code, as established under s. 624.01, F.S.

The bill provides the FHCC with an appropriation of $900,000 of non-recurring general revenue for FY 2013-2014. If approved by the Governor, these provisions take effect July 1, 2013.

2013
Florida Legislature
Post-Session Report

Insurance & Financial Services

Insurance & Financial Services

- ***CS/HB 157***
  Delivery of Insurance Policies/ Electronic Transmission

The bill allows an insurer to use electronic transmission as an acceptable means to meet statutory requirements for delivery of an insurance policy. Under current law, an insurer must mail or deliver a policy to the insured within 60 days after the insurance takes effect.

The bill further specifies electronic transmission of an insurance policy related to commercial risks constitutes delivery of the policy to the policyholder unless the policyholder notifies the insurance company in writing or in an electronic format that they do not agree to have their policy delivered by electronic transmission. If a policy covering commercial risks is transmitted to the policyholder electronically, the transmission is required to include notice to the policyholder indicating the policyholder has a right to receive the policy by mail instead of electronic transmission. In addition, a paper copy of the policy must be provided to policyholders upon request.

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

- ***CS/CS/SB 166***
  Annuities

The bill substantially revises Florida consumer protection laws relating to sales of annuities by incorporating the 2010 National Association of Insurance Commissioners (NAIC) model regulation on annuity protections. The bill expands the scope of the consumer protection laws to generally include all consumers purchasing annuities. Current law only applies the protections to consumers aged 65 and older. The bill also retains current law limiting the surrender charges and deferred sales charges that may be imposed upon senior consumers.

The following are primary consumer protections contained in the bill:

Suitability of Annuities
The bill requires an insurer or insurance agent recommending the purchase or exchange of an annuity that results in an insurance transaction to have reasonable grounds for believing the recommendation is suitable for the consumer, based on the consumer's suitability information. The bill imposes additional duties on insurers and insurance agents when a transaction involves the exchange or replacement of an annuity.

Documentation of Sales Transaction
The bill requires agents and agent representatives to record recommendations made to a consumer.

Prohibitions on Agents
The bill prohibits agents from dissuading or attempting to dissuade a consumer from truthfully responding to the insurer's request for suitability information, filing a complaint, or cooperating with the investigation of a complaint.

Unconditional Refund Period
The bill expands to 21 from 14 days the unconditional refund period for all purchasers of fixed and variable annuities.

Limit on Surrender Charges
The bill retains the prohibition against surrender charges or deferred sales charges in annuity contracts issued to a senior consumer exceeding 10 percent of the amount withdrawn. The charge must be reduced so that no surrender or deferred sales charge exists after the end of the 10th policy year or 10 years after the premium is paid, whichever is later.

Penalties
Authorizes the imposition of corrective action, appropriate penalties, and sanctions on insurers, agents, managing general agencies, or insurance agencies that violate the requirements of s. 627.4554, F.S. An insurance agent must pay restitution to a consumer whose money the agent misappropriates, converts, or unlawfully withholds. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/HB 217***
  Money Services Businesses/Check Cashing Database

The bill provides for the establishment of a check-cashing database within the Office of Financial Regulation (OFR). The database can be used by regulators and law enforcement agencies to target

and identify persons involved in workers' compensation insurance premium fraud and other criminal activities. The OFR regulates money services businesses that offer financial services, such as check cashing, money transmittals (wire transfers), sales of monetary instruments, and currency exchange outside the traditional banking environment. Currently, licensed check cashers are required to maintain specified records, such as copies of all checks cashed, and for checks exceeding $1,000, certain transactional data in an electronic log.

The bill authorizes the OFR to issue a competitive solicitation for a statewide, real time, online check cashing database. The bill requires that check cashers, after implementation of the new database, to enter specified transactional information into the database. After completion of the competitive solicitation for the database, the OFR may include a request for funding in their FY 2014-2015 Legislative Budget Request. The bill has no fiscal impact on state government for the 2013-2014 fiscal year.

The bill also grants rulemaking authority to the Financial Services Commission to administer these provisions and requires money services businesses to submit additional information to the database. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 223***
  Property and Casualty Insurance/
  Posting on Website

The bill allows property and casualty insurance policies and endorsements that do not contain personally identifiable information may be posted on the insurer's Internet website. If the insurer elects to post insurance policies and endorsements on its Internet website the insurer must:

- Make each policy and endorsement easily accessible on the insurer's Internet website for as long as the policy and endorsement remain in force.
- Archive all of its expired policies and endorsements on its Internet website and make any expired policy and endorsement available upon an insured's request for at least 5 years after expiration of the policy and endorsement.
- Post each policy and endorsement in a manner that enables the insured to print and save the policy and endorsement using a program or application that is widely available on the Internet without charge.
- Notify the insured, in the manner the insurer customarily uses to communicate with the insured, that the insured has the right to request and obtain without charge a paper or electronic copy of the insured's policy and endorsements.
- Clearly identify the exact policy form and endorsement form purchased by the insured on each declarations page issued to the insured.

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

- ***SB 282***
  Consumer Finance Charges/Loans

The bill amends ch. 516, F.S., the Florida Consumer Finance Act (act), which governs consumer finance loans. The act defines "consumer finance loan" as a loan of money, credit, goods, or provisions of a line of credit, in an amount or to a value of $25,000 or less at an interest rate greater than 18 percent per annum. The allowable interest rates on consumer finance loans are tiered and limited based on the principal amount that falls within each tier of the loan. As the principal amount increases, the allowable interest rate decreases, as follows:

- On the first $2,000 of principal, up to 30 percent allowable interest;
- From $2,001 to $3,000 of principal, up to 24 percent allowable interest; and
- From $3,001 to $25,000 of principal, up to 18 percent allowable interest.

The bill increases by $1,000 the principal amount that would be subject to the maximum amount of interest that is allowed to be charged within each tier. The bill increases from $10 to $15, the maximum amount that can be charged to a borrower for making a payment that is in default for at least 10 days.

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

- ***CS/CS/SB 328***
  Public Accountancy

The bill renames the Certified Public Accountancy Education Minority Assistance Program in s. 473.3065, F.S., to the Clay Ford Scholarship Program (in honor of the Panhandle legislator who died this year).

The bill increases the frequency of disbursements for approved scholarships funded by a portion of license fees set by the Board of Accountancy and collected by the Department of Business and Professional Regulation for the Clay Ford Scholarship Program from once per year to twice per year and increases the amount available for scholarships from $100,000.00 to $200,000.00 per year.

The bill requires certified public accountant (CPA) firms to be enrolled in a peer review program as a condition of licensure as of January 1, 2015, if they are engaged in the practice of public accounting as described in s. 473.302(8)(a), F.S., unless their practice is limited to the performance of compilations and reviews as defined by the board. The bill establishes a peer review program defined as the study, appraisal or review by one or more independent Certified Public Accountants of one or more aspects of the professional work of a licensee engaged in the practice of public accounting.

The bill requires that the Florida Board of Accountancy adopt rules for the minimum standards for peer review programs and the minimum criteria for the peer review organizations that will administer the programs. The board is authorized to establish a peer review oversight committee of three to five members licensed under ch. 473, F.S., and whose firms are subject to peer review and have received a "pass" rating on the most recent peer review.

The bill clarifies that that the provisions of s. 473.311, F.S., apply to renewal of licenses issued under s. 473.308, F.S., in accordance with rules adopted by the Department of Business and Professional Regulation. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 341***
  Uninsured Motorist Insurance Coverage

The bill deals with the rejection of stackable Uninsured Motorist (UM) motor vehicle insurance benefits. Current law states that when the named insured, applicant, or lessee signs a form rejecting UM coverage, a conclusive presumption arises that "there was an informed knowing acceptance of such limitations" of coverage. The bill specifies that the signed form gives rise to a conclusive presumption that the rejection of stackable coverage benefits was made "on behalf of all insureds." The bill addresses the decision of the Florida First District Court of Appeal in Travelers Commercial Insurance Company v. Harrington, 86 So.3d 1274 (Fla. 1st DCA 1012). In Harrington, the Court determined that stackable UM coverage benefits are available to an insured claimant under an insurance policy where the purchaser executed a signed waiver of stacking benefits, but the insured claimant did not waive such benefits. If approved by the Governor, these provisions take effect upon becoming law.

- ***SB 356***
  Mutual Insurance Corporations/ Financial Guaranty Insurance Corp.

The bill allows a financial guaranty insurance corporation to be organized as a mutual insurer. If the corporation is organized as a mutual insurer, it must be organized and licensed in accordance with the provisions of the Florida Insurance Code. Financial guaranty insurance is a surety bond, insurance policy, or indemnity contract issued by an insurer, or a similar guaranty, under which loss is payable once the insured claimant, obligee, or indemnitee provides proof of an occurrence of:

  - The failure, as a result of a financial default or insolvency of an obligor on a debt instrument or other monetary obligation to make principal, interest, premium, dividend, or purchase price payments when due;
  - Changes in interest rate levels or the differential in interest rates between various markets or products;
  - Changes in currency exchange rates;
  - Changes in the value of specific assets or commodities, financial or commodity indices, or price levels in general; or

- Other events that the Office of Insurance Regulation determines are substantially similar to any of the foregoing.

The bill permits a mutual insurance holding company to acquire the membership interests of a not-for-profit insurance company or nonprofit health care plan. The mutual insurance holding company may also acquire a not-for-profit insurance company or nonprofit health care plan through the merger of such entities with a mutual insurance company or a not-for-profit insurance company subsidiary of the mutual insurance holding company or intermediate holding company. The bill allows a not-for profit insurance company subsidiary to pay dividends or distributions to its mutual insurance holding company.

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

- ***CS/CS/HB 383***
  Interstate Insurance Product Regulation Compact

The bill enacts the Interstate Insurance Product Regulation Compact (Compact). The Compact is intended to help states join together to regulate designated insurance products, specifically, the following asset-based insurance products:

- Life insurance;
- Annuities;
- Disability income insurance; and
- Long-term care insurance, though the state is prospectively opting out of all uniform standards for long-term care insurance in the Compact.

The Compact is governed by the Interstate Insurance Product Regulation Commission (Commission). The Commission may:

- Develop uniform standards for product lines;
- Receive and promptly review products; and
- Approve product filings that satisfy applicable uniform standards.

The members of the Commission are representatives from each state that has joined the Compact. The Commission has authority to adopt uniform standards by rule. A "uniform standard" is a commission standard for a product line, plus subsequent amendments that use a substantially consistent methodology. A uniform standard includes all product requirements in the aggregate. A uniform standard must be construed to prohibit the use of inconsistent, misleading, or ambiguous provisions in a product. The uniform standard must also ensure that the form of any product made available to the public is not unfair, inequitable, or against public policy as determined by the Commission. Adoption of a uniform standard requires a two-thirds vote of Commission members.

The Commission also has authority to receive and review products filed with the Commission and rate filings for disability income and long-term care insurance products (Florida is opting out of all uniform standards involving long-term care). Products and disability income insurance rates that satisfy the appropriate uniform standard may be approved. Commission approval has the force and effect of law and is binding on compacting states. A product is the policy form or contract and includes any application, endorsement, or related form that is attached to and part of the policy or contract. The term also includes any evidence of coverage or certificate for an individual or group annuity, life insurance, disability income, or long-term care insurance product that an insurer is authorized to issue. A state may opt out of a uniform standard via legislation or rule. Florida is prospectively opting out of all uniform standards involving long-term care insurance products, as allowed by the terms of the Compact.

To obtain approval of a product, the insurer must file the product with the Commission and pay applicable fees. Any product approved by the Commission may be sold or otherwise issued in any compacting state in which the insurer is authorized to do business. An insurer may alternatively file its product with a state insurance department, and such filing will be subject to the laws of that state.

All lawful actions of the Commission, including all rules and operating procedures, are binding on compacting states. Agreements between the Commission and compacting states are binding in accordance with their terms. The Compact prevents the enforcement of any other law of a compacting

state, except that the Commission may not abrogate or restrict the access to state courts; remedies related to breach of contract, tort, or other laws not specifically directed to the content of the product; state law relating to the construction of insurance contracts; or the authority of the state Attorney General. A Compact provision is ineffective as to a state, however, if it exceeds the constitutional limits imposed on the Legislature of a state. If an insurance product is filed with an individual state, it is subject to the law of that state.

The exclusivity provision of the Compact (stating that the rules and uniform standards of the compact are the exclusive provisions applicable to the content, approval, and certification of products governed by the Compact) applies only to uniform standards adopted by the Commission, and standards adopted by Florida are not limited or rendered inapplicable by the absence of a standard adopted by the Commission. The bill also applies all Florida standards to the content, approval, and certification of products in Florida, notwithstanding the exclusivity provision of the Compact.

The state exercises an opt out of all new uniform standards that the Commission adopts after March 1, 2013, that substantially alter or add to existing Commission uniform standards that the state adopted pursuant to this bill until the state enacts legislation to adopt or opt out of the new uniform standards or amendments to uniform standards. Effective July 1, 2014, the state will exercise an opt-out of uniform standards adopted by the Commission for the 10-day period for the unconditional refund of life insurance premiums, plus any fees or charges under s. 626.99, F.S.; underwriting criteria limiting the amount, extent, or kind of life insurance based on past or future travel that is inconsistent with s. 626.9541(1)(dd), F.S., as implemented by the Office of Insurance Regulation (OIR); and any Compact standard that conflicts with Florida statutes or rules providing consumer protections.

The OIR must prepare a report that examines the extent to which Compact standards provide consumer protections equivalent to those under state law and the Administrative Procedure Act for annuity, life insurance, disability income, and long-term care insurance products. The OIR must submit the report to the Senate President, the Speaker of the House of Representatives, and the Financial Services Commission by January 1, 2014. If approved by the Governor, except as otherwise provided, these provisions take effect July 1, 2014.

- ***CS/CS/HB 457***
  Collection of Worthless Payment Instruments/Includes Debit Cards and Electronic Fund Transfers

The bill amends s. 68.065, F.S., to define the term "payment instruments" to include debit card transactions and electronic funds transfers. The bill also provides an alternative collection process that allows a payee to collect on payment instruments without having to file a civil action. Specifically, if the payment is refused or the maker has stopped payment on the payment instrument with intent to defraud, the payee may collect:

- Bank fees actually incurred by the payee in the course of tendering payment; and
- A service charge which is the greater of 5 percent of the amount of the payment instrument or $25 if the payment amount is $50 or less, $30 if the payment instrument amount is greater than $50 but less than or equal to $300, or $40 if the payment instrument amount is greater than $300.
- The alternative collection process does not prevent the payee from bringing a civil action to collect three times the face value of the payment instrument, plus costs, attorney fees, and bank fees. To do so, however, the payee will need to provide written notice to the maker of the payment instrument and allow the maker 30 days to cure by paying the face value of the payment instrument and the statutorily defined service fee.

