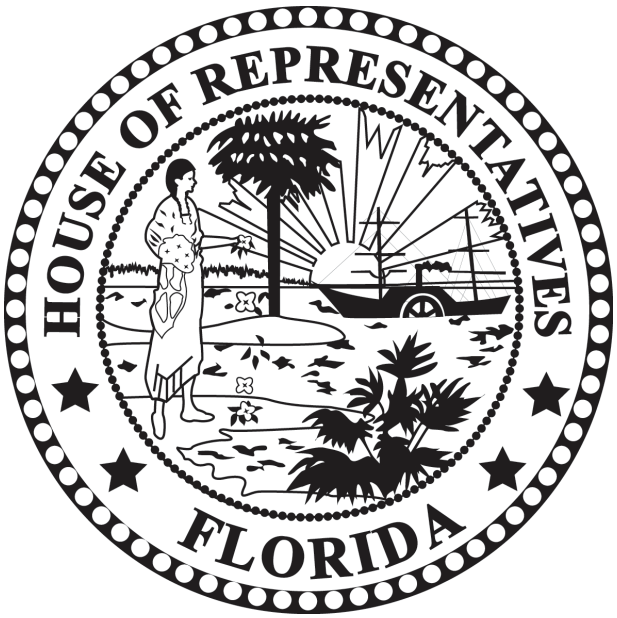
Florida House of Representatives

2010 Session Summary



LARRY CRETUL, SPEAKER

MAY 2010

2010 LEGISLATIVE SESSION
END OF SESSION REPORT

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2010 Legislative Session. This information is intended to provide Florida legislators and their constituents with a summary of the bills that passed both legislative chambers. This document is not an in-depth description of the bills noted.

For your convenience, an "Index of Passed Legislation" is included in the back of this report. The index is presented in bill number order. This index also serves as a cross-reference index, which identifies bills passed as components of other bills. As you review this index, it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found by accessing the following website:

House Bills: www.myfloridahouse.gov

The website includes both the current (or latest) version of a bill or analysis and all earlier versions:

- The enrolled version of a bill is the one that passed both chambers and is presented to the Governor - this is the version of the bill that has, or will, become law unless vetoed;
- Earlier versions of the bill do not reflect the exact language as passed by both chambers;
- The latest version of an analysis is the one that reflects the action of the last committee of reference.

It should be noted that at the time of publication of this report, May 13, 2010, some Acts have not been presented to the Governor and the time allotted for the Governor to approve or veto an act has not expired. Therefore, some acts identified as "passed" by both chambers may not have become law.

To verify the status of acts passed by the Legislature, visit the Legislature's website or call the Division of Legislative Information at 1-800-342-1827.

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Criminal & Civil
Justice Policy Council

HOUSE OF REPRESENTATIVES

Criminal & Civil Justice Policy Council

Representative William Snyder, Chair

Representative Doug Holder, Vice Chair

2010 SUMMARY OF PASSED LEGISLATION

Civil Justice & Courts Policy Committee

Representative Carl Domino, Chair

Representative Michael Weinstein, Vice Chair

Public Safety & Domestic Security Policy Committee

Representative Kevin Ambler, Chair

Representative Ed Hooper, Vice Chair

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HB 851 - Florida Legal Resource Center
By: Grady and others
Tied Bills: None
Companion Bills: SB 2236; includes part(s) of CS/CS/SB 1412
Committee(s) of Reference: Criminal & Civil Justice Policy Council

The bill repeals an obsolete statute, s. 16.58, F.S., relating to the creating and duties of the Florida Legal Resource Center. The Center was created in 1993 within the Department of Legal Affairs, to facilitate interagency legal information sharing and communications, and for establishing and maintaining a statewide legal research bank. This Center was never widely used due to problems with technology compatibility between agencies and the growth of the Internet making this information widely available through agency websites.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 985 (ch. 10-63, LOF) - Peddling at Camp Meetings
By: Van Zant and others
Tied Bills: None
Companion Bills: SB 2128
Committee(s) of Reference: Criminal & Civil Justice Policy Council

The bill repeals s. 871.03, F.S.; a second degree misdemeanor offense for peddling at camp meetings. This is an antiquated statute that prohibits, within one mile of any camp or field meeting for religious purposes, the hawking or peddling of goods, wares or merchandise. It also prohibits one from setting up any tent or booth for selling provisions or refreshments, or engaging in gaming or horseracing. There have been no convictions for violations of this statute since 1988.

The bill was approved by the Governor on May 12, 2010, ch. 2010-63, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 7035 - Criminal Justice
By: Criminal & Civil Justice Policy Council; Holder and others
Tied Bills: None
Companion Bills: CS/SB 2350; includes part(s) of CS/CS/HB 1005; CS/CS/CS/SB 960
Committee(s) of Reference: None

The bill repeals obsolete and expired criminal justice statutes and corrects cross references. The bill repeals the following statutes:

- Section 16.07, F.S., making it a misdemeanor for the Attorney General to receive any fee for defending an offender in court;
- Section 30.11, F.S., which requires a sheriff to live in the county seat or within two miles of the county seat;

- Section 944.293, F.S., an outdated restoration of civil rights provision that is now done automatically;
- Section 957.125, F.S., which authorized the Correctional Privatization Commission to contract for the building and operating of three youthful offender facilities. The Correctional Privatization Commission was eliminated in 2004. These facilities are currently operated and maintained by the Department of Corrections;
- Section 985.4891, F.S., which authorizes local law enforcement agencies to establish and operate a Sheriff's Training and Respect program; and
- Section 948.034, F.S., to remove references to Community Residential Drug Punishment Centers. These centers have never been funded and do not exist.

The bill removes the definition of "Criminal Quarantine Community Control" in s. 948.001, F.S. This type of supervision was established in 1993 as a sentencing disposition for offenders sentenced for criminal transmission of HIV. Since this type of supervision was enacted, no offender has been sentenced to criminal quarantine community control.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 7069 - Screening
By: Policy Council; Criminal & Civil Justice Policy Council; Snyder; Porth and others
Tied Bills: None
Companion Bills: CS/CS/CS/SB 1520; SB 2416; includes part(s) of HB 223; CS/HB 951; CS/CS/SB 1400; CS/CS/SB 1974; CS/HB 5401
Committee(s) of Reference: Policy Council

Florida law mandates criminal background screening of certain individuals applying to operate or to be employed in a business that deals primarily with vulnerable persons. Each provider, employee, or contractor required to submit to a criminal background screening may be subject to one of two types of screening requirements. A Level 1 screening simply requires a name search of state records, while a Level 2 screening requires a fingerprint search of state and national records. If a person's screening results determine he or she is not qualified to work in a position of trust due to their criminal history, he or she may apply for an exemption from disqualification.

CS/HB 7069 substantially rewrites requirements and procedures for background screening of the persons and businesses that deal primarily with vulnerable populations. Key changes made by the bill:

- Require that no person required to be screened may begin work until the screening has been completed;
- Increase all Level 1 screening to Level 2 screening;
- Require all fingerprints to be submitted electronically by July 1, 2012;
- Require certain personnel that are not presently being screened to begin Level 2 screening;
- Add additional serious crimes to the list of disqualifying offenses;
- Authorize agencies to request the retention of fingerprints by the Florida Department of Law Enforcement;
- Provide that an exemption for a disqualifying felony may not be granted until at least three years after the completion of all sentencing sanctions for that felony;

- Require that all exemptions from disqualification be granted only by the agency head; and
- Authorize the Department of Children and Family Services to drug test a licensed foster parent if there is a reasonable suspicion that he or she is using illegal drugs.

The new screening requirements are prospective. Existing persons working with vulnerable populations are not required to be rescreened until such time they are otherwise required to be rescreened by existing law.

Subject to the Governor's veto powers, the effective date of this bill is August 1, 2010.

Civil Justice & Courts Policy Committee

HB 1 (ch. 10-45, LOF) - Statutes of Limitations
By: Porth and others
Tied Bills: None
Companion Bills: SB 92
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Policy Council; Criminal & Civil Justice Policy Council

A statute of limitations is an absolute bar to the filing of a legal case after a date set by law.
HB 1 amends s. 95.11, F.S., to provide an exception to the current two-year statute of limitations for wrongful death actions, to provide that wrongful death actions for intentional torts resulting in death from acts described in the murder or manslaughter statutes may be commenced at any time.

The bill was approved by the Governor on May 12, 2010, ch. 2010-45, Laws of Florida. The bill was effective upon becoming law.

SB 12 - Relief/Stephen Hall/DOT
By: Haridopolos and others
Tied Bills: None
Companion Bills: HB 9
Committee(s) of Reference: The Special Master on Claim Bills; Transportation and Economic Development Appropriations

The bill compensates Stephen Hall for injuries and damages sustained as the result of negligence by the Department of Transportation (Department). Mr. Hall sustained injuries while riding in a pickup truck driven by his father that was struck by a vehicle driven by a Department employee. Based on a settlement agreement, the Department admitted liability and agreed to pay a total of $500,000, $112,000 of which has been paid by the Department. The bill awards $388,000 from the Department's unappropriated trust fund balances. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

This bill was approved by the Governor and became effective on April 30, 2010.

CS/CS/HB 25 (ch. 10-30, LOF)- Temporary and Concurrent Custody of a Child
By: Criminal & Civil Justice Policy Council; Health Care Services Policy Committee; Glorioso and others
Tied Bills: None
Companion Bills: CS/CS/SB 334
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Health Care Services Policy Committee; Criminal & Civil Justice Policy Council

This bill authorizes a court to award concurrent custody of a minor child to an extended family member if the parents agree. An order of concurrent custody is temporary, and a parent may request that the child return to the parent at any time. A person with concurrent custody of a minor child may collect child support.

This bill also amends current law regarding temporary time-sharing arrangements for active duty military personnel to provide that a servicemember, upon deployment, may designate a family member or a stepparent to exercise the servicemember's time-sharing periods.

The bill was approved by the Governor on May 7, 2010, ch. 2010-30, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 30 - Relief/Lois Lacava/Munroe Regional Health System
By: Health Regulation; Dean
Tied Bills: None
Companion Bills: CS/HB 1303
Committee(s) of Reference: The Special Master on Claim Bills; Health Regulation

The bill compensates Lois Lacava for injuries and damages sustained as the result of medical malpractice by the Munroe Regional Medical Center. Based on a settlement agreement, the Munroe Regional Health System agreed to pay a total of $450,000, $200,000 of which has already been paid. The bill awards $250,000 from unappropriated funds of the Munroe Regional Health System. One-half of the award will be paid within thirty days of the bill becoming law and the other half will be paid one year later. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

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

CS/SB 46 - Relief/Edwidge Valmyr Gabriel/City of North Miami
By: Community Affairs; Peaden
Tied Bills: None
Companion Bills: CS/HB 1017
Committee(s) of Reference: The Special Master on Claim Bills; Community Affairs

The bill compensates Edwidge Valmyr Gabriel for the death of her son, Stanley, who was seven years of age when he died. Stanley died as a result of injuries sustained by drowning in the Thomas Sasso Pool owned by the City of North Miami. Stanley's death was due to the negligent actions of the City. Based on a settlement agreement, the City agreed to pay a total of $954,185.50, $200,000 of which has already been paid by the City. The bill awards $754,185.50 from unappropriated City funds to be paid in eight equal payments. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

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

CS/SB 50 - Relief/Madonna Castillo/City of Hialeah
By: Community Affairs; Rich
Tied Bills: None
Companion Bills: HB 1155; HB 463
Committee(s) of Reference: The Special Master on Claim Bills; Community Affairs

The bill compensates Madonna Castillo for injuries and damages sustained in the public pool at Milander Park in the City of Hialeah due to the negligence of City employees. Based on a settlement agreement, the City has agreed to pay a total of $700,000, $200,000 of which has been paid by the City. The bill awards $500,000 from unappropriated City funds to be paid in ten annual payments. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

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

SB 54 - Relief/Erskin Bell, II/City of Altamonte Springs
By: Gardiner
Tied Bills: None
Companion Bills: CS/HB 363
Committee(s) of Reference: The Special Master on Claim Bills; Criminal Justice

The bill compensates Erskin Bell II, for injuries and damages sustained as the result of negligence by the City of Altamonte Springs. Mr. Bell, a passenger, was in a vehicle that was struck by another vehicle driven by a City police officer. Based on a settlement agreement, the City has agreed to pay a total of $2,100,000, $1,950,000 of which has been paid. The bill awards $150,000 from unappropriated City funds. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

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

CS/SB 60 - Relief/Pierreisna Archille/DCFS
By: Children, Families, and Elder Affairs; Storms
Tied Bills: None
Companion Bills: CS/HB 195
Committee(s) of Reference: The Special Master on Claim Bills; Children, Families, and Elder Affairs

The bill compensates Pierreisna Archille for injuries and damages sustained as the result of negligence by the Department of Children and Family Services (Department) for failing to protect Ms. Archille from the repeated sexual assault and impregnation from her foster parent. Pursuant to a settlement agreement, the Department has agreed to pay a total of $1,300,000, $100,000 of which has been paid by the Department. The bill awards $1,200,000 from the Department's Federal Grants Trust Fund. Payment for attorney's fees, lobbying fees, and costs incurred is limited to 25 percent of the total award.

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

CS/HB 437 (ch. 10-7, LOF) - Contingency Fee Agreements Between the Department of Legal Affairs and Private Attorneys
By: Criminal & Civil Justice Policy Council; Eisnaugle and others
Tied Bills: None
Companion Bills: CS/SB 712
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Criminal & Civil Justice Policy Council

Current law allows any executive branch agency to procure legal services from a vendor on a contingency fee basis. The fee must be commercially reasonable, and cannot exceed the contingency fee limits established for Florida attorneys by The Florida Bar. The limits established by the Bar are as high as 45 percent of the recovery.

This bill prohibits the Department of Legal Affairs (Department) from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination before entering such contract that contingency fee representation is both cost-effective and in the public interest. The bill further limits the amount of any contingency fee based on the amount recovered to no more than 25 percent of the first $10 million, with smaller percentages above $10 million and a cap on the total fee of $50 million. This bill also requires copies of executed contingency fee agreements, as well as payments of contingency fees, to be posted on the Department's website, and requires an annual report to the Legislature detailing all such contracts.

The bill was approved by the Governor on April 14, 2010, ch. 2010-7, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 449 - Sanctions for Certain Court Pleadings
By: Criminal & Civil Justice Policy Council; Steinberg
Tied Bills: None
Companion Bills: CS/SB 1108
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Policy Council; Criminal & Civil Justice Policy Council

Section 57.105, F.S., provides courts with authority to impose sanctions against a party or a party's lawyer for bringing a civil claim, or raising a defense in a civil cause of action, that has no genuine legal or factual basis. Currently, a court may impose sanctions if it finds that a losing party, or the losing party's attorney, knew or should have known that a claim or defense when initially presented or at any time before trial was either: a) not supported by facts necessary to establish the claim or defense or; b) not supported by law. The monetary sanctions are equally split between the party and the party's lawyer.

CS/HB 449 amends s. 57.105, F.S., to provide an exception to the imposition of sanctions against a represented party, and to limit the authority of the court to impose sanctions on its own motion. Under the bill, represented parties are not subject to monetary sanctions for claims or defenses that would not be supported by the application of then-existing law to the material facts. CS/HB 449 also reduces the court's ability to impose sanctions by providing that a court may only award monetary sanctions on its own initiative if the sanction is ordered before a voluntary dismissal or settlement of the claims by the party to be sanctioned.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 492 - Garnishment/Exemption of Wages
By: Commerce; Smith
Tied Bills: None
Companion Bills: CS/CS/CS/HB 409
Committee(s) of Reference: Commerce; Judiciary

A garnishment is a judicial proceeding in which a creditor asks the court to order a third party who is indebted to the creditor to turn over to the creditor any of the debtor's property, such as wages or bank accounts, held by that third party. In Florida, a person who provides more than half the support for a child or other dependent (head of family) whose disposable earnings are less than or equal to $500 a week ($26,000 a year) is exempt from wage garnishment. A head of family whose disposable earnings are greater than $500 a week is also exempt from wage garnishment, unless he or she waives the exemption in writing.

CS/SB 492 increases the amount of disposable earnings a head of family can make and still be exempt from garnishment of wages with or without a written waiver from $500 to $750 a week ($39,000 a year). In addition, the bill provides specific requirements for the written waiver of garnishment to be effective and provides sample language for the format of the waiver.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

HB 689 (ch. 10-8, LOF) - Negligence
By: Aubuchon and others
Tied Bills: None
Companion Bills: CS/SB 1224
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Criminal & Civil Justice Policy Council

HB 689 repeals s. 768.0710, F.S., relating to the burden of proof in "slip and fall" claims of negligence and approximates the law with respect to slip and fall lawsuits as it existed before 2001.

HB 689 provides that if a person slips and falls on a transitory foreign substance in a business establishment, the injured person must prove that the business establishment had actual or constructive knowledge of the dangerous condition and should have taken action to remedy it. Under the bill, constructive knowledge may be proven by circumstantial evidence showing either: (1) that the dangerous condition existed for such a length of time that, in the exercise of ordinary care, the business establishment should have known of the condition; or (2) that the condition occurred with regularity and was therefore foreseeable.

This bill was approved by the Governor on April 14, 2010, ch. 2010-8, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 731 - Uniform Commercial Code
By: Criminal & Civil Justice Policy Council; Carroll
Tied Bills: None
Companion Bills: CS/SB 1366
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Policy Council; Criminal & Civil Justice Policy Council

The Uniform Commercial Code is a set of uniform laws regulating various business transactions and trade. The drafts of the code are developed by the Uniform Law Commissioners, a group of scholars and business representatives. The term "uniform" refers to how the separate states of the Union have separately enacted the various parts of the Uniform Commercial Code in laws that are uniform to one another. Article 7 of the Uniform Commercial Code regulates documents of title. Documents of title are used to specify ownership of goods as they travel through commerce. Historically, business has used a paper system for documents of title.

This bill adopts the revised Article 7 updating the article and creating a means for electronic records that business may use in lieu of paper documents of title.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 907 - Child Support and Alimony
By: Civil Justice & Courts Policy Committee; Flores
Tied Bills: None
Companion Bills: CS/CS/SB 2246; CS/HB 277; CS/SB 1194
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Health Care Services Policy Committee; Criminal & Civil Justice Policy Council

This bill makes a number of changes to laws on child support. Significantly, this bill:

- Requires courts to provide, in every final order awarding child support awards, that child support ends automatically upon the child's eighteenth birthday and, where appropriate, to account for revised child support guidelines based on remaining children owed support;
- Enacts basic principles of child support awards;
- Provides that a parent who refuses to provide financial information may have the average wage in the community imputed to him or her;
- Sets guidelines for imputing income;
- Eliminates the lowest tiers on the child support guidelines chart;
- Eliminates the 25 percent reduction in actual child care expenses paid, thereby requiring full credit to the parent paying child care expenses;
- Requires the court to fully account for the effect of child-related federal tax deductions and credits when making a child support award; and
- Moves the 40 percent time-sharing threshold for a child support award adjustment to 20 percent.

This bill makes a number of changes to laws on alimony. Significantly, this bill:

- Gives statutory recognition to bridge-the-gap alimony, which is short-term alimony that is intended to ease the transition from married life to single;
- Creates durational alimony, which is alimony for a fixed term that is intended for use when permanent periodic alimony is inappropriate. A court may make an award of durational alimony for a set period of time following a marriage of short or moderate duration;
- In the list of factors for a court to consider when determining an award of alimony, adds earning capacity, education, child-rearing responsibilities, tax treatment, and investment income to such factors;
- Creates a rebuttable presumption that a marriage of less than 7 years is a short-term marriage, a marriage of between 7 and 17 years is a moderate-term marriage, and a marriage of greater than 17 years is a long-term marriage; and
- Defines bridge-the-gap, rehabilitative, durational, and permanent alimony.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2011, except as otherwise provided.

CS/CS/HB 927 - Real Property
By: Military & Local Affairs Policy Committee; Civil Justice & Courts Policy Committee; Kiar
Tied Bills: None
Companion Bills: CS/SB 1884; includes part(s) of CS/HB 7215
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Military & Local Affairs Policy Committee; Finance & Tax Council

The Florida Constitution contains a provision that limits the assessment of homestead properties for property tax purposes. The provision is commonly referred to as Save Our Homes (SOH). Under SOH, annual increases in valuation for tax purposes on homestead property are limited during the period that a person maintains the homestead exemption. However, upon a change in ownership, the valuation must be increased to full value for tax purposes. Current law provides that certain types of real property transfers, including transfers between legal and equitable title, are not considered a change in ownership that would require an increased valuation when, subsequent to the transfer, the same person is entitled to the homestead exemption as was previously entitled. Individuals commonly transfer their homestead from legal ownership to various forms of equitable ownership as part of their estate planning. This bill provides that transfers between different forms of equitable title are similarly not considered a change in ownership. Also, a transfer to a certain form of long-term leasehold interest will not be considered a change in ownership.

Similar to Save Our Homes, current law limits increases in property tax assessments applicable to property that is not homestead property. Because a change in ownership is not apparent when only ownership interests in a business entity are transferred, current law requires business entities to notify the property appraiser upon the sale of a majority interest in a business entity. This bill requires the Department of Revenue to create a standard notification form, provides that a recorded deed serves as the required notice, and provides that a cumulative sale of a majority of the stock of a publicly traded stock is not considered a change in ownership unless such sale is part of a merger or acquisition.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 998 - Trust Administration
By: Banking and Insurance; Judiciary; Thrasher
Tied Bills: None
Companion Bills: CS/HB 361 - Trust Administration
Committee(s) of Reference: Judiciary; Banking and Insurance

A trust is a legal entity created by a settlor for the benefit of one or more beneficiaries. Trusts are highly regulated, and are complicated by their relationship to federal tax laws and probate laws. This bill amends trust law, and probate law related to trusts, to:

- Specify how a trust may be assessed the expenses and obligations of the estate of the settlor;
- Provide that a court may deny compensation to an expert testifying as to reasonable compensation when the expert did not assist the court;
- Applicable to this year's temporary repeal of the federal estate tax, and effective upon this act becoming law, allow a court to modify the terms of a trust where the trust erroneously includes estate tax-related formulas;
- Increase the amount of property that may be protected from creditors in certain trusts;
- Protect charitable trusts and similar organizations from having to disclose to any state or local government entity the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of employees, officers, directors, trustees, members, or owners;
- Prohibit state and local governments from requiring that the board of a charitable trust or similar organization include members that are classified by race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration; and
- Prohibit state and local governments from requiring a charitable trust or similar organization disclose the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of beneficiaries unless such classification is a lawful condition on the expenditure of funds.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

CS/CS/CS/SB 1196 & SB 1222 - Community Associations
By: Judiciary; Military Affairs and Domestic Security; Regulated Industries; Fasano; Ring and others
Tied Bills: None
Companion Bills: CS/CS/CS/HB 561; includes part(s) of CS/HB 115; CS/HB 327; CS/CS/CS/CS/HB 663; CS/HB 959; HB 1317; CS/CS/SB 648; CS/CS/CS/SB 840; SB 1270
Committee(s) of Reference: Regulated Industries; Military Affairs and Domestic Security; Judiciary

This bill lowers the cost of owning a condominium by repealing the requirement to purchase individual unit owner insurance coverage, providing that certain low-rise condominium buildings with exterior corridors need not install a central fire alarm system, amending provisions relating to fire sprinklers, providing for additional forms of bulk communications contracts, allowing associations to waive the requirement to provide alternative power supplies to elevators and alarms during emergencies, and delaying retrofitting requirements related to the elevators.

Current law requires older multi-family residential structures, including condominiums, to retrofit units and common areas with fire sprinklers by 2012. Current law also allows condominium and cooperative associations (by unit owner vote) to forever waive retrofitting of sprinklers in unit interiors, forever waive retrofitting of common areas in shorter buildings, and delay retrofitting of common areas in high-rise buildings until 2014. This bill allows the owners in a high-rise condominium to vote to forever waive retrofitting of the common areas with fire sprinklers, just like owners in shorter buildings are allowed to do under current law. Additionally, this bill provides that the time for condominium associations who do not vote to forego retrofitting of either unit interiors or the common areas to comply with retrofitting requirements is extended from 2014 to 2019, and requires such associations to complete planning and permitting by 2016.

As to delinquent assessments owed to a condominium association at the time of foreclosure, current law provides that the foreclosing lender is only liable for the lesser of 6 months or 1 percent of the original mortgage balance. This bill increases the limit to the lesser of 12 months or 1 percent.

This bill also amends condominium law to move new director certification from election qualifying to after the election, and provides a means by which a bulk buyer may purchase units owned by a financially troubled developer without having to assume all of the liabilities of such developer.

This bill updates portions of cooperative law in ch. 719 to match previous and current changes to the condominium law.

This bill amends all association laws to expand the list of records exempt from disclosure to members to include certain records containing personal identification information; allow an association to collect delinquent fees from a tenant (who deducts such payment from the rent owed to the delinquent unit or parcel owner); and allows an association to suspend common area use rights and suspend voting rights of delinquent owners.

This bill amends homeowners' association law to allow a homeowners' association the ability to direct where a flagpole may be erected and whether the flag may be lighted; allows a homeowners' association to purchase recreational facilities that are not located next to the neighborhood; limits compensation of directors of an association; and creates an absentee voting procedure.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 1237 - Probate Procedures
By: Criminal & Civil Justice Policy Council; Civil Justice & Courts Policy Committee; Hukill
Tied Bills: None
Companion Bills: CS/CS/SB 1544; includes part(s) of CS/HB 1197; CS/SB 2620
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Insurance, Business & Financial Affairs Policy Committee; Criminal & Civil Justice Policy Council

Probate refers to the process of collecting the assets of a deceased person, paying debts, and distributing the remaining property to the heirs. This bill amends probate laws to:

- Require the lessor of a safe-deposit box to copy wills, burial instructions, and other documents removed by a relative after the death of the lessee of the box;
- Allow early filing of a caveat (a document filed with the clerk asking to be notified should a probate case be filed regarding an individual);
- Define formal and informal notice;
- Provide for transfers of homestead property into trusts or other forms of ownership that will not run afoul of the constitutional prohibition on alienation of the homestead;
- Allow a surviving spouse to elect to take a one-half tenancy in common, rather than a life estate, should the decedent attempt a devise of the homestead property that is prohibited by the constitution;
- Provide that a surviving spouse may disclaim the transfer of homestead property;
- Allow a probate court to set aside a marriage based on fraud, duress or undue influence after the death of one spouse, thereby affecting the distribution of the estate;
- Applicable to this year's repeal of the federal estate tax, and effective upon this act becoming law, allow a court to modify the distribution under a will where the will erroneously includes estate tax-related formulas; and
- Make technical and clarifying changes to probate laws.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010, except as otherwise provided.

CS/CS/HB 1411 - Foreclosures
By: Criminal & Civil Justice Policy Council; Civil Justice & Courts Policy Committee; Dorworth
Tied Bills: None
Companion Bills: CS/CS/SB 2358
Committee(s) of Reference: Civil Justice & Courts Policy Committee; Criminal & Civil Justice Policy Council

It is common to borrow money and pledge an asset as security for a loan. If the loan is not timely paid, the creditor may take the property, sell it, and apply the proceeds of sale against the debt. Where personal property is pledged, a creditor has the option of judicial or nonjudicial process for taking the property and selling it. However, current law only allows for judicial process known as foreclosure to take a timeshare interest and sell it for the benefit of the creditor.

A timeshare is a vacation product that allows multiple persons to share ownership of a vacation property where each owner is entitled to use a vacation property for a short period of time each year. Timeshare owners often pledge the timeshare interest, usually in order to pay the purchase price. All timeshare owners owe regular assessments to the managing entity to pay their share of the continuing expenses of operating the timeshare. Current law provides that the debt for regular assessments is a lien against the timeshare.

This bill provides a trustee process for the foreclosure of liens against timeshare interests. The bill creates separate but similar procedures for the foreclosure of liens based on unpaid assessments and for mortgage liens. Under either process, a trustee is appointed to give notice of the foreclosure to the owner and all other interested parties, conduct an auction sale, distribute the proceeds of the sale, and transfer title to the prevailing bidder. In either process, the timeshare owner may object to the trustee foreclosure process and may contest the foreclosure through a judicial process. A timeshare owner that does not object is not subject to a deficiency judgment.

This process is applicable to all timeshare interests in which a default in payment of assessments occurs after the effective date of the bill. In addition, the nonjudicial process is applicable only to mortgages that include specific language and that are executed after the effective date of the bill. A mortgage may be amended after the effective date of this bill to include the specific language allowing for trustee foreclosure.

The bill also requires a nonjudicial foreclosure fee and creates new third degree felony offenses applicable to a timeshare foreclosure trustee who intentionally fails to follow the required procedures.

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

CS/CS/SB 1964 - Design Professionals
By: Judiciary; Regulated Industries; Negron
Tied Bills: None
Companion Bills: CS/HB 701
Committee(s) of Reference: Regulated Industries; Judiciary

Design professionals are engineers, surveyors, architects, interior designers, and landscape architects. Design professionals are personally subject to claims of professional malpractice.

The economic loss rule is a court-created legal concept that provides that contract law, not tort law, applies where one party to a contract suffers a purely economic loss occasioned by another party to the contract. It sets a line between contract law and tort law. The theory supporting the rule is that the parties to a contract are free to negotiate remedies and to price their goods and services based in part on the potential remedies. Florida courts have inconsistently applied the economic loss rule to malpractice claims against design professionals. Current case law provides that the economic loss rule does not bar any action for professional malpractice, including an action for professional malpractice against a design professional.

This bill provides that the economic loss rule applies to an individual acting as a design professional where the lawsuit is related to a construction defect. However, the rule will not apply should the contract employing the design professional require liability insurance, but the professional fails to maintain such insurance. This bill also limits contracts with design professionals by requiring that any limitation on liability may not be less than the limits of the required insurance. This bill only applies to contracts entered into on or after July 1, 2010.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 2060 (ch. 10-26, LOF) - Sovereign Immunity
By: Judiciary; Bennett
Tied Bills: None
Companion Bills: CS/CS/HB 1107
Committee(s) of Reference: Judiciary; Policy and Steering Committee on Ways and Means

Sovereign immunity is a doctrine that prohibits lawsuits against the government without the government's consent.

In 1973, the Florida Legislature enacted a limited waiver of sovereign immunity in s. 768.28, F.S. This section provides that the state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances. The statute imposes a $100,000 limit per person and a $200,000 limit per incident on the collectability of any tort judgment based on the government's liability.

The bill amends s. 768.28(5), F.S., to raise the limited waiver of sovereign immunity applicable to the state, its agencies, and subdivisions from $100,000 per individual claim and $200,000 per aggregate claims to $200,000 per individual claim and $300,000 per aggregate claim on the collectability of any tort judgment.

This bill was approved by the Governor on April 27, 2010, ch. 2010-26, Laws of Florida. The effective date of this bill is October 1, 2011.

CS/SB 2440 (ch. 10-27, LOF) - Liability Releases
By: Judiciary; Bennett
Tied Bills: None
Companion Bills: CS/CS/HB 285
Committee(s) of Reference: Judiciary

On December 11, 2008, the Florida Supreme Court held that a parent does not have the authority to execute a pre-injury release of liability on behalf of a minor child when the release involves participation in a commercial activity.

CS/SB 2440 expressly authorizes natural guardians, on behalf of any of their minor children, to waive and release, in advance, any claim or cause of action, specifically against a commercial activity provider, that would accrue to any of their minor children for personal injury, death or property damage resulting from an inherent risk in the activity. The bill defines "inherent risk" to mean dangers or conditions, known or unknown, which are characteristic of, intrinsic to, or an integral part of the activity and which are not eliminated even if the activity provider acts with due care in a reasonably prudent manner. The bill also includes specific requirements for a waiver to satisfy in order to be valid. A waiver meeting these requirements entitles an activity provider to two rebuttable presumptions: (1) the waiver is valid; and (2) the injury or damage to the minor child arose from the inherent risk involved in the activity. These presumptions can be rebutted by the claimant.

The bill also provides that a motorsport liability release signed by a natural guardian on behalf of a minor is valid to the same extent provided for other nonspectators, if the minor is participating in a sanctioned motorsports event. However, if a minor is participating in any other activity at a closed-course motorsport facility, other than a sanctioned motorsports event, then the waiver is valid only if it complies with the general waiver requirements provided in the bill.

This bill was approved by the Governor on April 27, 2010, ch. 2010-27, Laws of Florida. The effective date of this bill is upon becoming law.

Public Safety & Domestic Security Policy Committee

HB 11 (ch. 10-46, LOF) - Crimes Against Homeless Persons
By: Porth; Rogers and others
Tied Bills: None
Companion Bills: SB 506
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Policy Council; Criminal & Civil Justice Policy Council

Currently, s. 775.085, F.S., provides that the penalty for any felony or misdemeanor offense must be reclassified if the commission of the offense evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim. This is commonly known as the "hate crime" statute.

HB 11 provides that the penalty for any felony or misdemeanor offense must be reclassified if the commission of the offense evidences prejudice based on the homeless status of the victim.

The bill was approved by the Governor on May 12, 2010, ch. 2010-46, Laws of Florida. The effective date of this bill is October 1, 2010.