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

- ***CS/CS/SB 468***
  Property and Casualty Insurance Rates, Fees, and Forms

Expands the number of commercial lines insurance that are exempt from the rate filing and review requirements of s. 627.062(2)(a) and (f), F.S, to include:

- Medical malpractice for a facility that is not a hospital, nursing home, or assisted living facility.
- Medical malpractice for a health care practitioner that is not a licensed dentist, physician, osteopathic physician, chiropractic physician, podiatric physician, pharmacist, or pharmacy technician.

The rate filing requirements that these types of medical malpractice insurance are exempt from are:

- The requirement to file with the Office of Insurance Regulation (OIR) rates, rating schedules, or rating manuals via the "file and use" method (at least 90 days prior to the proposed effective date) or the "use and file" method (within 30 days after the effective date of the filing).
- The authority of the OIR to require an insurer to provide, at the insurer's expense, all information necessary to evaluate the condition of the company and the reasonableness of the rate filing.

The bill creates an alternative mechanism to the form filing and approval process required by s. 627.410, F.S., for all lines of property and casualty insurance, except workers' compensation and personal lines. Insurers may instead elect to make an informational form filing in which a representative of the insurer executes a sworn certification that the filed forms comply with Florida law if:

- The form is electronically submitted to the OIR in an informational filing 30 days before delivery of the form within the state; and
- The informational filing includes a certification of compliance.

If the form is not in compliance with state laws and rules, the form filing is subject to the prior approval requirements of s. 627.410, F.S. A Notice of Change in Policy Terms form is also required as a part of the informational filing for any renewal policy that contains a change.

The bill also extends the exemption of medical malpractice insurance policies from Florida Hurricane Catastrophe Fund emergency assessments until May 31, 2016. The exemption was scheduled to expire May 31, 2013. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 558***
  Letters of Credit Issued by a Federal Home Loan Bank/Qualified Public Depositories

The bill amends the Florida Security for Public Deposits Act (the act), which authorizes local and state governments to place public deposits in qualified public depositories (QPD). The state Chief Financial Officer (CFO) is responsible for establishing criteria for financial institutions to be designated QPDs. A QPD is required to secure or collateralize public deposits in accordance with the act. Various types of securities are eligible to be pledged as collateral, including letters of credit issued by a Federal Home Loan Bank (FHLBank) that are triple A-rated (AAA), which is the highest rating, by a national source.

Due to uncertainties regarding the fiscal condition of the United States (U.S.), consumer confidence, high unemployment, and the global economy, one of the nationally recognized credit rating agencies, Standard and Poor's Ratings Services (Standard & Poor's), downgraded the U.S. long-term sovereign credit rating one level from "AAA" to "AA+." While Moody's Investor Service, Inc., and Fitch, Inc., have not downgraded the U.S. sovereign rating, they have both issued short-term negative outlooks for the U.S. and have indicated that they may downgrade the U.S. from its top credit rating if Congress fails to address those fiscal issues. Although the U.S. government does not guarantee obligations of the FHLBank, a government-sponsored entity, credit rating agencies state that there is financial dependence between the U.S. government and the FHLBank. Thus, a lower U.S. sovereign rating would likely affect the rating of the FHLBank. In the event the two other rating agencies also downgrade their credit ratings for FHLBank obligations, QPDs could no longer use FHLBank letters of credit as eligible collateral under current law. This would require QPDs to use other assets as replacement collateral, which in turn could affect their liquidity and lending ability.

The bill would allow QPDs to continue using letters of credit of a FHLBank as eligible collateral in the event the other major credit agencies downgrade their ratings of FHLBank obligations below AAA.

The bill would permit QPDs to use letters of credit of an FHLBank, if obligations of the FHLBank are rated by a nationally recognized source at not lower than its rating of the long-term sovereign credit of the U.S. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 573***
  Insurance for Manufactured and Mobile Homes

The bill imposes a $3,000 minimum insured value, instead of $6,000. Thus, Citizens is required to offer coverage for mobile and manufactured homes for a minimum insured value of at least $3,000. This minimum applies to buildings, other structures, contents, additional living expense, and liability coverage for owner occupied mobile or manufactured homes. And, it applies to contents, additional living expense, and liability coverage provided to a renter or tenant of a mobile or manufactured home.

In addition, the bill requires Citizens to provide coverage for the following attached structures to mobile or manufactured homes:

- Screened enclosures that are aluminum framed or screened enclosures that are not covered by the same or substantially the same materials as that of the primary dwelling.
- Carports that are aluminum or carports not covered by the same or substantially the same materials as that of the primary dwelling.
- Patios that have a roof covering constructed of materials that are not the same or substantially the same materials as that of the primary dwelling.

The bill amends s. 723.06115, F.S., to specify the manner in which funds from the Florida Mobile Home Relocation Trust Fund are to be disbursed to the Florida Mobile Home Relocation Corporation.

Specifically, the bill provides that the Department shall disburse funds from the Trust Fund to the Corporation using the following procedures:

- At the beginning of each fiscal year, the Corporation shall determine its operating costs and provide that amount to the Department, in writing. One-fourth of the operating budget shall be transferred to the Corporation each quarter. The Department shall make the first one-fourth quarter transfer on the first business day of the fiscal year and make the remaining one-fourth transfers before the second business day of the second, third, and fourth quarters.
- Throughout the year, additional requests for necessary operating funds may be submitted to the Department, in writing, indicating the changes to the operating budget and the conditions that were unforeseen at the time the Corporation developed the operating budget at the beginning of the fiscal year.
- As it deems necessary, the Corporation shall advise the Department, in writing, of the amount needed to make payments to mobile home owners under the relocation program. The Department must distribute the amount within 5 business days of the Corporation's written request. Funds transferred from the Department to the Corporation shall be transferred electronically and maintained by the Corporation in a qualified public depository as defined in s. 280.02, F. S.

Finally, the bill specifies that other than the requirements set forth in the section, neither the Corporation nor the Department is required to take any other action as a prerequisite to accomplishing the provisions of this section. This effectively nullifies any additional disbursement "prerequisites" listed in the current Memorandum of Understanding between the Department and the Corporation. If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/CS/HB 665***
  Office of Financial Regulation
  License/Mortgage Brokers/Lenders

The bill allows the Office of Financial Regulation (OFR) to exercise discretion regarding whether to deny an application for licensure as a mortgage broker or mortgage lender if the applicant's licensure or its equivalent was revoked in any jurisdiction. Current law requires the automatic denial of the licensure application. The bill also changes the method by which the OFR collects fingerprints from applicants for registration as securities dealers, associated persons, or securities issuers and applicants for money services business licensure.

The new method of fingerprinting is live-scan processing. Money services business licensees initially approved for licensure before October 1, 2013, must re-submit fingerprints for live scan processing in order to obtain a renewed license set to expire between April 30, 2014, and December 31, 2015. If approved by the Governor, except as otherwise provided, these provisions take effect October 1, 2013

- ***CS/HB 783***
  Branch Offices Conducting Securities Transactions

The bill provides notice filing requirements for branch offices and deletes the requirement that branch offices be registered. A key difference between the notice filing process of the bill and registration is that registration of a branch office is effective upon receipt of the filing and required fee by the Office of Financial Regulation (OFR), while registration is only effective after the OFR has reviewed the registration and approved it. Each dealer and each investment adviser must pay a filing fee of $100 for each branch office in the state. As under current law, it is unlawful for a securities dealer or investment adviser to conduct business from a branch office that has not filed with the OFR, the only difference being the bill's requirement of a notice filing.

Each notice filing expires on December 31 of the year the filing was made, unless the filing is renewed on or before that date. A branch office notice is renewed when the dealer or securities adviser furnishes to the OFR any required information, a $100 renewal fee, and any amount due and owing the office pursuant to an agreement with the OFR. If a branch office notice expires, the dealer or investment adviser may request reinstatement on or before January 31 of the following expiration by providing requested information, the $100 renewal fee, and a $100 late fee. A branch office reinstatement is effective retroactive to January 1 of that year. The bill authorizes the Financial Services Commission to require, by rule, a dealer or investment adviser to file amendments to a branch office notice filing.

The OFR must summarily suspend a branch office notice filing if the notice filer fails to provide to the OFR all information required as part of a filing within 30 days after the OFR makes a written request for such information. The summary suspension is effective until the notice filer submits the requested information to the OFR, pays an administrative fine pursuant to s. 517.221(3), F.S., and a final order is entered. For purposes of emergency suspension of licenses, failure to provide all information required pursuant to branch office notice filing is grounds for the emergency suspension of a license under s. 120.60(6), F.S., because such failure constitutes an immediate and serious danger to the public health, safety, and welfare. A notice filing must be revoked by the OFR if the notice filer fails to provide all requested information within 90 days. The OFR may revoke a branch office notice if the notice filer makes a payment to the OFR via check or electronic funds transmission (EFT) that is dishonored. A dealer or investment adviser may terminate a branch office notice filing by filing a notice of termination with the OFR, the effective date of which is either as specified in the notice of termination or upon receipt by the OFR if the notice does not specify an effective date. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/SB 810***
  Wrap-Up Insurance Policies

Defines a "wrap-up insurance policy" to mean a consolidated insurance program or series of insurance policies issued to the nonpublic owner or general contractor (or a combination of the two) of a construction project through a consolidated insurance program that provides workers' compensation coverage, various forms of liability coverage, or a combination of such coverages for the contractors and subcontractors working at a specified contracted work site of the construction project.

The bill authorizes a wrap-up insurance policy to include a deductible of $100,000 or more for workers' compensation claims if all of the following prerequisites are met:

- The workers' compensation minimum standard premium calculated on the combined payrolls for all entities covered by the wrap-up policy exceeds $500,000;
- The estimated cost of the construction at each specified contracted worksite is $25 million or more;
- The insurer pays the first dollar of a workers' compensation claim without a deductible;

- The reimbursement of the deductible by the insured does not affect the insurer's obligation to pay claims;
- The insurer complies with all workers' compensation filing requirements under ch. 440, F.S., for losses, including those below the deductible limit;
- The insurer files unit statistical reports with the National Council on Compensation Insurance (NCCI) which show all losses, including those below the deductible limit;
- Any unit statistical report needed to calculate an experience modification factor for the insured are filed with the NCCI;
- The insurer complies with NCCI aggregate financial calls, detail claim information calls, unit statistical reporting, and other required calls; and
- The insurer establishes a program for having the first-named insured, whether the owner, the general contractor, or a combination thereof, reimburse the insurer for losses paid within the deductible.

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

- ***HB 913***
  Victims Assistance Act

The bill expands the scope of assistance that is provided by the Department of Financial Services (DFS) to Holocaust victims and their heirs. While current law provides the DFS with the authority to assist Holocaust victims and their heirs in identifying and obtaining potential and actual insurance claims, the bill broadens the authority to include:

- Recovery of other financial claims, assets, and property;
- Education to mitigate the effects on Holocaust survivors of the nonpayment of claims or the nonreturn of property; and
- Assistance with gaining access to funding to address the effects of nonpayment of claims and nonreturn of confiscated assets.

The bill eliminates the annual report required of insurers and instead requires insurers to file a report with the DFS when there are any changes to the previous report, or when it is requested to do so by the DFS. The bill also specifies that the DFS must submit its annual report to the Legislature by July 1. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 1191***
  Captive Insurance

Current law requires that to be a qualifying reinsurer parent company, a reinsurer must hold a certificate of authority or a letter of eligibility, or be an accredited or satisfactory non-approved reinsurer. The bill removes the current allowance for a satisfactory non-approved reinsurer or a reinsurer that possesses a letter of eligibility to be acceptable alternatives to qualify as being a qualifying reinsurer parent company. The bill, however, adds the alternative that if a reinsurer qualifies for credit for reinsurance under s. 624.610(3), F.S., it will be considered a qualifying reinsurer parent company, even if it does not hold a certificate of authority.

Current law allows an industrial insured captive insurance company to insure only the risks of the industrial insureds that comprise the industrial insured group and their affiliated companies. The bill broadens the entities that an industrial insured captive insurance company is allowed to insure to include the industrial insureds' and affiliates' stockholders or members, and affiliates thereof, or the stockholders or affiliates of the parent corporation of the captive insurance company. The bill allows an industrial insured captive insurance company with unencumbered capital and surplus of at least $20 million to be licensed to provide workers' compensation and employer's liability insurance in excess of $25 million in the annual aggregate.

The bill exempts captive insurance companies from the statutory trust deposit required under s. 624.411, F.S., as a condition of obtaining a certificate of authority to transact insurance. A pure captive insurance company must submit to the Office of Insurance Regulation its standards to ensure a parent or affiliated company is able to exercise control of the risk management function of any controlled unaffiliated business that is to be insured by the pure captive insurance company. The bill deletes the current authorization for the Financial Services Commission to adopt rules establishing

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

▪ *CS/SB 1770 Property Insurance*

The bill makes the following changes to the Florida Hurricane Catastrophe Fund, Citizens Property Insurance Corporation, and Public Adjusters:

Florida Hurricane Catastrophe Fund (CAT Fund)

- Renames the "Florida Hurricane Catastrophe Fund Finance Corporation" to the "State Board of Administration Finance Corporation."
- Extends the CAT Fund assessment exemption for medical malpractice until May 31, 2016.
- Repeals outdated language for the $10M additional coverage for specified insurers and the Temporary Emergency Options for Additional Coverage.
- Requires the CAT Fund submit to the Legislature and Financial Services Commission an annual Probable Maximum Loss (PML) report for the upcoming storm season.

Citizens Property Insurance Corporation (Citizens)

- Exempts Citizens from "exchange of business" restrictions to facilitate the operations of the clearinghouse.
- Adds a professional structural engineer to the Florida Commission on Hurricane Loss Projection Methodology.
- Reduces the maximum Citizens' policy limit from $2 million to $1 million and further reduces this amount by $100,000 a year for 3 years to $700,000. Allows for an exemption in certain counties in which the Office of Insurance Regulation (OIR) determines do not have a reasonable degree of competition.
- Prohibits Citizens from covering structures commencing construction after July 1, 2014, seaward of the coastal construction control line.
- Allows the Governor of Florida to appoint a consumer representative to the Citizens Board of Governors in addition to the current two appointments.
- Clarifies a private company's offer within 15 percent of Citizens' rate for a new policy and no greater than the current rate for a renewal makes the policy ineligible for coverage with Citizens.
- Requires that Citizens disclose potential surcharge and assessment liabilities with each renewal notice.
- Allows insurers who take policies out of Citizens to use Citizens' policy forms for 3 years without approval from the OIR to use the forms.
- Establishes an office of Inspector General at Citizens to be appointed by the Financial Services Commission.
- Requires Citizens to prepare an annual report on Citizens' loss ratio for non-catastrophic losses on a statewide and county basis.
- Subjects Citizens to the purchasing of commodities restrictions under s. 287.057, F.S.
- Establishes the Citizens clearinghouse by January 1, 2014.
- Requires the establishment of a process to divert commercial residential policies.
- Requires that companies participating in the clearinghouse must either appoint the agent of record or offer a limited servicing agreement.
- Requires that agents are to be paid Citizens commission or the company's standard commission, whichever is greater.
- Clarifies that the 45-day notice of nonrenewal applies to policies submitted to the clearinghouse.
- Provides that independent and captive agents are granted and must maintain ownership of records including policies placed in Citizens.
- Allows captive companies to approve their agents limiting servicing agreements with each participating company.