CS/HB 33 (ch. 10-47, LOF) - Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age
By: Public Safety & Domestic Security Policy Committee; Randolph and others
Tied Bills: None
Companion Bills: CS/SB 1068
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Insurance, Business & Financial Affairs Policy Committee; Criminal & Civil Justice Policy Council

Section 562.11(1)(a)1., F.S., provides a second degree misdemeanor penalty for a person who sells, gives, serves, or permits to be served alcoholic beverages to a person under 21 years of age or permits a person under 21 years of age to consume such beverages on the premises of an alcoholic beverage licensee.

CS/HB 33 amends s. 562.11(1)(a)1., F.S., to make a second or subsequent violation of the statute a first degree misdemeanor if committed within one year of a prior conviction.

The bill creates a complete defense for any person charged with a violation of s. 562.11(1)(a), F.S., if:

- The buyer or recipient of the alcoholic beverage falsely evidenced that he or she was 21 years of age or older;
- The appearance of the buyer or recipient was such that a prudent person would believe him or her to be 21 years of age or older; and
- The person carefully checked the buyer or recipient's identification card, acted in good faith and relied upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 years of age or older.

The bill was approved by the Governor on May 12, 2010, ch. 2010-47, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/HB 119 - Sexual Offenders and Predators
By: Military & Local Affairs Policy Committee; Public Safety & Domestic Security Policy Committee; Glorioso and others
Tied Bills: None
Companion Bills: CS/SB 1284; includes part(s) of CS/SB 1314
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Military & Local Affairs Policy Committee; Criminal & Civil Justice Policy Council

CS/CS/HB 119 creates restrictions for a person convicted of an offense listed in the sexual offender statute where the victim was under the age of 18 as follows:

- The bill makes it a first degree misdemeanor if a person convicted of such an offense commits loitering or prowling within 300 feet of a place where children were congregating;
- The bill makes it a first degree misdemeanor for a person convicted of such an offense to knowingly approach, contact or communicate with a child under 18 years of age in any public park building or on real property comprising any public park or playground with intent to engage

in conduct of a sexual nature or to make a communication containing content of a sexual nature;

- The bill also makes it a first degree misdemeanor for a person convicted of such an offense to:
    - Knowingly be present in any child care facility or pre-K-12 school or on real property comprising any child care facility or pre-K-12 school when the child care facility or school is in operation unless the offender has provided written notification of his or her intent to be present to the school board, superintendent, principal or child care facility owner;
    - Fail to notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school; or
    - Fail to remain under the direct supervision of a school official or designated chaperone when present in the vicinity of children.

CS/CS/HB 119 adds a definition of the term "transient residence" to the sexual predator and sexual offender registration statutes and requires an offender to provide information regarding his or her transient residence during the registration process.

The bill specifies that an offender may not be forced to move if he or she is living in a residence that complies with the statutory sex offender residency restrictions and a child care facility, park, playground or school is subsequently established within 1,000 feet of the offender's residence.

The bill specifies that a person convicted of s. 827.071, F.S. (sexual performance by a child), may be considered for removal of the requirement to register as a sexual offender or sexual predator if the person was no more than four years older than the victim and the victim was at least 14 years of age.

The bill prohibits offenders on supervision for specified sexual offenses from visiting schools, child care facilities, parks and playgrounds without prior approval of the offender's supervising officer. The bill also prohibits such offenders from distributing candy to children on Halloween, wearing specified costumes, or entertaining at children's parties without prior approval of the sentencing authority.

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

SB 150 - Athletic Coaches
By: Ring and others
Tied Bills: None
Companion Bills: CS/HB 59
Committee(s) of Reference: Criminal Justice; Community Affairs; Judiciary; Criminal and Civil Justice Appropriations

SB 150 requires an independent sanctioning authority to annually conduct a background screening of each current and prospective athletic coach of an independent youth athletic team. Such a screening must be conducted by searching a coach's name against federal and state registries of sexual predators and sexual offenders available via the Internet.

The bill requires the sanctioning authority to disqualify any athletic coach or prospective coach appearing in either registry. The bill requires the sanctioning authority to provide, within 7 business days following the background screening, written notice to the person disqualified advising him or her of the results of the background check and of disqualification. The independent sanctioning authority must maintain documentation of the results of each person screened, and the written notice of disqualification provided to each person disqualified.

In any civil suit brought against an independent sanctioning authority for harm caused by the intentional tort of an athletic coach that relates to alleged sexual misconduct, the bill creates a rebuttable presumption that the independent sanctioning authority was not negligent in authorizing the athletic coach if the sanctioning authority complied with the background screening requirements prior to authorizing a person to act as an athletic coach.

The Legislature encourages sanctioning authorities to participate in the Volunteer and Employee Criminal History System program authorized under the National Child Protection Act and s. 943.0542, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 200 - Parole Interview Dates for Certain Inmates
By: Criminal Justice; Baker and others
Tied Bills: None
Companion Bills: HB 261
Committee(s) of Reference: Criminal Justice; Criminal and Civil Justice Appropriations

CS/SB 200 amends ss. 947.16, 947.174, and 947.1745, F.S., to extend from 5 to 7 years the period between parole interview dates for inmates convicted of specified offenses and for inmates sentenced to a specified minimum mandatory sentence.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 317 (ch. 10-51, LOF) - Threats
By: Public Safety & Domestic Security Policy Committee; Adkins and others
Tied Bills: None
Companion Bills: CS/SB 860
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Criminal & Civil Justice Appropriations Committee; Criminal & Civil Justice Policy Council

Section 836.10, F.S., provides that a person commits a second degree felony if the person writes and sends a letter or inscribed communication containing a threat to injure or kill the person to whom the letter or communication is addressed, or a family member of the person to whom the letter or communication is sent. The letter may be signed or sent anonymously. The statute does not specifically include letters or communications written, composed, or sent by electronic means.

CS/HB 317 adds "electronic communication" to s. 836.10, F.S. Any threats sent electronically would be punishable by a second degree felony.

The bill was approved by the Governor on May 12, 2010, ch. 2010-51, Laws of Florida. The effective date of this bill is October 1, 2010.

CS/SB 370 - Community Corrections Assistance
By: Criminal and Civil Justice Appropriations; Joyner and others
Tied Bills: None
Companion Bills: CS/CS/HB 203
Committee(s) of Reference: Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations

Section 948.51(4), F.S., authorizes the Secretary of the Department of Corrections to contract for the issuance of community corrections assistance funds, as appropriated by the Legislature, to an eligible county or county consortium. Currently there are 10 types of programs, services, or facilities that may be funded using community corrections assistance funds.

CS/SB 370 adds "rehabilitative community reentry programs" to the list of programs that may be funded using community corrections funds. The bill provides a definition for the term, "rehabilitative community reentry programs."

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

SB 502 - Special Investigators
By: Aronberg
Tied Bills: None
Companion Bills: CS/HB 183
Committee(s) of Reference: Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations

Currently, s. 27.251, F.S., authorizes the state attorney of each judicial circuit to employ any municipal or county police officer or sheriff's deputy on a full-time basis as an investigator for the state attorney's office with full powers of arrest throughout the judicial circuit provided such investigator serves on a special task force to investigate matters involving "organized crime."

SB 502 expands s. 27.251, F.S., by authorizing the state attorney to employ a municipal or county police officer or sheriff's deputy as an investigator provided such investigator serves on a special task force to investigate matters involving criminal activity, the detection of which might benefit from a special task force. The bill also provides that officers may be employed as investigators on a full-time or part-time basis.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 525 (ch. 10-54, LOF) - Statutes of Limitation for Sexual Battery
By: Dorworth; Fetterman; Pafford and others
Tied Bills: None
Companion Bills: SB 870
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Criminal & Civil Justice Appropriations Committee; Criminal & Civil Justice Policy Council

Section 775.15, F.S., sets forth time limitations for commencing criminal prosecutions. Under current law, there is no statute of limitations for most sexual battery crimes where the victim is a minor. Only two sexual battery offenses where the victim is a minor have an applicable statute of limitations under current law.

Section 95.11, F.S., sets forth time limitations for commencing civil actions in Florida. Currently, a civil claim for a violation of ch. 794, F.S. (sexual battery), must commence within four years from the date when the cause of action accrues.

HB 525 amends ss. 775.15 and 95.11, F.S., to provide that there is no time limitation for a criminal prosecution or a civil cause of action for a violation of s. 794.011, F.S., when the victim was under the age of 16 at the time of the offense. The bill applies to all actions except those which would have been time barred on or before July 1, 2010.

The bill was approved by the Governor on May 12, 2010, ch. 2010-54, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 615 - Substantial Assistance
By: Public Safety & Domestic Security Policy Committee; Brandenburg and others
Tied Bills: None
Companion Bills: CS/SB 874
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Criminal & Civil Justice Policy Council

Florida law currently authorizes the state attorney to move the sentencing court to reduce or suspend the sentence of a person convicted of planting a hoax bomb, criminal use of personal identification, or drug trafficking who provides substantial assistance in the identification, arrest, or conviction of any of that person's accomplices, accessories, coconspirators, or principals.

CS/HB 615 authorizes the state attorney to move the sentencing court to reduce or suspend the sentence of a person convicted of any felony charge if the person provides substantial assistance in the identification, arrest, or conviction of any of the person's accomplices, accessories, coconspirators, or principals or any other person engaged in criminal activity that would constitute a felony. The bill provides that such motion may be heard in camera and provides the arresting agency must be given the opportunity to be heard in aggravation or mitigation of any motion to reduce or suspend a sentence.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 704 - Capital Felonies
By: Judiciary; Thrasher and others
Tied Bills: None
Companion Bills: CS/HB 259
Committee(s) of Reference: Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations

When a defendant is convicted of capital murder, a separate sentencing proceeding is conducted before the trial jury to determine whether the defendant should be sentenced to death or to life imprisonment. After hearing evidence, the jury renders an advisory sentence to the judge based on whether sufficient aggravating circumstances exist, whether sufficient mitigating circumstances exist which outweigh the aggravating circumstances; and based on these considerations, whether the defendant should be sentenced to life imprisonment or death. The judge is not required to sentence a defendant as recommended by the jury. If the judge sentences a person to death, the judge must make written findings that there are sufficient aggravating circumstances and insufficient mitigating circumstances to outweigh the aggravating circumstances.

CS/SB 704 adds the following to the list of aggravating circumstances that can be considered by the jury and judge in the sentencing phase of a capital case:

> The capital felony was committed by a person subject to an injunction for protection against domestic violence, repeat violence, sexual violence or dating violence, or a foreign domestic violence injunction, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/SB 768 - Luis Rivera Ortega Street Racing Act
By: Judiciary; Constantine and others
Tied Bills: None
Companion Bills: CS/HB 97
Committee(s) of Reference: Transportation; Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations

Section 316.191(2)(a), F.S., provides that a person may not:

- Drive any motor vehicle, including any motorcycle, in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record on any highway, roadway, or parking lot;
- In any manner participate in, coordinate, facilitate, or collect moneys at any location for any such race, competition, contest, test, or exhibition;
- Knowingly ride as a passenger in any such race, competition, contest, test, or exhibition; or
- Purposefully cause the movement of traffic to slow or stop for any such race, competition, contest, test, or exhibition.

A person who violates s. 316.191(2)(a), F.S., commits a first degree misdemeanor. In addition, the person must pay a fine of not less than $500 and not more than $1,000, and the person's driver license is revoked for one year. A person who commits a second violation of this section within five years after the date of a prior violation that resulted in a conviction commits a first degree misdemeanor, must pay a fine of not less than $500 and not more than $1,000, and the person's driver license is revoked for two years.

CS/SB 768, entitled the "Luis Rivera Ortega Street Racing Act," increases the amount of the fine a person who commits a second violation of 316.191(2), F.S., within five years of a prior violation must pay to not less than $1,000 and not more than $3,000. The bill provides that a person who commits a third or subsequent violation within five years of the date of a prior violation must pay a fine of not less than $2,000 and not more than $5,000 and shall have his or her driver license revoked for four years.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/CS/HB 787 (ch. 10-59, LOF) - Child Abduction Prevention
By: Policy Council; Public Safety & Domestic Security Policy Committee; Rouson and others
Tied Bills: None
Companion Bills: CS/SB 1862
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Policy Council; Criminal & Civil Justice Policy Council

CS/CS/HB 787 provides additional risk factors for a judge to consider when deciding whether a child is at risk of parental abduction. The bill:

- Outlines and adds to the list of preventative measures that a judge may order if the judge finds credible evidence that a child is at risk of parental abduction;
- Specifies that a judge may require a bond or other security as a financial deterrent to parental abduction, the proceeds of which may be used to pay for reasonable expenses if a child is abducted; and
- Provides that violation of a parenting plan may subject the violating party to civil or criminal penalties or a federal or state warrant under federal or state law.

The bill was approved by the Governor on May 12, 2010, ch. 2010-59, Laws of Florida. The effective date of this bill is January 1, 2011.

SB 808 - Murder/Unlawful Distribution of Methadone
By: Oelrich and others
Tied Bills: None
Companion Bills: HB 369
Committee(s) of Reference: Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations

Section 782.04(1)(a)3., F.S., provides the unlawful killing of a human being which resulted from the unlawful distribution of certain controlled substances, including cocaine and opium or any synthetic derivative of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user, is murder in the first degree and constitutes a capital felony.

In 2009, the Fourth District Court of Appeal held that methadone is not a drug enumerated in the first degree murder statute. As a result of the court's decision, a death resulting from the unlawful distribution of methadone cannot be prosecuted as a capital felony pursuant to s. 782.04(1)(a)3., F.S.

SB 808 adds methadone to the list of drugs referenced in s. 782.04(1)(a)3., F.S. This allows the state to prosecute a death resulting from the unlawful distribution of methadone as a capital felony when such drug proven to be the proximate cause of the death of the user.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/HB 951 (ch. 10-62, LOF) - Public Safety
By: Criminal & Civil Justice Appropriations Committee; Snyder and others
Tied Bills: None
Companion Bills: CS/CS/SB 1974; includes part(s) of CS/HB 7069; SB 2416; CS/CS/CS/SB 1520
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Criminal & Civil Justice Appropriations Committee; Criminal & Civil Justice Policy Council

CS/HB 951 amends various statutes relating to the Florida Department of Law Enforcement (FDLE). Specifically, the bill:

- Revises the process for removing mental health records from FDLE's mental competency database for purposes of firearms purchases. These revisions align Florida law with federal law requirements;
- Requires FDLE to retain fingerprints submitted as part of the background screening process upon official written request from an agency executive director or secretary or his or her designee, from specified qualified entities, or as otherwise required by law;
- Requires the Criminal Justice Standards and Training Commission to adopt rules requiring all law enforcement officers to demonstrate proficiency in firearms, to specify in the rules how often officers must demonstrate firearm proficiency, and specify in the rules what the consequences will be if an officer fails to demonstrate firearm proficiency;
- Updates the Basic Recruit Training Program exemption laws to require employing agencies and criminal justice selection centers to verify that a person has completed the appropriate basic recruit training program and has served as a sworn law enforcement officer for the required amount of time without breaks in service; and
- Removes correctional probation officers from the list of persons who must pass a basic skills examination in order to be admitted to a basic recruit training program.

The bill was approved by the Governor on May 12, 2010, ch. 2010-62, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/HB 1005 (ch. 10-64, LOF) - Corrections
By: Criminal & Civil Justice Policy Council; Public Safety & Domestic Security Policy Committee; Holder
Tied Bills: None
Companion Bills: CS/CS/CS/SB 960; includes part(s) of HB 7035; CS/SB 2350
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Criminal & Civil Justice Appropriations Committee; Criminal & Civil Justice Policy Council

CS/CS/HB 1005 amends and creates statutes related to the Department of Corrections (department). The bill:

- Removes references to "criminal quarantine community control," a type of community supervision that has not been used since it was created in 1993;
- Creates a new third degree felony offense for lewd or lascivious exhibition by an inmate in the presence of a correctional employee;
- Updates statutory language regarding the department's current practice of electronically sending the Florida Parole Commission the names of inmates and offenders who are eligible for the restoration of civil rights;
- Adds private correctional facility employees to the list of persons who can be charged with sexual misconduct against an inmate;
- Authorizes the department to electronically send specific information to sheriffs and chiefs of police upon the release of certain inmates;
- Updates the elderly offender statutes to reflect that the department has more than one geriatric facility;
- Revises the Correctional Mental Health Act regarding custody and treatment of mentally ill inmates, and specifically authorizing the department to transport mentally ill inmates to placement hearings while incarcerated and to a receiving facility upon release;
- Authorizes inmates who meet certain criteria to enter onto private property to collect donations and to assist federal, state, local, and private agencies before, during, and after emergencies and disasters;
- Requires offenders on community supervision to live without violating any law and to submit to a digital photograph; and
- Authorizes Public Safety Coordinating Councils to develop a five-year comprehensive local reentry plan that is designed to assist offenders released from incarceration in successfully reentering the community.

The bill was approved by the Governor on May 12, 2010, ch. 2010-64, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1012 - Juvenile Justice Facilities and Programs
By: Criminal and Civil Justice Appropriations; Jones
Tied Bills: None
Companion Bills: HB 813
Committee(s) of Reference: Criminal Justice; Children, Families, and Elder Affairs; Criminal and Civil Justice Appropriations

Currently, the Department of Juvenile Justice (DJJ) is required to adopt rules governing medical attention, health, and comfort items in detention facilities; however, there is no such requirement that DJJ adopt rules for providing medical attention in other DJJ facilities or programs.

CS/SB 1012 amends s. 985.64, F.S., to require DJJ to adopt rules to ensure the effective provision of health services to youth in facilities or programs operated or contracted by DJJ. The bill specifies that such rules must address delivery of ordinary medical care, mental health services, substance abuse treatment services, and developmental disabilities services. Additionally, the bill requires DJJ to coordinate its rulemaking effort with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure there is no encroachment on either agency's substantive jurisdiction.

The bill defines the term "ordinary medical care" as follows:

> "Ordinary medical care" means medical procedures that are administered or performed on a routine basis and include, but are not limited to, inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventative services, medication management, chronic disease detection and treatment, and other medical procedures that are administered or performed on a routine basis and do not involve hospitalization, surgery, the use of general anesthesia, or the provision of psychotropic medications.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 1291 (ch. 10-36, LOF) - Domestic Violence Fatality Review Teams
By: Public Safety & Domestic Security Policy Committee; Coley and others
Tied Bills: None
Companion Bills: SB 1446
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Health Care Services Policy Committee; Criminal & Civil Justice Policy Council

Domestic Violence Fatality Review Teams (FRTs) review fatal and near-fatal incidents of domestic violence, related domestic violence matters, and suicides, and identify changes in policy or procedure that may prevent future deaths. FRTs, which are not funded by the state, work independently and may be composed of representatives from municipal, county, state and federal agencies, as well as individuals or organizations that are involved with, or affected by, a domestic violence fatality.

Information gathered by FRTs is protected from discovery and introduction into evidence in civil or disciplinary proceedings. In addition, persons attending FRT meetings are prohibited from testifying in civil or disciplinary actions regarding records or information produced or presented at the meetings. These provisions do not apply to criminal or administrative proceedings.

CS/HB 1291 provides that information and records acquired by FRTs are not subject to discovery or introduction into evidence in criminal or administrative proceedings. The bill also provides that a person who has attended an FRT meeting may not testify in criminal or administrative proceedings regarding certain records or information that was produced or presented to the FRT.

CS/HB 1291 deletes an obsolete requirement that the Governor's Task Force on Domestic Violence provide information and technical assistance to FRTs. The Governor's Task Force on Domestic Violence was part of an Executive Order that expired on June 30, 2001.

The bill was approved by the Governor on May 7, 2010, ch. 2010-36, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 1455 - Misrepresentation of Military Status
By: Public Safety & Domestic Security Policy Committee; Sachs and others
Tied Bills: None
Companion Bills: CS/SB 1824
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Criminal & Civil Justice Policy Council

CS/HB 1455 creates a new third degree felony offense to prohibit a person from misrepresenting himself or herself as a member or veteran of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, or National Guard and wearing the uniform of or any medal or insignia authorized for use by members or veterans of those entities while soliciting for charitable contributions.

The bill also amends Florida's "Solicitations of Contributions Act" to prohibit a person from falsely stating that he or she is a member of or represents the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, or National Guard in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/HB 1493 (ch. 10-69, LOF) - Career Offenders
By: Public Safety & Domestic Security Policy Committee; Cruz and others
Tied Bills: None
Companion Bills: SB 2750
Committee(s) of Reference: Public Safety & Domestic Security Policy Committee; Criminal & Civil Justice Policy Council

CS/HB 1493 makes it a first degree misdemeanor for a person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of s. 775.261, F.S., with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section, to:

- Withhold information from, or fail to notify, the law enforcement agency about the career offender's noncompliance with the requirements of the section, and, if known, the whereabouts of the career offender;
- Harbor or attempt to harbor, or assist another person in harboring or attempting to harbor, the career offender;
- Conceal or attempt to conceal, or assist another person in concealing or attempting to conceal, the career offender; or
- Provide information to the law enforcement agency regarding the career offender that the person knows to be false information.

The bill was approved by the Governor on May 12, 2010, ch. 2010-69, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 7131 - Criminal Justice
By: Public Safety & Domestic Security Policy Committee; Ambler
Tied Bills: None
Companion Bills: CS/SB 2364; includes part(s) of CS/HB 7181; CS/SB 1072; CS/CS/SB 1412
Committee(s) of Reference: None

HB 7131 amends various sections of statute that relate to criminal laws. The bill deletes expired or obsolete statutory language, corrects cross-references and grammatical or typographical errors, removes inconsistencies and redundancies from the statutes, improves the clarity of the statutes and facilitates their correct interpretation, and confirms the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

The bill amends, repeals, or reenacts the following sections of the Florida Statutes: ss. 775.0877, 775.25, 784.07, 815.03, 817.554, 828.17, 831.16, 831.17, 831.18, 831.21, 831.27, 831.30, 838.021, 847.0125, 860.13, 865.09, 877.22, 893.02, 893.10, 914.24, 916.12, 916.3012, 918.0155, 921.0022, 921.141, 921.20, 932.704, 933.18, 933.40, 934.03, 938.15, 943.051, 943.053, 943.0581, 943.0582, 943.135, 944.023, 944.053, 944.28, 944.474, 944.708, 944.801, 945.10, 947.06, 947.16, 949.071, 951.23, 951.231, 957.07, 960.003, 984.225, 985.486, 985.632, and 985.686, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Economic Development
& Community Affairs
Policy Council

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CS/HM 227 - Control of Florida National Guard by Governor
By: Economic Development & Community Affairs Policy Council; Adams and others
Tied Bills: None
Companion Bills: SM 480
Committee(s) of Reference: Economic Development & Community Affairs Policy Council

The memorial urges the United States Congress to preserve the authority of the Governor to retain command and control of the Florida National Guard and reject any changes which would restrict or diminish the Governor's ability to activate the Guard in time of an emergency.

Copies of the memorial will be distributed to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Florida's Congressional delegation.

The memorial is not subject to the Governor's veto powers.

SM 944 - Space Shuttle Orbiter Retirement
By: Altman and others
Tied Bills: None
Companion Bills: CS/HM 253
Committee(s) of Reference: Commerce

Senate Memorial 944 requests that the U.S. Congress preserve one of the decommissioned Space Shuttle orbiters as a permanent display at the John F. Kennedy Space Center. Further, the memorial recounts the historical achievements of the Space Shuttle Program and the program's positive impact on the economy of the state.

Copies of the memorial will be distributed to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Florida's Congressional delegation.

The memorial is not subject to the Governor's veto powers.

CS/CS/SB 1412 - Obsolete or Outdated Agency Plans/Reports/Programs
By: Policy and Steering Committee on Ways and Means; Governmental Oversight and Accountability; Haridopolos
Tied Bills: None
Companion Bills: None, see below
Committee(s) of Reference: Governmental Oversight and Accountability; Finance and Tax; Policy and Steering Committee on Ways and Means

The Florida Statutes contain reporting and planning requirements that are imposed on executive, legislative, and judicial agencies as well as semi-governmental corporations and advisory bodies.

The bill modifies or deletes many obsolete specific agency program, planning, and reporting requirements. Some of these requirements have remained in statute despite dates for requirements that fell in the past. Some are reporting and planning requirements attached to what were once new initiatives and were reasonable at the time the programs were created.

The bill contains elements of other bills that were listed as companion measures. Please see LEAGIS or myfloridahouse.gov for a list of those bills.

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

SM 1896 - Commercial, Civil, Military, or Academic Endeavors
By: Altman and others
Tied Bills: None
Companion Bills: CS/HM 1199
Committee(s) of Reference: Commerce

Senate Memorial 1896 urges the U.S. Congress to facilitate job training and placement that are necessary to maintain Florida's aerospace workforce. Further, the memorial recounts the negative impact on the state's aerospace workforce that occurred with the termination of the Apollo Space Program. The memorial expresses concern that a similar impact may occur with the cancellation of the Space Shuttle Program.

Copies of the memorial will be distributed to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Florida's Congressional delegation.

The memorial is not subject to the Governor's veto powers.

CS/SB 2046 - Employee Leasing Companies
By: Banking and Insurance; Richter
Tied Bills: None
Companion Bills: HB 7241
Committee(s) of Reference: Banking and Insurance; General Government Appropriations

The bill provides several changes related to the regulation of employee leasing companies in Florida. It allows a licensed employee leasing company to change ownership without having to obtain prior approval from the Board of Employee Leasing Companies with the Department of Business and Professional Regulation (DBPR), as long as a controlling person of the company maintains a controlling person license.

The bill also revises disciplinary actions associated with licenses not timely renewed. Currently, an employee leasing company that does not renew its license within 30 days of the renewal date will lose its licenses and be required to start the application process over with DBPR to obtain a new license. This bill allows companies to retain their license in a delinquent and inactive status for up to two years if they do not renew their license and pay renewal fees on time. This will provide businesses more time to renew a license without having to submit a new application and be subject to requirements for a background check and proof of $50,000 in insurance as required with the initial application. However, companies that conduct business without an active license remain subject to penalties.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 2742 - Nonbinding Statewide Advisory Referendum
By: Judiciary; Atwater
Tied Bills: None
Companion Bills: CS/HB 1525
Committee(s) of Reference: Judiciary

The bill provides for a nonbinding statewide advisory referendum on the 2010 general election ballot on the question of whether the U.S. Constitution should be amended to require a balanced federal budget without raising taxes. The bill requires the following question to be printed on the ballot, followed by the word "yes" and the word "no":

> In order to stop the uncontrolled growth of our national debt and prevent excessive borrowing by the Federal Government, which threatens our economy and national security, should the United States Constitution be amended to require a balanced federal budget without raising taxes?

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

CS/HB 7033 (ch. 10-1, LOF) - Unemployment Compensation
By: Finance & Tax Council; Economic Development & Community Affairs Policy Council; Murzin; Carroll and others
Tied Bills: None
Companion Bills: CS/CS/SB 1666
Committee(s) of Reference: Finance & Tax Council

Businesses are responsible for the cost of unemployment compensation and fund it through payments into the Unemployment Compensation (UC) Trust Fund for any employees the business has laid off. Due to the severe downturn in the economy and insolvency of the UC Trust Fund, UC tax rates were set to rise dramatically. To provide temporary relief from these tax increases, the bill suspends the positive adjustment tax rate factor for the next two years, amends portions of the UC statutes, and suspends changes made in the 2009 Legislative session.

The bill reduces the taxable wage base from $8,500 to $7,000 for two years. In 2012, the wage base returns to $8,500, and then reverts back to $7,000 in 2015 unless there are outstanding loan balances owed to the federal government. The bill allows employers to pay UC for 2010 and 2011 in quarterly installments, and provides for payment of interest on federal advances through an employer assessment. Tax payments to the UC Trust Fund will be reduced by an estimated $942 million in FY 2009-10 and $934 million in FY 2010-11. However, this will result in greater borrowing from the federal government to pay benefits, and more interest due to the federal government than under current law.

The bill also provides for an extension of the "State Extended Benefits" (EB) program, effective January 2, 2010, through February 27, 2010. The federally funded program will cover up to 8 additional weeks for claimants, which could affect an estimated 15,000 Floridians. The total cost to state and local governments to implement EB is approximately $612,633. (See CS/CS/SB 1736 for a further extension of the State Extended Benefits program.)

The bill appropriates $903,642 to the Department of Revenue and $643,862 to the Agency for Workforce Innovation for FY 2009-10 to implement the act.

The bill was effective upon becoming law March 2, 2010, except as otherwise provided, applied retroactively to June 29, 2009, and was codified as ch. 2010-1, Laws of Florida.

Economic Development Policy Committee

CS/HB 173 - Tax on Sales, Use, and Other Transactions
By: Economic Development Policy Committee; Poppell and others
Tied Bills: None
Companion Bills: CS/SB 220
Committee(s) of Reference: Economic Development Policy Committee; Finance & Tax Council

The bill provides that aircraft owned by non-residents that enter and remain in the state for less than 21 days during the six-month period after the date of purchase are exempt from the use tax imposed under ch. 212, F.S. The use and removal of aircraft from the state may be proven with documentation such as invoices for fuel or hangars, repairs, or other similar documentation issued by Florida-based vendors or suppliers which clearly identify the aircraft owned by the non-resident.

The use tax exemption also applies to aircraft owned by non-residents that enter the state exclusively for the purpose of flight training, repairs, alterations, refitting, or modification. These exempt activities must be supported with written documentation issued by Florida-based vendors or suppliers which clearly identify the aircraft owned by the non-resident.

The bill also provides that a specific penalty for failure to comply with the tax liability or documentation requirements relating to this issue is no longer mandatory.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 451 - Space Florida
By: Economic Development Policy Committee; Crisafulli and others
Tied Bills: None
Companion Bills: CS/CS/SB 2606
Committee(s) of Reference: Economic Development Policy Committee; Economic Development & Community Affairs Policy Council

The bill enhances the ability of the Space Florida board of directors to engage in the future of the industry by adding industry representatives to the board. To accomplish this, the bill terminates the existing board of directors 90 days after the law takes effect. The initial appointments of new members must occur 91 days after the law takes effect. New appointees must be confirmed by the Senate, and will have interim status pending the next called meeting of the Senate.

Further, the bill reduces the number of members appointed by the Governor from 12 to 9. The bill also provides specific criteria for the Governor's appointees. The criteria includes: one member from organized labor with experience in the aerospace industry, two members from the state's aerospace-related industries at large across the state, two members from two separate commercial aerospace companies involved in human space flight programs or commercial access to space, two members from two separate commercial companies working under Federal Government contracts to conduct space-

related business, one member from an alternative energy enterprise with potential for aerospace applications, and one member from the aerospace industry whose primary client is the United States Department of Defense. Additionally, the bill requires that all voting members be residents of the state or have a business enterprise in the state.

The bill also reduces the number of ex officio voting members from 5 to 4, and requires the Lieutenant Governor to serve as the designee of the Governor. Designees of ex officio members are given the authority to vote.

The bill does not alter the powers and duties of the board, nor does it impact the scope of Space Florida's rulemaking authority.

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

CS/HB 843 - Rural Enterprise Zones
By: Finance & Tax Council; Boyd and others
Tied Bills: None
Companion Bills: CS/SB 1724
Committee(s) of Reference: Economic Development Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

The Florida Enterprise Zone Program was created in 1982 to encourage economic development in economically distressed areas of the state by providing financial incentives with state and local tax exemptions for expenses incurred by developing businesses. The bill provides that any rural catalyst site that was approved prior to January 1, 2010, which is not located in a rural enterprise zone, must be designated as a rural enterprise zone by the Office of Tourism, Trade, and Economic Development upon request from the site's host county. Out of the four rural catalyst sites, only two, Suwannee County and Columbia County, are not currently designated as rural enterprise zones.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/CS/HB 963 - Seaports
By: Economic Development & Community Affairs Policy Council; Full Appropriations Council on Education & Economic Development; Economic Development Policy Committee; Ray and others
Tied Bills: None
Companion Bills: CS/CS/CS/CS/SB 2000
Committee(s) of Reference: Economic Development Policy Committee; Full Appropriations Council on Education & Economic Development; Economic Development & Community Affairs Policy Council

Florida has 14 public seaports that are considered significant economic drivers for the regions in which they are located and for the state in general. The individual seaports receive a combination of public funding and private revenues to finance their operations and capital improvements. As work to widen and modernize the Panama Canal begins, ports on the entire U.S. coastline are considering their options on how to best position themselves to participate in what is expected to be an economic boon in maritime transit of oil, foodstuffs, consumer goods, and other cargo.

Port Conceptual Permits
The bill allows the Department of Environmental Protection (DEP) to issue port conceptual permits to the 14 public seaports, including applicable authorization to use sovereign submerged lands. Private entities with a controlling interest in property used for industrial marine activity in the immediate vicinity of any of the ports are also permitted to apply for a port conceptual permit. DEP may issue these permits for up to 20 years with one extension for an additional 10 years. The port conceptual permit is considered the state's conceptual water quality compliance certification, and the state's conceptual determination that the activities in the port conceptual permit are consistent with the state's federally-approved coastal zone management program. The bill also authorizes the permit to contain alternative stormwater and treatment criteria for stormwater systems serving overwater piers. Once a port obtains a port conceptual permit, it may receive DEP approval for specific projects on an expedited basis if the project is consistent with the port conceptual permit.

Future Port Project Funding
The bill requires the Department of Transportation (DOT) to include specific approved seaport projects to be funded during the ensuing FY in its tentative work program. The total amount of funding to be allocated to seaport projects in the next successive four FYs is also to be included in the work program; however, no specific projects will be tied to those funds.

The bill also requires DOT, upon the written request of the Florida Seaport Transportation and Economic Development Council (FSTED), to submit work program amendments for seaport projects to the Governor within 10 days after either the request is received, or the effective date of any amendment, termination, or funding agreement required to release the funds from an existing commitment, whichever is later. The bill allows the transfer of unexpended budget between seaport projects as identified in the approved work program amendments.

The bill reduces the funding match from 50 percent for all seaport projects to 25 percent if the project is for the rehabilitation of wharves, docks, berths, bulkheads, or similar structures.

Dredging and Maintenance
The bill increases the mixing zone for turbidity from a 100 to a 150 foot radius from the point of dredging for maintenance dredging by the seaports, except that it may not go into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities. The bill removes provisions related to discharge return in manmade waters and provides that the mixing zone may not extend into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities.

The bill also increases the time period allowed for maintenance dredging after a storm event from two to three years.

Public Private Partnership
The bill authorizes seaports to receive or solicit proposals from and enter into public-private infrastructure project agreements with private entities to build, operate, maintain, or finance port-related public infrastructure projects.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

CS/CS/HB 1389 - Space and Aerospace Infrastructure
By: Finance & Tax Council; Economic Development Policy Committee; Crisafulli and others
Tied Bills: None
Companion Bills: CS/CS/SB 2500; includes CS/HB 969 and part(s) of CS/SB 1752
Committee(s) of Reference: Economic Development Policy Committee; Finance & Tax Council

To help meet the challenges from the numerous changes that have occurred in the space industry as NASA has moved towards the end of the space shuttle program, the bill creates the Space Transition and Revitalization Act or STAR Act. Section 288.1088, F.S., provides the requirements that the Office of Tourism, Trade, and Economic Development (OTTED) and Enterprise Florida, Inc., (EFI) must follow in order to approve a Quick Action Closing Fund (QAC) project for funding. The bill modifies the list of QAC findings and declarations by describing the end of the shuttle program, the gap in civil human space flight, the subsequent negative workforce impacts, and that up to 20 percent of available QAC resources may be used for projects to diversify the state's space industry. The bill also makes specific changes to EFI's criteria for waiving QAC requirements by adding a waiver category if the project would mitigate the impact of the conclusion of the space shuttle program.

Additionally, the bill provides Space Florida with flexibility in current appropriations available for Launch Complex 36 to be used for a variety of purposes such as: other launch complexes; intermodal issues; and the development of joint-use facilities and technologies that support aviation and aerospace operations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 1551 (ch. 10-39, LOF) - Black Business Investment Board, Inc.
By: Economic Development Policy Committee; Carroll
Tied Bills: None
Companion Bills: CS/SB 1720
Committee(s) of Reference: Economic Development Policy Committee; Economic Development & Community Affairs Policy Council

In 2007, the Legislature passed the Florida Black Business Investment Act, which recreated the Florida Black Business Investment Board (BBIB) as a not-for-profit public-private partnership to evaluate the needs of black business enterprises and aid in their development. The act also established the Black Business Loan Program to provide loans, loan guarantees, and investments to eligible recipients.

The bill makes clarifying changes to the board and the Black Business Loan Program by expanding the scope of the board's duties to include seeking federal funds, and gives the board greater leeway to collaborate with other groups to form a support network for black business enterprises. The bill also changes the board from a not-for-profit public-private entity to a not-for-profit corporation and makes changes to the composition and leadership of the board of directors. Further, the bill removes the requirement for the board to provide assistance to the Office of Supplier Diversity (OSD) in implementing the black contractors building bonding program since OSD already has the capability to handle that program.

The bill revises the application process and deadlines for the Black Business Loan Program (program). If funds are appropriated for the program, the Office of Tourism, Trade, and Economic Development (OTTED) must distribute an equal amount of the appropriation on or before July 31st of that FY, instead of September 30th. The bill also increases the maximum allowable percentages that a black business investment corporation may use for technical support to black businesses to 9 percent and direct administrative costs to 12 percent of funds appropriated for the program.

The bill requires OTTED to issue reports on the Black Business Loan Program. OTTED must compile a summary of all quarterly reports and provide a copy of the summary to the board within 30 days after the end of the calendar quarter. In addition, OTTED is responsible for issuing an annual report on the loan program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill was approved by the Governor on May 7, 2010, ch. 2010-39, Laws of Florida. The bill was effective upon becoming law.

CS/CS/SB 1736 - Unemployment Compensation
By: Policy and Steering Committee on Ways and Means; Commerce; Garcia and Wilson
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Commerce; Policy and Steering Committee on Ways and Means

The bill makes several changes to laws related to unemployment compensation.

Temporary State Extended Unemployment Compensation Benefits
The bill extends temporary state extended benefits from February 27, 2010 through June 2, 2010. The extension will fund up to 14 additional weeks of benefits for claimants. Under this federal extension, temporary state extended benefits for former private sector employees are 100 percent federally funded (approximately $128.1 million). Approximately 107,000 Floridians will be eligible to receive additional weeks through this extension.

Extended benefits for former state and local government employees do not qualify for federal funding and must be paid by the governmental entity. The cost is estimated to total $3.6 million, of which approximately $1.1 million is from state funds and $2.6 million from local government funds.

Reemployment of Unemployment Compensation Claimants
To better link claimants with the state's job bank system and available job opportunities, the bill requires an unemployed person seeking benefits to register with the workforce information system (Employ Florida Marketplace) as part of the process for filing a claim. Claimants are also required to report to their local one-stop employment center.

Employer Response to Notice of Claim
When a claim for unemployment is first filed with the Agency for Workforce Innovation (AWI), employers of record are sent a notice of claim and an initial monetary determination of the amount of the claim. The bill requires employers to timely respond to the notice of claim within 20 days. Failure to respond will result in those benefits being charged to the employer's account. A claimant would not be required to repay any overpayments due to the employer's failure to respond, so long as there is no fraud involved. Such efforts may reduce overpayments to unemployed individuals, and in turn, reduce the burden of socialized costs on all employers' unemployment compensation tax rates.

Unemployment Compensation Trust Fund Trigger
The bill changes the trust fund balance date for the adjustment factor calculation from June 30 to September 30, which is closer to the beginning of the year to which the tax calculation applies.

Unemployment Compensation Tax Administration
This bill includes several statutory changes that may improve tax administration and improve the Department of Revenue's (DOR) enforcement of UC tax laws such as updating enforcement provisions related to delinquent UC tax collections by conforming Florida's UC tax liens to federal law, and imposing reasonable disincentives on businesses that routinely submit erroneous, incorrect or incomplete quarterly reports to DOR, or that fail to comply with the current law to submit the information in the required format.

The bill also makes changes recommended by the Division of Statutory Revision including amending s. 443.141, F.S., to update a reference to the federal bankruptcy act, and amending s. 443.1715, F.S., to replace a reference to the former Florida Department of Labor and Employment Security.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

CS/SB 1752 - Economic Development
By: Policy and Steering Committee on Ways and Means; Gaetz and others
Tied Bills: None
Companion Bills: Includes CS/HB 173; HB 579; CS/HB 637; CS/CS/HB 697; HB 711; CS/CS/HB 913; CS/CS/HB 983; CS/HB 969; CS/HB 1229; CS/CS/HB 1385; CS/CS/HB 1509; CS/HB 7099; HB 7201; CS/HB 7205
Committee(s) of Reference: Policy and Steering Committee on Ways and Means

To continue encouraging the state's economic recovery and position the state for the future, the bill addresses several key issues: business expansion and retention; focused incentives for the space and film industries; assisting small and medium-sized businesses; providing incentives to hire the unemployed; encouraging and assisting local governments, including rural areas, with business retention and recruitment; and regulatory streamlining.

Business Expansion and Retention:
Entertainment Industry Financial Incentive Program
The bill creates a five-year, $242 million transferable tax credit incentive program for Florida's film and entertainment industry. Generally, the credits are 20 percent of qualified expenditures, with additional amounts available in certain circumstances. The bill allows a wide range of production types to qualify. Examples include motion pictures, television series, television pilots, and digital media projects. The bill provides that credits awarded may be used to offset corporate income tax or sales and use tax liabilities. However, tax credits awarded may not be claimed for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded. The total amount of tax credits authorized under this bill is $53.5 million for FY 2010-11, $74.5 million for FY 2011-12, and $38 million per year for FYs 2012-13, 2013-14, and 2014-15.

Space Industry
The bill appropriates $29.8 million to Space Florida, including $13.6 million to address financing, business development, and infrastructure needs; $3.2 million for workforce development assistance; $3 million for targeting and recruitment of new space-based enterprises. The bill also provides flexibility with a previous appropriation for space infrastructure needs.

Qualified Target Industry Tax Refund Program
The bill enhances the incentives provided through the Qualified Target Industry Tax Refund program by providing $2,000 per-job tax refunds for high-impact businesses or businesses that increase exports of goods through Florida seaports or airports, and a $1,000 per-job tax refund for businesses receiving matching support from a local government. In addition, the Office of Tourism, Trade, and Economic Development is authorized to waive wage requirements for new manufacturing jobs.

High Impact Performance Incentive Grants
The bill revises the High Impact Performance Incentive Grants to increase their effectiveness. The eligibility threshold for high impact businesses is reduced to a cumulative investment in the state of at least $50 million and, at minimum, the creation of 50 new full-time jobs, which may qualify a business for a total performance grant of $500,000 to $1 million. The qualifying amount required for research and development facilities is also reduced from $75 million and 75 jobs, to at least $25 million and 25 new full-time jobs, which may qualify a business for a total performance grant of $700,000 to $1 million.

Quick Action Closing Fund
The bill appropriates $15 million to the Quick Action Closing Fund contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate. Further, the bill streamlines the Quick Action Closing Fund approval process by allowing projects proposed at $2 million or below to be approved by the Speaker and President in consultation with the Governor and through the 14 day budget amendment consultation process. Project awards over $2 million will continue to require approval by the Legislative Budget Commission.

Sales Tax on Boats
The bill caps sales tax on boats at $18,000.

Fractional Aircraft
The bill caps the tax on purchase of a fractional aircraft share at $300. Additionally, the bill provides a tax exemption for aircraft purchased for use in large fractional aircraft programs.

Small and Medium-Sized Businesses:
Research Commercialization Matching Grant Program
The bill creates the Research Commercialization Matching Grant Program and provides $3 million in grants to assist small businesses seeking federal research and development funding. These state matching grants will help Florida small businesses compete with other states for research and development funds available from federal agencies through the Small Business Innovation Research and Small Business Technology Transfer programs. Phase I grant applicants may receive up to $50,000 per award, and Phase II grants up to $250,000.

Early Stage Seed Capital
Through the State University Research Commercialization Assistance Grant Program, the bill dedicates $2 million to increase commercialization of products and technologies that emerge from research taking place at state universities in Florida.

Export Finance
The bill provides $4.9 million ($2 million contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate) in access to capital to assist Florida small businesses in completing short-term export sales transactions.

Economic Gardening
The bill authorizes $2 million ($1 million contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate) to continue the Economic Gardening Pilot Program. The program assists qualified companies by providing specific services such as market information, leadership development, and assistance in digital media applications.

Manufacturing Machinery and Equipment
The bill provides for a two-year sales tax refund program for spaceport and manufacturing businesses. The current sales tax exemption for machinery and equipment (M&E) used in an expanding spaceport or manufacturing business is modified by relaxing the method of measuring "expanding output" to make it easier to qualify. Further, the bill provides for refunds for M&E purchases in excess of amounts spent in 2008 by spaceport and manufacturing businesses, beginning July 1, 2010. Refunds, which are capped at $50,000 per business in a single year, will be allocated on a first-come, first-served basis. The total amount available for the refund is $19 million in FY 2010-11, and $24 million in FY 2011-12. The program will be administered by the Office of Tourism, Trade, and Economic Development.

Assistance to Florida Residents:
Jobs for the Unemployed Tax Credit
The bill authorizes a first-come, first-served, Jobs for the Unemployed Tax Credit. The program provides $10 million in total tax credits over the next two FYs to any new or existing qualified targeted industry business that hires a new employee who is unemployed. Businesses are eligible for a $1,000 tax credit for hiring persons unemployed at least 30 days, and that person would have to work at least 36 hours per week for at least 12 months before the business could claim the tax credit.

Preference for Florida Residents
The bill requires public construction contractors to provide a preference in hiring Florida residents.

Florida Homebuyer Opportunity Program
The bill extends the Florida Homebuyer Opportunity Program to July 1, 2011. The extension of this program is contingent on the U.S. Congress reauthorizing the state-assisted federal program that expired April 30, 2010.

Regulatory Streamlining:
Permit Extension
The bill provides a two-year extension of permits issued by local governments, the Department of Environmental Protection, or a water management district that expire between September 1, 2008, and January 1, 2012.

Online Self-Certification
The bill directs the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits. A local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit under chs. 161, 253, 373, or 403, F.S. This limitation of local government authority extends to Internet-based department programs that provide for self-certification.

Local Government Delegation
The bill creates a process for the Governor and Cabinet to review local government delegation requests that have been denied by the Department of Environmental Protection for environmental resource permitting.

Reenact Provisions of Chapter 2009-96, LOF
The bill protects those actions taken in good faith under the law created by SB 360 during the 2009

legislative session (ch. 2009-96, LOF) by reenacting the provisions relating to permit extensions, DRI exemptions, and comprehensive plan amendments relating to transportation concurrency exception areas.

Underground Fuel Tanks
The bill extends the date by which certain fuel service station facilities must upgrade their fuel tanks. These facilities must be in compliance with Department of Environmental Protection standards by September 30, 2011.

Local Government:
Local Government Reporting of Economic Development Incentives
In order to better assess the state's economic development efforts, the bill requires local governments to report annually to the Legislature on their economic development incentives.

Economic Development Ad Valorem Tax Exemption
The bill allows local governments to extend economic development ad valorem tax exemptions in 10-year increments. This provision is subject to referendum for each 10-year period.

Admissions Tax
The bill re-enacts an admissions tax exemption for certain events sponsored by government and non-profit entities. Further, the bill provides an admissions tax exemption for certain professional sporting events if such events are held in the state.

Spring Training Franchises
The bill directs the Office of Tourism, Trade, and Economic Development (OTTED) and its partners to develop a strategic plan to help guide the future of spring training baseball in Florida. In addition, the bill expands the scope of the incentive, which is currently restricted to "retained" spring training franchises that were based in Florida prior to 2000, to include any spring training franchise. This allows the incentive to be used by local communities to attract Arizona-based teams to Florida, should additional state funding become available. It also recognizes the validity of an agreement certified under the existing spring training provisions of law and the continued release of funding by OTTED for a certified applicant under the current law governing spring training franchises.

Beach Restoration
The bill provides an appropriation of $1 million nonrecurring funds from the General Revenue Fund to the Department of Environmental Protection for beach restoration.

Local Government Matching Grants
The bill funds a $3 million local government matching grants program which provides a 50-percent match of local government expenditures, up to $50,000, that are used to attract and retain businesses in Florida.

Defense Infrastructure Grants
The bill authorizes $4 million ($2 million contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate) in Defense Infrastructure Grants to local communities for support projects associated with Florida's military installations.

Regional Rural Development Grants Program
The bill authorizes economic development organizations to use regional rural development matching grants to provide technical assistance to businesses located in rural counties and communities.

Miscellaneous:
Sales Tax Exemption
The bill exempts from sales tax on rental of commercial property any percentage-based rental by persons providing certain telecom services at civic centers or public meeting places in public lodging establishments.

Enterprise Zones
For condominiums, the bill eliminates the enterprise zone building materials sales tax exemption.

Aircraft
The bill allows temporary visits to Florida by aircraft owners without triggering sales and use tax liability on the aircraft.

Office of Tourism, Trade, and Economic Development
The bill creates and funds one position in the Office to administer the provisions of the bill that affect the Office.

Studies:
The bill requires the Office of Program Policy Analysis & Government Accountability to conduct reviews of the Enterprise Zone Program and the Research Commercialization Matching Grant Program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

CS/HB 7109 - Tax Refund Program for Qualified Target Industry Businesses
By: Economic Development & Community Affairs Policy Council; Economic Development Policy Committee; Carroll
Tied Bills: None
Companion Bills: CS/CS/SB 1856
Committee(s) of Reference: Economic Development & Community Affairs Policy Council

The tax refund program for qualified target industry (QTI) businesses was designed to encourage the recruitment or creation of higher-paying, higher-skilled jobs for Floridians. The QTI program awards eligible businesses tax refunds on certain state or local taxes. The amount of the refund awarded is based on the wages paid, number of jobs created, and where in the state the eligible business chooses to locate or expand. The minimum is $3,000 per employee over the term of the incentive agreement signed by the business and the Governor's Office of Tourism, Trade, and Economic Development (OTTED).

The bill makes the following changes to the QTI program to increase its efficiency and maximize its value, including: extending the program until June 30, 2020; creating a definition of return on

investment; allowing leased employees to be included in the job count; directing OTTED to begin a review of terminated QTI projects to determine the reason for termination; requiring a review of the targeted industry list every three years in cooperation with economic development partners and universities; extending to 2012 the date by which QTI businesses may request economic recovery extensions; and exempting renewable-energy economic development projects from the requirement that qualified target industries must be independent of Florida resources and markets. Unless reenacted by the Legislature, the QTI program sunsets on June 30, 2010.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Governmental Affairs Policy Committee

CS/CS/HB 131 - Elections
By: Economic Development & Community Affairs Policy Council; Governmental Affairs Policy Committee; Adams and others
Tied Bills: None
Companion Bills: CS/SB 1682; CS/CS/SB 900; CS/SB 1672; CS/CS/HB 869; HB 7101; includes parts of CS/SB 880; includes parts of HB 1019; includes parts of CS/CS/HB 1207
Committee(s) of Reference: Governmental Affairs Policy Committee; Economic Development & Community Affairs Policy Council

The bill amends provisions of Florida's elections laws to conform provisions relating to military and overseas voters to changes made by the federal Military and Overseas Voter Enhancement Act, to modernize the requirements for political disclaimers in new technologies, to delay a mandate for statewide use of certain voter interface devices, to reenact and amend provisions related to electioneering communications and electioneering communications organizations, and to revise non-campaign finance provisions of Florida's elections laws based upon recommendations made by the Division of Elections of the Department of State.

The bill adds a definition of "absent uniformed services voter" and amends the current definition of "overseas voter" to conform to changes in federal law. This definitional change makes clear that uniformed services voters who are stateside, but away from their place of residence, are governed the same under the Florida Election Code as those voters who are overseas.

Upon receiving a request for an absentee ballot from an absent uniformed services voter or overseas voter, the supervisor of elections must notify such voter of the free access system designated by the department for determining absentee ballot status which is a new federal requirement. The use of the free access system is expanded in the bill to include all absentee voters.

Timeframes for sending an absentee ballot and methods of transmission of the ballot to the absent uniformed voter and the overseas voter are amended to conform to recent changes in federal law. It

amends provisions relating to the federal postcard application to conform to the use of means other than mail to send an absentee ballot and to remove language regarding its two-year effectiveness as registration, which was recently removed by changes to federal law.

The bill requires the supervisor of elections to record an overseas voter's e-mail address, if provided, in the voter's request for an absentee ballot, in the absentee ballot record. The bill then expands the information that a supervisor of elections must provide an overseas voter via e-mail to include confirmation of the ballot request, notification of the estimated date the ballot will be sent to the voter, and confirmation of the receipt of the voted ballot.

Regarding disclaimers for political advertisements, the bill provides a shorter disclaimer for candidate political advertisements that are paid for by the candidate, similar to that which is used by candidates for federal office. The bill provides that certain disclaimers are not required for a campaign message or political advertisement if the message or advertisement is designed to be worn by a person. It also provides for exceptions to the disclaimer requirements for messages or political advertising via Internet websites, text messages, or other technologies if certain requirements are met.

The bill extends the deadline for the paper ballot requirement for the voter interface device from 2012 to 2016. Only four counties have a system for disabled voters that meets the 2012 requirements.

The bill reenacts and amends provisions related to electioneering communications and electioneering communications organizations (ECOs) to redefine:

- "Electioneering communication" to remove reference to issues, remove reference to a specific number of persons who must be targeted in a geographic area to only refer to targeting to relevant electorate in the geographic area the candidate would represent if elected, specify the allowable communication formats, regulate advocacy that is the functional equivalent of express advocacy, and provide timeframes for the communications;
- "Electioneering communications organization" to clarify that it includes only those organizations with election-related activities that are limited to electioneering communications and that its activities would not require the group to register as a political party, political committee, or committee of continuous existence; and
- "Political committee" to remove the requirement that an ECO conform to specified requirements of a "political committee" when it is specifically exempt from the definition.

The bill provides separate registration and reporting requirements for ECOs. It requires an organization to register as an ECO upon receipt or expenditure of an aggregate amount exceeding $5,000, rather than when it anticipates receipt or expenditure of money. The bill also increases the amount an individual can expend before being subject to regulation from $100 to $5,000. It removes provisions identified as an impermissible burden on speech.

The bill also makes changes to the Florida Election Code, most of which were recommended by the Division of Elections of the Department of State, including:

- Providing that chs. 97 through 105, F.S., preempt any other election law within the state unless specified otherwise in federal or state law;
- Providing an opportunity for a challenged voter, who is challenged on the basis of address, to update his or her address information in order to vote a regular ballot in the precinct;
- Requiring supervisors of elections to use actual ballots when testing tabulating equipment prior

to an election;
- Requiring supervisors of elections to post notice of the testing of tabulating equipment on their website;
- Revising absentee ballot procedures to include that absentee ballot requests are only good for one year versus two years, thereby making the timeframe uniform with that required for absent uniformed services voters and overseas voters;
- Revising the procedures and requirements for co-locating polling place precincts and requiring the supervisor to post notice of a change in polling place on his or her website;
- Providing that Election Canvassing Commission members serve ex officio and providing a time certain for the commission to meet after elections;
- Requiring supervisors of elections to post notice on their website where and when the county canvassing board will meet to canvass absentee and provisional ballots;
- Providing that the Secretary of State must order recounts in federal, state, and multicounty races, while recounts in all other races must be ordered by the local board responsible for certifying the election in those races; and
- Providing that the Secretary of State must order manual recounts of the overvotes and undervotes in federal, state, and multicounty races, while such recounts in other races must be ordered by the local board responsible for certifying the election in those races except, under specified circumstances.

Finally, the bill authorizes the Florida Elections Commission to determine whether a person's conduct was willful in an informal hearing following a finding of probable cause.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise expressly provided.

CS/SB 312 - Pub. Rec./Public Defenders/Regional Counsel
By: Governmental Oversight and Accountability; Jones
Tied Bills: None
Companion Bills: CS/HB 485
Committee(s) of Reference: Criminal Justice; Governmental Oversight and Accountability; Rules (w/d)

The bill creates a public records exemption for identification and location information of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel. The following information is exempt from public records requirements:
- Home addresses, telephone numbers, and photographs of such defenders or counsel;
- Home addresses, telephone numbers, and places of employment of the spouses and children of such defenders or counsel; and
- Names and locations of schools and day care facilities attended by the children of such defenders or counsel.

Such defenders or counsel also may protect identification and location information held by any other agency if he or she provides written notification to that custodial agency that he or she is a public defender or criminal conflict and civil regional counsel who receives an exemption under the Public

Records Act.

The bill provides for repeal of the exemption on October 2, 2015, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 393 - Pub. Rec./Public Transit Provider
By: Governmental Affairs Policy Committee; Bovo and others
Tied Bills: None
Companion Bills: CS/SB 688
Committee(s) of Reference: Governmental Affairs Policy Committee; Economic Development & Community Affairs Policy Council

The bill creates a public records exemption for personal identifying information held by a public transit provider for the purpose of prepaying transit fares or acquiring a prepaid transit fare card or similar device. It provides for repeal of the exemption on October 2, 2015, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 523 (ch. 10-53, LOF) - Florida Civil Rights Hall of Fame
By: Government Operations Appropriations Committee; A. Williams; Carroll and others
Tied Bills: None
Companion Bills: CS/SB 1354
Committee(s) of Reference: Governmental Affairs Policy Committee; Government Operations Appropriations Committee; Economic Development & Community Affairs Policy Council

The bill creates the Florida Civil Rights Hall of Fame. The Florida Civil Rights Hall of Fame (hall of fame) will be located inside the Capitol Building in a public area designated by the Department of Management Services (department). The department must consult with the Florida Commission on Human Relations (commission) regarding the design and theme of the public area.

The commission annually must accept nominations for persons to be recommended as members of the hall of fame and must recommend 10 persons from which the Governor will select up to three members. Each person selected will have a designation placed in the hall of fame. The bill provides criteria for the commission to follow when recommending members to the hall of fame.

The bill establishes cost responsibilities between the department and the commission.

The bill was approved by the Governor on May 12, 2010, ch. 2010-53, Laws of Florida. The effective

date of this bill is July 1, 2010.

CS/HB 551 - Pub. Rec. & Meetings/County/Complaints on Conduct/Disclosures
By: Governmental Affairs Policy Committee; Eisnaugle
Tied Bills: None
Companion Bills: CS/SB 1054
Committee(s) of Reference: Governmental Affairs Policy Committee; Economic Development & Community Affairs Policy Council

Current law provides a public records exemption for a complaint, any records relating to the complaint, or any records relating to any preliminary investigation by the Commission on Ethics or Commission on Ethics and Public Trust established by a county or a municipality. In addition, any proceedings regarding a complaint or preliminary investigation are exempt from public meetings requirements.

The bill expands those exemptions for the Commission on Ethics and the Commission on Ethics and Public Trust established by a county or municipality by extending its application to any county or municipality that has established a more stringent local investigatory process. It provides for repeal of the exemptions on October 2, 2015, unless reviewed and saved from repeal by the Legislature. The bill also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/CS/SB 846 - Residential Fire Sprinkler Requirements
By: Banking and Insurance; Community Affairs; Regulated Industries; Bennett and others
Tied Bills: None
Companion Bills: CS/HB 7095; includes parts of CS/CS/CS/CS/HB 663; includes parts of CS/CS/SB 648
Committee(s) of Reference: Regulated Industries; Community Affairs; Banking and Insurance

Section R313 of the 2009 International Residential Code currently requires the installation of automatic fire sprinkler systems in newly constructed one-family and two-family residential dwellings and townhouses effective January 1, 2011.

The bill prohibits inclusion of s. R313 of the most recent version of the International Residential Code, which relates to mandatory fire sprinklers, in the Florida Building Code (code). It also prohibits its adoption as a local amendment to the code. The bill clarifies that the prohibition does not apply to a local government that has lawfully adopted ordinances, relating to fire sprinklers, which have been in effect since January 1, 2010.

The bill further prohibits a local government from requiring a property owner to install fire sprinklers in any residential property based on its use or reclassification as a rental property.

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

CS/HB 1059 (ch. 10-65, LOF) - Pub. Rec./Examination Techniques and Procedures/DFS
By: Governmental Affairs Policy Committee; Domino
Tied Bills: None
Companion Bills: CS/SB 2230
Committee(s) of Reference: Governmental Affairs Policy Committee; Insurance, Business & Financial Affairs Policy Committee; Economic Development & Community Affairs Policy Council

The bill creates a public records exemption for information that would reveal examination techniques or procedures used by the Office of Financial Regulation (OFR) pursuant to the Florida Securities and Investor Protection Act. It provides for retroactive application of the exemption. Information that would reveal such examination techniques or procedures may be provided by OFR to another governmental entity having oversight or regulatory or law enforcement authority.

The bill provides for repeal of the exemption on October 2, 2015, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

The bill was approved by the Governor on May 12, 2010, ch. 2010-65, Laws of Florida. The bill was effective upon becoming law.

HB 1193 - Retirement
By: Plakon and others
Tied Bills: None
Companion Bills: SB 1932; includes HB 65
Committee(s) of Reference: Governmental Affairs Policy Committee; Government Operations Appropriations Committee; Economic Development & Community Affairs Policy Council

The bill revises the definition of "special risk member" to include members of the Florida Retirement System (FRS) who suffer from a qualifying injury and are no longer capable of being employed in a Special Risk Class eligible position. Any member employed in a law enforcement, firefighting, or criminal detention position who suffers a qualifying injury in the line of duty could continue membership in the FRS Special Risk Class. However, such member must continue to work for the same employer for whom they were working when they sustained the qualifying injury. In addition, the bill defines the term "qualifying injury" as the physical loss, or loss of use, of two or more limbs. This provision of the bill applies to members reaching maximum medical improvement after August 1, 2008.

This bill also revises firefighter death benefits and expands the activities that qualify firefighters to receive death benefits to include training sessions. An additional death benefit is authorized when a firefighter is injured by an unlawful and intentional act of another in the performance of his or her duties and dies as the result of such injury. Both benefit payments are adjusted to the Consumer Price Index. This provision of the bill applies to deaths of firefighters occurring on or after November 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

CS/CS/HB 1207 - Campaign Financing
By: Economic Development & Community Affairs Policy Council; Governmental Affairs Policy Committee; McKeel
Tied Bills: None
Companion Bills: CS/SB 880; SB 2536; includes part of CS/CS/HB 131; includes part of CS/CS/HB 869
Committee(s) of Reference: Governmental Affairs Policy Committee; Economic Development & Community Affairs Policy Council

On May 22, 2009, portions of ch. 106, F.S., regulating "electioneering communications," were held unconstitutional by the United States District Court for the Northern District of Florida in Broward Coalition v. Browning.

The bill reenacts and amends provisions related to electioneering communication and electioneering communications organizations (ECOs) to redefine:

- "Electioneering communication" to remove reference to issues, remove reference to a specific number of persons who must be targeted in a geographic area to only refer to targeting to relevant electorate in the geographic area the candidate would represent if elected, specify the allowable communication formats, regulate advocacy that is the functional equivalent of express advocacy, and provide timeframes for the communications;
- "Electioneering communications organization" to clarify that it includes only those organizations with election-related activities that are limited to electioneering communications and that its activities would not require the group to register as a political party, political committee, or committee of continuous existence; and
- "Political committee" to remove the requirement that an ECO conform to specified requirements of a "political committee" when it is specifically exempt from the definition.

The bill provides separate registration and reporting requirements for ECOs. It requires an organization to register as an ECO upon receipt or expenditure of an aggregate amount exceeding $5,000, rather than when it anticipates receipt or expenditure of money. The bill also increases the amount an individual can expend before being subject to regulation from $100 to $5,000. It removes provisions identified as an impermissible burden on speech.

Additionally, the bill authorizes the leader of each political party conference of the state House of Representatives and Senate to establish a separate, affiliated party committee to support the election of candidates of the leader's political party. Payment of assessments for candidates for state senator and member of the House of Representatives must be paid to the respective affiliated party committee of the Senate or House of Representatives. The bill provides that specified requirements and exemptions for political parties and state executive committees apply to an affiliated party committee.

Finally, the bill removes the 28-day time limitation prior to a general election for contributions from political parties and affiliated party committees to candidates.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010. The bill was vetoed by the Governor on April 6, 2010.

CS/CS/HB 1307 - State Financial Matters
By: Economic Development & Community Affairs Policy Council; Governmental Affairs Policy Committee; Schenck
Tied Bills: None
Companion Bills: CS/CS/CS/SB 1078; includes parts of HB 1345; includes parts of SB 1530; includes parts of CS/CS/SB 2186
Committee(s) of Reference: Governmental Affairs Policy Committee; Government Operations Appropriations Committee; Economic Development & Community Affairs Policy Council

The bill makes changes to the Florida Retirement System (FRS) Investment Plan that codify practices and policies used by the State Board of Administration (SBA) in administration of the plan since its inception. In addition, the bill:

- Makes changes to the investment authorizations for the FRS Pension Plan by increasing the permitted holdings of foreign equity from 25 to 35 percent of the total fund;
- Permits proceeds of bonds issued on behalf of the Florida Hurricane Catastrophe Fund to be invested without limitation in certain federal tax-exempt obligations; and
- Authorizes the SBA to secure trademarks, copyrights, and patents on behalf of the FRS or any other fund under its jurisdiction.

The bill reduces the administrative charge employers pay for employee participants in the FRS Investment Plan by 40 percent for the next four years. It also provides additional time for employers to pay invoices for FRS Investment Plan participant losses related to an employer payment delinquency.

The bill makes SBA governance changes to improve transparency and accountability including:

- Producing an annual set of financial statements that must be reported to the Legislature and audited by an independent commercial audit firm;
- Creating minimum qualifications for the executive director of the SBA;
- Increasing the number of members of the Investment Advisory Council from six to nine effective February 1, 2011;
- Codifying in law the Audit Committee created in 2007 by the Trustees of the SBA;
- Requiring the Investment Advisory Council to receive regular fiduciary training and to complete an annual conflict disclosure statement; and
- Creating ethics, certification, and disclosure requirements for SBA investment advisers and managers.