- Requires Citizens to submit to the Legislature and Financial Services Commission an annual PML report for the upcoming storm season.

Public Adjusters

- Prohibits a public adjuster from receiving compensation from any source over the statutory fee cap. Applies disciplinary provisions in current law to public adjusters who violate the statutory fee caps through any maneuver, shift, or device.
- Repeals the current provision that for any claim filed with Citizens, a public adjuster cannot charge more than 10 percent of the difference between Citizens' initial offer and the amount actually paid.
- Requires a public adjuster to meet or communicate with the insurer to try to settle. Prohibits a public adjuster from acquiring any interest in salvaged property, without the written consent of the policyholder.

If approved by the Governor, these provisions take effect July 1, 2013, except as otherwise provided in this act.

- ***SB 1802***
  State Employee Health Insurance for Part-Time Employees

This bill expands the group of employees eligible to participate in the State Employee Health Insurance Program (program). Under the provisions of this bill, any state employee working an average of at least 30 or more hours per week will be eligible for health insurance coverage and premium subsidies. In addition, the proration of the state premium contribution will apply only to permanent employees working less than 30 hours per week on average. The bill requires employers participating in the program to submit certain information relating to employees paid from other-personal-services funds to ensure compliance with the federal law. These changes are effective December 1, 2013, so that insurance coverage will be available beginning January 1, 2014.

The bill authorizes the Department of Management Services to adopt emergency rules to modify the eligibility of persons paid with other-personal-services funds to comply with the federal Patient Protection and Affordable Care Act in order to mitigate the state's exposure to potential liability under the penalty provisions of that law. This provision is effective July 1, 2014, but the emergency rules must expire by June 30, 2014.

The bill continues the current level of state contributions into health savings accounts for employees participating in the high deductible health insurance plans under the State Employee Health Insurance Program. The current authority for the state to contribute to the health savings accounts expires on June 30, 2013. Under this bill, the state can continue to contribute at the current levels ($500 for individual coverage and $1,000 for family coverage) for FY 2013-14. Beginning in FY 2014-15, the amount of the contributions by the state will be established in the annual general appropriations act. This provision takes effect December 1, 2013.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-052, Laws of Florida. These provisions take effect July 1, 2013, except as otherwise provided in the bill.

2013
Florida Legislature
Post-Session Report

Labor & Employment

Labor & Employment

- ***CS/CS/CS/SB 534***
  Publicly-Funded Defined Benefit Retirement Plans

This bill provides that the state is not liable for any obligation relating to any financial shortfalls in any local government retirement plan.

The bill requires each public pension plan, except the Florida Retirement System, to submit the following information to the Department of Management Services (DMS):

- Annual financial statements in compliance with Government Accounting and Standard Board's "Statement No. 67, Financial Reporting for Pension Plans" and "Statement No. 68, Accounting and Financial Reporting for Pensions";
- Annual financial statements which use an assumed rate of return on investments and an assumed discount rate that are equal to 200 basis points less than the plan's assumed rate of return;
- Information indicating the number of months or years for which the current market value of assets are adequate to sustain the payment of expected retirement benefits as determined in the plan's latest valuation; and
- Information indicating the recommended contributions to the plan based on the plan's latest actuarial valuation and the contributions necessary to fund the plan based on the financial statements using alternative actuarial assumptions, stated as an annual dollar value and a percentage of valuation payroll.

The new information must be included in the DMS-produced fact sheet for the respective local government defined benefit pension plan.

The bill provides that any plan that fails to submit the required information to the DMS may be deemed to be in noncompliance with the law and may jeopardize its revenue-sharing funds.

The bill also specifies the types of financial information that must be included on plan websites. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 553***
  Workers' Compensation System Administration

The bill provides the following changes relating to the administration of workers' compensation system in Florida:

- Provides that stop-work orders and penalties assessed against a limited liability company (LLC) continue in force against successor companies of the LLC to the same extent (and under the same conditions) that they remain in force against successor companies of corporations, partnerships, and sole proprietorships.
- Eliminates the requirement that workers' compensation health care providers be certified by the Department of Financial Services (DFS).
- Provides additional time for health care providers, carriers, and employers to file medical reimbursement disputes with the DFS, for carriers to respond to petitions, and for the DFS to issue a written determination.
- Eliminates the requirements that: (1) the DFS approve the advance payment of workers' compensation benefits in certain circumstances; (2) carriers submit reemployment status reports to the DFS for review; (3) a vocational evaluation always be conducted prior to the DFS authorizing training and education for an injured employee; and (4) the DFS serve as custodian of certain collective bargaining agreements.
- Conforms the administrative fine under s. 440.185(9), F.S., that may be assessed against employers or carriers that violate reporting requirements with the $500 civil penalty per violation provided under s. 440.593(4), F.S., relating to electronic reporting. Currently, section 440.185(9), F.S., provides for an administrative fine of up to $1,000 per violation and, for employers that fail to timely submit more than 10 percent of notices of injury or death within a calendar

year, an administrative fine of up to $2,000 per violation. The DFS uses their authority under s. 440.185(9), F.S., to assess penalties for violations of reporting requirements, but it has never assessed a penalty greater than $500 per violation or against an employer based upon a percentage of late filings.

The elimination of the mandatory vocational evaluation pursuant to s. 440.491, F.S., will result in a reduction of $80,000 in state expenditures. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 655***
  Employment Benefits/Prohibition on Local Governments

Amends current law to prohibit political subdivisions, such as counties and municipalities, from requiring an employer to provide certain employment benefits not required by state or federal law. The term "employment benefits" is defined as anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health benefits; disability benefits; death benefits; group accidental death and dismemberment benefits; paid or unpaid days off for holidays, sick leave, vacation, and personal necessity; retirement benefits; and profit-sharing benefits. The term "employer" is defined as any person who is required to pay a state or federal minimum wage to the person's employees.

The bill does not limit the authority of a political subdivision to establish a minimum wage or provide employment benefits not otherwise required under state or federal law for its own employees or for the employees of an employer contracting with, or receiving a direct tax abatement or subsidy from, the political subdivision. The bill further specifies that provisions of the act do not apply to a domestic violence or sexual abuse ordinance, order, rule or policy adopted by a political subdivision.

The bill also creates an 11-member Employer-Sponsored Benefits Task Force to analyze employment benefits and the impact of the state preemption of the regulation of such benefits. Task force findings and recommendations are to be included in a report submitted to the Governor, the President of the Senate, and the Speaker of the House by January 15, 2014. Workforce Florida, Inc. shall provide administrative and staff support for the task force.

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

- ***CS/SB 662***
  Workers' Compensation/Packaging of Medication

The bill revises provisions relating to reimbursement for prescription medications under chapter 440, F.S., Florida's Workers' Compensation Law in the following manner:

- Revises the amount of reimbursement for prescription medications of workers' compensation claimants by providing that the reimbursement rate for repackaged or relabeled drugs dispensed by a dispensing practitioner would be capped at 112.5 percent of the average wholesale price (AWP), plus $8.00 for the dispensing fee.
- Maintains the reimbursement rate for other prescription medications at AWP plus $4.18 dispensing fee.
- Provides that the AWP would be calculated by multiplying the number of units dispensed times the per-unit AWP set by the original manufacturer of the underlying drug dispensed, based upon the published manufacturer AWP published in the Medi-Span Master Drug Database as of the date of dispensing.
- Provides an exception to the reimbursement schedule if the employer or carrier, or a third party acting on behalf of the employer or carrier, directly contracts with a provider seeking reimbursement at a lower rate.
- Prohibits a dispensing practitioner from possessing such medications unless payment has been made to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking possession of the medication.

Chapter 440, F.S., generally requires employers and carriers to provide medical and indemnity benefits to workers who are injured due to an accident arising out of and during the course of employment. Medical benefits can include, but are not limited to, medically necessary care and treatment, and prescription medications. In Florida, the prescription reimbursement rate for dispensing physicians and pharmacies is the AWP plus a $4.18 dispensing fee, or the contracted rate, whichever is lower.

2013
Florida Legislature
Post-Session Report

Legal, Criminal Justice, & the Judiciary

Including legislation relating to:

- **Courts**
- **Criminal Justice**
- **Law Enforcement**

Legal, Criminal Justice, & the Judiciary

- ***HB 15***
  Funerals and Burials

The bill provides that it is a misdemeanor of the first degree to knowingly engage in protest activities, or knowingly cause protest activities to occur within 500 feet of the property line of any residence, cemetery, funeral home, house of worship, or other location during or within 1 hour before or 1 hour after the conducting of a funeral, burial, or memorial service at that place.

The bill does not prohibit protest activities that occur next to a funeral procession that extends beyond 500 feet of the property line of the location of the funeral or burial.

A first degree misdemeanor is punishable by a term of imprisonment not exceeding one year and a fine not to exceed $1,000.

The bill defines "protest activities" to mean any action, including picketing, that is undertaken with the intent to interrupt or disturb a funeral or burial.

This bill became law upon approval by the Governor on April 10, 2013, Ch. 2013-019, Laws of Florida. The effective date of this bill is October 1, 2013.

- ***CS/CS/HB 49***
  Drug Paraphernalia/Prohibition on Retail Sale

The bill prohibits the retail sale of certain smoking pipes and devices when those smoking pipes and devices are drug paraphernalia. Current law lists what items may be considered "drug paraphernalia" if they meet the definition of that term. The fact-finder must consider statutorily- specified factors and other factors in determining whether an item is drug paraphernalia.

The bill makes it unlawful for a person to knowingly and willfully sell or offer for sale at retail certain drug paraphernalia, which are objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or nitrous oxide into the human body. Pipes primarily made of briar, meerschaum, clay, or corn cob are specifically excluded. A first violation is a first degree misdemeanor; a second or subsequent violation is a third degree felony.

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

- ***CS/CS/CS/SB 52***
  Use of Wireless Communications Devices While Driving

Creates the "Florida Ban on Texting While Driving Law." The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a hand-held wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The bill makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts, and autonomous vehicles. The bill also makes an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message.

The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of $30 plus court costs that vary by county. A second violation committed within 5 years after the first is a moving violation punishable by a $60 fine plus court costs. The bill allows for the admissibility of a person's wireless communications device billing records as evidence in the event of a crash resulting in death or personal injury.

In addition to the fines, a violation of the unlawful use of a cell phone which results in a crash will result in 6 points added to the offender's driver license record and the unlawful use of a cell phone while committing a moving violation within a school safety zone will result in 2 points added to the offender's driver license record in addition to the points for the moving violation. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/HB 55***
  Deceptive and Unfair Trade Practices/ Motor Vehicle Dealers

The bill creates a pre-suit process for actions against motor vehicle dealers under the Florida Deceptive and Unfair Trade Practice Act. Specifically, it requires a claimant to provide a written demand letter to a motor vehicle dealer at least 30 days prior to filing suit or initiating arbitration.

The demand letter must contain:

- The name, address, and telephone number of the claimant.
- The name and address of the motor vehicle dealer.
- A description of the underlying facts of the claim, including a statement describing each item for which actual damages are claimed.
- A statement of the actual damages or if the claimant does not know the exact amount of damages, a best estimate.
- To the extent available, all transaction or other documents upon which the claim is based.

The demand letter must be delivered to the dealer by the United States Postal Service or other nationally recognized carrier, return receipt requested, at the address where the subject vehicle was purchased or leased, where the transaction occurred, or any address at which the dealer regularly conducts business.

A demand letter is satisfactory if it contains sufficient information to reasonably put the dealer on notice as to the nature of the claim and the relief sought. The demand letter expires 30 days after receipt, unless renewed by the claimant, and does not limit the damages the claimant may claim in a subsequent civil lawsuit or arbitration.

If the dealer, within 30 days after receipt of the demand letter, pays the claimant the amount of actual damages and a surcharge of the lesser of $500 or 10 percent of the damages claimed, then the claimant is precluded from initiating litigation or arbitration. Upon payment, the dealer is released from liability from future claims relating to the incident referenced in the letter. A dealer's compliance with the demand letter does not constitute an admission of liability or fault, and is not admissible into evidence as an offer to compromise.

The dealer is not required to pay attorney fees if the dealer provides written notification to the claimant, within 30 days of receipt of the demand letter, that the amount sought in the demand letter is not reasonable in light of the facts or that the demand letter includes amounts or items not properly recoverable under the law. The court or arbitrator must agree.

If a claimant files a lawsuit or initiates arbitration prior to complying with the demand letter provisions and the dealer timely objects, the court or arbitrator must stay the action until the claimant complies. The dealer is not liable for attorney fees and costs incurred prior to compliance.

The bill tolls any applicable statute of limitations for 30 days following delivery of the demand letter or any such period as may be agreed to by the parties.

This pre-suit process does not apply to class action litigation or actions brought by an enforcement authority, such as a State Attorney or the Office of Attorney General.

The bill provides a written form of notice for dealers to provide to consumers advising of the demand letter requirement. The provisions of the bill do not apply if the dealer fails to provide the statutory language to the consumer, and therefore the consumer would be permitted to commence litigation or arbitration without sending the demand letter. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/SB 92***
  Searches and Seizures

The bill creates the "Freedom from Unwarranted Surveillance Act," which prohibits law enforcement agencies from using drones to gather evidence or other information, unless:

- The U.S. Secretary of Homeland Security determines that credible intelligence exists indicating a high risk of a terrorist attack by an individual or organization.

- The law enforcement agency first obtains a search warrant authorizing the use of a drone.
- The law enforcement agency has reasonable suspicion that swift action is necessary to prevent imminent danger to life, such as to facilitate the search for a missing person, to prevent serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence.
- Evidence gathered in violation of the bill is inadmissible in a criminal prosecution in any court of law in this state. Provisions are made for civil actions by an aggrieved party against a law enforcement agency that violates the prohibitions in the bill.

This bill was approved by the Governor on April 22, 2013, Ch. 2013-033, Laws of Florida. The effective date of this bill is July 1, 2013.

- ***CS/HB 95***
  Charitable Contributions

The bill defines "charitable contribution" consistent with the definition in the Internal Revenue Code (IRC), if the contribution is cash or a financial instrument defined in the IRC. The bill also defines "qualified religious or charitable entity or organization" consistent with the definition in the IRC.

The bill provides a statutory defense to a "claw-back" action for a qualified religious or charitable entity or organization that demonstrates that the transfer was received in "good faith" when the transfer was received beyond 2 years from the commencement of an action under the Florida Uniform Fraudulent Transfer Act (FUFTA), the filing of a bankruptcy petition, or the commencement of an insolvency action.

The bill, however, provides that a charitable contribution from a natural person is a fraudulent transfer if it was received within 2 years of the commencement of an action under FUFTA, the filing of a bankruptcy petition, or the commencement of an insolvency action. The bill provides an exception that such a transfer from a natural person within the 2 years is not fraudulent if the transfer was consistent with the practices of the debtor; or the transfer was received in good faith and the contribution did not exceed 15 percent of the gross income of the debtor. If approved by the Governor, these provisions take effect on July 1, 2013.