If the Trustees of the SBA cannot be convened within 48 hours, the bill authorizes the executive director of the SBA to act in an emergency to extend the expiration of moratoriums on contributions and withdrawals to the Local Government Investment Pool.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

HB 1401 - Export of Goods, Commodities, & Things of Value to Foreign Countries
By: Rivera
Tied Bills: None
Companion Bills: SB 2576
Committee(s) of Reference: Governmental Affairs Policy Committee; Government Operations Appropriations Committee; Economic Development & Community Affairs Policy Council

The bill prohibits any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government from issuing a certificate of free sale, export certification report, certificate of good manufacturing practices, permit, registration, license, or certification of any kind for any good, commodity, or thing of value to a foreign country determined by the United States Secretary of State to be a state sponsor of terrorism. The four countries currently designated by the U.S. Secretary of State as "State Sponsors of Terrorism" are Cuba, Iran, Sudan, and Syria.

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

CS/CS/HB 1565 - Rulemaking
By: Economic Development & Community Affairs Policy Council; Governmental Affairs Policy Committee; Dorworth; Ford; Gaetz and others
Tied Bills: None
Companion Bills: CS/CS/SB 1844; includes part of CS/SB 2140
Committee(s) of Reference: Governmental Affairs Policy Committee; Economic Development & Community Affairs Policy Council

The bill makes significant changes to the Administrative Procedure Act relating to agency rules that require a prepared or revised statement of estimated regulatory costs (SERC), the elements of a SERC, the declaration of invalidity of a SERC, and the economic development thresholds that trigger legislative review and ratification of a rule before it may become effective.

The bill requires an agency to prepare a SERC prior to the adoption, amendment, or repeal of a rule that either has an adverse impact (rather than any impact, as in current law) on small business or is likely to directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in the state within one year after implementation of the rule.

The bill exempts an emergency rule from the 90-day effective period limitation and the renewability prohibition when an agency has initiated rulemaking to adopt rules addressing the subject of the emergency rule and the proposed rule is awaiting ratification by the Legislature. Nothing precludes the agency from adopting a rule identical to the emergency rule through the rule adoption process used for all rules.

The bill requires an agency to revise its SERC if any change to the proposed rule increases regulatory costs. At least 45 days before filing a proposed rule for final adoption, an agency must provide a copy of its revised SERC to the person who submitted the lower cost regulatory alternative and provide notice on its website that the document is available to the public.

An agency that fails to prepare or revise a SERC according to these new conditions has committed a material failure to follow the state's rulemaking procedures. However, the proposed rule is not declared invalid unless the issue is raised within one year after the rule's effective date and the agency's failure materially affects the substantial interests of the person challenging the agency. Additionally, any rule that is challenged by a substantially affected person because it is an "invalid exercise of delegated legislative authority" imposing regulatory costs on a regulated person, city, or county that could be reduced by a lower cost alternative, may not be automatically declared invalid unless the issue is raised in an administrative hearing within one year after the rule's effective date; the challenge is to the agency's rejection of a lower cost alternative under one of two provisions of the Administrative Procedure Act; and, the substantial interests of the person challenging the agency on its proposed rule are materially affected by the rejection of the lower cost alternative.

In addition to other required elements of a SERC, the bill requires the inclusion of an economic analysis of whether the proposed rule directly or indirectly is likely to have an adverse impact in excess of $1 million in the aggregate within five years after rule implementation on:

- Economic growth;
- Private-sector job creation or employment;
- Business competitiveness;
- Private-sector investment;
- Productivity;
- Innovation; or
- Ability of persons doing business in Florida to compete with out-of-state businesses or domestic markets.

Also, it must include whether the proposed rule directly or indirectly increases regulatory costs, including any transactional costs, in excess of $1 million in the aggregate within five years after rule implementation.

The requirement for an economic analysis does not apply to the adoption of an emergency rule that addresses an immediate danger to the public health, safety, or welfare or the adoption of federal standards.

Additionally, the required SERC impact analysis related to small business must include the basis for the agency's decision not to implement proposed alternatives to reduce adverse impacts.

The bill requires that any rule that has an adverse impact or regulatory cost exceeding the criteria of the economic analysis must be submitted to the President of the Senate and the Speaker of the House of Representatives. The rule must be submitted no later than 30 days before the next regular legislative session, and it is prohibited from taking effect until ratified by the Legislature.

The bill amends rule challenge provisions in the Administrative Procedure Act to reflect the expanded timeframe for challenging a proposed rule after a SERC or revised statement has been prepared and made available. It also deletes an unnecessary prohibition relating to the impairment of contracts.

Finally, the bill gives agencies authority to establish, by rule, the time period within which any requested information regarding an application for a license or permit must be submitted to the agency, and

requires agencies to grant a request for an extension of that time for good cause shown. The bill also provides that if the applicant for licensure believes that the request for additional information is not authorized by law or rule, the agency must proceed with processing the application at the applicant's request.

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

CS/SB 1612 - Office of Supplier Diversity/DMS
By: Governmental Oversight and Accountability; Lawson
Tied Bills: None
Companion Bills: CS/HB 1075
Committee(s) of Reference: Governmental Oversight and Accountability; General Government Appropriations

The Office of Supplier Diversity (office) is established within the Department of Management Services (department) to assist minority business enterprises (MBEs) in becoming suppliers of commodities, services, and construction to state government. One of the duties of the office is to certify MBEs pursuant to specified statutory criteria, and to recertify MBEs at least once every two years. Recertification is accomplished via a process in which a vendor enters information in online forms, prints the forms, has the forms notarized, and returns the forms to the office.

The bill amends the minority business enterprise certification and recertification process by deleting the requirement for an affidavit, and permitting certifications to include electronic signatures.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

SB 1678 - OGSR/Moffitt Cancer Center and Research Institute
By: Higher Education
Tied Bills: None
Companion Bills: HB 7197
Committee(s) of Reference: Higher Education; Governmental Oversight and Accountability; Rules (w/d)

Current law establishes the H. Lee Moffitt Cancer Center and Research Institute (the center) at the University of South Florida. A not-for-profit corporation governs the center in accordance with an agreement with the State Board of Education for the use of facilities on the campus of the University of South Florida. The not-for-profit corporation, acting as an instrumentality of the state, operates the center in accordance with an agreement between the Board of Governors and the not-for-profit corporation.

Current law provides that when specified conditions are met, the following proprietary confidential business information held by the not-for-profit corporation or its subsidiaries is confidential and exempt from public records requirements:

- Trade secrets as defined in the Uniform Trade Secrets Act;
- Reimbursement methodologies and rates; and
- Any information received by the not-for-profit corporation or its subsidiaries from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law.

The bill reenacts the public records exemptions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

HB 7079 - OGSR/Voter Information
By: Governmental Affairs Policy Committee; Frishe
Tied Bills: None
Companion Bills: CS/CS/SB 2188
Committee(s) of Reference: None

Current law provides a public records exemption for the following information held by an agency:

- All declinations to register to vote at a voter registration agency or driver license office;
- Information relating to the place where a person registered to vote or updated a voter registration; and
- The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter.

Further, the law provides that the signature of a voter or voter registration applicant is exempt from the copying requirements found in the public records laws.

The bill reenacts the public records exemptions. It also expands the exemption for voter information to include the names, addresses, and telephone numbers of persons who are victims of stalking. As such, the bill extends the repeal date from October 2, 2010, to October 2, 2015, and provides a public necessity statement as required by the State Constitution.

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

HB 7085 - OGSR/Commission on Ethics
By: Governmental Affairs Policy Committee; K. Roberson
Tied Bills: None
Companion Bills: CS/SB 2170
Committee(s) of Reference: None

Current law provides a public records exemption for a complaint, any records relating to the complaint, or any records relating to any preliminary investigation by the Commission on Ethics or a Commission on Ethics and Public Trust established by a county or a municipality. In addition, any proceedings regarding

a complaint or preliminary investigation are exempt from public meetings requirements.

The bill reenacts the public records and public meeting exemptions, which will repeal on October 2, 2010, if this bill does not become law.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

HB 7087 (ch. 10-71, LOF)- OGSR/Guardians Ad Litem
By: Governmental Affairs Policy Committee; Holder and others
Tied Bills: None
Companion Bills: CS/SB 1200
Committee(s) of Reference: None

Current law provides a public records exemption for certain identification and location information specific to guardians ad litem (GALs).

The bill reenacts the public records exemption for identification and location information of guardians ad litem and their spouses and children. It expands the exemption to also protect the names and locations of school and daycare facilities attended by the children of GALs. The bill extends the repeal date from October 2, 2010, to October 2, 2015. In addition, it provides a public necessity statement as required by the State Constitution.

The bill was approved by the Governor on May 12, 2010, ch. 2010-71, Laws of Florida. The bill was effective upon becoming law.

HB 7089 (ch. 10-72, LOF) - OGSR/Florida Self-Insurers Guaranty Association
By: Governmental Affairs Policy Committee; Holder
Tied Bills: None
Companion Bills: CS/SB 1662
Committee(s) of Reference: None

Current law provides a public records and public meeting exemption for the Florida Self-Insurers Guaranty Association (association). Claims files and medical information relating to a claimant are confidential and exempt from public records requirements. The public records exemption for claims files expires upon termination of all litigation and settlement of all claims arising out of the accident.

Current law also provides a public meeting exemption for those portions of association meetings wherein confidential and exempt claims files or medical information is discussed. All closed portions of meetings must be recorded and transcribed. Minutes of closed portions of association meetings are confidential and exempt from public records requirements; however, such exemption expires upon termination of all litigation and settlement of all claims.

The bill reenacts the public records and public meeting exemptions, which will repeal on October 2,

2010, if this bill does not become law. It also reorganizes the section for clarity.

The bill was approved by the Governor on May 12, 2010, ch. 2010-72, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7091 (ch. 10-73, LOF) - OGSR/Insurance Claim Data Exchange Information/DOR
By: Governmental Affairs Policy Committee; McBurney
Tied Bills: None
Companion Bills: CS/SB 886
Committee(s) of Reference: None

In February 2006, the Deficit Reduction Act of 2005 was enacted by Congress. The Act amended federal law to authorize the U.S. Department of Health and Human Services (HHS) to compare information concerning individuals owing past-due child support with information maintained by insurers concerning insurance claims, settlements, awards, and payments. The Act further allowed HHS to furnish information resulting from the data matches to state agencies responsible for child support enforcement.

The Florida Department of Revenue (department) began participating in the federal program in the fall of 2008. The department reports it needs additional time to determine the performance of the federal program.

Current law provides that information obtained by the department pursuant to the insurance claim data exchange is confidential and exempt from public records requirements until the department determines if a match exists.

At the request of the department, the bill extends the repeal date from October 2, 2010, to October 2, 2012, thereby reenacting the public records exemption for information obtained by the department pursuant to the insurance claim data exchange. This extension should provide the department with ample time to determine the performance of the federal program.

The bill was approved by the Governor on May 12, 2010, ch. 2010-73, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7093 (ch. 10-74, LOF) - OGSR/Domestic Security Oversight Council
By: Governmental Affairs Policy Committee; Mayfield
Tied Bills: None
Companion Bills: SB 618
Committee(s) of Reference: None

Current law provides a public meeting exemption for those portions of meetings of the Domestic Security Oversight Council (council) wherein the council hears or discusses active criminal investigative information or active criminal intelligence information. An audio or video recording of, and any minutes

and notes generated during, a closed portion of a council meeting is exempt from public records requirements. However, the public records exemption expires at such time as the criminal investigative information or criminal intelligence information discussed therein is no longer active.

The bill reenacts the public records and public meeting exemptions, which will repeal on October 2, 2010, if this bill does not become law.

The bill was approved by the Governor on May 12, 2010, ch. 2010-74, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7111 (ch. 10-75, LOF) - OGSR/Information Held by Guardians Ad Litem
By: Governmental Affairs Policy Committee; Holder and others
Tied Bills: None
Companion Bills: CS/SB 888
Committee(s) of Reference: None

Current law provides a public records exemption for any information related to the best interests of a child as determined by a guardian ad litem (GAL). Such information includes medical, mental health, substance abuse, child care, education, law enforcement, court, social services, and financial records; and any other information maintained by a GAL that is confidential information under ch. 39, F.S.

The bill reenacts the public records exemption, which will repeal on October 2, 2010, if this bill does not become law. The bill amends the exemption to specify the information made confidential and exempt from public records requirements. It removes the ability of the GAL to protect any other information if the GAL determines that such protection is in the best interest of the child.

The bill was approved by the Governor on May 12, 2010, ch. 2010-75, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7113 (ch. 10-40, LOF) - OGSR/State Child Abuse Death Review Committee
By: Governmental Affairs Policy Committee; McBurney
Tied Bills: None
Companion Bills: CS/SB 920
Committee(s) of Reference: None

Current law provides a public records and public meeting exemption for the State Child Abuse Death Review Committee and local child abuse death review committees.

The bill reenacts the public records and public meeting exemptions for the state and local committees. It requires a recording to be made of any closed portion of a meeting. The recording must be maintained by the state committee or a local committee. The bill expands the current exemptions to protect recordings of closed meetings. As such, the bill extends the repeal date from October 2, 2010, to October 2, 2015. It also provides a public necessity statement as required by the State Constitution.

The bill was approved by the Governor on May 7, 2010, ch. 2010-40, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7115 (ch. 10-41, LOF) - OGSR/Identification of Minor/Waiver of Termination of Pregnancy Notification
By: Governmental Affairs Policy Committee; Ambler
Tied Bills: None
Companion Bills: CS/SB 1198
Committee(s) of Reference: None

In 2005, the Legislature enacted the Parental Notice of Abortion Act (Act). The Act requires a treating physician to provide actual notice, in person or by telephone, to a parent or other legal guardian of a minor seeking to have an abortion at least 48 hours before the performance of the abortion on the minor. The Act provides exceptions to the notice requirement. Under the Act, a minor may petition any circuit court in a judicial circuit within the jurisdiction of the District Court of Appeal, in which she resides, for a waiver of the notice requirements under the Act.

In conjunction with the enactment of the Act, the Legislature created a public records exemption for judicial records related to parental notification bypass proceedings. Any information in a court record that could be used to identify a minor in a proceeding to bypass parental notification under the Act is confidential and exempt from public records requirements.

The bill reenacts the public records exemption for information in judicial records that would identify a minor participating in a parental notification bypass proceeding. It expands the exemption to also include such information when held by the Office of Criminal Conflict and Civil Regional Counsel or the Justice Administrative Commission. During representation of minors in judicial-waiver cases under the Act, the Office of Criminal Conflict and Civil Regional Counsel may obtain identifying information from the minors. Similarly, the Justice Administrative Commission may receive identifying information of minors that is related to the processing of attorney billing and payment requests for representation in such cases.

The bill extends the repeal date from October 2, 2010, to October 2, 2015. In addition, it provides a public necessity statement as required by the State Constitution.

The bill was approved by the Governor on May 7, 2010, ch. 2010-41, Laws of Florida. The bill was effective upon becoming law.

HB 7117 (ch. 10-76, LOF) - OGSR/Board of Funeral, Cemetery, & Consumer Services
By: Governmental Affairs Policy Committee; Kreegel
Tied Bills: None
Companion Bills: CS/SB 1660
Committee(s) of Reference: None

Current law provides multiple exemptions for the Board of Funeral, Cemetery, and Consumer Services (board) and the Department of Financial Services (department).

The bill reenacts the public records and public meeting exemptions for the board relating to examination development meetings and probable cause panel meetings. It requires a recording to be made of any closed portion of a meeting, and for the recording to be maintained by the board. The bill expands the current exemptions to protect recordings of closed meetings. As such, the bill extends the repeal date from October 2, 2010, to October 2, 2015. It also provides a public necessity statement as required by the State Constitution.

The bill reenacts the temporary public records exemption for records related to examinations, inspections, and investigations conducted by the department. Finally, it reenacts the public records exemption for trade secrets held by the board or the department.

The bill was approved by the Governor on May 12, 2010, ch. 2010-76, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7119 - OGSR/Florida Commission on Hurricane Loss Projection Methodology
By: Governmental Affairs Policy Committee; K. Roberson
Tied Bills: None
Companion Bills: CS/SB 1658
Committee(s) of Reference: None

Current law provides a public records exemption for a trade secret used in designing and constructing a hurricane loss model that is provided by a private company to the Florida Commission on Hurricane Loss Projection Methodology (commission), Office of Insurance Regulation, or an appointed consumer advocate. In addition, current law provides a public meeting exemption for that portion of a meeting of the commission or a rate proceeding on an insurer's rate filing at which confidential and exempt trade secrets are discussed.

The bill reenacts the public records and public meeting exemptions for the commission. It requires a recording to be made of any closed portion of a meeting. The bill expands the current exemptions to protect recordings of closed meetings. As such, the bill extends the repeal date from October 2, 2010, to October 2, 2015. It also provides a public necessity statement as required by the State Constitution.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

HB 7121 - OGSR/Hurricane Loss and Exposure Data
By: Governmental Affairs Policy Committee; K. Roberson
Tied Bills: None
Companion Bills: SB 1664
Committee(s) of Reference: None

Current law provides a public records exemption for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company, as reported by an insurer or a licensed rating organization to the Office of Insurance Regulation or to a center at a state university (currently Florida International University). Hurricane loss data and associated exposure data means the type, age, wind mitigation features, and location of each property insured; the amount and type of coverage written on each of those properties; the amount, date, and type of damage paid for by the insurer on each property; and the amount of any reserves held by an insurer for future payments or expenses on damages associated with the date or dates of occurrence of hurricanes.

The bill removes the repeal date, thereby reenacting the public records exemption. Beginning October 1, 2011, and each subsequent October 1, the bill requires the Florida International University center that develops, maintains, and updates the public model for hurricane loss projections to publish a report summarizing loss data and associated exposure data. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

HB 7123 (ch. 10-42, LOF) - OGSR/Address Confidentiality Program for Victims of Domestic Violence
By: Governmental Affairs Policy Committee; Mayfield
Tied Bills: None
Companion Bills: SB 882
Committee(s) of Reference: None

The Address Confidentiality Program for Victims of Domestic Violence (program) was established in 1998 and is administered by the Office of the Attorney General. Any victim of domestic violence who relocates to an address unknown to her or his abuser is eligible to participate in the program. Current law provides a public records exemption for the addresses, telephone numbers, and social security numbers of program participants held by the Office of the Attorney General, the supervisor of elections, or the Department of State.

The bill reenacts the public records exemptions, which will repeal on October 2, 2010, if this bill does not become law.

The bill was approved by the Governor on May 7, 2010, ch. 2010-42, Laws of Florida. The effective date of this bill is October 1, 2010.

CS/HB 7165 (ch. 10-43, LOF) - OGSR/Domestic Violence Fatality Review Teams
By: Economic Development & Community Affairs Policy Council; Governmental Affairs Policy Committee; K. Roberson
Tied Bills: None
Companion Bills: SB 884
Committee(s) of Reference: Economic Development & Community Affairs Policy Council

Current law provides a public records and public meeting exemption for domestic violence fatality review teams (team) established at a local, regional, or state level. Any confidential or exempt information obtained by a team retains its confidential or exempt status. In addition, any information that identifies a victim of domestic violence or the victim's children is confidential and exempt from public records requirements when contained in a record created by a team. Those portions of meetings of a team regarding domestic violence fatalities and their prevention, during which confidential or exempt information is discussed, are exempt from public meetings requirements.

The bill reenacts the public records and public meeting exemptions, which will repeal on October 2, 2010, if this bill does not become law.

The bill was approved by the Governor on May 7, 2010, ch. 2010-43, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7167 (ch. 10-77, LOF) - OGSR/Commission for Independent Education
By: Governmental Affairs Policy Committee; Mayfield
Tied Bills: None
Companion Bills: CS/SB 1676
Committee(s) of Reference: Economic Development & Community Affairs Policy Council

Current law provides a public records exemption for investigatory records held by the Commission for Independent Education (commission); however, such exemption expires 10 days after a probable cause panel makes a determination regarding probable cause. It also provides a public meeting exemption for those meetings of a probable cause panel wherein exempt records are discussed.

The bill reenacts the public records and public meeting exemptions for the commission. It requires a recording to be made of any closed portion of a probable cause panel meeting. The recording must be maintained by the commission. The bill expands the current exemptions to include recordings of closed meetings. As such, the bill extends the repeal date from October 2, 2010, to October 2, 2015. It also provides a public necessity statement as required by the State Constitution.

The bill was approved by the Governor on May 12, 2010, ch. 2010-77, Laws of Florida. The effective date of this bill is October 1, 2010.

HB 7193 (ch. 10-44, LOF) - OGSR/Voluntary Prekindergarten Education Program
By: Governmental Affairs Policy Committee; Braynon
Tied Bills: None
Companion Bills: CS/CS/SB 2144
Committee(s) of Reference: None

Current law provides a public records exemption for the Voluntary Prekindergarten (VPK) Education Program. Individual records of a child enrolled in the VPK Program held by an early learning coalition, the Agency for Workforce Innovation, or a VPK Program provider are confidential and exempt from public records requirements. Current law also authorizes the sharing and release of such records.

The bill reenacts the public records exemption, which will repeal on October 2, 2010, if this bill does not become law. It also reorganizes the exemption.

The bill was approved by the Governor on May 7, 2010, ch. 2010-44, Laws of Florida. The effective date of this bill is October 1, 2010.

CS/HB 7205 - Professional Sports Franchises
By: Full Appropriations Council on Education & Economic Development; Governmental Affairs Policy Committee; Schenck; Holder and others
Tied Bills: None
Companion Bills: CS/SB 2540; includes part of CS/SB 1752
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

Current law specifies a process by which the Governor's Office of Tourism, Trade, and Economic Development (OTTED) has certified 10 local governments to receive up to $15 million each in state sales tax revenues to help pay for spring training facilities. However, the law does not require OTTED and the certified local governments to enter into contracts before receiving the state funds; does not have a reporting requirement or other mechanism by which OTTED can monitor the expenditure of funds; and does not include provisions to decertify and recover state funds from local governments whose spring training franchises have relocated.

The bill proposes a number of changes to current Florida law to address these issues. It directs OTTED and its partners to develop a strategic plan to help guide the future of spring training baseball in Florida.

The bill provides an opportunity for currently certified local governments who have lost their teams to recruit new franchises before being decertified by OTTED and returning state funds. It also recognizes the validity of an agreement certified under the existing spring training provisions of law and the continued release of funding by OTTED for a certified applicant under the current law governing spring training franchises.

The bill expands the scope of the incentive, which is currently restricted to "retained" spring training franchises that were based in Florida prior to 2000, to include any spring training franchise.

The bill does not increase the number of certifications allowed in current law nor does it change the individual or total limits on the amount of funding that is permitted for such certification.

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

Military & Local Affairs Policy Committee

CS/HB 143 (ch. 10-33, LOF) - Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements
By: Military & Local Affairs Policy Committee; Ray and others
Tied Bills: None
Companion Bills: SB 1518
Committee(s) of Reference: Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council

The bill exempts specified public transit facilities from transportation concurrency requirements to promote alternative modes of transportation. Some specific exemptions under this paragraph include airport passenger terminals and concourses, air cargo facilities, and hangars for aircraft storage or maintenance. The bill exempts hangers for the assembly or manufacture of aircraft from transportation concurrency requirements.

The bill was approved by the Governor on May 7, 2010, ch. 2010-33, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 464 - Military Affairs/Leave of Absence
By: Transportation and Economic Development Appropriations; Fasano and others
Tied Bills: None
Companion Bills: CS/HB 129
Committee(s) of Reference: Military Affairs and Domestic Security; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations

The bill increases the amount of military leave authorized for state or local government employees, who are members of the National Guard or Reserve, engaged in national training from 17 days to 240 hours per year (effectively increasing military leave to 30 days). The leave is granted without loss of vacation leave, pay, time, or efficiency rating.

In addition, the bill authorizes the creation of a second Assistant Adjutant General of the Florida National Guard at the state's National Guard Joint Forces Headquarters. The position is funded by

federal funds and the appointee is subject to Senate confirmation.

The bill also contains a statement that the Legislature finds and declares that this act fulfills an important state interest.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 644 - Direct-Support Org./Department of Military Affairs
By: Transportation and Economic Development Appropriations; Governmental Oversight and Accountability; Justice and others
Tied Bills: None
Companion Bills: CS/HB 395
Committee(s) of Reference: Military Affairs and Domestic Security; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations

The bill establishes the Soldiers and Airmen Assistance Program to provide need-based financial assistance to eligible Florida National Guard members, and their dependents and families. The assistance available under the program includes: housing assistance, living expenses, vehicles, health care, and other services. The bill provides for procedures to request assistance, and for review and approval of such requests. Funding for the program will be provided by private donations to the direct-support organization of the Department of Military Affairs (department). The direct-support organization may also operate the program.

The bill makes several changes relating to the direct-support organization (DSO). The bill deletes provisions that specify the number of authorized direct-support organization board members, the terms of office, qualifications for appointment, and the board's authorization to remove any board member for cause and fill vacancies that occur.

In addition, the direct-support organization must operate pursuant to a written contract that provides for annual certification by the department that the DSO is complying with the terms of the contract and is doing so consistent with the goals and purposes of the department and in the best interests of the state. The contract must also provide for the reversion of moneys and property held by the DSO if the DSO is no longer approved to operate by the department, if the DSO ceases to exist, or if the department ceases to exist. Finally, the contract must provide for the disclosure to donors of the material provisions of the contract and the distinction between the department and the DSO.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 965 - Real Property Assessment
By: Finance & Tax Council; Military & Local Affairs Policy Committee; McKeel and others
Tied Bills: None
Companion Bills: CS/SB 2160
Committee(s) of Reference: Military & Local Affairs Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

The bill requires property appraisers to take into consideration the presence of tainted imported or domestic drywall in single family residential properties and the impact it has on the assessed value. If the tainted drywall was used in construction of, or improvements to, the home and it has a significant negative impact on the just value of the property or improvement to the property, the appraiser must adjust the assessed value. In addition, the purchaser must have been unaware of the presence of the tainted drywall at the time of purchase. If the building cannot be used for its intended purpose without remediation or repair, the value of the building shall be $0.

Imported or domestic drywall covered in this act is defined as drywall that contains elevated levels of elemental sulfur that results in corrosion of certain metals.

If the affected property is homestead property, it will not be considered abandoned if the owner vacates the property during repairs and does not establish a new homestead.

The bill contains a provision that the law will be repealed on July 1, 2017, unless reviewed and reenacted by the Legislature before that date.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law and shall apply to the 2010 and subsequent assessment rolls.

CS/CS/SB 1004 - Local Government
By: Criminal and Civil Justice Appropriations; Judiciary; Gelber and others
Tied Bills: None
Companion Bills: CS/CS/CS/HB 829
Committee(s) of Reference: Community Affairs; Judiciary; Criminal and Civil Justice Appropriations

The bill allows the county commission to lease county real property for less than five years without going through the competitive bidding process. The change provides greater flexibility in addressing issues that may be time sensitive. Expanding the use of temporary leases provides greater flexibility to manage emergencies, short term revenue generating ventures, and replace vendors in government buildings.

Additionally, the bill allows government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located. This change decreases the length of time that the transfer of title process requires under current law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 1157 - Local Government Prompt Payment Act
By: Economic Development & Community Affairs Policy Council; Eisnaugle and others
Tied Bills: None
Companion Bills: CS/CS/SB 1056
Committee(s) of Reference: Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council

The bill revises provisions in Florida's Local Government Prompt Payment Act relating to the timely payment for purchases of construction services, the notification and completion of the list of items required to satisfactorily complete the construction services purchased by a local government (generally known as a "punch list"), and the resolution of disputes.

The bill requires local governments to provide notification to contractors to facilitate the payment for construction services. The local government must provide notification of:

- The person or office to which a contractor should submit payment requests or invoices;
- The date the local government will provide a single punch list of items to be completed;
- The dispute resolution process to be used in the event of a disputed payment request or invoice;
- A payment request or invoice rejected as improper, due in writing within 10 days of receipt; and
- A payment request or invoice rejected for failure to meet contract requirements, due within 20 business days of receipt of the payment request or invoice.

The bill requires that a single punch list be compiled by the local government. The bill provides that the final contract completion date must be at least 30 days after the delivery of the punch list. If the punch list is not provided to the contractor by the agreed upon date for delivery, the contract time for completion is extended by the number of days the local government exceeded the delivery date. In addition, damages may not be assessed against a contractor for failing to complete a project within the time required by the contract, unless the contractor failed to do so within the contract period as extended.

Under this bill, items not included in the punch list may not be used to withhold final payment of retainage. Unless the local government has provided a written notice specifying the failure of the contractor to meet contract requirements in the development of the punch list, the final, undisputed retainage payment is due within 20 business days after receipt of a proper invoice or payment request, less any amount withheld for incomplete or uncorrected work.

The bill provides that contractors may trigger a four-business-day response by local governments by issuing a notice that the local government is overdue on a payment or has failed to begin dispute resolution within the timeframes provided by law or contract.

This bill removes language related to court proceedings, which broadens the ability of the prevailing party to be awarded court costs and attorney's fees.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

SB 1166 - Community Residential Homes
By: Altman and others
Tied Bills: None
Companion Bills: CS/CS/HB 645
Committee(s) of Reference: Community Affairs; Children, Families, and Elder Affairs

The bill defines a "planned residential community" as a local government approved planned unit development which is under unified control; is planned and developed as a whole; has a minimum gross lot area of eight acres; and has amenities that are designed to serve residents with a developmental disability. The definition also requires that the planned residential community must provide housing options for other individuals; may not restrict residents in their freedom of movement within and outside of the community; and may not be located within a 10-mile radius of any other planned residential community.

The bill establishes that local government approval must be based on criteria that includes, but is not limited to, compliance with appropriate land use, zoning, and building codes. The bill prohibits the local government from imposing proximity limitations between homes within a planned residential community if such limitations are based upon the type of residents the planned unit development is anticipated to serve.

The bill provides that homes that have six or fewer residents that otherwise meet the definition of a community residential home, and that are within a planned residential community, are not subject to the proximity limitations that are otherwise enforceable on homes outside the planned residential community, if such limitations are based solely on the types of residents anticipated to be living in the community. The practical effect of this change is to allow the planning and development of special needs communities in areas adjacent to residential areas and to allow community residential homes within these communities to be sited next to each other or less than 1,000 feet apart.

The bill provides direction to the Agency for Persons with Disabilities (APD) relating to the number of facilities on a single lot or adjacent lot allowed. The bill provides that there is no restriction on the number of facilities designated as community residential homes located within a planned residential community. The effect of this change will require the APD to amend existing rules which place restrictions on the siting of certain homes/facilities licensed by the agency. This permits homes within planned residential communities as defined in this bill to be licensed by the agency. Further, residents of homes within these communities, who are enrolled in the Medicaid waiver program, will be able to receive Medicaid waiver funding if they are in a licensed residential facility approved for the waiver program.

Lastly, the bill amends s. 393.18, F.S., in order to maximize federal revenues and provide for children needing special behavioral services, the APD may authorize the licensure of a facility that:

- Provides residential services for children who have developmental disabilities along with intensive behavioral problems as defined by the APD;
- Serves children who were served by the child welfare system and who have an open case in the automated child welfare system of the Department of Children and Family Services, as of July 1, 2010; and
- The facility must be in compliance with all program criteria and local zoning requirements and

may not exceed a capacity of 15 children.

The practical effect is that a facility that provides services to children on July 1, 2010, as described in the bill can be licensed by the APD as a comprehensive transitional education program. A facility license issued by the APD will permit clients in the facility, who are otherwise eligible, to participate in the Medicaid waiver program which provides a federal match to state general revenue expenditures.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 1279 (ch. 10-66, LOF) - Assessment of Property for Back Ad Valorem Taxes
By: Rivera
Tied Bills: None
Companion Bills: CS/CS/SB 2450
Committee(s) of Reference: Military & Local Affairs Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

The bill provides that the requirement to assess and collect for three years of back ad valorem taxes, if such taxes may have been lawfully assessed and have not been collected, is not applicable if:

- The owner of a building, structure or improvement that has not been previously assessed complied with all necessary permitting requirements when the improvement was completed; or
- The owner of real property voluntarily discloses to the property appraiser the existence of the property before January 1 of the year the property is first assessed.

The bill was approved by the Governor on May 12, 2010, ch. 2010-66, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 1301 - Violations of County Ordinances
By: Rader and others
Tied Bills: None
Companion Bills: SB 1980
Committee(s) of Reference: Military & Local Affairs Policy Committee; Public Safety & Domestic Security Policy Committee; Economic Development & Community Affairs Policy Council

The bill authorizes counties to specify, by ordinance, that a violation of any provision of an ordinance imposing standards of conduct and disclosure requirements pursuant to s. 112.326, F.S., is punishable by a fine not to exceed $1,000 or a term of imprisonment in the county jail not to exceed one year. The current punishment for other violations of county ordinances remains a fine not to exceed $500 or imprisonment in the county jail not to exceed 60 days.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 7129 - Military Support
By: Economic Development & Community Affairs Policy Council; Military & Local Affairs Policy Committee; Hukill; Murzin and others
Tied Bills: None
Companion Bills: CS/SB 274; includes part(s) of CS/HB 129; CS/CS/CS/HB 713
Committee(s) of Reference: Economic Development & Community Affairs Policy Council

The bill addresses five issues relating to military support: encroachment protections; licensing for military spouses who relocate to FloridA; homestead provisions that apply to military and their spouses when relocating; support for the National Guard by allowing a broader use of the Education Dollars For Duty program; and authorizing a second Assistant Adjutant General for the Army.