- ***CS/CS/HB 113***
  Distribution of Materials Harmful to Minors

The bill creates a new offense making it a third-degree felony for an adult to knowingly distribute material harmful to a minor or to post materials harmful to a minor on public and private school property.

The bill defines school property as the grounds or facility of any public or private kindergarten, elementary school, middle school, junior high school, or secondary school.

The bill refers to current law to define "harmful to minors" as:

- Any picture, photograph, drawing, sculpture, motion picture film, videocassette, or similar visual representation or image of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse and which is harmful to minors; or
- Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in s. 847.001, F.S., explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.

The bill clarifies an exception for school-approved instructional materials used in the instruction of a subject by personnel defined in statute. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/HB 155***
  Prohibition of Internet Cafés

Under current law, gambling is illegal except where specifically authorized. Due in part to perceived loopholes in Chapter 849, Florida Statutes, "Internet cafés," "adult arcades," and similar operations recently have emerged with games that look or play like slot machines. The bill:

- Updates the definition of slot machine and creates a rebuttable presumption that a device is a prohibited slot machine if it (1) simulates a game of chance and (2) requires "pay to play," and (3) awards something of value.
- Clarifies that the charitable raffles exemption is not for slot machines or other games of chance.
- Clarifies that the game promotions exception is only for sweepstakes that truly are incidental to the sale of products or services. It also includes language to facilitate civil prosecutions of illegal sweepstakes promotions under the Florida Deceptive and Unfair Trade Practices Act.
- The amusement games exemption is only for arcades with 50 or more amusement games or truck stops. Clarifies that permissible amusement machines operate by insertion of a coin, involve the application of skill, and may award points or coupons that can be redeemed for merchandise. The cost value of points or coupons cannot exceed 75 cents per game played, excluding "free plays." Clarifies that merchandise cannot be gift cards, gift certificates, or other cash equivalents.
- Broadens the definition of "racketeering activity" in Florida's criminal RICO statute to include any violation of Chapter 849, relating to gambling.

Among the exceptions authorized in Chapter 849, Florida Statutes, are: (1) charitable raffles or bingo, such as what is offered by veterans and religious groups; (2) sweepstakes promotions incidental to sales consumer products, like hamburgers or soft drinks; (3) amusement arcades or bowling alleys, where patrons get low value prizes for winning games that involve skill. The bill does not preclude any of these legitimate business models.

This bill was approved by the Governor on April 10, 2013, Ch. 2013-002, Laws of Florida. The provisions of this bill took effect upon becoming law.

- ***CS/HB 179***
  Eminent Domain Proceedings

This bill entitles a person whose property is taken through a quick taking to interest earned on a deposit made to secure a judgment of taking. A quick taking occurs when a governmental entity takes physical possession of property prior to a final judgment in an eminent domain case. Public entities that take possession and title before an entry of final judgment must file a declaration of taking with a good faith estimate of the value of the property. If the court determines that the governmental entity is entitled to take possession of the property before the final judgment is entered, the court must issue an order requiring the entity to deposit money in an amount that will fully secure and compensate the defendant. These monies are deposited into the court registry. The clerk is authorized to invest the deposit to earn the highest interest rate possible.

Previously, the clerk distributed 90 percent of any interest earned automatically to the governmental entity. The other 10 percent was retained by the clerk. This bill requires a clerk of court to allocate 90 percent of the earned interest according to ultimate ownership in the deposit.

These provisions were approved by the Governor and take effect July 1, 2013, Ch. 2013-023, Law of Florida.

- ***CS/SB 186***
  Jurisdiction of the Courts/Personal Jurisdiction

Addresses personal jurisdiction of the courts of this state.

The bill amends the Florida International Commercial Arbitration Act to correct cross-references within the act to conform exactly to the United Nations Commission on International Trade Law's Model Law on International Commercial Arbitration.

The bill extends personal jurisdiction to parties who initiate arbitration or enter into written contracts that provide for arbitration in this state for any action that arises out of arbitration or a resulting award.

The bill clarifies that full faith and credit is afforded to a judgment, decree, or order of a state court from

any territory or commonwealth of the United States, as well as any other state.

A penalty or fine imposed by an agency of another state will not be enforceable against a person or entity incorporated or having its principal place of business in this state if the other state does not provide a mandatory right of review of such agency decision in a state court of competent jurisdiction. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 294***
  Controlled Substances/Synthetic Drugs

A recent trend in drug abuse is the creation of chemical compounds called "synthetic drugs." These drugs mimic the effects of cocaine, methamphetamine, and hallucinogens and have significant, and often dangerous, side effects. Unless these drugs are scheduled as controlled substances, sellers of these drugs will avoid arrest and prosecution. For this reason, in 2011 and 2012, the Legislature identified and scheduled synthetic drugs as Schedule I controlled substances.

The bill is a continuation of the Legislature's efforts to schedule synthetic drugs as they are identified. The bill codifies the Schedule I scheduling of the substances listed in the Attorney General's emergency rule issued on December 11, 2012, that temporarily scheduled several new synthetic cannabinoids, cathinones, and phenethylamines as Schedule I controlled substances. The Attorney General filed this emergency rule to address the public safety risk of new synthetic substances being sold and abused in Florida. As a result of this scheduling, persons who engage in certain unlawful acts involving these substances may be subject to arrest and prosecution.

This bill was approved by the Governor on April 24, 2013, Ch. 2013-029, Laws of Florida. These provisions take effect upon becoming law.

- ***CS/HB 311***
  Costs of Prosecution, Investigation, and Representation

The bill adds the costs of prosecution and the costs of representation by the public defender to the list of costs a clerk of the court is required to withhold from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent. If such payments are not made from the cash bond, the clerk is required to obtain payment from a defendant or, if sufficient funds are not available, require the defendant to enroll in a payment plan. Cash bond forms must display notice of the funds being subject to forfeiture for payment of costs of prosecution as well as other costs, fees, and fines.

The bill requires the clerk of the court to collect and disburse costs of prosecution in all cases, regardless of whether the cases are disposed of before a judge in open court. These particular cases include criminal traffic violations in which the defendant may elect to show proof of compliance to the clerk and enter a plea of no contest.

The bill also requires that costs of prosecution be assessed for juveniles who have been adjudicated delinquent or have adjudication of delinquency withheld; however, the court may order the juvenile to complete community service in lieu of paying the cost if the court finds that the juvenile is unable to pay the cost. If approved by the Governor, these provisions take effect July 1, 2013.

- ***SB 338***
  Theft of Utility Services

The bill amends s. 812.14, F.S., to provide that the theft of utility services is punishable as theft under s. 812.014, F.S., the general theft statute. As a result of this change, a person who commits theft of utility services will not necessarily commit a first degree misdemeanor, the current degree of offenses under s. 812.14, F.S. Instead, the offense degree and penalties relevant to a theft depend upon the value of the property stolen, which includes services, and other factors.

The bill also increases the civil penalty for a person found in a civil action to have violated the statute on utility theft from the current three times the amount of services stolen or $1,000, whichever is greater, to three times the amount stolen or $3,000, whichever is greater.

This bill was approved by the Governor on April 24, 2013, Ch. 2013-030, Laws of Florida. These provisions take effect October 1, 2013.

▪ *CS/CS/CS/SB 390 Veterans' Organizations/Solicitation*

Solicitation of Funds by Veterans' Organizations

The bill forbids an entity from advertising or holding itself out as a veterans' organization unless it is an actual veterans' organization as defined by the bill. The bill defines a veterans' organization as a business entity whose earnings do not benefit a private shareholder and that exists for one or more of the following purposes:

- Promoting the social welfare of a community;
- Assisting needy war veterans and their dependents;
- Providing entertainment and care to hospitalized veterans;
- Carrying on programs to perpetuate the memory of deceased veterans;
- Conducting programs for religious, charitable, scientific, literary, or educational purposes;
- Providing insurance benefits for their members or their dependents;
- Providing social activities for their members;
- The earnings of the organization are devoted to charitable, religious, scientific, literary, educational, or fraternal purposes.

The bill makes it a violation of the Florida Deceptive and Unfair Trade Practices Act (act) for an entity to misrepresent itself as a veterans' organization if it is not. Consistent with the act, the bill allows a veterans' organization whose membership consists of current or past members of the U.S. military and their families to bring an action against an entity that misrepresents itself as a veterans' organization to obtain an injunction against it. A business entity that unlawfully holds itself out as a veterans' organization commits a misdemeanor of the first degree.

Misrepresentation of Military Service

The bill prohibits soliciting for charitable contributions while either misrepresenting that one is a member or veteran of the U.S. military or while wearing a U.S. military uniform or any U.S. military medal or insignia for which an individual is not authorized to wear. Current law prohibits a person from soliciting for charitable contributions while misrepresenting military or veteran status if the person is wearing a U.S. military uniform, medal, or insignia at the time.

The bill also expands the scope of the criminal offense to include misrepresenting military status or wearing a U.S. military uniform, medal, or insignia for which an individual is not authorized to wear "for the purpose of material gain." The bill provides that a person does not violate the statute while actually engaged in a theatrical profession. If approved by the Governor, these provisions take effect July 1, 2013

▪ *HB 407 Criminal Gang Prevention*

The legislation does the following to enhance criminal gang intervention and prevention:

- Increases the misdemeanor criminal penalties for specified trespassing offenses in school safety zones by a person convicted of gang-related offenses (becomes a first instead of a second degree misdemeanor);
- Increases the felony criminal penalties for intentionally causing, encouraging, soliciting, or recruiting a person under 13 years of age to become a gang member (becomes a second instead of a third degree felony, except if it is a second or subsequent recruiting conviction, it becomes a first degree felony);
- Authorizes a county or municipal detention facility to designate a person to be responsible for assessing whether an inmate is a criminal gang member or associate and if so, report it to the arresting law enforcement agency; and
- Amends the criminal gang multiplier in s. 921.0024, F.S., so that the multiplier will be able to be applied with a finding by the judge (rather than the jury) that the defendant committed the offense for the purpose of benefitting, promoting, or furthering the interests of a criminal gang in instances where the lowest permissible sentence does not exceed the statutory maximum sentence for the offense.

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

- ***CS/CS/SB 492***
  Estates/Changes to Florida Probate Code

The bill makes a number of changes to the Florida Probate Code, which were recommended by the Real Property, Probate, and Trust Law Section of The Florida Bar. These changes include:

- Retroactively eliminating a requirement that an estate file a tax return for an estate tax when no tax is due.
- Reducing from 5 years to 2 years the time period in which intangible property held in a trust is presumed to be unclaimed property and payable to the Department of Financial Services.
- Providing that a caveator is not required to serve notice on his or herself when he or she submits a petition for administration of an estate.
- Making void, with certain exceptions, any gift received by a lawyer, or a relative of the lawyer, from a written instrument that the lawyer prepared.
- Requiring that a clerk of court, upon receipt of a will, keep the will in its original form for 20 years.
- Expanding the long-arm jurisdiction of Florida courts to adjudicate trust disputes.
- Removing conflicts between the Florida Statutes and the Florida Rules of Civil Procedure pertaining to forum non conveniens.
- Requiring that a trustee provide a trust accounting to beneficiaries at least once a year.

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

- ***CS/SB 530***
  Dispute Resolution

The bill creates the Revised Florida Arbitration Code based on a 2000 revision of the Uniform Arbitration Act, as approved by the National Conference of Commissioners on Uniform State Laws. The original act, the Florida Arbitration Code (FAC) was passed in 1957 and subsequently revised in 1967. Since 1967, the FAC has gone mostly unchanged. The bill addresses concepts that were not addressed in the original act, such as the ability of arbitrators to issue provisional remedies, challenges based on notice, consolidation of separate arbitration proceedings, required conflict disclosures by arbitrators, immunity of arbitrators, and other substantive issues. The bill lays out a detailed framework for arbitration conducted under Florida law and repeals sections of the existing FAC, the substantive concepts of which are subsumed by the revised act. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/SB 556***
  Clerks of the Court

This bill revises the duties and responsibilities of the clerks of courts. The changes made by the bill:

- Expand the duties of a clerk of court to include the storage and maintenance of electronic filings and authorize clerks to electronically affix stamps to filings.
- Require the clerk to charge for services rendered electronically.
- Require the county recorder to remove recorded court documents from official records pursuant to a sealing or expunction order.
- Increase the threshold required for the clerk to refund an overpayment from $5 to $10 without a request from the person who made the overpayment.
- Clarify that the clerk may electronically provide public records requested by entities eligible to access the records without cost. These entities include the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, and others.
- Require an individual or entity to specify the document type, name, identification number, and page number, if requesting the clerk to maintain the confidentiality of information that is exempt from disclosure requirements in a court record or official record.

- Require the property appraiser, instead of the clerk, to provide a copy of the property record card to a petitioner in a challenge to a property tax valuation.
- Exempt the state from paying fees in enforcing judgments for costs and fines.
- Require clerks to provide public defenders with access to records of juveniles they are expected to represent prior to being appointed by the court.

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

- ***CS/HB 571***
  Marshal of the Supreme Court

The bill gives the marshal and his or her deputies' authority to bear arms and make arrests in connection with their official duties for the Supreme Court. The bill specifies that the marshal and his or her deputies must be law enforcement officers. These individuals must comply with the qualifications and training for law enforcement officers required by law. If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/HB 585***
  Law Enforcement/FDLE

The bill amends numerous statutes relating to the operations and duties of the Florida Department of Law Enforcement (FDLE). The major substantive changes the bill makes include:

- Authorizing counties and cities to require, by ordinance, employment screening of private contractors and other positions noted in the statutes who are subject to licensing or regulation by the county or city or who have contact with members of the public or access to any public facility or publicly operated facility in such a manner that the county or city finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.
- Revising duties concerning missing person reporting. • Specifying additional items to be reported by persons required to register as sexual offenders.
- Requiring state agencies and governmental subdivisions, prior to making any decision to appoint or employ a person to work at specified locations, to conduct a search of that person's identifying information through the national sexual offender public website.
- Redesignating the statewide automated fingerprint identification system as the statewide automated biometric identification system.
- Revising matters relating to the Florida Violent Crime and Drug Control Council and its committees.
- Requiring the collection of additional information from persons charged with or convicted of specified offenses.
- Requiring the Domestic and Repeat Violence Injunction Statewide Verification System maintained by the FDLE to include injunctions to prevent child abuse.
- Increasing the period in which a minor may seek expunction of a nonjudicial arrest record following diversion, and conditioning eligibility on the qualifications of the applicant rather than on those of the diversion program in which he or she participates.
- Clarifying that a person may only seal or expunge a record if the person has never before sealed or expunged a record (except in specified instances), and removing references to having received an expunction or sealing "from any jurisdiction outside the state" as a disqualifier for seeking expunction or sealing in Florida.
- Providing for accreditation of correctional facilities, public agency offices of inspectors general, and pretrial diversion programs.
- Revising language relating to testing services provided to defendants by state-operated analysis laboratories.
- Adding the following property to the list of regulated metal property which secondary metals recyclers may only purchase if certain conditions are met: more than two lead-acid batteries, or any part or component thereof, in a single purchase or from the same individual in a single day.

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

- ***CS/SB 592***
  Garnishment

The bill extends the time that a creditor has to object to a debtor's claim of exemption from a writ of garnishment. Existing law authorizes a creditor to file an objection with the court within 3 business days after the debtor hand-delivers the exemption claim to the creditor or 8 business days if the debtor mails the exemption claim. The bill extends these periods to 8 business days after hand-delivery and 14 business days after mailing of an exemption claim.

The bill also modifies the statutory form used for claiming an exemption from garnishment under s. 77.041(1), F.S. The form will include a requirement for certification under oath and penalty of perjury that the debtor delivered the form on the date stated and that the statements made in the claim of exemption are true to the best of the debtor's knowledge and belief. The bill allows a debtor to deliver a form claiming an exemption from garnishment and requesting a hearing to attorneys for the creditor and garnishees. Existing law provides for the forms to be delivered only to the creditor and garnishees. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 611***
  False Reports to Law Enforcement Officers

It is a first degree misdemeanor to knowingly giving false information to a law enforcement officer regarding the alleged commission of a crime. The bill increases the degree of this offense to a third degree felony if the person committing this offense has a previous conviction for this offense and one of two circumstances applies. In the first circumstance, the information the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by an audio recording or audio recording in a video of that information, a written or recorded statement made by the person who gave that information, or another person who was present when that information was given to the officer and heard that information. In the second circumstance, the information the person gave to the officer was communicated in writing. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/HB 617***
  Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

The legislation redesignates juvenile justice circuit boards as juvenile justice circuit advisory boards (boards). The boards will exist in each of the 20 judicial circuits. The bill eliminates statutory authority for juvenile justice county councils. However, except in single-county circuits, a county organization will represent each of the counties in the circuit and report to the board on the juvenile justice needs of the county.

The bill establishes duties and responsibilities of the board, including developing a comprehensive plan for the circuit; facilitating interagency cooperation and information sharing; recommending grants to support the comprehensive plan; making recommendations to the Department of Juvenile Justice (DJJ) on prevention and early intervention grant programs; and providing an annual report to the DJJ on board activities.

The bill removes the cap on the number of board members authorized, which is currently 18, and instead requires a minimum of 16 members. The bill specifies the composition of board members and quorum requirements and requires a majority vote to approve measures or positions of the board. Provisions of the bill detail how appointments will be made to the initial juvenile justice circuit advisory boards and the method in which future vacancies will be filled.

The DJJ is responsible for:

- Approving the appointment of certain members to a board.
- Developing format and content requirements for the bylaws of a board and approving the bylaws of each board.
- Developing format and content requirements for comprehensive plans prepared by boards.

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

- ***SB 628***
  Driver Licenses

This bill expands the list of entities and individuals authorized to access copies of driver's licenses held by the Department of Highway Safety and Motor Vehicles. The bill provides access to driver's licenses to judges, employees of the state courts system, and government employees who perform functions for the state courts system in their official capacity with the courts. For employees to have access, the Chief Justice or a chief judge must grant permission in writing. If approved by the Governor, these provisions take effect July 1, 2013.

- ***HB 685***
  Parole Interview Dates for Certain Inmates

This legislation permits the Florida Parole Commission to increase the interval between parole interviews to seven years for offenders convicted of kidnapping or attempted kidnapping, or of a completed or attempted offense of robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, when a human being is present and a sexual act is completed or attempted. Offenders who have committed those offenses are currently interviewed at two year intervals. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/HB 691***
  Personal Identification Theft

The bill makes it unlawful for a person to intentionally or knowingly possess, without authorization, the personal identification information of another person in any form. It is a first degree misdemeanor if a person commits this act and in doing so possesses the personal identification information of four or fewer persons. It is a third degree felony if the person commits this act and in doing so possesses the personal identification information of five or more persons.

"Personal identification information," as defined in the bill, means a person's social security number, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, and medical records.

Proof that a person used or was in possession of the personal identification information of five or more individuals, unless satisfactorily explained, gives rise to an inference that the person who used or was in possession of the personal identification information did so knowingly and intentionally without authorization.

The offense does not apply to any of the following persons:

- A person who is the parent or legal guardian of a child and who possesses the personal identification information of that child.
- A person who is the guardian of another person and who is authorized to possess the personal identification information of that other person and make decisions regarding access to that personal identification information.
- An employee of a governmental agency who possesses the personal identification information of another person in the ordinary course of business.
- A person who is engaged in a lawful business and possesses the personal identification information of another person in the ordinary course of business.
- A person who finds a card or document issued by a governmental agency which contains the personal identification information of another person and who takes reasonably prompt action to return that card or document to its owner, to the governmental agency that issued the card or document, or to a law enforcement agency.

It is an affirmative defense to the alleged violation if the person who possesses the personal identification information of another person:

- Did so under the reasonable belief that such possession was authorized by law or by the consent of the other person; or
- Obtained that personal identification information from a forum or resource that is open or available to the general public or from a public record.

Prosecution of this new offense does not preclude prosecution for the unlawful possession of personal identification information under any other law, including prosecution for the criminal use of personal identification information that was otherwise lawfully possessed. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/SB 718***
  Family Law

This bill establishes guidelines for the duration and amount of alimony awards and revises other laws relating to dissolution of marriage cases. Specifically, the bill:

- Eliminates permanent, periodic alimony and limits a court's ability to award durational alimony.
- Limits the term of an award of durational alimony to 50 percent of the length of marriage unless the proponent shows sufficient need for a longer award, as supported in writing by the court.
- Provides a rebuttable presumption against an alimony award following a short-term marriage.
- Creates a rebuttable presumption in favor of an alimony award following a long-term marriage.
- Places caps on alimony payments expressed as a percentage of the income of the obligor. The caps vary based on the length of marriage.
- Provides that equal time-sharing by the parents is in the best interest of a minor child unless the court finds that equal time will pose a danger or be impracticable. This provision applies prospectively.
- Provides that the court must consider the same factors in awarding temporary alimony, alimony requested without a concurrent filing of a dissolution of marriage, and alimony required pursuant to a dissolution of marriage.
- Establishes formulas for a court to use in determining the value of the marital portion of nonmarital real property which is subject to equitable distribution in a divorce proceeding. The formulas apply if a party paid down a note and mortgage on the property with marital funds.
- The bill increases the number of years of marriage required for a marriage to qualify as a short-term, mid-term, or long-term marriage.
- Prioritizes alimony ordered by the court in order of preference starting with bridge-the-gap alimony, followed by rehabilitative alimony.
- Requires the court to consider as a factor in alimony determinations nonmarital assets relied upon during the marriage.
- Requires, rather than permits, the court to modify or terminate alimony upon a showing of a supportive relationship between the obligee and a third party.
- Prohibits an alimony award to a party whose income is equal to or greater than the other party.
- Clarifies that the court must consider the retirement of the obligor of an alimony award as a substantial change in circumstances.
- Provides for the retroactive application of the guidelines specifying the amount and duration of alimony awards.
- Provides a schedule for filing petitions to modify an existing alimony award based on the duration of the alimony obligation.

This bill was vetoed by the Governor on May 1, 2013.

- ***SB 736***
  Limitations Relating to Deeds and Wills/Cure of Defective Documents

The bill expands the scope of existing law (s. 95.231(1), F.S.), to cure defective documents purporting to transfer title to real property. Under existing law, a 5-year limitation period acts to cure defective deeds or wills that are missing required seals or signatures of witnesses. Under the bill, the 5-year limitation period will cure such defects in any instrument, including a power of attorney, used in connection with the transfer of title to real property. Additionally, the bill provides a savings clause to allow any person who is adversely affected by the

bill's changes to bring a claim within the specified period of time to protect his or her interest. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/HB 833***
  General Assignments

This bill streamlines procedures for the discharge of duties by an assignee under an assignment for the benefit of creditors. The changes were recommended by the Business Law Section of The Florida Bar as part of its comprehensive review of the law. More specifically, this bill:

- Creates a negative notice procedure to allow an assignee when discharging duties under an assignment for the benefit of creditors to give notice to interested parties of a planned action. In the absence of objection, the assignee may proceed without a hearing. A form is created for providing negative notice of certain acts to be undertaken by the assignee.
- Sets a minimum bond for assignees under an assignment for the benefit of creditors of at least $25,000 or double the liquidation value of the unencumbered and liquid assets of the insolvent estate, whichever is greater.
- Authorizes an assignee to conduct discovery as provided for in the Florida Rules of Civil Procedure in the course of prosecuting or objecting to claims.
- Eliminates a conflict in existing law relating to an extension of the time within which an assignee may conduct the business of an insolvent debtor. The change allows the assignee to conduct the business of the insolvent debtor for 45 days, or longer, if needed and appropriate notice is given.
- Identifies the parties entitled to notice and specifies the contents of the notice if an assignee rejects a lease when discharging his or her duties for an insolvent estate.
- Creates a form for deeds for use by an assignee in the sale of real property of an insolvent estate.

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

- ***CS/HB 841***
  Powers of Attorney

This bill makes a number of changes to the Florida Power of Attorney Act (Act) which were recommended by the Real Property, Probate, and Trust Law Section of The Florida Bar. These changes:

- Make provisions of the Act which apply to financial institutions expressly applicable to broker-dealers.
- Specify that the laws governing powers of attorney do not apply to a power given to a transfer agent to facilitate a specific transfer of a financial instrument, a power authorizing a financial institution or broker-dealer to act as agent for the account owner in executing transfers of financial assets or a delegation of powers by a trustee.
- Allow a notary public to sign the principal's name on a power of attorney document if the principal is physically unable to sign.
- Allow a third party to require that an original power of attorney be provided for recording in official records if the power of attorney is relied on to transfer real property.
- Allow an agent with a power of attorney to delegate authority to a third person using a prescribed government form if the delegation is for a governmental purpose.
- Provide a standard for a court to award attorney fees in litigation involving a power of attorney.
- Allow a third party to require that an agent provide an affidavit stating whether the agent's authority has been terminated by the filing of an action for dissolution of marriage of the agent and principal.
- Clarify when a rejection of a power of attorney by a third party must be in writing.
- Clarify that the default cap in existing law on the amount of gifts that an agent may give under a power of attorney applies to gifts given in a single a calendar year.

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

- ***CS/HB 851***
  Animal Cruelty

The bill clarifies that aggravated animal cruelty can occur when a person who owns or has custody or control of an animal fails to act, and such failure results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done.

The bill specifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. The bill also provides that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal that such cruelty was committed upon.

The bill amends the definition of racketeering activity to include violations of animal fighting and baiting. There are over 50 crimes currently listed in the racketeering law ranging from evasion of payment of cigarette taxes to homicide. Violations of the RICO Act may be investigated and prosecuted by the Office of Statewide Prosecution.

The bill makes it a second degree misdemeanor for a person to:

- Dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age;
- Bring dyed or artificially colored animals under 12 weeks of age, or fowl or rabbits of any age, into the state; or
- Sell, offer for sale, or give away as merchandising premiums baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys, or retail premiums.

The first two prohibitions listed above do not apply to animals that are temporarily dyed by agricultural entities for protective health purposes. The bill prohibits the statute from being construed to apply to any animal that is under 12 weeks of age, or any fowl or rabbit of any age that are used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions. The bill allows a county, as defined in s. 125.011, F.S., to use carryover proceeds or fund balances obtained from civil penalties from violations of ordinances relating to animal control or cruelty for animal shelter operating expenses. Currently counties are limited to using those funds for officer training. This provision expires July 1, 2014.

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

- ***CS/CS/HB 935***
  Florida False Claims Act

The bill conforms the Florida False Claims Act (FFCA) to the Federal False Claims Act. Specifically, the bill:

- Expands the authority of the Department of Legal Affairs to issue subpoenas to investigate false claims against the state. However, this authority is contingent upon a public records exemption in House Bill 1297 (Senate Bill 1496) or similar legislation becoming law.
- Removes the statement of purpose for the FFCA.
- Revises the definitions under the FFCA to conform to the Federal False Claims Act.
- Revises the violations under the FFCA.
- Revises procedures for the Department of Legal Affairs to intervene in a case under the FFCA.
- Expands the authority of the Attorney General's Office to prosecute false claims allegedly made by certain governmental officials which are not acted upon by other state officials having authority to act.
- Revises provisions relating to the burden of proof in actions under the FFCA. Under the revised provisions, a defendant in a qui tam action may not deny facts which were the basis of a criminal proceeding in which the defendant was found guilty, pled guilty or pled nolo contendere. A "qui tam action" is an action brought under a statute that allows a private person to sue for a penalty, part of which the government or some specified public institution will receive.

If approved by the Governor, except as otherwise provided in this act, these provisions take effect July 1, 2013.

- ***CS/HB 953***
  Warrants/Electronic Signatures

This bill authorizes judges to electronically sign search and arrest warrants, including warrant applications that are electronically submitted. This bill clarifies that a judge must find probable cause prior to issuing the warrant.

Prior to signing, the court must find that a complaint for an arrest warrant or an application for a search warrant:

- Contains the affiant's actual, or electronic signature;
- Is accompanied by an oath or affirmation by a judge or someone else who is authorized to administer oaths; and
- Is submitted by reliable means if submitted electronically.

Warrants are deemed to be issued at the time a judge affixes his or her actual or electronic signature to the warrant. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/SB 964***
  Termination of Parental Rights

The bill substantially changes Florida's termination of parental rights standard to include harm done towards the mother of a child, as a result of a sexual battery that resulted in the birth of a child. The bill constitutes an expansion of the grounds for termination of parental rights stated in s. 39.806(1), F.S.

The bill provides that a father's parental rights may be terminated if the court determines by clear and convincing evidence that the child was conceived during an act of sexual battery pursuant to s. 794.001, F.S., or pursuant to a similar law of another jurisdiction. The father does not have to be convicted of sexual battery under the criminal standard of proof of beyond a reasonable doubt in order to have his parental rights terminated. Currently, if the father was convicted of sexual battery, the court could only order a termination of parental rights based on a conviction and lengthy incarceration pursuant to s. 39.806(1)(d), F.S.

The bill presumes that termination of parental rights is in the best interest of the child if the child was conceived as a result of the unlawful sexual battery and provides that a petition for termination of parental rights may be filed at any time. The bill requires the court to accept a guilty plea or conviction of unlawful sexual battery pursuant to s. 794.011, F.S., as conclusive proof that the child was conceived by a violation of criminal law. If approved by the Governor, these provisions take effect July 1, 2013, and apply to all unlawful acts of sexual battery occurring before, on, or after that date.