The bill addresses encroachment issues near military bases by clarifying which local governments are responsible for addressing the compatibility of land use with military installations, as well as clarifying the issues that should be addressed when doing so. Enforcement mechanisms are provided to ensure compliance. If a local government fails to timely submit required changes to its comprehensive plan, mediation will be initiated, by the appropriate regional planning council, with the military, the local government, affected landowners and other stakeholders. Following mediation, if the local government comprehensive plan fails to contain criteria for addressing compatibility, the state land planning agency may notify the Governor and Cabinet, sitting as the Administration Commission. The Administration Commission may impose sanctions, including financial, if it finds that the local government has failed to comply.

Commanding officers are provided an additional means to communicate encroachment concerns by electing to receive copies of certain applications for development orders that request a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements. The commanding officer may review and provide comments to the local government on the impacts such changes may have on the mission of the installation.

The bill directs the Department of Business and Professional Regulation to issue a temporary professional license to the spouse of an active duty member of the Armed Forces for any and all licenses issued by the department. The spouse will have to provide proof of a valid license in another state, proof that the spouse has been assigned to duty in Florida, and submit to a statewide criminal history check by the Florida Department of Law Enforcement.

The bill clarifies that valid military orders transferring a service member of the Armed Forces is sufficient to maintain permanent residence for homestead for the member or the member's spouse.

The bill authorizes the use of the Education Dollars For Duty program, an education assistance program for members of the Florida National Guard, to a broader range of accredited institutions. Finally, the bill authorizes the Florida National Guard to have a second Assistant Adjutant General for the Army.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Roads, Bridges & Ports Policy Committee

HB 5 - Road, Bridge, and Building Designations
By: Grimsley; Kelly
Tied Bills: None
Companion Bills: CS/SB 520; includes CS/HB 643; CS/HB 1113; SB 88; SB 322; SB 868; CS/SB 1026; SB 1266; SB 1610; SB 1744; SB 1876; SB 1948; CS/SB 2054; SB 2076; includes parts of CS/CS/HB 29; CS/HB 321; CS/CS/HB 827; CS/CS/HB 839; CS/HB 841; CS/CS/HB 1033; HB 1195; CS/CS/CS/HB 382; CS/SB 1698
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill creates the following honorary designations by county:
Statewide

- Purple Heart Highway-U.S. Highway 27 between the Florida-Georgia border in Gadsden County and Biscayne Bay in Miami-Dade County.

Bay County

- K. Earl Durden Highway-State Road 79 from U.S. Highway 98 to the B.V. Buchanan Bridge in West Bay.

Duval County

- Earl S. "Coach" Kitchings Avenue-Edgewood Avenue West from New Kings Road (U.S. 1) to Lem Turner Road.

Duval and St. Johns Counties

- Coach Jermaine D. Hall Memorial Highway-I-95 from Baymeadows Road in Duval County to State Road 16 in St. Johns County.

Escambia County

- Perdido Key Parkway-State Road 292 from Blue Angel Parkway to the beginning of Perdido Key Drive.

Gilchrist County

- Veterans Memorial Highway-State Road 26 between the Levy County Line and the Alachua County Line; and
- Sergeant Ricky Lord Road-State Road 26 between the Levy County Line and County Road 313.

Hillsborough County

- Blue Star Memorial Highway-State Road 674 between U.S. Highway 301/State Road 43 and Interstate 75/State Road 93A.

Indian River County

- Richard Raczkoski Memorial Highway-State Road 60 between 43rd Avenue in Vero Beach and Interstate 95.

Lake County

- Cpl. Christopher Lee Poole, Jr., Memorial Highway-Old U.S. 441 in Mt. Dora from State Road 19A to Alexander Street;
- Sgt. Frederico G. Borjas Memorial Highway-State Road 44 east of Eustis from County Road 44 to just west of County Road 439; and
- Johnny C. Treadwell Memorial Highway-State Road 46 near Sorrento from Round Lake Road to County Road 437.

Lee County

- Michael G. Rippe Parkway-State Road 739 known as the Metro Parkway Extension between Six Mile Cypress Parkway and U.S. 41/Alico Road. This designation is effective upon completion of the Metro Parkway Extension.

Marion County

- Kenneth H. "Buddy" MacKay and Jim H. Williams Bridge-The bridge on S.W. 17th Street between S.W. 12th Avenue and S. Pine Avenue in the City of Ocala; and
- Otis Beckford Memorial Highway-State Road 200 between the Marion/Citrus County Line and County Road 484.

Miami-Dade County

- Andrew J. Capeletti Memorial Ramp-Ramp that connects northbound Homestead Extension of Florida's Turnpike to Northbound Interstate 75;
- Jose Regueiro Avenue-W. 20th Avenue in the City of Hialeah between W. 44th Place and Okeechobee Road;
- Julia Tuttle Way-Biscayne Boulevard Way between S.E. 2nd Avenue and U.S. 1 (Biscayne Boulevard) in Miami-Dade County;
- Orange Bowl Way-N.W. 77th Court in Miami Lakes;
- Miss Lillie William Boulevard-N.W. 79th Street between N.W. 6th Avenue and E. 12th Avenue;
- Anthony J. Perez Street-40th Street/Bird Road between 102nd Avenue and 117th Avenue;
- John Torrese Family Road-State Road 997 between S.W. 288th Street and S.W. 344th Street;
- Manuel Capo Way-S.W. 88th Street between S.W. 137th Avenue and S.W. 142nd Avenue;
- Manuel Capo Boulevard-S.W. 8th Street between S.W. 24th Avenue and S.W. 27th Avenue;
- Lt. Colonel Charles Brown Memorial Highway-U.S. Highway 1 (State Road 5) between S.W. 104th Street and S.W. 112th Street;
- Herbert Lee Simon Avenue-S.W. 27th Avenue (State Road 9) between S.W. 22nd Street and U.S. 1 in the City of Miami;
- Historic Biscayne Boulevard: Gateway to Miami-U.S. 1 (Biscayne Boulevard) between N.E. 87th Street and S.E. 3rd Street;
- Biscayne Park Way-N.E. 6th Avenue between N.E. 113th Street and 121st Street;

- Father Gerard Jean-Juste Street-N.W. 54th Street between N.W. 2nd Avenue and N.W. 3rd Avenue in Little Haiti;
- Pastors Dr. Randall and Sharlene Holts Street-N.W. 103rd Street/State Road 932 between N.W. 17th Avenue and N.W. 27th Avenue; and
- Cuban-American Association of Civil Engineers Way-N.W. 107th Avenue between Flagler Street and N.W. 7th Street.

Okaloosa County

- Colonel Bud Day Boulevard-State Road 397 from Government Avenue to Eglin Air Force Base.

Okaloosa and Walton Counties

- Doolittle Raiders Highway-State Road 285 in Okaloosa and Walton counties which is located north of College Boulevard in Niceville.

Orange County

- Doctor Thomas Eliot "Doc Tommy" McBride Road-County Road 435 between Kelly Park Road and Clarcona-Ocoee Road.

Pinellas County

- Command Sergeant Major Gary Lee Littrell Medal of Honor Causeway and Bridge-State Road 682 (Pinellas Bayway) from State Road 699 (Gulf Boulevard) to U.S. 19; and
- Dr. Edward Cole Highway-Interstate 175 between Interstate 275 and 4th Street.

Polk County

- Heather Hurd Memorial Highway-U.S. Highway 27 between Sand Mine Road and U.S. Highway 192.

Santa Rosa County

- Army Sergeant Daniel L. McCall Memorial Highway-U.S. Highway 90 between Avalon Boulevard and Pace Patriot Boulevard.

Sarasota County

- Trooper Claude Baker Memorial Highway-State Road 45 from Constitution Boulevard in Sarasota to River Road in Venice.

Seminole County

- Seminole Way-State Road 417 between Interstate 4 and the Seminole County southern boundary.

Taylor County

- Deputy Victor J. "Skip" MacDonald, Jr., Memorial Highway-State Road 51 between U.S. Highway 19 at Tennille and the Dixie County Line.

Wakulla County

- Gretchen Evans Memorial Bridge-Bridge on U.S. 98 at the Wakulla River.

Walton County

- The Beach Highway-U.S. 331 from the Alabama state line to U.S. 98.

Washington County

- Judge Perry Wells Highway-State Road 277 between State Road 79 and U.S. Highway 90/State Road 10/Jackson Avenue; and
- Vernon Bridge-Bridge numbers 610147 and 610146 on State Road 79 north of the City of Vernon. This designation is upon completion of construction.

The bill designates S.W. 67th Avenue (Ludlam Road) between Bird Road and S.W. 136th Street in the City of South Miami and the Village of Pinecrest in Miami-Dade County as a state historic road. The bill provides restrictions on the expenditure of public funds for certain purposes on the road.

The bill designates the Department of Agriculture and Consumer Services' animal disease diagnostic laboratory complex in Osceola County as the "Bronson Animal Disease Diagnostic Laboratory."

The bill amends the existing Jose A. Marques Boulevard designation in Miami-Dade County by adding "Dr." to the designation and extending it by 10 blocks.

The bill directs the Department of Transportation to erect suitable markers for each of the honorary road and bridge designations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 29 - Road and Bridge Designations
By: Economic Development & Community Affairs Policy Council; Transportation & Economic Development Appropriations Committee; Bembry and others
Tied Bills: None
Companion Bills: CS/SB 1698; includes SB 180; SB 486; includes part of HB 5
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill creates the following road and bridge designations:

- Ray Charles Memorial Parkway-U.S. 90 within the boundaries of the Town of Greenville in Madison County;
- Deputy Victor J. "Skip" McDonald Memorial Highway-State Road 51 between U.S. 19 at Tennille and the Dixie County line in Taylor County;
- Trooper Charles Eugene Campbell Memorial Highway-U.S. 19 between Slaughter Road and Harrison Blue Road in Taylor County;

- Frank Pasquarella Way-Bird Road, S.W. 40th Street, between S.W. 89th Avenue and S.W. 92nd Avenue in Miami-Dade County;
- Bob Arbetter's Way-Bird Road, S.W. 40th Street, between S.W. 87th Avenue and S.W. 89th Avenue in Miami-Dade County;
- Don Shula Drive-Florida's Turnpike between the interchange at N.W. 199th Street/Dolphin Player Stadium and Dan Marino Boulevard in Miami-Dade County;
- Captain Chad Allen Reed, Sr., Memorial Highway-That portion of U.S. 19/27A/98, State Road 55, between N.E. 170th Street and the Taylor County line in Dixie County; and
- Trooper Ronald Gordon Smith Memorial Bridge-The bridge on U.S. 19/98 in Citrus County at the Cross Florida Barge Canal.

The Department of Transportation is required to erect suitable markers for each of the above designations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 53 - License Plates
By: Lopez-Cantera; Ray and others
Tied Bills: None
Companion Bills: SB 304
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council

The bill creates a St. Johns River specialty license plate, with an annual use fee of $25. The annual use fee will be distributed to the St. Johns River Alliance, Inc., to fund research grants, community outreach, and access programs, and to support activities contributing to education, outreach, and springs conservation.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/HB 83 - Specialty License Plates
By: Roads, Bridges & Ports Policy Committee; Crisafulli and others
Tied Bills: None
Companion Bills: SB 170
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council

The bill creates an "Endless Summer" specialty license plate with an annual use fee of $25. The annual use fee will be distributed to Surfing's Evolution & Preservation Corporation to fund activities, programs, and projects aimed at preserving the sport of surfing, and to provide funds for the provision of lifeguards or the building of artificial reefs.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

SB 176 - Road Designations/Duval County
By: Wise and others
Tied Bills: None
Companion Bills: CS/CS/HB 63
Committee(s) of Reference: Transportation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill creates the following road designations in Duval County:

- James E. "Jim" King, Jr., Parkway-State Road 116 between State Road 9A east of Jacksonville and State Road 101/Mayport Road;
- Hans G. Tanzler, Jr., Interstate-Interstate 295/State Road 9A from Interstate 10/State Road 8 and Interstate 95/State Road 9; and
- Don Davis Memorial Interchange-Intersection of State Road 9A and State Road 202.

The Department of Transportation is directed to erect suitable markers for each of these designations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 263 - Department of Highway Safety and Motor Vehicles
By: Transportation & Economic Development Appropriations Committee; Llorente and others
Tied Bills: None
Companion Bills: CS/SB 842
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council

The bill requires that applications and renewal forms for motor vehicle registration and driver's licenses include an option to make a voluntary contribution of $1 to Lauren's Kids, Inc. Voluntary check-off boxes will be added to the Department of Highway Safety and Motor Vehicles' application forms, and any contributions collected will be transferred by DHSMV to Lauren's Kids, Inc.

The bill also transfers provisions permitting certain voluntary contributions at the time of license renewal in order to consolidate all driver license and identification card check-offs under one statutory section governing driver license applications.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/HB 289 - Specialty License Plates
By: Roads, Bridges & Ports Policy Committee; Brandenburg and others
Tied Bills: None
Companion Bills: SB 978; includes parts of CS/CS/HB 1043; CS/SB 1986
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council

The bill creates a "Fraternal Order of Police" specialty license plate with an annual use fee of $25. The annual use fee will be distributed to the Florida State Lodge Memorial Foundation of the Fraternal Order of Police to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

The bill amends provisions relating to the "Sea Turtle" license plate and provides that from the 30 percent share of annual use fees distributed to the Caribbean Conservation Corporation, the corporation may spend up to 10 percent of the total annual use fees for marketing and administrative costs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 321 - Road Designations
By: Economic Development & Community Affairs Policy Council; Boyd and others
Tied Bills: None
Companion Bills: Includes parts of HB 5; CS/HB 643; CS/CS/HB 827; CS/CS/HB 1033; SB 322; CS/SB 326
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill creates the following road designations:

- Veterans Memorial Highway-State Road 26 between the Levy County line and the Alachua County line in Gilchrist County;
- Sergeant Ricky Lord Road-County Road 313 in Gilchrist County;
- Anthony J. Perez Street-40th Street/Bird Road between 102nd Avenue and 117th Avenue in Miami-Dade County;
- Orange Bowl Way-N.W. 77th Court in the Town of Miami Lakes in Miami-Dade County;
- John Torrese Family Road-State Road 997 between S.W. 288th Street and S.W. 344th Street in Miami-Dade County;
- Manuel Capo Way-S.W. 88th Street between S.W. 137th Avenue and S.W. 142nd Avenue in Miami-Dade County;

- Manuel Capo Boulevard-S.W. 8th Street between S.W. 24th Avenue and S.W. 27th Avenue in Miami-Dade County; and
- Lt. Colonel Charles Brown Memorial Highway-U.S. Highway 1/State Road 5 between S.W. 104th Street and S.W. 112th Street in Miami-Dade County.

The bill also amends the existing Jose A. Marques Boulevard designation in Miami-Dade County by adding "Dr." to the designation and extending it by 10 blocks.

The Department of Transportation is directed to erect suitable markers for each of these designations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 325 - Uniform Traffic Control
By: Finance & Tax Council; Roads, Bridges & Ports Policy Committee; Reagan and others
Tied Bills: None
Companion Bills: CS/CS/SB 2166
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Health Care Regulation Policy Committee; Finance & Tax Council

The bill creates the "Mark Wandall Traffic Safety Act," expressly preempting to the state regulation of the use of cameras to enforce the provisions of ch. 316, F.S., and authorizing the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to use cameras to enforce violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal.

The bill defines a "traffic infraction detector" as a vehicle sensor and a camera, working in connection with a traffic control device, to record a series of images or video of motor vehicles failing to stop at an intersection. The detector must be capable of recording only the rear of the motor vehicle, and any notification or citation issued from a detector must show the license tag of the offending vehicle and the traffic control device.

The bill requires signage at intersections using traffic infraction detectors, and provides that traffic infraction detectors may not be used to enforce violations when the driver is making a right turn in a careful and prudent manner.

The bill provides processes regarding required notifications, the issuance of citations to registered owners of motor vehicles, and defenses available to vehicle owners. Notifications and citations must include the images indicating that the motor vehicle violated a traffic control device, and must offer a physical location or an Internet address where images or video may be reviewed. When a citation is issued, it may be challenged in a judicial proceeding in the same manner as other traffic violations. A contested citation upheld by the court may result in additional court costs and fees.

The bill increases the penalty for any violations of s. 316.074(1) or S. 316.075(1)(c)1., F.S., from $125 to $158, regardless of the method of enforcement, and provides for distribution of revenue collected as follows. When a citation is issued by a law enforcement officer:

- $60 is distributed to local governments and to various law enforcement, healthcare, and other

areas as provided in s. 318.21, F.S.;

- $65 is distributed to the Department of Health Administrative Trust Fund;
- $30 is distributed to the General Revenue Fund; and
- $3 is distributed to the Brain and Spinal Cord Injury Trust Fund.

When a notification or citation is issued by the Department of Highway Safety and Motor Vehicles:

- $100 is distributed to the General Revenue Fund;
- $10 is distributed to the Department of Health Administrative Trust Fund;
- $3 is distributed to the Brain and Spinal Cord Injury Trust Fund; and
- $45 is distributed to the local county or municipality in which the traffic infraction detector is located.

When a notification or citation is issued by a county or municipality:

- $70 is distributed to the General Revenue Fund;
- $10 is distributed to the Department of Health Administrative Trust Fund;
- $3 is distributed to the Brain and Spinal Cord Injury Trust Fund; and
- $75 is distributed to the local county or municipality in which the traffic infraction detector is located.

Points may not be assessed against a driver's license for infractions enforced by the use of a traffic infraction detector, and violations may not be used for purposes of setting motor vehicle insurance rates.

The bill provides a transitional period for those counties and municipalities instituting a traffic infraction detector program on or before July 1, 2011. These counties and municipalities may continue to use equipment acquired under an agreement entered into on or before July 1, 2011.

The bill provides that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector, and provides that a manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

Each governmental entity that operates a traffic infraction detector must submit an annual report to DHSMV which details the results of the detectors and the procedures for enforcement. DHSMV must subsequently submit an annual summary report to the Governor and Legislature. The report must include a review of the information submitted by the counties and municipalities and any recommendations or necessary legislation.

The bill provides a severability clause.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 351 - Specialty License Plates
By: Economic Development & Community Affairs Policy Council; Roads, Bridges & Ports Policy Committee; Patterson and others
Tied Bills: None
Companion Bills: CS/SB 736; includes parts of CS/SB 1208; SB 1522
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council

The bill creates three specialty license plates: the "Catch Me, Release Me" license plate, the "Discover Florida's Horses" license plate; and the "Save Wild Florida" license plate. The bill establishes a $25 annual use fee for each plate and provides for distribution of such use fees. "Catch Me, Release Me" annual use fees shall be distributed to the Guy Harvey Ocean Foundation, Inc., to fund marine-related scientific research. "Discover Florida's Horses" annual use fees shall be distributed to the Florida Agriculture Center and Horse Park Authority to promote and support the Florida Agriculture Center and Horse Park. "Save Wild Florida" annual use fees shall be distributed to the Florida Biodiversity Foundation, Inc., to fund research, education, and scientific study of the diversity of animals and plants and to aid in the preservation, study, conservation, and recovery of imperiled organisms.

The bill also modifies a distribution of annual use fees from the sale of: "Florida Salutes Veterans" specialty license plates to the Department of Veterans' Affairs direct-support organization. The amount is lowered from 20 percent to 10 percent, and the period of the distribution is extended from 24 months to 48 months.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/CS/HB 399 - Motor Vehicles
By: Economic Development & Community Affairs Policy Council; Roads, Bridges & Ports Policy Committee; Kelly and others
Tied Bills: None
Companion Bills: CS/CS/SB 1138
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

The bill requires that application and renewal forms for driver's licenses and motor vehicle registrations include an option to make a voluntary contribution of $1 to the Florida Association of Agencies Serving the Blind, Inc., the Arc of Florida, and the Ronald McDonald House of Tampa Bay, Inc. Voluntary check-off boxes will be added to the Department of Highway Safety and Motor Vehicles' application forms. Any contributions collected will be transferred by DHSMV to the Florida Association of Agencies Serving the Blind, Inc., the Arc of Florida, or the Ronald McDonald House of Tampa Bay, Inc., as determined by the voluntary contribution.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

SB 488 - Vehicle Registration Forms/Voluntary Contribution
By: Lynn and others
Tied Bills: None
Companion Bills: HB 609
Committee(s) of Reference: Transportation; Children, Families, and Elder Affairs; Finance and Tax; Policy and Steering Committee on Ways and Means

The bill requires that application and renewal forms for motor vehicle registrations include an option to make a voluntary contribution of $1 to the Florida Network of Children's Advocacy Centers, Inc. A voluntary check-off box will be added to the Department of Highway Safety and Motor Vehicles' application forms. Any contributions collected will be transferred by DHSMV to the Florida Network of Children's Advocacy Centers, Inc.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/CS/HB 631 - Motor Vehicles
By: Economic Development & Community Affairs Policy Council; Transportation & Economic Development Appropriations Committee; Roads, Bridges & Ports Policy Committee; Burgin and others
Tied Bills: None
Companion Bills: CS/CS/SB 1182; includes parts of HB 403; CS/CS/SB 792; CS/CS/HB 971; CS/SB 2400; CS/CS/SB 482; SB 2226
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council

The bill addresses a number of issues regarding motor vehicles.

The bill increases the width and weight requirements in the definition of "ROVs," or recreational off-highway vehicles, in chs. 261 and 317, F.S., and revises provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental (a process known as "curbstoning"). The bill authorizes local governments to adopt ordinances that allow code enforcement officers to issue citations for curbstoning, and allows law enforcement officers and code enforcement officers to have certain "curbstoned" vehicles towed immediately. The bill provides a mandatory fine of $100 for violations of these provisions and requires a release form prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV) to be completed before the motor vehicle can be returned.

The bill limits the number of times a habitual offender may elect driver improvement school in lieu of a court appearance to five times in a lifetime. The bill also provides an exemption from driver improvement school attendance requirements if adjudication is withheld by the court for offenses regarding red-light running, reckless driving, or racing. Notwithstanding this exemption, the court may still require the offender to attend driver improvement court, based on the nature or severity of the offense. For the offense of improperly passing a school bus, the bill provides that driver improvement course attendance is required, even if the court withholds adjudication.

The bill modifies motor vehicle dealer requirements relating to the sale of motor vehicles by:

- Removing notarization requirements by requiring a perjury statement to appear on certain forms;
- Providing that motor vehicle dealers selling vehicles to persons that reside in other states need not apply for a title certificate;
- Directing DHSMV to place the name of the owner of a motor vehicle on the list of persons who may not be issued a license plate, revalidation sticker, or replacement plate if the name of the owner appears on a list submitted to DHSMV by a licensed motor vehicle dealer for failure to pay for a previous registration of the vehicle;
- Removing "pilot program" language regarding privatized dealer training education;
- Authorizing motor vehicle dealers to keep certain required records in electronic form if desired; and
- Authorizing DHSMV to suspend, deny, or revoke the license of any licensee based on issues related to non-payment of required fees to DHSMV.

The bill clarifies the requirements for destroying or dismantling motor vehicles or mobile homes; expands the definition of "certificate of title" to include titles from other states; and clarifies that a 10-year provision to determine whether a vehicle is derelict begins with the model year of the vehicle. The bill also redefines "derelict motor vehicle certificate" to clarify that once such a certificate is issued, the motor vehicle may only be dismantled or converted to scrap metal.

The bill makes allowances for a "seller" to apply for a derelict motor vehicle certificate in cases where the owner is not able to apply and requires applications to include a personal identification number, a copy of the seller's identification, and a thumbprint. A buyer's failure to obtain this information is a third degree felony.

A derelict motor vehicle dealer or recycler must provide to DHSMV a copy of the check issued to a seller who is not the "owner," and prohibits a salvage dealer or recycler from cashing that check. The bill requires DHSMV to store derelict motor vehicle information in the Florida Real Time Vehicle Information System. Towing and storage companies are prohibited from using a derelict motor vehicle certificate to transfer or dispose of a derelict motor vehicle without a certificate of title or certificate of destruction that is otherwise required.

The bill modifies a legal standard of intent to violate derelict motor vehicle provisions from "willfully and deliberately" to "knowingly."

The bill amends s. 627.7295, F.S., to permit issuance of an automobile insurance policy without two months of premium payments if payments are to be made by automatic electronic funds transfer from a premium finance company to the insurer.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 795 - Penalties for Violations of Traffic Laws
By: Roads, Bridges & Ports Policy Committee; Jones and others
Tied Bills: None
Companion Bills: CS/CS/SB 1604; includes part of HB 971; SB 2400
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Full Appropriations Council on Education & Economic Development; Economic Development & Community Affairs Policy Council

The bill amends s. 318.14, F.S., to clarify that non-criminal traffic fines may be paid in installments using the payment plan mechanism currently contained in s. 28.246, F.S. The bill also includes additional offenses for which a driver may provide "proof of compliance" to a clerk of court. These offenses include failure to pay child support under s. 322.245, F.S., or s. 61.13016, F.S., and violations of school attendance requirements under s. 322.091, F.S. When an offender provides "proof of compliance" with these requirements, the offender may have adjudication withheld for the offense.

The bill provides that if a driver labeled a Habitual Traffic Offender is able to resolve outstanding fines through the payment plan process, he or she may have the Habitual Traffic Offender status removed. This option is not available for drivers classified as Habitual Traffic Offenders as a result of criminal charges and driving-related infractions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/CS/HB 971 - Highway Safety & Motor Vehicles
By: Economic Development & Community Affairs Policy Council; Roads, Bridges & Ports Policy Committee; Aubuchon
Tied Bills: None
Companion Bills: CS/CS/CS/SB 2400; includes parts of CS/HB 221; HB 403; CS/CS/CS/HB 631; CS/HB 795; CS/SB 432; CS/CS/SB 482; CS/CS/SB 924; CS/SB 1144; CS/CS/SB 1182; SB 1478; CS/CS/SB 1604; SB 1522; SB 2226; CS/SB 2380; CS/SB 2448; CS/SB 2638
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council

The bill addresses a number of issues regarding the Department of Highway Safety and Motor Vehicles (DHSMV).

Crash Reports
Crash reports are confidential and exempt for a period of 60 days after the date the report is filed. The reports are immediately available to the party involved in the crash and his or her representatives; prosecutorial authorities; victim services programs; and certain press outlets. The bill adds local law enforcement agencies and county traffic operations centers to the list of entities authorized to receive crash reports before the 60-day period expires.

Current law sets up a process by which a law enforcement officer can administratively suspend a driver's license for driving under the influence. If the law enforcement officer completed a crash report as part of the DUI investigation, the law requires the officer to submit the crash report to DHSMV within five

days. The bill provides that a law enforcement officer's crash report submission as part of the administrative suspension process is permissive, not mandatory.

Commercial Vehicles

The Federal Motor Carrier Safety Administration (FMCSA) requires states to meet certain criteria related to commercial vehicles. The FMCSA has requested two minor modifications to current Florida law regarding commercial motor vehicles:

- Vehicles for hire, school buses, and any motor vehicle carrying explosive substances or flammable liquids as cargo, are required to stop before crossing a railroad track at grade. The bill provides that drivers of all other commercial motor vehicles must slow before crossing a railroad grade.
- Commercial vehicle operators who drive while under an out-of-service order are subject to disqualification to drive for not fewer than 90 days but not more than one year for a first violation, and subject to disqualification for one year to five years for two violations within 10 years. The bill changes the minimum disqualification periods to not less than 180 days for a first violation and not less than two years for a second violation within 10 years.

The bill also shortens the advance renewal of registration period for vehicles covered by the International Registration Plan from five months to three months prior to expiration.

DUI Impoundment and Immobilization

DUI offenders must impound or immobilize motor vehicles registered in the offender's name for certain periods of time. Current law establishes certain licensing criteria for businesses immobilizing vehicles, including the requirement that the business have a Class "R" license issued by the Department of Agriculture & Consumer Services. The bill deletes the provisions requiring all companies providing towing and impounding services for the court system to hold a Class R license. The bill adds a requirement that the immobilization agency conduct a state criminal history check through the Florida Department of Law Enforcement to ensure persons hired to immobilize vehicles meet certain requirements relating to mental capacity, use of alcohol or drugs, felony convictions and legal presence.

Bicycles

Section 316.2065, F.S., requires bicyclists on the roadway to ride as close as practicable to the right-hand curb or edge of the roadway, with the exception of when overtaking and passing another bicycle or vehicle moving in the same direction, when preparing to turn left, or when "reasonably necessary" to avoid unsafe conditions such as fixed objects, surface hazards, or parked vehicles. The bill provides that if the roadway is marked for bicycle use, bicyclists must ride in the marked bicycle lane, although the current exceptions are still applicable.

Windshield & Window Restrictions

Current law provides that no devices may be attached to a windshield except for transponders for electronic toll payments. The bill permits a global positioning system (GPS) device or similar satellite receiver device as an additional device that may lawfully be attached to a windshield.

Motor vehicle operators are currently prohibited from applying window tint beyond a certain level of opacity. A medical exception currently exists for persons with Lupus, and for law enforcement vehicles that are used for undercover or canine operations. The bill expands the medical exception and directs DHSMV to consult with its Medical Advisory Board to establish exceptions for persons with certain auto-immune disorders. The bill also exempts vehicles owned or leased by licensed private investigative

agencies from the window tinting restrictions.

Failure to Maintain Vehicle Insurance

When cited for failure to have proof of required vehicle insurance, the driver is required to provide proof of insurance before or at a scheduled court hearing. If the driver then fails to provide proof of insurance, the court may immediately suspend the registration and driver's license of the offender. The bill removes the court's discretionary suspension by providing that, upon conviction, the court shall immediately notify DHSMV of the conviction. If the court does not independently suspend the driver's license and registration, DHSMV will do so administratively.

Signatures on Traffic Infractions

A person cited for a traffic infraction (except for toll violations) must sign and accept a citation indicating a promise to appear. The bill eliminates the signature requirement on some non-criminal traffic infractions. Violations requiring a mandatory hearing and criminal violations will continue to require a signature from the offender. The officer must certify that the citation was delivered to the person cited and this will be prima facie evidence that the person cited was served with the citation.

Proof of Compliance/Withholding of Adjudication

The bill provides that a person who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled and the underlying suspension, revocation, or cancellation is non-driving related may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the court or designated official. The bill includes two additional offenses for which an offender can provide proof of compliance:

- Operating a motor vehicle with a license suspended for failure to pay child support or other financial obligations, excluding criminal fines; and
- Operating a motor vehicle with a license suspended for failing to attend school.

The bill also allows adjudication to be withheld; however, a person may only elect to have this done once in a 12-month period, and may not make more than three such elections. If adjudication is withheld, the action is not considered a conviction. Not classifying an infraction where adjudication is withheld as a conviction means that the offender will not be classified as a habitual traffic offender.

DUI/Permanent Revocation

This bill allows a person whose driver's license has been revoked because of four or more DUI convictions to become eligible to petition DHSMV for reinstatement of his or her driving privilege after waiting 10 years from the conviction (this is changed to five years effective October 1, 2011). The person must not have been arrested for a drug-related offense for at least five years prior to the hearing; must not have driven with a suspended or revoked license for at least five years prior to the hearing; must have been drug-free for at least five years prior to the hearing; and must have completed a licensed DUI program.

If the DHSMV reinstates the person's license, the license must be restricted for employment purposes for at least one year, and the person must be supervised by a DUI program and assume all costs of supervision. Also, the person will forfeit the license if subsequently convicted of an offense requiring mandatory revocation; and must have an ignition interlock device installed on their vehicle for no less than five years.

Certificates of Repossession, Titles & Certificates of Destruction
The bill clarifies that lienholders repossessing motor vehicles in this state must apply to a tax collector in this state, in order to receive a new title or certificate of destruction for the motor vehicle.

The bill defines an "independent entity" as a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles. The independent entity in possession of a motor vehicle is required to send notice via certified mail to the vehicle owner that the vehicle has been released and must give the owner 30 days to pick up the vehicle. After the required notice, the independent entity may apply for a certificate of destruction or certificate of title for unclaimed vehicles after 30 days.

Electronic Filing System
Motor vehicle dealers may file tag, title, and registration applications using an electronic filing system, or EFS, which is a computerized system that enables dealers to process vehicle titles and registrations during sales transactions and submit vehicle information to the state's databases. The bill clarifies that the EFS is available uniformly and statewide to authorized electronic filing system agents, and that DHSMV has regulatory authority over the system. The bill provides express rulemaking authority to DHSMV intended to establish system requirements. Upon adoption, these rules will replace existing program standards. The existing contracts between private entity providers of the EFS and the Tax Collector Service Corporation will continue until December 31, 2010. The bill also provides that if motor vehicle information is obtained electronically through the EFS system, tax collectors may not assess a fee for the electronic access.

Specialty License Plates
In 2008, the Legislature passed a moratorium on the issuance of specialty plates by DHSMV. The moratorium is effective until July 1, 2011, but contains an exception for any specialty license plate proposal which had submitted a letter of intent to DHSMV prior to May 2, 2008. The bill extends the moratorium on new specialty license plates until 2014, and creates a new pre-sales process for the issuance of specialty license plates in the future.

The bill removes the existing scientific sample survey approach to measuring applicants' interest in purchasing a new specialty license plate. The bill provides that organizations must still submit a request for a plate, submit the $60,000 application fee, and provide long and short-term marketing plans. Once a new plate is approved by law, DHSMV must develop a pre-sales system that allows drivers to indicate their preference for the plate by pre-ordering the plate and paying all required costs, but receiving a voucher. DHSMV would only begin to manufacture the plate after 1,000 vouchers have been issued. If 1,000 pre-sales are not recorded within 24 months, the plate is de-authorized.

The bill also creates the "Hispanic Achievers" license plate. The proceeds from sales of this plate ($25 annual use fee) are directed to the National Hispanic Corporate Achievers, Inc., to fund grants and provide scholarships through the Hispanic Achievers Grant Council. Up to 10 percent of the annual use fees may be used for administration of the program, 25 percent may be used by the Hispanic Corporate Achievers, Inc., in Seminole County, for grants, and the remaining proceeds may be used by the Grant Council throughout the state.

Upon Children First Florida, Inc., meeting the new statutory requirements, the bill provides that DHSMV will develop and issue a "Children First" license plate. Drivers may purchase this specialty plate by

paying a $25 annual use fee. Up to 10 percent of revenue may be used for the administration of the license plate program and direct administrative costs associated with the operations of Children First Florida, Inc., and for promotion and marketing of the plate. The remaining funds may be used to fund public schools in Florida, including teacher salaries, as directed by Children First Florida, Inc.

Upon Veterans of Foreign Wars, Department of Florida (VFW), meeting the new statutory requirements, the bill provides that DHSMV will develop and issue a "Veterans of Foreign Wars" license plate. Drivers may purchase this specialty plate by paying a $25 annual use fee. From annual use fee revenue: 60 percent will be distributed to the VFW to support scholarship programs, and for high school and college ROTC programs; 20 percent will be distributed to the Department of Veterans' Affairs' direct-support organization; and 20 percent will be distributed to the Department of Military Affairs' direct-support organization. From the funds distributed to the VFW, up to 10 percent of total annual revenues may be used for administration and marketing the plate.

Miscellaneous License Plate Provisions

A typical automobile weighing less than 2,500 pounds pays a license tax of $19.50, and a motorcycle pays $13.50. An antique automobile currently pays a $10.25 license tax; the bill creates a discounted $8.50 license tax fee for antique motorcycles. The bill also allows a license tag for a motorcycle or moped to be affixed and displayed perpendicular to the ground if the registered owner of the motorcycle or moped maintains a prepaid toll account in good standing and an affixed transponder.

DHSMV is required to provide license plates to members of Congress, members of the Florida House of Representatives, and state Senators. The bill adds a requirement that in addition to the district number of a state representative or senator, the license plate will include the letters "HR" or "SN," as appropriate. For members of Congress, the license plate will include the letters "MC."

Current law requires DHSMV to provide one free license plate to disabled veterans and the plate is renewable annually. The bill authorizes biennial registrations for these plates.

Florida Highway Patrol

The duties and responsibilities of the Florida Highway Patrol (FHP) are primarily traffic-related. DHSMV has identified situations in which the authority of FHP law enforcement officers to issue warrants and make arrests has been questioned. The bill provides that FHP members are sworn state law enforcement officers entitled to the same privileges as other law enforcement officers, including authority to obtain search warrants pursuant to ch. 933, F.S., and make arrests pursuant to ch. 901, F.S. The bill also clarifies that it is unlawful to operate a motor vehicle colored in the same or similar manner as a FHP motor vehicle.

Commercial Driving Schools

The bill provides additional restrictions on instructors, agents, and employees of commercial driving schools. The bill provides that DHSMV may suspend or revoke the license or certificate of any instructor, agent, or employee of a driving school who has ever been convicted of, pled no contest to, or had adjudication withheld on any felony or misdemeanor; has committed any fraud or willful misrepresentation in applying for a license under the chapter; or has solicited business on any premises used by DHSMV or a tax collector for the purpose of licensing drivers.

Other Issues

The bill increases the current statutory size and weight limits of recreational off-highway (ROV) vehicles. Specifically, in order for a vehicle to be classified as an ROV it must be 64 inches (increased from 60 inches) or less in width and weigh 2,000 pounds (increased from 1,500 pounds) or less.

This bill amends several sections of the state traffic control laws for the purpose of authorizing the use of various motorized devices on bicycle paths, sidewalks, and sidewalk areas. The bill authorizes local governments to enact ordinances allowing vehicles, golf carts, mopeds, and motorized scooters to be operated on sidewalks and sidewalk areas. The bill also allows the use of motorized wheelchairs on sidewalks and bicycle paths.

Speeding fines are currently doubled in "school zones"; the bill includes a "designated school crossing" as a similar location where fines are doubled.

The bill amends several sections of law to provide for legal operation of tri-vehicles in Florida. Tri-vehicles must meet Federal safety standards for seat-belts, windshield wipers, and "roof crush" resistance. A tri-vehicle (an 'inherently low-emission' vehicle) may be driven in a High-Occupancy Vehicle lane. The bill also taxes the registration of tri-vehicles in the same registration category as private automobiles.

During the license renewal process, current law requires drivers who are not classified as "Safe Drivers" to be tested on their understanding of highway signs. The bill eliminates the requirement that these drivers take the road-sign test. All drivers will continue to take the required eyesight and hearing tests.

The bill adds licensed physicians at federally established veterans' hospitals to the list of doctors who may perform vision tests for senior driver license applicants. Doctors at federal hospitals must be licensed by a U.S. state, but are not necessarily licensed by the state in which the federal hospital is located.

The bill creates a $1 voluntary check-off on motor vehicle registrations and renewals for the "League Against Cancer/La Liga Contra El Cancer."

The bill creates a $1 voluntary check-off on driver license applications and renewals for the "League Against Cancer/La Liga Contra El Cancer." The bill also creates a $1 voluntary check-off on drivers' license applications and renewals for the State Homes for Veterans Trust Fund, which is administered by the Department of Veterans' Affairs.

The bill designates the first week in September as "Drowsy Driving Prevention Week" in Florida, and encourages DHSMV and the Department of Transportation to educate law enforcement and the public about the relationship between fatigue and the dangers of driving.

Subject to the Governor's veto powers, the effective date of this bill is September 1, 2010, except as otherwise provided.

CS/CS/HB 1033 - Road Designations
By: Economic Development & Community Affairs Policy Council; Roads, Bridges & Ports Policy Committee; Murzin and others
Tied Bills: None
Companion Bills: CS/SB 1948; includes SB 322; includes parts of HB 5; CS/HB 321; CS/HB 841; CS/SB 520
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill creates the following road designations:

- Perdido Key Parkway-State Road 292 from Blue Angel Parkway to the beginning of Perdido Key Drive in Escambia County;
- Orange Bowl Way-N.W. 77th Court in the Town of Miami Lakes in Miami-Dade County;
- Colonel Bud Day Boulevard-State Road 397 between Government Avenue and the north gate of Eglin Air Force Base in Okaloosa County;
- Pastor Wilner Maxi Street-N.E. 73rd Street between N.E. 1st Place and N.E. 3rd Court in Miami-Dade County;
- Bishop Dr. Randall & Prophetess Sharlene Holts Street-N.W. 103rd Street/State Road 932 between N.W. 17th Avenue and N.W. 27th Avenue/State Road 9 in Miami-Dade County;
- Pastor Dr. Carl Johnson Street-N.W. 93rd Street between N.W. 22nd Avenue and N.W. 27th Avenue/State Road 9 in Miami-Dade County;
- Haitian/American Historical Society Street-127th Street between N.E. 6th Avenue/State Road 915 and W. Dixie Highway/State Road 909 in Miami-Dade County;
- Center for Haitian Studies Street-N.E. 82nd Terrace between N.E. 2nd Avenue and N. Miami Avenue in Miami-Dade County; and
- Eufaula Frazier Street-N.W. 32nd Street between N.W. 6th Avenue and Midtown Boulevard in Miami-Dade County.

The Department of Transportation is directed to erect suitable markers for each of these designations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/CS/HB 1271 - Transportation
By: Economic Development & Community Affairs Policy Council; Transportation & Economic Development Appropriations Committee; Roads, Bridges & Ports Policy Committee; Horner
Tied Bills: None
Companion Bills: CS/CS/CS/SB 2362; includes parts of HB 257; CS/CS/CS/SB 550; CS/SB 776; SB 872; SB 1304; CS/CS/SB 1412
Committee(s) of Reference: Roads, Bridges & Ports Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council

This bill contains numerous provisions relating to the Department of Transportation (DOT) and other transportation related issues.

Charter County Transportation System Surtax
The Charter County Transportation System Surtax allows charter counties, as well as a county that is consolidated with one or more municipalities, to levy a maximum 1 percent sales surtax to finance certain transportation projects, subject to a referendum.

The bill expands the ability to levy the Charter County Transportation System Surtax to all counties within or under an interlocal agreement with a regional transportation or transit authority. Imposition of this tax requires referendum approval. In addition to currently authorized transportation uses, the bill provides that revenue from this tax may be used for on-demand transportation services.

Harbor Pilots
Ships entering Florida ports are required to use state-licensed harbor pilots. Harbor pilots are licensed and disciplined by the Board of Pilot Commissioners, and their rates are set by the Pilotage Rate Review Board. These boards are housed in the Department of Business and Professional Regulation.

The bill changes the membership of the Board of Pilot Commissioners and redesignates the Pilotage Rate Review Board as the Pilotage Rate Review Committee under the Board of Pilot Commissioners. The bill modifies the membership of the Board of Pilot Commissioners by keeping the five state pilots and modifying the qualifications of the other five members to include two members actively involved in a professional or business capacity in maritime or marine shipping or the commercial cruise industry, a certified public accountant with at least five years experience in financial management, and two members who are citizens of the state who are not involved in the maritime, marine shipping, or cruise industries.

The membership of the Pilotage Rate Review Committee will be from members of the Board of Pilot Commissioners, and consists of two pilots, appointed by a majority vote of the state pilots serving on the board, and the five non-pilot members of the board. Members are required to comply with statutory disclosure requirements if participating in any matter that would result in a special private gain or loss. The committee's decisions regarding rates are not appealable to the Board of Pilot Commissioners.

By October 31, 2010, the Governor is required to appoint the non-pilot members of the Board of Pilot Commissioners. Pending matters before the Pilotage Rate Review Board are transferred to the Pilotage Rate Review Committee.

Seaport Loan Program

Current law authorizes certain entities, with oversight by the Florida Seaport Transportation and Economic Development Council, to establish a loan program that provides for the reuse of loan proceeds for certain program purposes. The bill repeals an obsolete statutory provision requiring legislative review of the program.

Commercial Motor Vehicles

The bill declares any provision of a motor carrier transportation contract requiring indemnification to be against the public policy of the state and void and unenforceable. This provision only applies to contracts entered into or renewed on or after July 1, 2010.

Under current law, owners and drivers of commercial motor vehicles are subject to various federal rules and regulations as they existed on October 1, 2007. The bill changes the date of the applicability of the federal rules and regulations to October 1, 2009.

Truck Weights

During off duty times, many truck drivers idle their trucks, however, new idle reduction technologies use auxiliary power units (APUs) to provide for climate control without idling the truck. Due to the weight of the APU device, the truck must reduce the weight of its cargo. The bill provides for an increase in the vehicle's maximum gross vehicle weight of up to 400 pounds to compensate for the additional weight of APUs installed.

Current law provides for the maximum weights allowed for commercial motor vehicles on the state's highways. However, some roads and bridges have lower weight limits due to their age, condition, or design. No vehicle or combination of vehicles exceeding the gross weights specified is allowed to travel on the public highways unless granted a permit authorizing the heavier weight.

The bill amends current permitting authority to allow DOT or local authorities to issue permits providing commercial vehicles off the Interstate Highway a 10 percent increase in the weight limit on a designated route specified in the permit. The route must avoid any bridge that DOT determines cannot safely accommodate the vehicle. The bill also provides that any vehicle exceeding the permitted weight limit must be unloaded.

Tolls

Subject to a few limited exemptions, a person may not use any toll facility without paying tolls, and the failure to pay the toll is a noncriminal traffic infraction, punishable as a moving violation. The law contains a multi-step process relating to the payment of violation, including administrative payment to the toll agency. The law then provides for payment of the penalty to the court with higher penalties and points on a driver's license.

The bill amends several provisions regarding toll violations. It requires citations issued for toll violations to be sent by first class mail, return receipt requested, and specifies that proof of receipt, rather than the proof of mailing, constitutes legal notification.

The bill also allows clerks of court to provide information to the Department of Highway Safety and Motor Vehicles identifying persons who have one or more toll violations.

The bill removes the automatic driver's license suspension for a person convicted of 10 toll violations within a 36-month period and the points on a driver's license for toll violations. These violations will now be subject to court action.

Once the toll violator is in court, the bill maintains the current mandatory $100 fine, where no administrative election is made. However, the bill restores the option to pay $30 plus the unpaid toll amount to the clerk of the court prior to the court hearing. Paying the citation in this manner does not constitute adjudication and the assessment of points on a driver's license may only be imposed by the court after a hearing.

The bill clarifies DOT's rulemaking authority relating to the payment, collection, and enforcement of tolls.

Wrecker Registration Fees

Current law provides that any wrecker used to tow vessels, disabled, abandoned, stolen-recovered, or impounded motor vehicles, or replacement motor vehicles must pay an annual license tax of $41. However, wreckers that tow a motor vehicle, whether it is disabled or nondisabled, a vessel, or any other cargo must pay an annual license tax of between $118 and $1,322 based on the gross vehicle weight of the vehicle and load. The bill provides that wreckers be registered based on gross weight to tow any non-disabled motor vehicle, a vessel or any cargo.

SAFE Council

In 2003, the Legislature created the Secure Airports for Florida Economy (SAFE) Council to address issues relating to airport security. The bill repeals the SAFE Council and provides that its funds be transferred to DOT for statewide training purposes relating to airport security and management and security related aviation projects. The bill transfers the annual allocation to the SAFE Council from the United We Stand specialty license plate to DOT to be used for security related aviation projects.

Contractor Financial Statements

The bill clarifies when interim financial statements are due as it relates to applications for contractors seeking to qualify to bid on DOT projects. The bill specifies that if the application or annual financial statement shows financial information that is more than four months old, interim financial statements are due along with an updated application.

Utilities on Right-of-Way

In 2008, the law was changed to allow for the longitudinal placement (i.e., parallel to the road) of certain electrical lines operating at 69 or more kilovolts (kV) within the right of way of limited access highways "where there is no other practical alternative available." This phrase can be interpreted to apply to the placement of 69 kV or greater electric transmission facilities within any public road right of way. The bill clarifies that the qualifying phrase: "where there is no other practicable alternative", applies only to the longitudinal placement of 69 kilovolt (or greater) electric transmission lines within the ROW of limited access highways.

Camping on Right-of-Way

The bill prohibits camping on any portion of the right-of-way of the State Highway System within 100 feet of a bridge, causeway, overpass, or ramp.

Universal Fare Media

The bill requires any new public rail system constructed after December 1, 2010, or existing rail system that implements a new or upgrades its fare system after December 1, 2010, to use fare systems compatible with certain recognized industry standards to allow for the interoperability of the fare systems for various transit and rail providers.

Central Florida Regional Transportation Authority (LYNX)

The bill authorizes the Central Florida Regional Transportation Authority (also known as LYNX) to borrow up to $10 million annually for the costs and obligations of the authority.

Tampa-Hillsborough Expressway Authority

The Tampa Hillsborough County Expressway Authority (THCEA) currently operates Lee Roy Selmon Crosstown Expressway. Under the State Bond Act, the Division of Bond Finance (DBF) issues revenue bonds for THCEA's projects on behalf of the authority. Some local-government transportation entities have specific authority to issue their own revenue bonds, independent of the DBF. The bill clarifies the THCEA's authority to issue its own bonds, without having to seek the state's review and approval as required under the State Bond Act. THCEA retains the option of going through the DBF.

Osceola County Expressway Authority

The bill creates Osceola County Expressway Authority (OCEA) largely using the existing Florida Expressway Authority Act by reference. The governing body of the authority will have six members. Five members, at least one of whom must be a member of a racial or ethnic minority, must be residents of Osceola County. The sixth member is the DOT district secretary for the district where Osceola County is located. Members are entitled to receive their travel and other necessary expenses but are not paid salaries or other compensation. DOT is not required to grant funds for startup costs to the authority; however, the county may provide funds for such startup costs. The authority is not entitled to voting membership on any metropolitan planning organization in which the county or any of its municipalities are voting members. Additionally, the authority is directed to cooperate with and participate in any efforts to establish a regional expressway authority.

The purpose of the authority, as well as other powers and responsibilities, are established by reference to the Florida Expressway Authority Act. As such, the OCEA may acquire, hold, construct, improve, maintain, operate, own and lease an expressway system. Powers are granted to:

- Enter into lease or lease-purchase agreements;
- Charge a toll for use of the system and to delegate toll collection responsibility to the DOT;
- Borrow money, and make and issue negotiable notes;
- Enter into contracts;
- Have the power of eminent domain; and
- Encumber all or any part of the revenues, tolls, rates, fees, or other receipts of the authority, including gasoline tax revenues received from any county under a lease-purchase agreement; and do all things necessary or convenient for the conduct of its business.

The authority is directed to institute procedures to encourage the awarding of contracts to certified minority business enterprises. The authority may borrow money and issue revenue bonds to finance the expressway system. Bonds may be issued through the state Division of Bond Finance. No obligation of the authority may be deemed an obligation of the state. DOT may be appointed by the authority as an agent for construction of the expressway system.

Wekiva Parkway
The bill provides that if certain lands within the Wekiva Study Area or the Wekiva Parkway alignment corridor are used for environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact upon surface water and wetlands requirements. This will allow the use of mitigation credits for other projects or developments within the study area or expansion corridor.

Lake Belt Mitigation
The Lake Belt Plan guides limestone operations in the Lake Belt Area of Miami-Dade County. Under this plan, the Lake Belt mining companies pay a "mitigation" fee of 24 cents per ton of mined material to acquire, restore, and preserve environmentally sensitive lands and fund other environmental projects. The per ton mitigation fee is annually increased by 2.1 percentage points plus a cost growth index based on the Employment Cost Index for All Civilian Workers and the Producer Price Index for All Commodities, issued by the United States Department of Labor.

The bill increases the lake belt mitigation fee to 45 cents per ton, beginning at the close of business on December 31, 2011, to coincide with the terms of the U.S. Army Corps of Engineers' permit. The bill also sunsets the annual increase in the per-ton mitigation fee that is based on a cost growth index formula.

Adopt-A-Highway
The bill removes DOT's required annual report to the Governor and Legislature on the "adopt-a-highway" program.

Outdoor Advertising/Logo Program
Current law provides for the control and permitting of signs adjacent to the highways of the state. The bill revises some definitions regarding outdoor advertising to clarify where these signs may be located and to clarify that visibility from the "main-traveled way" does not include interstate on-ramps or off-ramps.

The bill modifies a DOT pilot program relating to the distance between permitted signs when signs are being relocated by mutual agreement. The bill provides that for the new or replacement sign to be erected on an interstate highway it must be located on a parcel specifically designated for commercial or industrial use under both the future land use map of the comprehensive plan and the land use development regulations. Also, the parcels are not subject to an evaluation to determine whether or not it is in an unzoned, commercial or industrial area.

The bill provides legislative intent relating to unpermitted and illegal signs located on the right-of-way of, and within the controlled areas adjacent to, the State Highway System, the interstate highway system and the federal-aid highway system. The bill authorizes DOT to collect the cost of removing unpermitted and illegal signs from the sign's owner, the advertiser on the sign, or the owner of the property where the sign is located.

DOT is required to establish a Logo Sign Program for the interstate highway system rights of way to provide information about the availability of services at interstate interchanges and establish permit fees in an amount sufficient to offset the total cost of administering the program. In 2009, DOT was authorized to implement a three-year rotation program to allow for the removal and addition of business logos in areas where demand exceeds availability. The 2009 legislation also capped permit fees at $5,000 in urban areas and $2,500 elsewhere.

The bill reduces the maximum annual permit fees for logo signs to $3,500 inside an urban area and $2,000 for locations outside an urban area. The bill also removes DOT's authorization to implement a 3-year rotation for the removal and addition of participating businesses.

Abandoned Property at Airports

Current state law regarding the disposal of lost or abandoned personal property at public use airports directs all moneys realized from the sale of the property, less disposal expenses, to be deposited into the state school fund. However, Federal Aviation Administration grant assurances require any public use airport that receives federal funds to use any other revenue the airport receives for airport related purposes.

The bill addresses the disposal of three types of personal property which is abandoned at a public use airport:

- If the owner does not claim any personal property (not including aircraft or motor vehicles), the director or designee may: retain the property for use by the airport or for use by the state or unit of local government owning or operating the airport; trade the property to another unit of local government or state agency; donate the property to a charitable organization; sell the property; or dispose of the property through an appropriate refuse removal or salvage company. Prior to disposal, the bill requires the airport to notify the owner, if known, that the property was found at the airport and that the airport intends to dispose of it. If the airport decides to sell the property, it must be sold at a public auction either on the Internet or at a specified physical location.
- For the disposal of derelict or abandoned aircraft on the premises of public use airports, the airport is required to determine the last registered aircraft owner and any person having an equitable or legal interest in the aircraft. If, after 30 calendar days, the owner has not removed the aircraft from the airport upon payment in full of all accrued fees and charges or shown reasonable cause for failure to do so, the airport may use, trade, sell, or remove the aircraft. If the airport elects to sell the aircraft, it must do so at a public auction, and, the airport is required to deduct from the proceeds of the sale the costs of transportation, storage, publication of notice, and other costs reasonably incurred. The balance of the proceeds is deposited into an interest-bearing account and must be held for one year. The aircraft's rightful owner may claim the balance of the proceeds within one year from the date of the deposit. If no rightful owner comes forward to claim the proceeds, the balance of the proceeds is retained by the airport to be used in any legally authorized manner.
- For the disposal of derelict or abandoned motor vehicles on the premises of public use airports, the airport must notify the Department of Highway Safety and Motor Vehicles it has possession of the motor vehicle to determine last registered vehicle owner, vehicle's insurer, and anyone who has filed a lien on the motor vehicle. The airport's director or designee must notify the owner of the vehicle, and the insurance company insuring the vehicle. If after a specified period of time the vehicle has not been removed from the airport upon payment in full of all accrued charges for reasonable tow, storage, and parking fees, the vehicle may be disposed of, including, but not limited to, the vehicle being sold free of all prior liens. If attempts to notify the owner and/or lienholder prove unsuccessful, the vehicle may be disposed of in the manner provided for all abandoned vehicles. The vehicle must be sold at public auction, and the proceeds of the sale must be used to recover the airport's costs incurred for towing, storage, and the sale of the vehicle, as well as any accrued parking fees. Any proceeds exceeding these costs are retained by the airport for use in any authorized manner.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 1842 - Transportation Projects
By: Community Affairs; Transportation; Bennett and others
Tied Bills: None
Companion Bills: CS/SB 1331; includes part of CS/CS/SB 482
Committee(s) of Reference: Transportation; Community Affairs; Transportation and Economic Development Appropriations

The "State Highway System Access Management Act" (Act) provides access management regulations for Florida. The Act gives property owners whose property abuts the State Highway System the right to reasonable access, but not unregulated access to the property. The Department of Transportation (DOT) has implemented access management guidelines to provide guidance on access management issues.

Current law also provides for public participation in DOT's planning process, including certain public hearing requirements. DOT is required to notify property owners of record within 300 feet of the centerline of certain projects and those whom DOT determine will be substantially affected environmentally, economically, socially, or safetywise.

The bill requires DOT to notify all affected property owners, municipalities, and counties of proposed changes to state highways, when the project: divides a state highway; erects a barrier median which would modify vehicle turning movements; or has the effect of closing or modifying existing access to adjacent property.

The written notification must be given at least 180 days before the design of the project is finalized and must provide a written explanation regarding the need for the project and indicate that all affected parties will be given an opportunity to provide comments to the department regarding the potential impacts of the project. The notification must also be given to the chief elected official of the municipality or county, depending on whether the project is within or outside of municipal boundaries.

DOT is required to consult with the local government on its final design proposal if the department intends to divide a state highway, erect median barriers, or close or modify existing access to abutting commercial business properties. The local government may also present alternatives which would relieve impacts to the business properties. DOT is required to hold at least one public hearing in the jurisdiction where the project is located and receive public input on the potential economic impact of the project on the local business community. The department must review and consider the comments and any alternatives presented by a local government in preparing the final design of the project.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 2054 - Road Designations
By: Transportation; Gaetz
Tied Bills: None
Companion Bills: CS/HB 1113; includes parts of HB 5; CS/CS/CS 839; CS/SB 520
Committee(s) of Reference: Transportation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill creates the following road designations:

- Doolittle Raiders Highway-State Road 285 in Okaloosa and Walton counties which is located north of College Boulevard in Niceville;
- Beach Highway-That portion of U.S. 331 from the Alabama state line to U.S. 98 in Walton County; and
- K. Earl Durden Highway-State Road 79 from U.S. Highway 98 in Bay County to the B.V. Buchanan Bridge in West Bay.

The Department of Transportation is directed to erect suitable markers for each of these designations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

SB 2470 - Regional Transportation
By: Thrasher
Tied Bills: None
Companion Bills: CS/HB 1297
Committee(s) of Reference: Transportation; Community Affairs; Transportation and Economic Development Appropriations

The Jacksonville Transportation Authority (JTA) is an independent special district that provides regional transit services and roadway infrastructure connecting Northeast Florida.

In 2009, the Legislature required the Department of Transportation (DOT) to direct a study to be conducted and funded by the JTA to consider a framework for creating a transportation authority in the northeast region of Florida. The required report was completed and received by the Legislature on February 1, 2010. One of the report's recommendations is for the Legislature to form a Regional Transportation Study Commission to finalize the analysis in the report and to prepare draft legislation on forming the Regional Transportation Authority (RTA).

The bill creates the Northeast Florida Regional Transportation Study Commission. The commission will be composed of citizens from Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns counties, with nonvoting representatives from the JTA, DOT, the Northeast Florida Regional Planning Council, and the

North Florida Transportation Planning Organization. Members of the commission serve without compensation and may be removed by the appointing entity for cause. The commission will be staffed by the JTA, and its funding is subject to appropriation from the JTA's board and other such funds the commission may receive.

By December 31, 2012, the commission is required to prepare a report detailing its findings and making specific legislative recommendations, including:

- A regional transportation elements plan;
- The defining characteristics of transportation elements of regional significance;
- An implementation plan for undertaking a regional transportation elements plan, which may include the establishment of the regional transportation authority;
- Draft legislation consistent with this act; and
- Any other recommendations the commission deems appropriate.

The commission terminates upon the delivery of the final report.

Section 8 of ch. 2009-89 LOF, authorized the Northwest Florida Regional Transportation Planning Organization to study the feasibility of advance funding the costs of capacity projects and making recommendations to the Legislature by February 1, 2010. The bill extends the deadline of the report to the Legislature to February 1, 2011.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Education Policy Council

HOUSE OF REPRESENTATIVES

Education Policy Council

Representative Will Weatherford, Chair

Representative Marti Coley, Vice Chair

2010 SUMMARY OF PASSED LEGISLATION

PreK-12 Policy Committee

Representative John Legg, Chair

Representative Erik Fresen, Vice Chair

State Universities & Private Colleges Policy Committee

Representative Seth McKeel, Chair

Representative H. Marlene O'Toole, Vice Chair

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SJR 2 - Class Size Requirements for Public Schools
By: Gaetz and others
Tied Bills: None
Companion Bills: HJR 7039
Committee(s) of Reference: Education Pre-K – 12; Policy and Steering Committee on Ways and Means

The Joint Resolution provides voters with the opportunity to amend Section 1, Article IX of the State Constitution, relating to class size. This constitutional section currently specifies that the maximum number of students who may be assigned to a teacher in public school classrooms, by the beginning of the 2010 school year, is: (a) 18 students in prekindergarten (PreK) through grade three; (b) 22 students in grades four through eight; and (c) 25 students in grades nine through 12.

The Joint Resolution, if approved by the voters, would modify the class size requirements so that compliance, beginning with the 2010-2011 school year, would be calculated as follows:

- **PreK–Grade 3:** The maximum number of students who could be assigned to each teacher in an individual classroom would be 21, but the average number of students assigned per class to each teacher within each public school could not exceed 18 students;
- **Grades 4–8:** The maximum number of students who could be assigned to each teacher in an individual classroom would be 27, but the average number of students assigned per class to each teacher within each public school could not exceed 22 students; and
- **Grades 9–12:** The maximum number of students who could be assigned to each teacher in an individual classroom would be 30, but the average number of students assigned per class to each teacher within each public school could not exceed 25 students.

Additionally, the Joint Resolution proposes revisions that would: expand the current exemption of extracurricular classes from class size requirements to also exempt virtual classes; require the Legislature to provide sufficient funding to maintain the average number of students that would be required under the modified class size requirements; and delete obsolete language that currently requires the Legislature, beginning 2003-2004, to provide sufficient funds to reduce the average number of students in each classroom by at least two students annually.

The Joint Resolution would take effect upon approval by the voters and would operate retroactively to the beginning of the 2010-2011 school year.

HB 7037 (ch. 10-70, LOF) - Education
By: Education Policy Council; Coley and others
Tied Bills: None
Companion Bills: CS/SB 1806
Committee(s) of Reference: None

The bill amends law governing a variety of education-related topics for purposes of:

- Conforming statutes that address vocational rehabilitation programs to changes in controlling federal law and repealing provisions of law related to those programs that are duplicative or obsolete;

- Repealing statutory references to the SMART Schools Clearinghouse, as the entity is no longer funded and its duties have been assumed by the Office of Educational Facilities within the Department of Education;
- Directing the Division of Statutory Revision within the Office of Legislative Services to produce a reviser's bill for the 2011 Regular Session that will ensure the uniform use of terminology related to the Florida College System throughout the Florida K-20 Education Code; and
- Repealing sections of education law that have been held unconstitutional; establish programs that have been superseded by more recent legislation; are duplicative of federal law requirements; or have not been funded or implemented.

The bill was approved by the Governor on May 12, 2010, ch. 2010-70, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 7237 (ch. 10-78, LOF) - Postsecondary Education
By: Education Policy Council; Weatherford
Tied Bills: None
Companion Bills: CS/CS/SB 1786
Committee(s) of Reference: None

On March 24, 2010, the Chair of the Board of Governors (BOG), the Chancellor of the State University System, legislative leaders, and the Governor signed an agreement to provide a framework for the collaborative exercise of joint authority by the BOG and Legislature for Florida's public higher education in accordance with their respective state constitutional responsibilities. As a result of the agreement, the BOG filed a notice of dismissal, with prejudice, of their claims in the 2007 lawsuit filed against the Legislature. The presiding officers agreed to file legislation in accordance with the framework set forth in the agreement and to exercise their best efforts to accomplish the final passage of the legislation.

The bill implements the provisions of the agreement as follows:

- Creates the Higher Education Coordinating Council to act as an advisory board to the Legislature, the State Board of Education, and the BOG;
- Repeals s. 1001.74, F.S., relating to the powers and duties of the university boards of trustees in recognition of the BOG's exclusive authority to delegate powers and duties to the university boards of trustees;
- Acknowledges the BOG is responsible for the personnel programs for university employees, requires the BOG to confirm the presidential selection by a university board of trustees, and states the Department of Management Services will continue to control the state group insurance and retirement plans;
- Authorizes the BOG to approve university proposals to: implement flexible tuition policies, establish a fee not specifically authorized by law, and increase certain existing fees;
- Provides guidelines for the review of university fee proposals;
- Exempts state universities from certain requirements regarding communications and data processing;
- Allows a university to participate in the SUNCOM Network at the university's discretion;
- Acknowledges the BOG's authority to adopt regulations when acting pursuant to its constitutional duties and responsibilities;

- Requires the BOG and university boards of trustees to comply with the Administrative Procedure Act when acting pursuant to statutory authority, unless specifically authorized or required to adopt regulations;
- Authorizes the Department of State to remove certain rules from the Florida Administrative Code; and
- Eliminates the requirement of legislative approval for certain programs that lead to licensure and repeals the specific statutory authority for certain programs.

The bill was approved by the Governor on May 12, 2010, ch. 2010-78, Laws of Florida. The effective date of this bill is July 1, 2010.

PreK-12 Policy Committee

CS/CS/SB 4 (ch. 10-22, LOF) - Education Accountability
By: Policy and Steering Committee on Ways and Means; Education Pre-K - 12; Detert and others
Tied Bills: None
Companion Bills: CS/CS/HB 7053
Committee(s) of Reference: Education Pre-K - 12; Policy and Steering Committee on Ways and Means

The bill raises high school graduation requirements in order to provide Florida's students with the opportunity to acquire the academic skills necessary to succeed in college and the workplace. The bill establishes more rigorous mathematics and science standards by requiring geometry and Algebra II as two of the four mathematics credits needed for high school graduation and by requiring Biology I, chemistry or physics, and an equally rigorous course as the three science credits needed for graduation. In addition, students must pass end-of-course (EOC) assessments in Algebra I, geometry, and Biology I in order to earn course credit for each course. The State Board of Education is required to establish two cut scores for each EOC assessment, a passing score and a score indicating that a student is high achieving and has the potential to meet college-readiness standards.