- ***CS/HB 1173***
  Florida Communications Fraud Act

The bill amends s. 817.034, F.S., the Communications Fraud Act (CFA). The CFA makes it a crime for a person to engage in a scheme to defraud and obtain property; or engage in a scheme to defraud and, in furtherance of that scheme, communicate with any person with intent to obtain property from that person. The CFA does not contain a provision specifying a statute of limitation for violations; therefore, the general statutes of limitation contained in s. 775.15, F.S., apply.

This requires that violations be prosecuted as follows:

- Prosecution for a felony of the first degree must be commenced within 4 years after it is committed;
- Prosecution for any other felony must be commenced within 3 years after it is committed;
- Prosecution for a misdemeanor of the first degree must be commenced within 2 years after it is committed; and
- Prosecution for a misdemeanor of the second degree or a noncriminal violation must be commenced within 1 year after it is committed.

The bill extends the statute of limitation for violations of the Communications Fraud Act to 5 years after the cause of action accrues in both civil and criminal matters. The bill tolls the statute of limita-

tion for up to an additional year if the defendant in a criminal case is outside the jurisdiction of the court. The Criminal Punishment Code is amended to elevate violations of the CFA from Level 6 to Level 7. This amendment has the effect of increasing the total sentencing points and therefore could result in more defendants being sentenced to prison for violations of the Act. This bill substantially amends ss. 817.034 and 921.0022, F.S. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/CS/HB 1223***
  Deceptive and Unfair Trade Practices/ Service Personnel and Families

The bill provides military servicemembers and their spouses and dependent children the same heightened protections senior citizens and persons with disabilities have against deceptive or unfair trade practices. The bill provides that a person who willfully uses a method, act, or practice to victimize or attempt to victimize a military servicemember, or the spouse or child of a military servicemember, through a deceptive or unfair trade practice, is liable for a civil penalty of not more than $15,000 for each violation. The bill defines "military servicemember" as a person who is on active duty in, or a veteran of, the U.S. Armed Forces. The bill also replaces the term "handicapped person" in the affected statute with the currently accepted term "person who has a disability."

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

- ***CS/CS/HB 1325***
  Victims of Human Trafficking

The bill authorizes a victim of human trafficking to petition the court for the expunction of a conviction for any offense, except an offense listed in s. 775.084(1)(b)1, F.S., committed while he or she was a victim of human trafficking. The bill specifies that an expunged conviction is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. The term "victim of human trafficking" is defined.

The bill requires that a petition can only be initiated after the victim has ceased to be a victim of human trafficking or has sought services for victims of human trafficking, subject to reasonable concerns for the safety of the victim, family members of the victim, or other victims of human trafficking that may be jeopardized by the bringing of such petition.

The bill requires the petition to include a sworn statement attesting that the victim is eligible for such expunction to the best of his or her knowledge or belief and does not have another petition to expunge or seal before any other court. Official documentation of the victim's status as a victim of human trafficking must be provided, if any exists. However, a petition may be granted without official documentation.

The bill requires the court to grant the expunction when there is a preponderance of the evidence. A determination made without official documentation must be made by a showing of clear and convincing evidence. If a court grants an expunction the bill requires:

- The clerk of the court to certify copies of the order to the appropriate state attorney or the statewide prosecutor, the arresting agency, and to any other agency that has received the criminal history record from the court;
- The arresting agency to forward the order to any other agency listed in the court order to which the arresting agency disseminated the criminal history record information to which the order pertains;
- The Florida Department of Law Enforcement to forward the order to expunge to the Federal Bureau of Investigation; and
- Criminal justice agencies with custody of the expunged record, except FDLE, to physically destroy the record.

The bill also allows persons who have had their human trafficking criminal history records expunged to lawfully deny or fail to acknowledge the arrests covered by the expunged record. Such persons will not face perjury charges or otherwise be liable for giving a false statement for failing to acknowledge an expunged criminal record unless they are a candidate for employment with a criminal justice agency or is a defendant in a criminal prosecution. The bill requires persons to acknowledge such arrests when applying for future sealing or expunc-

tions under ss. 943.059, 943.0585, or 943.0583, F.S.

If approved by the Governor, except as otherwise expressly provided in the bill, these provisions take effect January 1, 2014, except that the Department of Law Enforcement or any other criminal justice agency is not required to comply with an order to expunge a criminal history record before March 1, 2014.

- ***SB 1512***
  Clerks of Court

The bill:

- Removes the budgets for the Clerks of Courts from the traditional state budget process and restores the budgetary processes used for the clerks' budgets that were used prior to 2009.
- Directs additional filing fee revenues to the clerks to sufficiently fund their operations and make their budgets financially stable.
- Sets up a process requiring the clerks to submit their annual budgets to the Legislative Budget Commission. The LBC has the authority to review, approve, disapprove, or amend the clerks' budgets. The clerks must submit balanced budgets – anticipated expenditures cannot exceed anticipated revenues, as projected by EDR in its official estimate.
- Re-establishes a process to ensure that clerks with revenue deficits can obtain excess revenues available in the clerks' trust fund.

During the conference process, the conference committee added language to the bill to ensure greater transparency and accountability in the budgeting process for the clerks, including the reporting of any proposed increases in pay and benefits, such as raises or bonuses. Consequently, the proposed budget process for the clerks should result in adequate accountability for their use of state revenues.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-044, Laws of Florida. These provisions take effect July 1, 2013.

- ***SB 1852***
  National Mortgage Settlement

Appropriates $200,080,474 to several state entities for various housing and foreclosure-related programs and services, contingent upon such funds being deposited into the state treasury from the National Mortgage Settlement (United States of America, et al. v. Bank of America Corp., et al., No. 305 12-0361-RMC). The agreement settles state and federal lawsuits alleging that the country's five largest mortgage servicers routinely signed foreclosure related documents outside the presence of a notary public and without really knowing whether the facts they contained were correct. Both of these practices violate the law.

Funds are appropriated, with specific restrictions and requirements, as follows:

- $60 million for the State Apartment Incentive Loan Program (SAIL), including:
  - $25 million for the elderly;
  - $25 million for extremely low-income persons; and
  - $10 million for rental developments in which 10 percent to 25 percent of the units are designed for persons with developmental disabilities.
- $40 million for the State Housing Initiatives Partnership Program (SHIP) to be used for:
  - Rehabilitating or modifying owner-occupied houses (including blighted homes and neighborhoods);
  - Assisting low income families to purchase existing housing;
  - Providing housing counseling services;
  - Providing lease-purchase assistance; and
  - Implementing other approved strategies to assist households impacted by foreclosure, using existing housing stock.
- Twenty percent of the SHIP funds must be used for persons with special needs, which includes disabled veterans, former foster care young adults, and domestic violence

survivors. First priority for these funds will be for persons with developmental disabilities. The funds will be used for home modifications, including technological enhancements and devices which will allow homeowners to live independently and safely in their own homes.

- $31 million for the State Courts System for the backlog of foreclosure cases, including:
  - $16 million for temporary court staffing;
  - $9.7 million for temporary staffing for the clerks of court; and
  - $5.3 million for court technology improvements.
- $20 million for Habitat for Humanity for rehabilitation of existing housing stock for low-income persons;
- $10 million for legal aid services for low and moderate-income homeowners facing foreclosure;
- $10 million for competitive grants for housing for homeless persons;
- $10 million for competitive grants for housing for persons with disabilities;
- $10 million for competitive grants creating more domestic violence center beds; and
- $9.1 million for Take Stock in Children to purchase prepaid dormitory contracts for students in grades 10 and 11 who are participating in the Florida Prepaid Tuition Scholarship Program.

If approved by the Governor, these provisions take effect upon the deposit of $200,080,474 into the General Revenue Fund from the escrow account created as a result of the consent judgment entered into by the Attorney General on April 4, 2012, in the case of United States of America, et al. v. Bank of America Corp., et al., No. 12-0361-RMC, in the United States District Court for the District of Columbia.

- ***HB 7015***
  Expert Testimony/Change of Standard

Currently, Florida courts employ the standard articulated in Frye v. United States, 293 F. 1013 (D.C. Cir. 1923) to determine whether to admit expert testimony. Under the Frye standard, the methodology or principle on which expert opinion testimony is based must be generally accepted in the field in which it belongs.

The bill replaces the Frye standard with the Daubert standard. Under the Daubert test, when there is a proffer of expert testimony, the judge as a gatekeeper must make a preliminary assessment of whether the reasoning or methodology properly can be applied to the underlying facts at issue. The bill adopts the Daubert standard by amending s. 90.702, F.S., to prohibit an expert witness from testifying in the form of an opinion or otherwise, including pure opinion testimony, unless:

- The testimony is based on sufficient facts or data;
- The testimony is the product of reliable principles and methods; and
- The witness has applied the principles and methods reliably to the facts of the case.

Additionally, the preamble further states that the Legislature intends to adopt the standards provided in Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), General Electric Co. v. Joiner, 522 U.S. 136 (1997), and Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999) and to prohibit pure opinion testimony as provided in Marsh v. Valyou, 997 So. 2d 543 (Fla. 2007).

The bill amends s. 90.704, F.S., to prohibit the disclosure of inadmissible facts or data to a jury by the proponent of an expert opinion or by inference unless the court determines that their probative value in assisting the jury's evaluation of the expert's opinion substantially outweighs their prejudicial effect. As a result of the amendments, the effect of s. 90.704, F.S., is conformed to the effect of Federal Rule of Evidence 703. If approved by the Governor, these provisions take effect July 1, 2013.

- ***HB 7017***
  Terms of Courts

This bill repeals various sections in law that provided specific references to terms of court. These provisions are obsolete as they were adopted at a time when judges had to travel through the circuit in difficult and cumbersome circumstances. This bill permits the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts. The bill also allows an appellate court to withdraw a mandate within 120 days after issuance.

These provisions were approved by the Governor and take effect January 1, 2014, Ch. 2013-25, Laws of Florida.

- ***HB 7035***
  Pretrial Detention

This bill adds two factors for a court to consider in setting bail or ordering pretrial detention of a criminal defendant:

- Whether a defendant currently before the court for a crime other than a misdemeanor driving offense must register as a sexual offender or a sexual predator. If so, the court must order pretrial detention until first appearance to enable participation by the prosecutor and ensure public safety.
- Whether the state attorney has filed a request for, or the defendant has previously been sentenced as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, and:
  - A substantial probability exists that the defendant committed the current offense; and
  - No conditions of release can reasonably protect the community from the risk of physical harm or ensure the presence of the defendant at trial.

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

- ***CS/CS/HB 7083***
  Death Penalty/Changes

This bill creates the Timely Justice Act of 2013 to increase efficiency in the postconviction or collateral review phase of capital cases.

The bill:

- Eliminates the pilot registry counsel program in the northern region of Florida.
- Provides an appropriation to reestablish the Capital Collateral Regional Counsel (CCRC) in the northern region of Florida.
  - Prohibits counsel found by the court to have twice provided constitutionally deficient representation resulting in relief from taking on new cases for a 5-year period. The court must report each instance of constitutionally deficient representation to The Florida Bar for discipline.
  - Limits instances in which the CCRC may withdraw as counsel based on a conflict of interest to actual conflicts, which are greater than a possible, speculative, or merely hypothetical conflict.
  - Provides that the Justice Administration Commission:
  - Replaces the Department of Corrections as the agency responsible for compensating attorneys who represent inmates in clemency proceedings.
- Assumes all responsibilities in the contracting process for legal representation in capital cases.
- Has standing to appear in court to contest motions on payment for attorney fees, costs, or related expenses.
- Specifies timelines, after appeals are exhausted, for the clerk and the Governor.

Lastly, the Supreme Court must annually report to the Legislature the status of each capital case in which a postconviction action remains pending for longer than 3 years. If approved by the Governor, these provisions take effect July 1, 2013.

2013
Florida Legislature
Post-Session Report

Public Records

Including legislation relating to:

- **New Exemptions**
- **Open Government Sunset Reviews (OSGR)**

Public Records

- ***CS/SB 4***
  Public Records and Meetings/ Commission on Ethics

The public records exemption companion bill to the omnibus ethics act (Chapter 2013-36, L.O.F.). Among other things, the new ethics laws allow the Commission on Ethics ("Commission") to initiate investigations upon receipt of a referral from the Governor, Department of Law Enforcement, a state attorney, or a U.S. Attorney. In order to investigate a referral, six members of the Commission must vote in favor of initiating the investigation. Exempts from the public records and open meetings laws any records and proceedings of the Commission related to a referral or a preliminary investigation initiated by a referral. These exemptions apply until the Commission determines that it will not investigate a matter, until it determines whether probable cause exists to believe a violation occurred, or until the subject of the referral waives the right to confidentiality.

This bill was approved by the Governor on May 15, 2013, Ch. 2013-038, Laws of Florida. The effective date of this bill is May 1, 2013.

- ***CS/HB 249***
  Public Records Exemption

The public records exemption companion bill to the Paper Reduction bill (CS/CS/HB 247). Among other things, the Paper Reduction bill creates a blank to solicit a voter's email address on the voter registration application. Amends the public records exemption in s. 97.0585, F.S., to provide that certain information obtained for the purpose of voter registration is confidential and exempt. That Section is also amended to make an email address provided by a voter registration applicant or voter confidential and exempt. The new exemption will expire on October 2, 2018, unless reviewed and saved from repeal through reenactment. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/HB 361***
  Public Meetings/Criminal Justice Commissions

The bill creates a public meetings exemption for that portion of a meeting of a "duly constituted criminal justice commission" (commission) at which members of the commission discuss active criminal intelligence information or active criminal investigative information that is currently being considered by, or which may foreseeably come before, the commission, provided that at any public meeting at which such matter is being considered, the commission members publicly disclose the fact that the matter has been discussed. The bill defines the term "duly constituted criminal justice commission" as an advisory commission created by municipal or county ordinance whose membership is comprised of individuals from the private sector and the public sector and whose purpose is to examine local criminal justice issues. The bill specifies that the exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity for the exemption as required by the State Constitution.

This bill became law upon approval by the Governor on May 15, 2013, Ch. 2013-038, Laws of Florida. The effective date of this bill is July 1, 2013.

- ***CS/HB 649***
  Public Records/Proprietary Confidential Business Information

The bill creates a public records exemption for proprietary confidential business information held by an electric utility in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. With the exemption, more private or out-of-state entities may be encouraged to participate in such projects and share information with electric utilities. The bill requires that the proprietary confidential business information be held by the electric utility for one year following the due diligence review.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution. If approved by the Governor, these provisions take effect July 1, 2013.

- ***HB 725***
  Public Records and Public Meetings Exemptions

Current law establishes the State Child Abuse Death Review Committee (CADR) and local child abuse death review committees within the Department of Health (DOH). The CADR is tasked with reviewing the facts and circumstances of the deaths of children whose deaths have been investigated by the Department of Children and Families (DCF) and closed with a "verified" finding of child abuse or neglect.

Current law provides a public record exemption for any information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of a review and whose information is held by the CADR or a local committee. It also provides that portions of meetings of the CADR or a local committee at which confidential or exempt information is discussed are exempt from public meeting requirements, but must be recorded. A public record exemption protects the release of such recording.