The Commissioner of Education is directed to develop an implementation schedule for the development and administration of additional EOC assessments in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United States history, and world history, subject to funding availability. Performance on these statewide, standardized EOC assessments will constitute at least 30 percent of the student's course grade.

If a student does not pass a statewide, standardized EOC assessment, the use of equivalent scores is authorized in order to meet the assessment requirement. Additionally, the Credit Acceleration Program is created to allow a student to earn high school course credit without being enrolled in the course if the student attains a passing score on a statewide, standardized EOC assessment.

The grade 9 and grade 10 FCAT Mathematics and high school level FCAT Science are eliminated, as well

as the requirement for a revised FCAT Writing beginning with the 2012-2013 school year.

Provisions in existing law relating to high school major and minor areas of interest are repealed. High schools are required provide acceleration courses and advise students of such courses.

The Office of Program Policy Analysis and Government Accountability is directed to conduct a study on the different types of diplomas offered in other states. The study must provide information regarding differentiated high school diploma options. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2011.

The bill was approved by the Governor on April 20, 2010, ch. 2010-22, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/SB 6 - Education Personnel
By: Policy and Steering Committee on Ways and Means; Education Pre-K - 12; Thrasher and others
Tied Bills: None
Companion Bills: CS/HB 7189
Committee(s) of Reference: Education Pre-K - 12; Policy and Steering Committee on Ways and Means

The bill reforms current law regarding performance appraisal systems and salary schedules for instructional personnel and school-based administrators, contracts for newly hired classroom teachers, educator certification, and teacher preparation programs. The bill places increased emphasis on student learning when evaluating instructional personnel and school-based administrator performance and requires that performance appraisals be considered in educator recertification, determining salary increases for instructional personnel and school-based administrators, and renewing contracts with classroom teachers hired on or after July 1, 2010.

The bill requires each school district and charter school performance appraisal to differentiate among four levels: unsatisfactory, needs improvement, effective, and highly effective. Effective July 1, 2014, student learning gains must comprise more than 50 percent of the appraisal. To measure learning gains, school districts and charter schools must utilize existing statewide assessments; Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and industry certification examinations; and, for subject areas and grade levels that are not tested by these examinations, end-of-course assessments developed or acquired by the district or charter school. The State Board of Education must adopt rules establishing the method for calculating rates of student learning tied to the four performance levels and the Department of Education (DOE) must collect and report, by school and by district, the percentage of employees evaluated at each performance level.

The bill prohibits school districts and charter schools from awarding professional service contracts to classroom teachers newly hired on or after July 1, 2010. Classroom teachers hired by school districts on or after July 1, 2010, will receive a one-year probationary contract and then may receive up to four annual contracts if the teacher holds a professional certificate and is recommended by the superintendent and approved by the district school board. In order to receive an annual contract thereafter, a classroom teacher must have met the aforementioned requirements and have been evaluated as effective or highly effective on at least two of the three preceding performance appraisals.

The bill requires school districts and charter schools to use performance appraisals in determining salary increases for instructional personnel and school-based administrators (i.e., performance pay) and ends the use of years of service or advanced degrees in setting salary schedules. However, advanced degrees may be used to assess an employee's "knowledge of subject matter," which is an existing element of the performance appraisal. Additionally, the bill modifies existing law to require that school districts provide differentiated pay to instructional personnel and school-based administrators who work in high-priority location areas, teach in critical teacher shortage areas, or take on additional academic responsibilities.

Beginning in 2011-2012, the bill establishes the Performance Fund for Instructional Personnel and School-Based Administrators, which is the equivalent of five percent of the total state, local, and federal funding determined by the Florida Education Finance Program. School districts and charter schools must use these funds to implement the bill's requirements regarding performance and differentiated pay, performance appraisals, and end-of-course assessments. If funds remain after these requirements are met, the remaining balance may be used for general operations. The bill establishes procedures for reviewing school district and charter school compliance and requires that funds be withheld for noncompliance.

The bill strengthens the subject area mastery requirements for out-of-state certified teachers seeking professional certification in Florida and for temporary certificate holders; prohibits district school boards from assigning a beginning teacher to teach out-of-field in mathematics, science, or reading; eliminates lifetime recertification for National Board certified educators; and requires that an educator have been evaluated as effective or highly effective on four of the previous five performance appraisals in order to renew professional certification. In addition, the bill revises several requirements related to initial teacher preparation programs and educator preparation institutes (EPI). Most notably, the bill requires, as an element of continued approval, that initial teacher preparation programs and EPIs demonstrate that program graduates produce student learning gains.

The bill requires the DOE and Board of Governors of the State University System to collaboratively review the cost-effectiveness of initial teacher preparation programs, EPIs, and school district professional education competence demonstration programs and requires the Office of Program Policy Analysis and Government Accountability to review the standards for continued approval of teacher preparation programs.

Finally, the bill phases out bonuses awarded to National Board certified teachers under the Dale Hickam Excellent Teaching Program and repeals several obsolete or under-utilized programs, such as the Merit Award Program, deregulated public schools pilot program, academic performance based charter school districts, and the Critical Teacher Shortage Program.

The bill was vetoed by the Governor on April 15, 2010.

CS/CS/HB 31 - Public Education
By: Policy Council; PreK-12 Policy Committee; Drake; Evers
Tied Bills: None
Companion Bills: CS/SB 1580
Committee(s) of Reference: PreK-12 Policy Committee; Civil Justice & Courts Policy Committee; Policy Council; Education Policy Council

The bill prohibits district school boards, administrative personnel, and instructional personnel from taking affirmative action, including, but not limited to, the entry into any agreement, that infringes or waives the rights or freedoms afforded to instructional personnel, school staff, or students by the First Amendment to the United States Constitution, in the absence of the express written consent of any individual whose constitutional rights would be impacted by such infringement or waiver.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 105 (ch. 10-48, LOF) - Civics Education
By: PreK-12 Policy Committee; McBurney; Hudson; Kelly and others
Tied Bills: None
Companion Bills: CS/SB 1096
Committee(s) of Reference: PreK-12 Policy Committee; Education Policy Council

The bill requires students entering grade 6 in the 2012-2013 school year to successfully complete a one-semester civics education course in order to meet the middle school promotion requirements. In addition, the bill phases in the administration of an end-of-course (EOC) assessment over a three year period. Beginning with the 2014-2015 school year, a student must pass the EOC assessment in order to receive course credit. Student scores on the civics education EOC assessment will be considered in designating a school's grade.

The middle school civics education course must address the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and Constitution of the United States.

Beginning with the 2011-2012 school year, the reading portion of the language arts curriculum must include civics education content for all grade levels.

The bill was approved by the Governor on May 12, 2010, ch. 2010-48, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 140 - School Food Service Programs
By: Governmental Oversight and Accountability; Siplin and others
Tied Bills: None
Companion Bills: CS/HB 1619
Committee(s) of Reference: Education Pre-K - 12; Agriculture; Governmental Oversight and Accountability; Education Pre-K - 12 Appropriations

The bill creates the Florida Farm Fresh Schools Program within the Department of Education (DOE) to develop school food services policies that:

- Encourage school districts to buy fresh and high-quality foods grown in the state, when feasible;
- Encourage Florida farmers to sell their products directly to school districts and schools; and
- Encourage school districts and schools to demonstrate a preference for competitively priced organic food products.

School districts and schools are required to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content. The bill directs DOE to work collaboratively with Department of Agriculture and Consumer Services to provide outreach, guidance, and training to school districts, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from Florida farms. The Florida Farm Fresh Schools Program must maintain compliance with the regulations of the National School Lunch Program. Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

SB 166 - Prescribed Pancreatic Enzyme Supplements/Use
By: Wise
Tied Bills: None
Companion Bills: HB 45
Committee(s) of Reference: Education Pre-K - 12; Health Regulation; Education Pre-K - 12 Appropriations

The bill authorizes K-12 students who are at risk for pancreatic insufficiency or diagnosed with cystic fibrosis to use a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school has been provided with parental and prescribing practitioner authorization.

The parents of students authorized to use a prescribed pancreatic enzyme supplement must indemnify the school district, county health department, public-private partner, and their employees and volunteers from all liability related to the use of the prescribed pancreatic enzyme supplements.

The bill requires the State Board of Education, in cooperation with the Department of Health, to adopt rules for the use of prescribed pancreatic enzyme supplements, including provisions to protect the safety of all students from the misuse or abuse of the supplements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 206 - District School Board Policies and Procedures
By: Education Pre-K - 12; Hill and others
Tied Bills: None
Companion Bills: CS/HB 55
Committee(s) of Reference: Education Pre-K - 12; Education Pre-K - 12 Appropriations

The bill encourages district school boards to adopt policies for designating the third Tuesday in April each year as "Academic Scholarship Signing Day." The stated purpose of Academic Scholarship Signing Day is to recognize high school seniors who have been awarded postsecondary academic scholarships. A school board may encourage holding these events for the entire student body to reinforce the importance of academic success.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 434 - Suicide Prevention Education
By: Children, Families, and Elder Affairs; Education Pre-K - 12; Sobel and others
Tied Bills: None
Companion Bills: CS/CS/HB 1061
Committee(s) of Reference: Education Pre-K - 12; Children, Families, and Elder Affairs; Education Pre-K - 12 Appropriations

The bill amends district school board duties relating to student discipline and school safety to require each board, beginning with the 2010-2011 school year, to provide access to suicide prevention educational resources to all instructional and administrative personnel as part of the school district's professional development system. District school boards must use resources approved by the Statewide Office of Suicide Prevention.

The bill revises the membership of the Suicide Prevention Coordinating Council by replacing the member who represents the Alzheimer's Association with a representative of the American Foundation for Suicide Prevention and replacing the member who represents Volunteer Florida with a representative of the National Council for Suicide Prevention.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 467 - Public K-12 Education
By: PreK-12 Policy Committee; Jones and others
Tied Bills: None
Companion Bills: CS/SB 642
Committee(s) of Reference: PreK-12 Policy Committee; Education Policy Council

The bill requires a teen dating violence and abuse component to be added to the comprehensive health

education curriculum for students in grades 7 through 12. The new component must include the definition of dating violence and abuse, warning signs of dating violence and abusive behavior, characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

The bill requires that each district school board adopt and implement a dating violence and abuse policy that must be integrated into each school district's discipline policies. Each district's policy must prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation; provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse; and define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum. The Department of Education is required to develop a model policy to assist district school boards in the development of their policies. Each school district must provide training for teachers, staff, and school administrators to implement the new dating violence and abuse policies.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 521 (ch. 10-52, LOF) - Interstate Compact on Educational Opportunity for Military Children
By: Proctor and others
Tied Bills: None
Companion Bills: SB 1060
Committee(s) of Reference: PreK-12 Policy Committee; Military & Local Affairs Policy Committee; Education Policy Council

In 2008, the Florida Legislature enacted the Interstate Compact on Educational Opportunity for Military Children. The purpose of the compact is to enable member states to uniformly address educational transition issues faced by children of active-duty military families, including school placement, enrollment, records transfer, and graduation. The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. The Commission adopts and enforces compact rules which govern member states. The compact rules supersede any conflicting member state laws.

Florida's compact legislation was enacted prior to the promulgation of compact rules. Accordingly, to enable the Legislature to evaluate the compact rules after their adoption and determine whether Florida should continue participation in the compact, the compact legislation included an automatic repeal provision effective July 9, 2010. The Legislature can continue Florida's participation in the compact by reenacting the compact legislation prior to the repeal date.

The bill reenacts Florida's compact legislation, removes the automatic repeal provision in the original compact legislation, and adds a new provision automatically repealing the compact legislation three years after the bill takes effect. In addition, the bill removes current compact provisions authorizing the Commission to close meetings under specified circumstances, seal closed meeting records, and adopt bylaws governing disclosure of Commission records. These provisions, as applied to Florida's Compact

Commissioner, conflict with provisions in the Florida Constitution which require that public access be granted to governmental records and meetings.

The bill was approved by the Governor on May 12, 2010, ch. 2010-52, Laws of Florida. The bill was effective upon becoming law.

CS/CS/HB 747 (ch. 10-57, LOF) - Treatment of Diabetes
By: Education Policy Council; PreK-12 Policy Committee; N. Thompson and others
Tied Bills: None
Companion Bills: CS/CS/SB 896
Committee(s) of Reference: PreK-12 Policy Committee; Education Policy Council

The bill prohibits school districts from restricting the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time nurse, or that the school does not have trained diabetes personnel. The bill permits diabetic students, whose parent and physician provide their written authorization to the school principal, to carry diabetic supplies and equipment on their person and to manage and care for their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education (SBE) rule.

The parent of a student authorized to carry diabetic supplies or equipment must indemnify the school district, county health department, and public-private partner, and the employees and volunteers of those entities, from all liability with respect to the student's use of such supplies and equipment.

The SBE, in cooperation with the Department of Health (DOH), must adopt rules for the management and care of diabetes by students in schools, which must include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment. The SBE, in cooperation with the DOH, must also adopt rules to encourage every school in which a student with diabetes is enrolled to have personnel trained in routine and emergency diabetes care.

The bill adds a representative from the Florida Academy of Family Physicians to the Diabetes Advisory Council.

The bill was approved by the Governor on May 12, 2010, ch. 2010-57, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/SB 1058 - Cooperation Between Schools & Juvenile Authorities
By: Education Pre-K - 12; Criminal Justice; Aronberg
Tied Bills: None
Companion Bills: CS/HB 603
Committee(s) of Reference: Criminal Justice; Education Pre-K - 12; Education Pre-K - 12 Appropriations

Florida law requires a state attorney, upon formally charging a child with a felony or a delinquent act that would be a felony if committed by an adult, to notify the superintendent of the school district in which the child attends school that such charges have been filed. The superintendent must notify the appropriate school personnel, including the child's school principal, within 48 hours. In turn, the principal must immediately notify the child's classroom teachers. The bill adds requirements for the superintendent to notify the school district director of transportation and for the principal to notify the child's assigned bus driver and any other school personnel whose duties include direct supervision of the child. Additionally, the bill adds a requirement that the superintendent notify the school personnel whose duties include direct supervision of the child of the disposition of the charges against the child.

The Family Educational Rights Privacy Act of 1974 (FERPA) prohibits educational agencies and institutions that receive federal education funds from disclosing a student's education records without the consent of the student or the student's parent, with several exceptions. One such exception allows educational agencies and institutions to disclose a student's education records without prior consent if so authorized by a state statute that concerns the juvenile justice system and the system's ability to effectively serve the student before adjudication. Legislation enacted in 2009 inadvertently removed provisions to this effect from the Florida Statutes.

The bill re-establishes the authorization for an educational agency, public K-12 school, center, or institution; the Florida School for the Deaf and the Blind; and the Florida Virtual School to disclose student education records, without prior consent, to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. The purpose of such an agreement and information sharing is to reduce juvenile crime, truancy, in-school and out-of-school suspensions, and expulsions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 1073 & HB 81 - Persons with Disabilities
By: Full Appropriations Council on Education & Economic Development; PreK-12 Policy Committee; Llorente; Hukill
Tied Bills: None
Companion Bills: CS/CS/SB 2118; includes part(s) of HB 81
Committee(s) of Reference: PreK-12 Policy Committee; Full Appropriations Council on Education & Economic Development

The bill establishes requirements for the use, monitoring, and documentation and reporting of seclusion and restraint of students with disabilities. For example, school personnel are prohibited from using a mechanical restraint or manual physical restraint that restricts a student's breathing and are also

prohibited from closing, locking, or physically blocking a student in a room that is unlit and does not meet State Fire Marshal rule requirements.

The bill requires that a school prepare an incident report within 24 hours after a student is released from restraint or seclusion. The reports must be provided to school and school district administrative personnel and the DOE each month the school is in session. Each time a student is restrained or secluded, the school must notify the student's parent, in writing, before the end of the school day and obtain the parent's signed acknowledgement that he or she was so notified. The school must also mail the completed incident report to the parent within three school days after the restraint or seclusion.

The bill requires that the continuing education and inservice training curriculum for instructional personnel must incorporate the Commissioner of Education's recommendations regarding the instruction of students with autism spectrum disorder (autism) and other developmental disabilities. These recommendations must address:

- Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, or other developmental disabilities;
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques;
- The use of available state and local resources;
- The use of positive behavioral supports to deescalate problem behaviors; and
- The appropriate use of manual physical restraint and seclusion techniques.

Current law requires child care personnel to take an approved introductory course in child care and requires that certain topics are covered in that course. The bill adds that the course must also cover "developmental disabilities, including autism and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities." In addition, the bill requires child care personnel to receive training in the recognition and care of infants and toddlers with developmental disabilities, including autism and Down syndrome.

The bill requires regional autism centers to coordinate and disseminate local and regional information regarding available services for children with developmental disabilities and to support state agencies in developing training for early child care providers and educators regarding developmental disabilities.

Applicants for facility licensure by the Agency for Persons with Disabilities (APD) must currently certify that staff has received training in detecting and preventing sexual abuse of residents and clients. The bill adds that staff must also receive training regarding detecting, reporting, and preventing the abuse, neglect, exploitation, and abandonment of residents and clients. The ability of the APD to conduct unannounced inspections is expanded to include a determination of compliance with training requirements.

The bill expands Florida's bill of rights for persons with developmental disabilities to include the right to be free from all abuse, neglect, and exploitation, regardless of the setting.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 1505 – Education Programs for Children with Disabilities
By: PreK-12 Policy Committee; Flores and others
Tied Bills: None
Companion Bills: CS/CS/SB 2746
Committee(s) of Reference: PreK-12 Policy Committee; PreK-12 Appropriations Committee; Education Policy Council

Voluntary Prekindergarten Education Program

The Voluntary Prekindergarten (VPK) Education Program is a free, educational program for four-year olds. VPK is offered by public and private school providers as a school-year or summer program.

The bill establishes a specialized instructional services program for children with disabilities as an option under the VPK Program. Beginning with the 2012-2013 school year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK Program and has a current Individual Education Plan (IEP) developed by the district school board.

The bill permits the parent of a child who is eligible for the VPK Program option for children with disabilities to select one or more specialized services that are consistent with the child's IEP. Those services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. Specialized instructional services must be delivered according to accepted professional standards and VPK Program performance standards adopted by the Department of Education (DOE).

The bill directs DOE to approve specialized instructional service providers, maintain a list of approved providers, and notify each school district and early learning coalition of the approved provider list. Upon the request of a child's parent, DOE may approve a specialized instructional service provider that is not on the approved list if the provider's services meet accepted professional standards and VPK Program performance standards and the service is consistent with the child's IEP. An early learning coalition must reimburse an approved specialized instructional service provider for authorized services provided to an eligible child. The reimbursement may not exceed the VPK Program base student allocation.

The bill requires the Agency for Workforce Innovation, in consultation with DOE, to adopt procedures for determining eligibility and enrolling children in the VPK Program option for children with disabilities and for paying specialized instructional service providers under this option. A parent of a child receiving specialized instructional services may withdraw from the program for good cause and reenroll in another program if no more than 70 percent of the funds authorized have been expended.

McKay Scholarship Program

Currently, the John M. McKay Scholarships for Students with Disabilities Program (McKay Scholarship Program) provides the option for a student with a disability with an IEP to attend a public school other than the one to which the student is assigned or to accept a scholarship to a private school.

The bill revises student eligibility requirements for the McKay Scholarship Program. Specifically, a student is eligible for the program if the student has:

- Received specialized instructional services under the VPK Program option for children with disabilities during the previous school year and the student has a current IEP;
- Spent the *prior school year in attendance* at a Florida public school or the Florida School for the

Deaf and the Blind; or

- Been enrolled and reported by the school district for funding, during the October and February Florida Education Finance Program (FEFP) surveys, in any of the five years prior to the 2010-2011 school year; has a current IEP developed from the district school board no later than June 30, 2011; and receives a first-time McKay scholarship for the 2011-2012 school year. Upon the request of the parent, the local school district must complete a matrix of services as required.

The bill also authorizes the Commissioner of Education to deny, suspend, or revoke a private school's participation in the McKay Scholarship Program if the commissioner determines that an owner or operator of the private school is operating, or has operated, an educational institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public. The bill provides factors that the commissioner may consider in making such a determination.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/CS/SB 2014 - Early Learning
By: Transportation and Economic Development Appropriations; Children, Families, and Elder Affairs; Commerce; Wise and others
Tied Bills: None
Companion Bills: CS/CS/HB 1203
Committee(s) of Reference: Commerce; Education Pre-K - 12; Children, Families, and Elder Affairs; Transportation and Economic Development Appropriations

The School Readiness Program
The bill revises the duties of Early Learning Coalitions (ELC) and the Agency for Workforce Innovation (AWI) to streamline administration of the School Readiness Program. The bill requires the Governor to designate AWI as the lead agency for administering the federal Child Care and Development Fund. AWI must establish a formula for allocating state and federal school readiness funds. The formula is subject to review and revision by the Legislature.

The bill directs AWI to uniformly implement the School Readiness Program and expands its rulemaking authority regarding various program requirements. Additionally, AWI must administer the statewide electronic data system; adopt a standard school readiness provider contract for use by ELCs; and adopt specific system support services for implementing the School Readiness Program. ELCs must amend their school readiness plans to conform to adopted system support services.

The bill requires AWI, the Department of Education, and ELCs to coordinate with the Department of Children and Family Services (DCFS) to avoid duplication of interagency activities. The bill transfers from DCFS to AWI the authority to administer the statewide toll-free Warm-line; authorize transportation services for children served by school readiness programs; and set reimbursement rates for providers of federally funded child care programs.

The bill increases the statutory limit on the number of ELCs from 30 to 31 and eliminates provisions stating that ELCs for Sarasota, Osceola, and Santa Rosa counties are not to be counted within the limit. The bill requires AWI to waive the merger requirement for ELCs that fall below minimum service levels,

provided that certain criteria are met.

The bill revises the membership and term requirements for ELCs and subjects ELCs to procurement procedures developed by AWI, rather than those generally applicable to state agencies. The bill eliminates limits on the duration of ELC commodities and services contracts and provisions requiring certain ELCs to designate a fiscal agent.

The bill requires AWI to review ELC school readiness plans every two years, rather than annually, and revises several plan requirements. The bill specifies that ELCs must implement school readiness programs in accordance with AWI rules governing performance standards, outcome measures, and system support services.

The bill specifies a more clearly defined child eligibility sequence; effectively eliminates ELC discretion to establish local child eligibility priorities; and specifies child discipline standards for school readiness programs. The bill specifies that legally operating child care providers may receive referrals from the statewide child care resource and referral network and adds the Voluntary Prekindergarten (VPK) Education Program and School Readiness Program as services for which referrals may be made.

Voluntary Prekindergarten Education Program

Currently, a VPK provider designated as low-performing for four consecutive years becomes ineligible to offer VPK, without exception. The bill authorizes the State Board of Education to grant a good cause exemption, on an annual basis, to an otherwise ineligible VPK provider, provided that certain criteria are met; e.g., the provider serves at least twice the statewide percentage of children with disabilities or children identified as limited English proficient. Under current law, holding accreditation from an approved accrediting association is one way a private prekindergarten provider may gain eligibility to offer VPK. The bill specifies additional accrediting associations from whom a private prekindergarten provider may receive accreditation. Finally, the bill specifies required child discipline standards for VPK providers.

Child Care Provider Regulation

The bill expressly establishes the Gold Seal Quality Care program within DCFS, requires DCFS rulemaking to establish Gold Seal accreditation standards, and establishes standards for approving accrediting associations for participation in the program. The bill adds DCFS authority to collect licensing and registration fees from registered family day care homes, licensed family day care homes, and licensed large family child care homes and deletes several references to obsolete programs.

Children's Services Districts

The bill requires a county governing body to hold a referendum to reauthorize or dissolve a Children's Services District with voter-approved taxing authority in accordance with a prescribed referendum schedule. A referendum to reauthorize or dissolve an existing Children's Services District or to create a new district with taxing authority after July 1, 2010, may specify whether or not the district is subject to future reauthorization by referendum. If this information is not specified, a subsequent referendum on reauthorization must be held in 12 years.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

State Universities & Private Colleges Policy Committee

CS/HB 341 - H. Lee Moffitt Cancer Center and Research Institute
By: State Universities & Private Colleges Policy Committee; Coley and others
Tied Bills: None
Companion Bills: CS/SB 1022
Committee(s) of Reference: State Universities & Private Colleges Policy Committee; Civil Justice & Courts Policy Committee; Full Appropriations Council on Education & Economic Development; Education Policy Council

The H. Lee Moffitt Cancer Center and Research Institute (Moffitt Cancer Center) is a leading cancer research and treatment center in Tampa created by the Legislature in 1987 and affiliated with the University of South Florida (USF) as well as other universities nationwide. This bill amends laws regarding the Moffitt Cancer Center to:

- Recognize that the Moffitt Cancer Center is a statewide resource for basic and clinical research and multidisciplinary approaches to patient care;
- Provide that the Moffitt Cancer Center and any approved not-for-profit subsidiary of the Center are corporations primarily acting as instrumentalities of the state for purposes of sovereign immunity;
- Require that the agreement between the Board of Governors and the not-for-profit corporation provide for the utilization of lands, facilities, and personnel by the not-for-profit corporation and its subsidiaries for mutually-approved teaching and research programs conducted by state universities, not only the USF;
- Revise provisions relating to the control and sharing of technical and professional income from practice activities; and
- Allow state university faculty to hold concurrent appointments at the Moffitt Cancer Center.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 436 (ch. 10-23, LOF) - Community Colleges
By: Higher Education; Baker and others
Tied Bills: None
Companion Bills: HB 245
Committee(s) of Reference: Higher Education

Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session.

The bill renames “Central Florida Community College” as “College of Central Florida,” “Lake City Community College” as “Florida Gateway College,” “Palm Beach Community College” as “Palm Beach State College,” and “Seminole Community College” as “Seminole State College of Florida.” Each community college has complied with the statutory requirements for its name change.

The bill was approved by the Governor and became effective on April 20, 2010.

CS/CS/HB 723 - Postsecondary Education
By: Education Policy Council; State Universities & Private Colleges Policy Committee; Sachs and others
Tied Bills: None
Companion Bills: CS/CS/SB 2102
Committee(s) of Reference: State Universities & Private Colleges Policy Committee; State Universities & Private Colleges Appropriations Committee; Education Policy Council

The bill authorizes a state university or community college to waive tuition and fees for full-time public school classroom teachers for up to six credit hours per term on a space-available basis in undergraduate courses approved by the Department of Education. The courses are limited to undergraduate courses related to special education, mathematics, or science. The public school teacher must meet any academic requirements established by the state university or community college and cannot use the fee waiver for courses scheduled during the school day.

The bill limits the liability of state universities for actions or decisions made by its student government, by allowing a cause of action against a state university only when the action or decision by the student government is made final by the university and is a violation of state or federal law.

The bill authorizes institutions eligible for the William L. Boyd, IV, Florida Resident Access Grant to charge a convenience fee for the use of a credit card to pay tuition, fees, and other student account charges. Similarly, the bill authorizes community colleges to charge a convenience fee for the processing of automated or online credit card payments. The convenience fee may not exceed the total cost charged by the credit card company to the institution or the community college.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 1337 (ch. 10-37, LOF) - Nursing
By: Health Care Appropriations Committee; State Universities & Private Colleges Policy Committee; Grimsley and others
Tied Bills: None
Companion Bills: CS/SB 2530
Committee(s) of Reference: State Universities & Private Colleges Policy Committee; Health Care Regulation Policy Committee; Health Care Appropriations Committee; Education Policy Council

To address the state’s lack of nursing education program capacity, the 2009 Legislature adopted

legislation to expedite and streamline Florida's nursing education program approval and regulatory processes. This legislation repealed the Florida Board of Nursing's (BON's) authority to prescribe the approval and regulatory processes by rule and, instead, set forth these processes in statute. CS/CS/HB 1337 (bill) builds upon the 2009 legislation by further streamlining the regulatory processes and also addresses a number of issues that arose during the legislation's first year of implementation.

Under the bill, a nursing education program that is accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education is no longer subject to regulation by the BON for as long as the program maintains its accreditation. Currently, there are two nationally recognized accrediting agencies, the National League for Nursing Accreditation Commission and the Commission on Collegiate Nursing Education. Sixty-one of Florida's 181 approved nursing education programs are accredited by one or both of these agencies.

For non-accredited programs, the BON approval and regulatory processes, as adopted in last year's legislation, are largely retained, but implementation issues that arose regarding these provisions are addressed. The bill's revisions include:

Nursing Education Program Application

The bill revises the requirements for the contents of a program application and clarifies that the BON must approve or deny a program application within 90 days after receipt of a complete application.

Graduate Passage Rates

The bill specifies that an approved nursing education program's graduate passage rate on the National Council Licensure Examination (NCLEX) must not be lower than 10 percentage points, rather than 10 percent, below the national average passage rate. It also specifies that the requirement for graduate passage rates begins with the 2010 calendar year.

Probation

The bill specifies that programs placed on probation for inadequate graduate passage rates must be removed from probation after attaining the required passage rate for one calendar year. It also eliminates probation as a penalty for a program's failure to submit an annual report and, instead, requires the program director to appear before the BON to explain the delay.

NCLEX Data

The bill authorizes a program director to receive data on whether an individual graduate of the nursing education program passed or failed the NCLEX so that the director may determine if the program's aggregate graduate passage rate is accurate.

The bill was approved by the Governor on May 7, 2010, ch. 2010-37, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 1363 (ch. 10-68, LOF) - Postsecondary Student Fees
By: State Universities & Private Colleges Policy Committee; Glorioso and others
Tied Bills: None
Companion Bills: CS/SB 1148
Committee(s) of Reference: State Universities & Private Colleges Policy Committee; Education Policy Council

The bill revises provisions relating to the fee exemption provided for certain students who were in the custody of the Department of Children and Family Services (DCFS), in the custody of a relative under the Relative Caregiver Program, adopted from DCFS after May 5, 1997, or placed in a guardianship by the court.

The bill establishes separate fee exemptions for:

- A student in the custody of DCFS or placed in a guardianship by the court; and
- A student in the custody of a relative under the Relative Caregiver Program or adopted from DCFS after May 5, 1997.

Each fee exemption remains valid until a student reaches 28 years of age.

The bill removes the provisions referencing the college-level communication and computation skills testing program (CLAST), which was repealed during the 2009 Legislative session.

The bill was approved by the Governor on May 12, 2010, ch. 2010-68, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 1581 - Florida Atlantic University
By: Hasner and others
Tied Bills: None
Companion Bills: SB 2460
Committee(s) of Reference: State Universities & Private Colleges Policy Committee; State Universities & Private Colleges Appropriations Committee; Education Policy Council

The bill authorizes a doctor of medicine degree program at Florida Atlantic University, subject to the approval of the Board of Governors. The program was unanimously approved by the Board of Governors on April 7, 2010.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HOUSE OF REPRESENTATIVES

Finance & Tax Council

Representative Ellyn Setnor Bogdanoff, Chair

Representative Gary Aubuchon, Vice Chair

2010 SUMMARY OF PASSED LEGISLATION

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CS/HB 109 (ch. 10-32, LOF) - Excise Tax on Documents
By: Finance & Tax Council; Jenne
Tied Bills: None
Companion Bills: CS/CS/SB 234; includes part(s) of CS/HB 7157; SB 1976
Committee(s) of Reference: Finance & Tax Council; Criminal & Civil Justice Policy Council

CS/HB 109 clarifies the law governing the calculation of documentary stamp tax owed when real property is conveyed via short sale. This bill creates s. 201.02(11), F.S., to provide that consideration upon which documentary stamp tax is calculated does not include the unpaid indebtedness that is forgiven or released by a mortgagee holding a mortgage on the property. The bill defines a short sale as the purchase and sale of real property in which:

- The grantor's (seller's) interest in the real property is encumbered by a mortgage or mortgages securing indebtedness in an aggregate amount greater than the purchase price paid by the grantee (buyer);
- A mortgagee releases the real property from its mortgage in exchange for a partial payment of less than the outstanding mortgage indebtedness owing to the releasing mortgagee;
- The releasing mortgagee does not receive, directly or indirectly, any interest in the property transferred; and
- The releasing mortgagee is not controlled by or related to the grantor or the grantee.

The bill was approved by the Governor on May 7, 2010, ch. 2010-32, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/SB 366 - Retail Sales of Smoking Pipes and Devices
By: Criminal Justice; Regulated Industries; Wise
Tied Bills: None
Companion Bills: CS/CS/HB 187
Committee(s) of Reference: Regulated Industries; Criminal Justice; Policy and Steering Committee on Ways and Means

Florida law currently defines drug paraphernalia and includes an element of intent whereby a court, jury, or other authority, must consider specific factors identified in statute when determining in a criminal case whether an object constitutes drug paraphernalia. In Florida, it is currently unlawful to:

- Use or possess drug paraphernalia to produce a controlled substance or introduce a controlled substance into the body;
- Advertise objects in a publication when it is known or reasonable to know that the purpose is to promote the sale of such objects for use as drug paraphernalia;
- Deliver, manufacture with intent to deliver, or possess with intent to deliver drug paraphernalia when it is known or reasonable to know that it will be used to produce a controlled substance or introduce a controlled substance into the body;

- Use, possess with the intent to use, or manufacture with the intent to use, drug paraphernalia when it is known or reasonable to know that it will be used to transport a controlled substance or contraband as defined in s. 932.701(2)(a)1., F.S.; or
- Deliver drug paraphernalia to a minor when it is known or reasonable to know that it will be used to produce or introduce into the body a controlled substance.