The bill removes the requirement that closed portions of meetings of the CADR or local committees be recorded, as well as the requirement that no portion of a closed meeting be off the record. The bill also removes the requirement that the CADR or local committee maintain the recording of the closed portion of the meeting. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 731***
  Public Records/Spouses and Children of Law Enforcement and Agency Personnel

This legislation expands an existing public records exemption for certain personal identification and location information for specified law enforcement personnel (including Department of Corrections officers and correctional probation officers, Department of Children and Families abuse and exploitation investigators, Department of Health child abuse investigators, and Department of Revenue collection and enforcement personnel), assistant state attorneys, state attorneys, statewide prosecutors, and assistant statewide prosecutors and their spouses and children to also protect the names of such spouses and children. If approved by the Governor, these provisions take effect October 1, 2013.

- ***CS/HB 1075***
  Public Records

Creates a public record exemption for a complaint of misconduct filed with an agency against an agency employee, and all information obtained pursuant to the investigation by the agency of the complaint of misconduct. The information is confidential and exempt from public record requirements until the investigation ceases to be active, or until the agency provides written notice to the employee who is the subject of the complaint that the agency concluded the investigation and either will or will not proceed with disciplinary action or file charges. The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. In addition, the bill provides a statement of public necessity. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/CS/CS/HB 1085***
  Public Records/Natural Gas Storage Facility Permit

The bill provides legislative findings related to the public records exemption and creates s. 377.24075, F.S., to provide that "proprietary business information" related to underground natural gas storage is exempt from the public records requirements of s. 119.15, F.S. The bill defines "proprietary business information" as information that:

  - Is owned or controlled by the applicant or person affiliated with the applicant;
  - Is intended to be private and is treated by the applicant as private;
  - Has not been disclosed except as required by law or private agreement; and
  - Is not publicly available.

The bill specifies that "proprietary business information" includes:

  - Trade secrets;
  - Leasing plans, real property acquisition plans, exploration budgets, or marketing studies; and
  - Competitive interests, which may include well design, completion plans, geologic and

engineering studies, utilization strategies, or operating plans.

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

- ***HB 1297***
  Public Records/Florida False Claims Act

The bill creates a public records exemption for a complaint of a Florida False Claims Act (FFCA) violation and other information held by the Department of Legal Affairs pursuant to an investigation of the alleged violation. The exemption expires when the investigation is complete, unless the complaint and other information are otherwise protected by law.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the Florida Constitution.

This bill is linked to CS/CS/HB 935 (CS/CS/SB 1494), which substantially revises the authority of the Department of Legal Affairs to pursue fraud and other acts of misconduct under the FFCA. If approved by the Governor, these provisions take effect on the same date that HB 935 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

- ***CS/HB 1327***
  Public Records/Victims of Human Trafficking

This legislation creates a public record exemption for a criminal history record of a victim of human trafficking that is ordered expunged. Specifically, such record retained by the Florida Department of Law Enforcement is confidential and exempt from public record requirements, except that the record must be made available to criminal justice agencies for their respective criminal justice purposes; otherwise, it cannot be disclosed to any person or entity except upon order of a court of competent jurisdiction. If approved by the Governor, these provisions take effect January 1, 2014.

- ***SB 1850***
  Public Records/Citizens Property Insurance Corporation Clearinghouse

The bill exempts from public record proprietary business information which is owned or controlled by an insurer participating in the Citizens clearinghouse program created in CS/CS/SB 1770, and:

- Is identified by the insurer as proprietary business information and is intended to be and is treated by the insurer as private in that the disclosure of the information would cause harm to the insurer, an individual, or the company's business operations and has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public;
- Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to the clearinghouse; and,
- Includes, but is not limited to:
  - Trade secrets.
  - Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Proprietary business information may be found in underwriting criteria or instructions which are used to identify and select risks through the program for an offer of coverage and are shared with the clearinghouse to facilitate the shopping of risks with the insurer.

The clearinghouse may disclose confidential and exempt proprietary business information:

- If the insurer to which it pertains gives prior written consent;
- Pursuant to a court order; or
- To another state agency in this or another state or to a federal agency if the recipient agrees in writing to maintain the confidential and exempt status of the document, mate-

rial, or other information and has verified in writing its legal authority to maintain such confidentiality.

The bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature. If approved by the Governor, these provisions take effect upon becoming law, if CS/CS/SB 1770 is approved, and shall take effect July 1, 2013.

- ***HB 7079***
  Certain Personal Identifying Information of Domestic and Sexual Violence Victims

This bill reenacts the public records exemption in s. 741.313(7), F.S., making confidential and exempt certain personal identifying information contained in records documenting an act of domestic or sexual violence that is submitted to an agency by an agency employee. These records include a written request for leave submitted by an agency employee for absences related to domestic or sexual violence, and any agency time sheet that reflects such a request until one year after the leave has been taken. If approved by the Governor, these provisions take effect October 1, 2013.

- ***HB 7089***
  Public Records Exemption/School Food and Nutrition Service Program Participants

Creates a public records exemption for personal identifying information of an applicant for or participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education. The 2013 Legislature also passed CS/HB 7087 creating Chapter 595, entitled "School Food and Nutrition Services," providing authority for the school food and nutrition service programs these agencies are responsible for establishing and maintaining. Some of the information provided for purposes of determining eligibility to the programs is considered to be of a sensitive, personal nature. The bill specifies circumstances under which the exempt information must be disclosed.

The bill provides the exemption will repeal on October 2, 2018, pursuant to the Open Government Sunset Review Act, unless reviewed and reenacted by the Legislature. The bill also provides a statement of public necessity as required by the Florida Constitution. If approved by the Governor, these provisions take effect upon becoming law.

- ***CS/HB 7135***
  Public Records/Money Services Businesses

This bill is a public records exemption that is linked to CS/CS/HB 217. In pertinent part, CS/CS/HB 217 requires specified information relating to a check cashing transaction exceeding $1,000 to be submitted to a database operated by the Office of Financial Regulation (OFR). This bill creates a public records exemption for payment instrument transaction information held in the database by the OFR. Specifically, any such information that identifies a licensee, payor, payee, or conductor is confidential and exempt from public records disclosure requirements.

This bill authorizes a licensee to access information that it submits to the OFR for inclusion in the database. It also authorizes the OFR to enter into information-sharing agreements with the Department of Financial Service, law enforcement agencies, and other governmental agencies in certain circumstances, and requires those agencies to maintain the confidentiality of the information, except as otherwise required by court order.

This bill provides for repeal of the public records exemption on October 2, 2018, pursuant to the Open Government Sunset Review Act, unless reviewed and reenacted by the Legislature. It also provides a statement of public necessity as required by the Florida Constitution. If approved by the Governor, these provisions take effect July 1, 2013.

- ***HB 7143***
  Review of Direct-Support Organization for Department of Veterans' Affairs

The bill is the result of the Military and Veterans Affairs, Space, and Domestic Security Committee's Open Government Sunset Review of the public records exemption for information that identifies a

donor or prospective donor to the direct-support organization to the Florida Department of Veterans' Affairs if the donor desires to remain anonymous. The exemption will expire on October 2, 2013, unless saved from repeal through reenactment by the Legislature. The bill reenacts this public records exemption. The exemption is no longer subject to a scheduled legislative review and automatic repeal. If approved by the Governor, these provisions take effect October 1, 2013.

- ***HB 7145***
  Review of Employment Discrimination Complaints

The Open Government Sunset Review Act requires the Legislature to review each public records or public meetings exemption five years after its initial enactment or subsequent expansion. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

This bill is the result of an Open Government Sunset Review of a current public records exemption for employment discrimination complaints and related records. Specifically, all complaints and other records in the custody of an agency that relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with certain hiring and employment practices are exempt from public records disclosure requirements. This part of the exemption expires when one of specified conditions occurs.

The exemption also provides that when the alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from public records disclosure requirements.

This bill reenacts and makes clarifying drafting changes to the public records exemption for employment discrimination complaints and related records. If approved by the Governor, these provisions take effect October 1, 2013.

2013
Florida Legislature
Post-Session Report

Taxation & Economic Development

Taxation & Economic Development

▪ *CS/CS/SB 336*
Tourist Development Tax

Use of Tourist Development Taxes
Permits counties to use the tax revenues from the tourist development tax for purposes related to aquariums owned and operated by not-for-profit organizations, including the acquisition, construction, maintenance, or promotion of such aquariums. This authorization does not apply to the tax levied for sports franchise facilities.

Due to restructuring of s. 125.0104(5)(a), F.S., the bill clarifies that use of the tourist development tax revenues for certain purposes may be implemented through service contracts and leases with lessees that have sufficient expertise or financial capability to operate such facilities. This applies to purposes related to publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, or museums, aquariums, or zoos that are publicly owned and operated or owned and operated by a not-for-profit organization.

Automatic Expiration of Ordinances Levying Tourist Development Taxes
The bill clarifies when a county's tourist development tax automatically expires.

Under the bill, a county's tourist development tax would automatically expire after the later of:

- The expiration of any agreement for the operation or maintenance, or both, of a publicly owned and operated facility (current law); and
- The retirement of all bonds issued by the county for financing the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, or museums or aquariums that are publicly owned and operated or owned and operated by a not-for-profit organization.

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

▪ *CS/SB 354*
Ad Valorem Tax Exemptions

Revises and clarifies Florida's ad valorem tax exemption for government-owned property to address federal lands leased pursuant to the U.S. Military Housing Privatization Initiative of 1996. The tax exemption for government-owned property is amended to clarify that it includes leases of – and improvements to – land owned by the United States, various branches of United States Armed Forces and agencies of the federal government. The term "improvements" includes, but is not limited to, actual housing units and related facilities. The ad valorem tax exemption applies only to housing for persons on active duty in the military or their dependents. If housing is occupied by non-military persons, the value of the ad valorem exemption is prorated according to the number of residential units used by military and non-military persons.

Upon becoming law, these provisions would apply retroactively to January 1, 2007. If approved by the Governor, these provisions take effect upon becoming law and shall apply retroactively to January 1, 2007.

▪ *CS/HB 357*
Manufacturing Development

Creates the "Manufacturing Competitiveness Act."

Model Ordinance
The bill creates a process by which local governments may adopt an ordinance to establish a local manufacturing development program to grant master development approval for the development, expansion, or modification of manufacturing facilities located within its jurisdiction. The Department of Economic Opportunity (DEO) is directed to create a model ordinance by December 31, 2013, that local governments may use to establish a local manufacturing development program. If a local government enacts an ordinance establishing a manufacturing development program, a copy of the ordinance must be provided to DEO within 20 days of enactment. Local governments that have adopted ordinances before the bill's effective date that satisfy the minimum requirements of the bill may submit their ordinance to DEO for approval before September 1, 2013.

The ordinance must be consistent with the model ordinance and must establish procedures for the review and approval of a master development plan, the development of the site in a manner consistent with the master development plan without requiring additional local approvals other than building permits, and the certification that a manufacturer is eligible to participate in the local manufacturing development program. Such ordinance must remain in effect for at least 24 months, and if repealed, any application submitted prior to the effective date of the repeal is treated as if the program were still in effect.

The DEO must develop materials that identify each local government with a local manufacturing program for distribution by Enterprise Florida, Inc., to prospective, new, expanding, and relocating manufacturing businesses.

Coordinated Manufacturing Development Approval Process

The bill directs DEO to coordinate the manufacturing development approval process with the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, and the state's five water management districts (participating agencies). The coordinated approval process must provide for a collaborative, coordinated, and simultaneous review of applications for permits by the participating agencies, under their respective authorities.

At the time of application, the manufacturer must provide proof that its project is located within the jurisdiction of a local government with a manufacturing development program. If a local government repeals its program, a manufacturer is entitled to participate in the coordinated manufacturing development approval process if it submitted its application for local development approval prior to the effective date of repeal.

A manufacturer may request that DEO convene a meeting with one or more of the participating agencies to facilitate the process. The DEO is not required to mediate between the parties, but may participate to minimize the duplication of information provided by the manufacturer and the time required to approve or disapprove the application.

If a participating agency determines that an application is incomplete, it will notify the manufacturer and DEO in writing, and request the missing information. Unless the manufacturer waives the deadline in writing, an agency must request any additional information within 20 days from the date the application was filed. If the agency does not request additional information within that 20-day period, the agency may not then deny the application based on insufficient information. Within 10 days after the manufacturer's response, an agency may make a second request for additional information but the request must be limited to clarification of the manufacturer's response.

Each participating agency must take final agency action on an application within 60 days after a complete application is filed, unless the manufacturer waives the deadline or a federally delegated permitting program mandates a different deadline. If an application is not approved or denied within 60 days, it is deemed approved. If a manufacturer seeks to claim approval by default, it must notify the agency clerks of the participating agency and DEO of its intent prior to taking any action.

If a participating agency plans to deny an application, it must notify DEO and DEO must convene an informal meeting to facilitate a resolution, unless waived by the manufacturer.

Throughout the process, the manufacturer may initiate an administrative hearing under ch. 120, F.S. If such a proceeding is initiated, the 60-day approval period is tolled.

The 60-day approval period does not apply to federally delegated permitting programs to the extent that it is inconsistent with such programs.

The DEO may adopt rules to implement the provisions of the bill. If approved by the Governor, these provisions take effect July 1, 2013.

▪ *CS/SB 406 Economic Development*

Oversight of Economic Development Incentives

The bill creates a rotating, 3-year review schedule for state incentives and economic development programs to be evaluated by the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA). The bill directs that all applicants for an incentive be evaluated for "eco-

nomic benefits" in the same manner, and streamlines the reports and reporting dates that must be submitted by agencies administering economic development programs. An applicant filing an economic incentives application or providing other information to the Department of Economic Opportunity (DEO) for contract compliance is required to attest that the information provided is true. Effective October 1, 2013, DEO is directed to publish on its website project-specific information about economic development incentives provided to businesses.

Brownfields
The bill limits where a project can be located in order to receive a sales tax refund for building materials and the brownfield redevelopment bonus refunds for jobs created. The project must be located on a site that has entered into a site rehabilitation agreement with the Department of Environmental Protection (DEP) (or a local government delegated by DEP) or on a parcel of property that abuts the site.

Cigarette Tax Distribution
The bill delays the sunset date of the 1 percent cigarette tax distribution to the Sanford-Burnham Medical Research Institute from June 30, 2021, to June 30, 2033. This provision is effective July 1, 2013.

Exemption for Natural Gas Used in Fuel Cells
Effective July 1, 2013, natural gas used to generate electricity in a non-combustion fuel cell is exempt from sales tax.

Rotary Wing Aircraft Sales Tax Exemption
The bill reduces the maximum takeoff weight threshold for rotary wing aircraft to qualify for an exemption from sales and use tax on the parts and labor used in repair and maintenance.

Spring Training Franchise Retention
The bill creates a new certification process to allow local governments to receive a monthly sales tax distribution after July 1, 2016, for the public purpose of constructing or renovating a Major League Baseball spring training facility. Applicants must apply to DEO and meet certain requirements, such as having committed to provide a 50 percent minimum match to state funds and having an agreement with a spring training franchise to use the facility. An applicant may qualify for a monthly distribution of $55,555 for a facility used by a single spring training franchise, or $111,110 monthly for a facility used by more than one spring training franchise. Distributions cannot begin until the current agreement with a spring training franchise expires. The new process limits total payments to a local government certified by DEO to no more than $20 million, or $50 million if the local government hosts more than one spring training franchise. The bill provides for reporting requirements and decertification under certain circumstances. These provisions are effective July 1, 2013.

Qualified Target Industry and Qualified Defense and Space Contractor Tax Refunds
The bill removes the individual company lifetime limit for both the Qualified Target Industry and Qualified Defense and Space Contractor tax refund programs. These provisions are effective July 1, 2013.

Enterprise Zone Tax Credit
The bill provides that the cap on the enterprise zone tax credit for property taxes paid is applied at each eligible location rather than at the business entity level.

Sales Tax Holiday
The bill creates a 3-day sales tax holiday beginning August 2, 2013, exempting certain clothing and shoes valued at $75 or less, school supplies valued at $15 or less, and personal computers for non-commercial use valued at $750 or less. The bill provides an appropriation of $235,695 in nonrecurring funds to the Department of Revenue to administer the holiday.

New Markets Development Program
The bill increases the cumulative amount of tax credits that can be awarded by $15 million, to $178.8 million for the program. The bill also increases the amount of tax credits that can be claimed in a single state fiscal year by $3 million, to $36.6 million each year. These provisions are effective July 1, 2013.

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

- ***CS/HB 423***
  Tax on Sales, Use & Other Transactions/Dyed Diesel Fuel

Provides a sales tax exemption for dyed diesel fuel used in vessels that are used exclusively for commercial fishing and aquaculture purposes. Under current law "commercial fishing and aquacultural purposes" is defined as fuel used in "boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh waters under the jurisdiction of the state for resale to the public." The definition specifically excludes fuel used for sport or pleasure fishing. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 705***
  Targeted Economic Development

The bill amends s. 288.9625, F.S., to expand the purpose of the Institute for the Commercialization of Public Research (the institute) to include the commercialization of products developed by "innovation businesses," as defined under current law. The bill allows the institute to provide services to private companies and affiliated organizations for a fee, provided such services do not interfere with the institute's core mission.

The bill creates s. 288.9625, F.S. The bill directs the institute to create a corporate subsidiary called the Florida Technology Seed Capital Fund (the fund). The fund is guided by an investor advisory board and must employ individuals with expertise to manage the fund's activity.

The fund may make seed-stage equity investments in companies that meet certain qualifications. Once a company's proposal has been approved by the institute, an investment of between $50,000 and $300,000 can be made if the company provides a one-to-one private sector match. Additional seed investments require a two-to-one private sector match, and can reach a cumulative total investment of up to $500,000 for a single company.

Proceeds resulting from the sale of any equity in a company must be reinvested by the fund. The institute is also permitted to provide certain other value-added services to participating companies, and to support marketing and economic development in Florida. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 837***
  Tax Deeds

Florida law authorizes tax collectors to issue tax certificates against parcels of real property for delinquent taxes. When a tax certificate is not redeemed by a property owner, the certificate holder may apply for a tax deed on the property. Tax collectors may charge a $75 fee for these tax deed applications.

Amends s. 197.502, F.S., to provide authorization for tax collectors to receive reimbursement for electronic tax deed application services. When a tax certificate holder applies for a tax deed electronically, the fee will be added to the application and paid for by the applicant. If the tax collector charges a combined fee in excess of $75 for tax deed applications and the online service, applicants for tax deeds have the option to not use the electronic service. If approved by the Governor, these provisions take effect July 1, 2013.

- ***CS/HB 1193***
  Taxation of Property/Greenbelt Law

Section 193.461, F.S., is commonly known as Florida's "greenbelt" law. Originally enacted in 1959, the law provides for the classification of bona fide agricultural properties to be assessed by character of use rather than assessment of fair market value. The law is not a tax exemption.

After a property appraiser determines the assessed value of all property, a county convenes a value adjustment board (VAB) to hear petitions from affected taxpayers regarding assessments. Not only can a VAB review assessments, exemptions and classifications when a taxpayer petitions for review, a VAB is also permitted, on its own motion, to review agricultural land, historic property, and high-water recharge land classifications, as well as exemptions granted by the property appraiser.

In an effort to bring greater stability and predictability to the "greenbelt" law, the bill eliminates the authority of a VAB to review agricultural classifications on its own motion. The bill also:

- Deletes the requirement that a property appraiser reclassify agricultural property as nonagricultural when the owner requests the property be rezoned as nonagricultural;

- Deletes the rebuttable presumption that property is no longer used for bona fide agricultural purposes when it is sold for three or more times the agricultural assessment; and

- Removes the county commission's authority to reclassify agricultural land as nonagricultural when there is contiguous urban development and the board finds that the continued agricultural use of the land will deter the expansion of the community.

In addition, the bill removes the VAB's authority to initiate classification reviews of historic properties and high water recharge lands on its own motion as well as reviews of property tax exemptions. If approved by the Governor, these provisions take effect upon becoming law.

▪ *SB 1516*
Internal Revenue Code Adoption

The bill adopts the 2013 version of the United States Internal Revenue Code for purposes of the Florida corporate income tax. It requires Florida taxpayers who take advantage of the extraordinary capital asset expensing and depreciation provisions authorized by the American Taxpayer Relief Act of 2012 to spread the benefit of those deductions over a 7-year period.

This bill was approved by the Governor on May 20, 2013, Ch. 2013-046, Laws of Florida. These provisions take effect upon becoming law and operate retroactively to January 1, 2013.

▪ *SB 1830*
Ad Valorem Taxation/Miscellaneous Changes

The bill makes several amendments to the property tax statutes. It modernizes statutes to accommodate the use of commercial mail delivery service, requires posting of information on property appraisers' websites, and allows property appraisers and value adjustment boards to send documents via email under certain circumstances.

Specifically, the bill:

- Provides long-term lessees the ability to retain homestead status when title to the property is transferred.

- Provides for automatic renewal of the annual assessment reduction for living quarters provided to parents or grandparents and provides for assessment when the reduction is improperly received.

- Extends from 15 days to 60 days the time to appeal a value adjustment board's ruling on the transfer of the Save Our Homes assessment limitation from a prior homestead.

- Clarifies agricultural use provisions and provides that aquacultural crops are deemed to have no value for tax purposes.

- Repeals a 2011 expansion of the affordable housing property tax exemption.

- Implements a recent constitutional amendment concerning the property tax discount for disabled veterans and deletes statutory homestead provisions ruled unconstitutional by the Florida Supreme Court.

- Amends tax payment calculations relating to the county boundary change between Martin County and St. Lucie County that was enacted in 2012.

If approved by the Governor, these provisions take effect July 1, 2013. The provisions repealing the 2011 expansion of the affordable housing exemption apply retroactively to the 2013 tax roll.

▪ *CS/CS/HB 7007*
Omnibus Economic Development and Repeal of Sales Tax on Manufacturing Equipment

The bill addresses a number of activities related to economic development as well as activities under the jurisdiction of the Department of Economic Opportunity (DEO). Specifically, the bill addresses the following:

Economic Development Reporting

- Consolidates reports and reporting dates of DEO, Enterprise Florida, Inc., the Office of Film and Entertainment, and Space Florida.

- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of Economic and Demographic Research (EDR) to review

specified economic development programs on a rotating, 3-year review schedule.

- Effective October 1, 2013, requires DEO to create a website to allow the public to view information relating to economic development projects that receive state incentives.
- Changes the reporting date for the Florida New Markets Tax Credit Program from April 1 to January 31.
- Requires a person or business filing an economic development program application or providing other information to DEO for contract compliance to attest that the information provided is true.

Florida Small Business Development Network

- Links Florida's Small Business Development Center Network to the statewide strategic economic development plan and the statewide goals of the university system.
- Specifies the composition of the network's statewide advisory board and the support services offered by the network.
- Requires the network to match any direct state appropriation.
- Requires the network to establish incentives for the regional centers to create jobs, institute best practices, and serve new areas of the state or underserved areas.
- Requires the network to regularly report on its programs, services, and outcomes, including its economic benefit to the state.

Economic Development Incentives and Repeal of Sales Tax

- Requires DEO to evaluate each application for an economic development program for the economic benefits of the proposed incentive award to the state, using a model developed by EDR.
- Effective April 30, 2014, provides a sales tax exemption for certain industrial machinery and equipment used at a fixed location in this state. This provision sunsets on April 30, 2017. Specifies the meaning of the term "brownfield" for purposes of the sales tax exemption for building materials in redevelopment projects and for the brownfield redevelopment bonus refund.
- Allows enterprise zones that are between 15 and 20 square miles and located within rural areas of critical economic concern to increase the zone by 3 square miles, and enterprise zones that are at least 20 square miles and located within rural areas of critical concern to increase the zone by 5 square miles.
- Florida Small Cities Community Development Block Grant (CDBG) Loan Guarantee Program
- Revises the Florida Small Cities CDBG Section 108 Loan Guarantee program to reduce the risk to state and local governments.
- Requires DEO to enter into an agreement with an applicant, approved by the U.S. Department of Housing and Urban Development (HUD), that requires the applicant to pledge half the amount necessary to guarantee the loan in the event of default.
- Reduces the maximum amount of an individual loan guarantee commitment from $7 million to $5 million; the limit does not apply to loans granted prior to July 1, 2013, so that they may be refinanced.
- Requires DEO to reduce the annual grant award to a local government that defaults on a Section 108 loan to pay the annual debt service on the loan. Any future CDBG program funds the local government receives must be reduced in the amount equal to the state's grant award used in payment of the debt service on the loan.
- Requires a local government that is the recipient of a Section 108 loan guarantee through the Florida Small Cities CDBG program that is granted entitlement status by HUD prior to paying the loan in full to pledge its CDBG entitlement allocation as a guarantee of its previous loan and request HUD to release DEO as guarantor of the loan.
- Clarifies that the share of the documentary stamp distribution that DEO receives must be used to provide technical assistance to local governments.

Reemployment Assistance
To comply with federal requirements:

- Assesses a 15 percent penalty on individuals who fraudulently collect reemployment assistance benefits; funds collected are deposited into the Unemployment Compensation Trust Fund.
- Reenacts language assessing penalties for the disclosure of confidential information that was inadvertently repealed in 2012 and is required by federal law.
- Prohibits DEO from relieving an employer of benefit charges if the employer or its agent fails to timely and adequately respond to a notice of claim or request for information.
- Directs that any excess payments previously collected to pay interest on federal advances be applied to federal interest payments due before any additional assessments on employers are made. The bill prohibits the collection of assessments if the amount on deposit is at least 80 percent of the estimated amount of interest due on federal advances. The provisions related to interest assessments will sunset on July 1, 2014. • Provides specific examples of misconduct for which an individual may be disqualified for benefits.
- Adds failure without good cause to maintain a license, registration, or certification, required by law, as an additional ground for which an individual may be disqualified from obtaining benefits.
- Prohibits a claimant from including the same employer at the same location for three consecutive weeks in his or her work search efforts unless the employer has indicated that it is hiring after the initial contact by the claimant.
- Exempts a claimant who is participating in reemployment assistance services, such as Reemployment and Eligibility Assessments, from work search requirements.
- Extends the deployment date of the Reemployment Assistance Claims and Benefits Information System to June 30, 2014 (end of FY 2013-2014).
- Clarifies that an individual must complete DEO's online work registration to be eligible for benefits.
- Expands the current exemption for the initial skills review such that individuals unable to complete the online work registration or initial skills review due to illiteracy, physical or mental impairment, a legal prohibition from using a computer, or a language impediment are exempt from the online work registration and initial skills review.
- Effective January 1, 2014, an appeals referee appointed by DEO must be an attorney in good standing with the Florida Bar; however, those referees appointed prior to January 1, 2014, are exempt from this requirement.

Gulf Coast Economic Corridor Act

- Creates the Gulf Coast Economic Corridor Act.
- Creates Triumph Gulf Coast, Inc., a nonprofit corporation administratively housed within DEO, to administer and invest the Recovery Fund.
- Creates the Recovery Fund for the benefit of the eight disproportionately affected counties, to be funded by 75 percent of all funds recovered by the Attorney General for economic damages to the state as a result from the Deepwater Horizon oil spill.
- Defines "disproportionately affected counties" as Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla Counties.
- Specifies the composition of the Board of Directors of Triumph Gulf Coast, Inc., and its duties; board members are subject to state ethics laws.
- Requires annual audits and reports by Triumph Gulf Coast, Inc., and subjects the corporation to public record and public meetings laws.
- Directs Triumph Gulf Coast, Inc., to make awards to projects and programs in the eight disproportionately affected counties that meet certain criteria and priorities.

- Requires a financial and operational audit of funds related to the Deepwater Horizon oil spill.
- The financial audit will be included as part of the scope a local government's annual audit. The operational audit will be done by the Auditor General every 2 years.
- For audits of any funds received u nder 33 U.S.C. s. 1321(t), the audits must be done in accordance with the federal rules adopted by the Secretary of the Treasury.

This bill was approved by the Governor on May 17, 2013, Ch. 2013-039, Laws of Florida. These provisions take effect upon becoming law except as otherwise expressly provided in the bill.

2013
Florida Legislature
Post-Session Report

Index

Bill Number Index

Bill Number	Page
628	132
633	76
648	91
649	143
655	120
662	120
665	111
667	6
674	41
682	77
685	132
691	132
695	6
701	41
705	154
713	77
718	133
725	144
731	144
736	133
783	112
795	6
801	14
810	112
833	134
837	154
841	134
851	135
875	7
903	77
913	113
934	77
935	135
939	42

Bill Number	Page
948	77
953	136
964	136
969	78
973	8
975	78
999	78
1036	43
1071	92
1075	144
1076	15
1083	79
1085	144
1093	92
1094	92
1096	17
1106	80
1108	19
1122	44
1129	93
1145	45
1147	45
1157	93
1159	93
1173	136
1191	113
1193	154
1223	137
1297	145
1300	46
1302	95
1309	46
1325	137
1327	145

Bill Number	Page
1355	47
1388	20
1393	48
1398	9
1410	48
1420	95
1472	80
1500	51
1502	51
1512	138
1514	21
1516	155
1518	51
1520	96
1594	81
1660	97
1664	22
1720	24
1770	114
1784	51
1792	99
1802	115
1806	81
1808	81
1810	52
1830	155
1842	99
1844	101
1850	145
1852	138
4001	81
5401	52
5501	9
5503	53

Bill Number	Page
7003	26
7005	9
7007	155
7009	26
7013	53
7015	139
7017	140
7019	81
7023	55
7025	83
7029	28
7035	140
7059	56
7065	84
7079	146
7083	140
7087	56
7089	146
7119	85
7125	58
7129	60
7135	146
7143	146
7145	147
7165	29