The bill provides that, except under certain circumstances described below, it is unlawful for any person to offer for sale any of the following smoking pipes and devices: metal, wooden, acrylic, glass, stone, plastic, or ceramic smoking pipes, with or without screens, permanent screens, or punctured metal bowls; water pipes; carburetion tubes and devices; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers.

Under the bill, a person may offer the above items for sale only if the person has a retail tobacco products dealer permit under s. 569.003, F.S., and, either derives at least 75 percent of its annual gross revenues from the sale of cigarettes, cigars and other tobacco products; or derives no more than 25 percent of its annual gross revenues from the sale of the listed items.

The bill provides that any person who violates the new law is guilty of a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 483 & HB 469 - Tax on Sales, Use, and Other Transactions
By: Finance & Tax Council; Rivera; Flores
Tied Bills: None
Companion Bills: SB 160
Committee(s) of Reference: Finance & Tax Council

The bill establishes a three-day sales tax holiday occurring August 13-15, 2010. During the sales tax holiday, the following items that cost $50 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Books (defined as a set of printed sheets bound together and published in a volume, but does not include newspapers, magazines, or other periodicals);
- Clothing and Footwear (defined as an "article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body," but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

During the sales tax holiday, the bill also exempts school supplies that cost $10 or less per item. School supplies exempted during the sales tax holiday are "pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators, binders, lunch boxes, construction paper, markers, folders, and poster board."

The bill provides that the sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. Thus, sales in these locations will be subject to taxation during the sales tax holiday.

The bill authorizes the Department of Revenue to adopt emergency rules to administer the sales tax holiday.

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

CS/SB 1178 - Cost-benefit/Return-on-investment/Dynamic Scoring
By: Policy and Steering Committee on Ways and Means; Haridopolos
Tied Bills: None
Companion Bills: CS/HB 121
Committee(s) of Reference: Finance and Tax; Policy and Steering Committee on Ways and Means; Rules (w/d)

The bill creates s. 216.138, F.S., providing authority for the President of the Senate or the Speaker of the House of Representatives to request special impact sessions of consensus estimating conferences to evaluate proposed legislation based on tools and models not generally employed by the conferences, including cost-benefit, return-on-investment, or dynamic scoring techniques, when suitable and appropriate for the legislation being evaluated.

The bill also provides that the Office of Economic and Demographic Research, acting in consultation with the principals of the consensus estimating conferences and after receiving public input, shall develop protocols and procedures necessary to implement the provisions of s. 216.138, F.S. At a minimum, the protocols and procedures to be used for evaluating specific proposed legislation shall include cost-benefit, return-on-investment, and dynamic scoring techniques and may include additional, appropriate economic techniques. Additionally, the protocols and procedures must address the format for reporting results and provide proposed linkages to the appropriations and revenue forecasting processes, including any statutory changes that may be needed. The linkages must be consistent with the constitutional requirement for a balanced budget.

The office is required to submit a report of its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by December 1, 2010. Subject to approval by the President of the Senate and the Speaker of the House of Representatives following the submission of the report, the protocols and procedures shall be used to the extent feasible for the analysis of specific proposed legislation by consensus estimating conferences as provided in s. 216.138, F.S., unless and until such approval is subsequently affirmatively revoked.

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

CS/SB 2126 (ch. 10-24, LOF) - Florida Tax Credit Scholarship Program
By: Finance and Tax; Negron
Tied Bills: None
Companion Bills: CS/HB 1009
Committee(s) of Reference: Committee on Finance and Tax; Policy and Steering Committee on Ways and Means

The Florida Tax Credit Scholarship Program provides private school scholarships to students from families that meet specified income limitations. The program is funded with contributions from corporations and insurance companies. The contributors receive a tax credit to be used against their corporate income tax or premium tax liability equal to 100 percent of their contribution. The bill makes the following changes to the program:

Tax credit cap: The bill increases the cap on the amount of credits that may be approved in a FY from $118 million to $140 million for FY 2010-11. For FY 2011-12 and thereafter, the cap will increase by 25 percent whenever tax credits approved in the prior FY are equal to or greater than 90 percent of the tax credit cap amount for that year.

Tax credits: The bill expands the revenue sources against which tax credits may be granted for contributions to the program to include: (1) severance taxes on oil and gas production; (2) self-accrued sales tax liabilities of direct pay permit holders; and (3) alcoholic beverage taxes.

Scholarship amount: For FY 2010-11, the bill replaces the maximum scholarship amount of $3,950 with a variable amount stated as a percentage of the Florida Education Finance Program (FEFP) unweighted full-time equivalent (FTE) amount for that FY. For FY 2010-2011, the percentage will be 60 percent. Beginning in FY 2011-12, the percentage increases by 4 percentage points in each FY when the tax credit cap increases, until it reaches a maximum of 80 percent.

Eligibility for certain students: The bill increases the maximum household income threshold for renewing scholarship recipients and their siblings from 200 percent of the federal poverty level to 230 percent, but reduces the maximum scholarship award available to the newly eligible scholarship recipients.

Private school accountability: The bill adds new accountability measures that:

- Require each private school receiving more than $250,000 in scholarship payments in one year to submit a financial report, referred to as an agreed-upon procedures report. The report must be completed by an independent certified public accountant and must address the adequacy of the school's accounting system and financial controls;
- Require student learning gains to be published for each private school that has at least 30 scholarship students with norm-referenced test scores for two consecutive years; and
- Authorize the Commissioner of Education to deny, suspend, or revoke a private school's participation in the program if an owner or operator has operated an educational institution in a manner contrary to the public's health, safety, or welfare.

The bill was approved by the Governor on April 22, 2010, ch. 2010-24, Laws of Florida. The effective date of this bill is July 1, 2010, except as otherwise provided.

CS/HB 7157 - Taxation
By: Government Operations Appropriations Committee; Finance & Tax Council; Fresen
Tied Bills: None
Companion Bills: SB 1976; includes part(s) of CS/HB 109; CS/HB 5801; HB 7061; CS/CS/SB 234; CS/CS/SB 1736
Committee(s) of Reference: Government Operations Appropriations Committee

CS/HB 7157 contains numerous general tax administration changes for the Department of Revenue (Department).

Unemployment Tax
The bill revises ss. 55.204, 95.091, and 443.141, F.S., clarifying that liens securing the payment of unemployment tax are in effect for 10 years. The bill also clarifies that the provisions of s. 213.25, F.S., authorizing the Department to reduce a taxpayer's refund or credit by the amount of any other taxes owed can also apply to unemployment compensation tax.

Documentary Stamp Tax
This bill creates s. 201.02(11), F.S., providing that consideration upon which documentary stamp tax is calculated does not include unpaid indebtedness that is forgiven or released by a mortgagee holding a mortgage on the property. The bill defines a short sale as the purchase and sale of real property in which:

- The grantor's (seller's) interest in the real property is encumbered by a mortgage or mortgages securing indebtedness in an aggregate amount greater than the purchase price paid by the grantee (buyer);
- A mortgagee releases the real property from its mortgage in exchange for a partial payment of less than the outstanding mortgage indebtedness owing to the releasing mortgagee;
- The releasing mortgagee does not receive, directly or indirectly, any interest in the property transferred; and
- The releasing mortgagee is not controlled by or related to the grantor or the grantee.

Communication Services Tax
The bill clarifies that the Department will not exempt from the communications services tax, services sold explicitly to "transient" public lodging establishments as defined in s. 202.125(1), F.S.

North American Industry Classification System (NAICS)
The bill revises s. 212.05(1)(i), F.S., clarifying that the statutory transition from the Standard Industrial Classification (SIC) System to the North American Industry Classification System (NAICS) in ch. 2009-51, LOF, excludes the cleaning of interiors of transportation equipment and nonresidential building pest control from the tax imposed on cleaning services. This service was not taxed prior to the 2009 law change.

Vending Machine Operators
This bill revises s. 212.0515, F.S., removing certain identifying taxpayer information from publicly displayed vending machine notice decals required by law.

Tax Exemptions
The bill revises s. 212.08(1), F.S., providing that if the cost of a taxable nonfood item when packaged with a non-taxable food item exceeds 25 percent of the total package cost, then the entire sales price is subject to tax. Otherwise, the total package price is exempt.

The bill clarifies s. 212.08(5), F.S., that the owner of a property within an enterprise zone at the time qualifying improvements are made is the only entity entitled to receive a refund of previously paid taxes. The bill also revises an application requirement allowing a permit issued by a local government building department to satisfy the permit requirement, and allowing a single application to be submitted for multiple, contiguous parcels that were part of a single parcel divided as part of property rehabilitation. The bill also clarifies that if a general contractor is not used in the rehabilitation of the property, the applicant must make the required sworn statement listing the building materials used, the actual costs of the materials, and the amount of sales tax paid. The bill also extends the time for a refund application to be filed with the Department from September 1 to November 1 after the rehabilitated property is first subject to assessment.

Public Works
This bill clarifies s. 212.08(6), F.S., that under the exemption from sales tax for purchases of tangible personal property (TPP) by a governmental entity when the TPP goes into public works, the responsibility for any tax, penalty and interest found later to be owed on such transactions shall belong to the governmental entity. The governmental entity will be required to provide a certificate of entitlement to the exemption to the vendor and the contractor in order to take the exemption. The certificate will contain an affirmation by the governmental entity that it will be responsible for the tax, penalty and interest if found to be outstanding. This clarification does not apply to federal government public works contracts.

Renewable Energy Technologies Tax Credit
The bill revises ss. 213.053(8)(y), 220.192(4), and 220.192(5), F.S., retroactively to July 1, 2008, clarifying that various administrative responsibilities for the renewable energy technologies tax credit belong to the Florida Energy and Climate Commission and not to the Department of Environmental Protection.

Confidentiality and Information Sharing
The bill revises s. 213.053(5), F.S., authorizing the Department to send general information to taxpayers through regular electronic systems such as: Taxpayer Information Publications, due date reminders, and other general notices.

The bill also revises s. 213.053(8)(d), F.S., authorizing the Department to share information regarding outstanding sales and use tax warrants or judgment liens. The bill creates s. 213.053(8)(z), F.S., authorizing the Department to provide names and taxpayer identification numbers to financial institutions for the purpose of information-sharing agreements.

The bill creates s. 213.053(8)(aa), F.S., authorizing the Department to provide sales and use tax information to the Department of Environmental Protection to be utilized in the administration of submerged land leaseholders.

The bill also creates s. 213.053(20), F.S., authorizing the Department to publish a list of taxpayers who have current warrants and judgment lien certificates. This list, permitted to be published on the

Department's Internet website, includes the name, amount of liability, and other publicly available taxpayer information. This list shall be updated at least monthly.

Furthermore, the bill creates s. 213.053(21), F.S., authorizing the Department to disclose specified information related to taxpayers against whom the department has filed tax warrants, notice of liens, or judgment lien certificates with government entities that participate in the registration and information sharing exchange program.

Information Sharing Agreements with Financial Institutions

The bill makes the financial data match pilot project established by ch. 2007-106, LOF, a permanent program. This bill creates s. 213.0532, F.S., requiring financial institutions with at least $50 million in deposits to enter into information-sharing agreements with the Department in order to match financial records with delinquent taxes in order to identify possible taxpayer assets. The bill sets guidelines for both the Department and financial institutions regarding the development and operation of the data match program. The Department will utilize the resulting financial record information to enforce the collection of outstanding taxes and fees from account holders to the extent allowable by law. The financial institution is not required to provide notice to its customers and is not liable for disclosing any information required under s. 213.0532, F.S.

Suspension or Refusal to Reinstate a License

This bill creates s. 213.50(3), F.S., allowing the Department of Business and Professional Regulation to suspend an operational license or deny an application to renew a license, if a tax warrant against the licenseholder has been outstanding for more than three consecutive months.

Garnishment

The bill revises s. 213.67(1), F.S., authorizing the Department to expand the allowed methods of required notification. The methods are expanded to include personal service, electronic means, or use of the Internet, when notifying a financial institution or other entities that may have assets of a delinquent taxpayer in their possession or control that those assets are to be garnished.

Ninth-Cent Fuel Tax

The bill revises s. 336.021(1)(c), F.S., providing that the "tiered" distributions of local option fuel taxes more accurately reflect the current fuel market. The bill clarifies that "tier three" local option fuel tax distributions, from the sales and use taxes on diesel, that occur before "tier two" distribution data is available, will not affect the distributions provided for "tier two" qualified counties.

Limited Liability Corporations (LLC)

The bill revises s. 443.036(20), F.S., that a single-member LLC be treated as the employer for state unemployment tax purposes. This revision is similar to new federal Internal Revenue Service (IRS) regulations for how single member LLC's report for federal employment tax purposes.

Electronic Reporting and Remitting of Contributions and Reimbursements

The bill revises s. 443.163(2), F.S., increasing the penalty for employers who do not provide the proper information when filing the Employer's Quarterly Wage Report (UCT-6), to $50 per report and $1 per employee. The bill also revises s. 441.141(1), F.S., to include erroneous, incomplete, or insufficient wage reports in the penalty provisions that result in a penalty of $50 or 10 percent, not to exceed $300, of the tax due.

Integrated Enforcement Authority
This bill creates s. 213.692, F.S., allowing the Department to revoke a taxpayer's certificate of registration for any tax administered by the Department when the taxpayer owes any other tax where a tax warrant, notice of lien, or judgment lien certificate has been issued. The Department must schedule an information conference with the taxpayer, before revocation, to allow the taxpayer to present evidence regarding the revocation action. The Department is also required to issue an administrative complaint under ch. 120, F.S., if the taxpayer fails to attend the informal conference or fails to comply with an executed compliance agreement.

The taxpayer whose certificates of registration, permits, or licenses have been revoked may not be issued new ones unless either the outstanding tax liabilities have been satisfied or the Department enters into a written agreement with the taxpayer regarding satisfaction of their liabilities. The Department must require a cash deposit, bond, or other security as a condition of issuing a new certificate of registration pursuant to s. 212.14(4), F.S. The Department is authorized to adopt rules to administer the provisions of this section.

This bill also authorizes the Department to adopt emergency rules to administer the provisions of the newly created section.

Repeals
The bill repeals s. 195.095, F.S., removing the requirements of the Department to maintain an approved state bidder list and promulgate standard contracts for local governments working with vendors that provide property assessment services and technologies.

The bill also repeals s. 213.054, F.S., removing the requirement that the Department provide an annual report to the Chief Financial Officer related to the utilization of corporate income tax deductions by international banking facilities.

The bill also corrects various citations and deletes obsolete statutory references.

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

CS/HB 7203 - Community Development Districts
By: Economic Development & Community Affairs Policy Council; Finance & Tax Council; Bogdanoff
Tied Bills: None
Companion Bills: CS/SB 1866
Committee(s) of Reference: Economic Development & Community Affairs Policy Council

A Community Development District (CDD or district) is a local unit of special-purpose government created pursuant to ch. 190, F.S., that is empowered to exercise limited powers and specialized functions to facilitate the delivery of urban community development services in concert with private developers. There are currently 576 CDDs in the state.

CDDs are governed by an elected five-member board of supervisors (board) who possess the general managerial authority provided to other special districts in the state. In addition to other powers, the

board is authorized to: hire and fix the compensation of a general manager; contract; borrow money; issue bonds; levy ad valorem taxes, special assessments and non-ad valorem taxes; charge, collect, and enforce fees and other user charges; adopt administrative rules pursuant to ch. 120, F.S.; and exercise the power of eminent domain. CDDs may be exclusively comprised of land used only for commercial purposes, and some districts have no "qualified electors." In these situations, the board is elected by the district's landowners.

This bill creates s. 212.0315, F.S., to allow CDDs without qualified electors to levy an optional tax of up to one percent on all commercial real property rental transactions occurring in the district that are subject to sales tax under s. 212.031, F.S. Also, transactions that are exempt from the state sales tax imposed under s. 212.031, F.S., are exempt from the tax authorized by this bill. The amount of local option tax is not itself subject to sales tax.

Approval to levy such a tax requires the approval of four of the five members of the elected board of the CDD, and at least two-thirds of the landowners within the CDD at a special meeting held solely for this purpose.

The proceeds of this tax must be used to:

- Promote and support commercial activity within the district;
- Promote and support those festivals, special events, and other activities within the district that enhance commercial activity; and
- Provide public services as deemed necessary by the district's board to support commercial activities, including but not limited to law enforcement, fire protection, emergency services, and sanitation services to support festivals, special events, and other activities that enhance commercial activity within the district.

The bill requires approval of the CDD's board prior to expenditure of the proceeds of the tax.

The bill provides that if the board determines that a CDD has qualified electors, the CDD's authority to levy the tax authorized by this bill expires.

Prior to the tax becoming effective, a CDD's board is required to adopt a resolution that includes provisions for, but is not limited to:

- The initial collection rate and the first day of imposition of the tax;
- Designation of the district official to whom the tax is to be remitted and that official's powers and duties with respect to such tax revenues;
- Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax;
- Provision for payment of a dealer's credit as required under ch. 212, F.S.; and
- A portion of the tax collected may be retained by the district for administration costs, but such portion may not exceed three percent of collections.

Under this bill, the district must assume all responsibility for administering the tax, including, but not limited to, auditing the records and accounts of dealers and assessing, collecting, and enforcing payments of delinquent taxes. The district is also bound by Department of Revenue (DOR) rules pertaining to the sales tax on rentals and license fees for the use of real property, and to DOR's confidentiality requirements and penalties under s. 213.053, F.S.

A CDD may use any power granted to DOR by ch. 212, F.S., to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce their respective payments. Also, a CDD may use a Florida-licensed certified public accountant (CPA) to administer its statutory duties and responsibilities. Such CPAs are bound by the same confidentiality requirements and subject to the same penalties as the CDD under s. 213.053, F.S.

Similar to other taxes, the tax imposed by the CDD is a lien on the property of the lessee or licensee of real property in the same manner, and under the same collection guidelines, as liens authorized by ss. 713.68 and 713.69, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 7219 - Corporate Income Tax
By: Finance & Tax Council; Abruzzo
Tied Bills: None
Companion Bills: CS/SB 1912
Committee(s) of Reference: None

Florida imposes a 5.5 percent tax on the taxable income of corporations doing business in Florida. The determination of taxable income for Florida tax purposes begins with the taxable income used for federal income tax purposes. This means that a corporation paying taxes in Florida receives the same treatment in Florida as is allowed in determining its federal taxable income. Florida maintains this relationship by each year adopting the federal Internal Revenue Code as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income. The bill adopting the federal code is referred to as the "piggyback bill."

This bill updates Florida's Income Tax Code by adopting the Internal Revenue Code as in effect on January 1, 2010.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law and operates retroactively to January 1, 2010.

Full Appropriations
Council on Education &
Economic Development

HOUSE OF REPRESENTATIVES

Full Appropriations Council on Education & Economic Development

Representative David Rivera, Chair

Representative Ron Reagan, Vice Chair

2010 SUMMARY OF PASSED LEGISLATION

Criminal & Civil Justice Appropriations Committee

Representative Sandra Adams, Chair

Representative Charles McBurney, Vice Chair

Government Operations Appropriations Committee

Representative D. Alan Hays, Chair

Representative Eduardo Gonzalez, Vice Chair

Health Care Appropriations Committee

Representative Denise Grimsley, Chair

Representative James Frishe, Vice Chair

Natural Resources Appropriations Committee

Representative Ralph Poppell, Chair

Representative Steve Crisafulli, Vice Chair

PreK-12 Appropriations Committee

Representative Anitere Flores, Chair

Representative Kelli Stargel, Vice Chair

State Universities & Private Colleges Appropriations Committee

Representative William Proctor, Chair

Representative Seth McKeel, Vice Chair

Transportation & Economic Development Appropriations Committee

Representative Richard Glorioso, Chair

Representative Mike Horner, Vice Chair

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CS/SB 2020 - Information Technology
By: Policy and Steering Committee on Ways and Means; Alexander
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Policy and Steering Committee on Ways and Means

The bill amends s. 14.204, F.S., to expand the role of the Agency for Information Technology (AEIT) in information technology (IT) purchases for IT products, including software and hardware, used by multiple agencies to better leverage the state's purchasing power. The AEIT is also provided additional authority to establish IT standards for statewide email, information technology, and the data center system.

The bill amends s. 282.34, F.S., to establish a competitive solicitation process for procuring a statewide consolidated email service through the joint effort of the AEIT and the Southwood Shared Resource Center (SSRC). The goal is to centralize state-wide email services, where practical, at one location to generate cost savings and efficiencies.

The bill amends s. 282.203, F.S., to require the state primary data centers; which include the Norwest Regional Data Center, the Northwood Shared Resource Center, and the SSRC; to report more detailed cost and financial information twice a year, as well as projected costs and billings for legislative budget request issues. The Boards of Trustees for the primary data centers are required to develop and implement an annual performance evaluation process for their respective data center directors.

The bill amends s. 282.703, F.S., to require the Department of Management Services to require standards for telecommunications; require the department maintain a directory of the names, numbers and email addresses for employees, agencies and network services utilizing SUNCOM services; and to require all customers of a state primary data center to use the shared SUNCOM telecommunications services.

The bill provides AEIT with three full-time positions and $300,000 of General Revenue to implement the provisions of the bill relating to consolidating purchasing for IT products, particularly email services.

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

CS/SB 2024 - Tax on Communications and Utility Services
By: Policy and Steering Committee on Ways and Means; Alexander
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Policy and Steering Committee on Ways and Means

The bill decreases the state communications services tax rate from 6.8 percent to 6.65 percent and increases the gross receipts tax rate for communications services from 2.37 percent to 2.52 percent for those communications services subject to tax under s. 202.12(1)(a), (c) and (d), F.S. Separately stated

communications services sold to residential households that are exempt from the state communications services tax will not be subject to the higher gross receipts tax.

The effect of these changes in taxation of communications services will not be felt by consumers of these services. The total amount of taxes levied on these services will be unchanged, and dealers may continue to collect tax at a 6.8 percent rate comprised of 6.65 percent state communications services tax and 0.15 percent gross receipts tax. The disposition of the tax revenue will change, however, with more revenue going into the Public Education Capital Outlay Fund (PECO) and less going to the General Revenue Fund and local governments.

The bill also amends s. 215.61, F.S., to adjust the limitation on the amount of PECO bonds that may be issued. Currently, the amount of PECO bonds that can be issued is limited to the amount that can be serviced by 90 percent of the gross receipts tax revenues. When new bonds are issued, the 90 percent test is applied to the average annual gross receipts tax collections during the 24 months immediately preceding the bond issuance. The bill modifies this calculation by requiring that collections during the prior 24 months be adjusted to consider revenue that would have been collected if this legislation had been in effect for that period.

The bill provides the Department of Revenue with emergency rulemaking authority to implement the provisions of the act.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

CS/SB 2374 - State Group Insurance Program
By: Policy and Steering Committee on Ways and Means; Alexander
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Government Oversight and Accountability; Policy and Steering Committee on Ways and Means

The bill directs the Department of Management Services:

- To competitively procure for post payment claims review services relating to the State's self-insurance health plans and dependent eligibility verification services for the state group insurance program;
- To not renew contracts with state-contracted health maintenance organizations if such renewal restricts the authority of the Legislature to modify or limit any benefit or plan option;
- To require costing options for both fully insured and self-insured plan designs, or some combination thereof, as part of the department's solicitation for health maintenance organization contracts. The department is required to recommend to the Legislature the best value costing option prior to contracting with the health maintenance organizations; and
- To require the department to obtain information through a Request For Information pertaining to single access/defined contribution health plan options and to submit the information to the Legislature.

The bill amends statutes to conform to the General Appropriations Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 2386 - State Financial Matters
By: Policy and Steering Committee on Ways and Means; Alexander
Tied Bills: None
Companion Bills: CS/HB 7151; HB 7155; includes parts of HB 7159; CS/HB 5611
Committee(s) of Reference: Policy and Steering Committee on Ways and Means

The bill revises statutory provisions related to competitive solicitation processes, coordination of contracted services, contract management and oversight, and collections of delinquent accounts.

The bill also revises provisions relating to identification and collection of delinquent accounts. It sets a time certain of 120 days for agencies to report delinquent accounts to the Department of Financial Services for collection. The bill requires:

- Agencies to submit an annual report detailing delinquent accounts that were referred for collection, those that were not referred for collection, and a list of all accounts that were waived or written off for any reason; and
- The Chief Financial Officer (CFO) to submit an annual report that includes the amount of claims referred for collection, the number of accounts by age and amount, a listing of agencies that failed to report known delinquent accounts in a timely manner, and the total amount of claims collected.

The bill revises provisions specific to procurement. It increases threshold amounts based upon the consumer price index from 1999 forward and then rounding to the nearest $5,000 amount. The bill also revises current exemptions to the competitive solicitation process. It retains statutory requirements for business cases for outsourcing projects more than $10 million and requires those business cases to go through the legislative budget request process.

The bill requires state agencies to provide specific information to the Department of Financial Services when an agency elects not to use the competitive solicitation process to award a contract for commodities or services. It also directs the CFO's office to provide contract training to agencies in order to ensure better monitoring and documentation of contractor performance.

The bill increases contractual requirements relating to protection of state interests regarding intellectual property. State purchasing agreements and state term contracts must include provisions that:

- Define the scope of work that a contractor must perform;
- Identify quantifiable, measurable and verifiable units of deliverables and require those deliverables to be accepted in writing prior to payment;
- Specify the financial consequences for contractor noncompliance; and
- Specify the ownership rights of any intellectual property related to the contract.

The bill updates and expands upon the conflict of interest provisions. Updates are based upon similar criteria used at the federal level.

The bill requires coordination of contract management for health and human services between agencies and their contracted service providers.

State agencies are directed to review and renegotiate current contract renewals and reprocurements in an effort to realize savings of at least three percent. If savings are found, then those savings must be placed in reserve by the Executive Office of the Governor. In addition, agencies are directed to enforce any preferred-pricing clause in state contracts. Agencies may terminate a contract for failure to comply with the preferred-pricing clause.

The bill revises provisions specific to payment of services by:

- Directing all agencies and the judicial branch to use electronic payment disbursements and receipts for all state payments where possible; and
- Authorizing the CFO and agencies to adopt rules requiring electronic funds transfers for payment of services and goods and by requiring that those rules provide alternate means for payment to accommodate persons with certain hardships.

The bill repeals the Council on Efficient Government, a statutorily created advisory body, charged with reviewing business plans for outsourcing. Five FTEs and $311,915 in salaries and benefits from General Revenue are appropriated to the Department of Financial Services in order to carry out the provisions of this act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5001 - Appropriations
By: Full Appropriations Council on Education & Economic Development; Rivera
Tied Bills: None
Companion Bills: SB 2700
Committee(s) of Reference: None

The FY 2010-2011 General Appropriations Act appropriated a total of $70.4 billion, of which $23.8 billion is General Revenue, $19.5 billion is state trust funds, and $27.1 billion is federal funds.

Unappropriated reserves total $1.4 billion; $400 million from the General Revenue Fund; $715 million from the Lawton Chiles Endowment Fund; and $275 million from the Budget Stabilization Fund. If additional Federal Medicaid Assistance Percentage (FMAP) funds are received in the future, an additional $730 million in general revenue dollars will be held in reserve.

The budget relies on $433 million in revenue from the Seminole Gaming Compact and $507 million in transfers from trust funds.

The amount of recurring appropriations funded with non-recurring revenue was $274 million, which is 1.1 percent of total general revenue funds available to spend.

CRIMINAL & CIVIL JUSTICE APPROPRIATIONS COMMITTEE

Overview of FY 2010-11 Budget

- $5.1 billion budget
- $3.5 billion in General Revenue
- $1.6 billion in Trust Funds
- The budget reduces recurring General Revenue by approximately $210.5 million (-5.5 percent), or approximately -2 percent in total funding for FY 2010-11 from FY 2009-2010.

Appropriations by Agency

Department of Corrections **$2.4 billion** **-2 % (from FY 2009-10)**

- Due to revised Estimating Conference projections, there is no additional funding required for prison operations/support or prison construction.
- Realized savings operations/support costs due to inmate population -$45.1 million
- Realized savings from Health Services Efficiencies -$17.5 million
- Reduce Vacant positions department-wide -$22.8 million (477 FTEs)
- Realized savings achieved through the Department of Health Pharmaceutical contracting -$1.5 million
- Increased substance abuse funding $1 million
- Agreed to open Blackwater River Correctional Facility in Santa Rosa County

Department of Juvenile Justice **$604.3 million** **-2 % (from FY 2009-10)**

- No reductions to PACE, CINS/FINS
- Increased Redirection Program $1.6 million
- Restore low-volume Juvenile Assessment Centers $1 million
- Reduce Non-secure bed capacity -$4.6 million (approx. 131 vacant beds, 40 percent)
- Reduce Secure bed capacity -$2.4 million (approx. 53 vacant beds, 40 percent)
- Reduce Vacant positions -$1 million (24 FTEs Probation, Residential)
- Provide Fiscally Constrained Counties Detn Costs $5.6 million

Department of Law Enforcement **$247.9 million** **-3 % (reduction from FY 2009-10)**

- Reduce Vacant positions -$2.3 million (39 FTEs)
- Provides additional resources for processing background checks for employment checks and Mortgage Broker applications $277 thousand in trust funds (4 FTEs)

Legal Affairs/Attorney General **$186.7 million** **+3 % (from FY 2009-10)**

- Continued fund shifts to lessen impact on personnel/operations $3 million
- Provide alternative funds for Crime Stoppers $3.5 million
- Provides additional rewards for Medicaid Fraud informants $2 million

Parole Commission **$8.2 million**

- No reductions

State Attorneys **$391.2 million** **+3 % (from FY 2009-10)**

- Fund shift GR to State Atty Revenue Trust Fund $5.3 million
- Provides second year of Federal Stimulus for Drug Court $750 thousand

Public Defenders **$205.8 million** **+3 % (from FY 2009-10)**
- Fund shift GR to PD Revenue Trust Fund $4 million
- Provides second year of Federal Stimulus for Drug Court $375 thousand
- Provided for workload increase $2 million

Justice Administrative Commission **$86.1 million**
- No reductions

Guardian Ad Litem **$31.1 million** **+0.62 % (from FY 2009-10)**
- Restored nonrecurring funding from FY 2009-10 $1 million

Capital Collateral Regional Counsels **$7 million**
- No reductions

Regional Conflict Counsels **$36.1 million**
- No reductions

Clerks of Court **$453 million**
- No reductions

State Courts System **$462.4 million** **+2 % (from FY 2009-10)**
- No reductions
- Provides second year of Federal Stimulus for Drug Court $8.8 million
- Fund shift GR to State Courts Revenue Trust Fund $88.5 million
- Provides workload assistance to handle foreclosure case backlog $6 million
- Provides Civil Legal Assistance to homeowners in foreclosure cases $1 million
- Provides Maintenance/Repair for Supreme Court/DCAs $660 thousand

TRUST FUND SWEEPS
- STATE COURTS
  Mediation and Arbitration Trust Fund $4 million
  Court Education Trust Fund $1.5 million
- JUSTICE ADMIN COMMISSION
  State Atty Grants and Donation Trust Fund $1.2 million
- DEPT OF LEGAL AFFAIRS
  Legal Affairs Revolving Trust Fund $1 million

<u>GOVERNMENT OPERATIONS APPROPRIATIONS COMMITTEE</u>

Overview of FY 2010-11 Budget
- $1.73 billion budget
- Budget consists of:
  - $266 million in General Revenue (increase of 7.4 percent over FY 2009-10).
  - $1.22 billion in state trust funds (increase of 3.6 percent over FY 2009-10).

- $245 million in federal trust funds (reduction of nearly 5 percent from FY 2009-10).
- Total positions of 11,494 – a net reduction of 90 FTEs from the FY 2009-10.

Appropriations by Agency

Department of Business and Professional Regulation

- $130.4 million budget – 100 percent trust funds. A continuation budget from the FY 2009-10.
- Reductions throughout the department offset insignificant increases for the implementation of the Mold & Home Inspection Regulatory Program (approved by the Legislature in 2007) and workload increases in the Division of Pari-Mutuel Wagering (Quarter Horse Tracks) and the Florida Boxing Commission.
- Trust Fund sweeps of $10.7 million.

Department of Financial Services

- $230.5 million budget. Total General Revenue of $22.7 million, which is 2.9 percent less than the FY 2009-10.
- Reduction of 30 vacant positions for a savings of $1.2 million.
- Added 3 FTEs to the State Risk Management Program's Bureau of Loss Prevention to implement a "Return to Work" program to assist with reducing workers' compensation expenditures in state government which have increased 27 percent over the last four years.
- Transferred nearly $41 million in operating budget for the State Risk Management Program from the nonoperating budget to the General Appropriations Act to provide full budget transparency in the State Risk Management Program and allow greater legislative oversight.
- $35.6 million in trust fund sweeps.

Office of Insurance Regulation (OIR)

- $28.1 million budget - 100 percent trust funds.
- Reduction of 10 positions for a savings of $479,000.

Office of Financial Regulation (OFR)

- $43.2 million budget, which is 0.5 percent less than the FY 2009-10 budget – 100 percent trust funds.
- Reduces 13 vacant positions for a savings of $722,000.
- Increases funding for expert witnessing in securities-related cases by $125,000.
- Reduction of $1,200,000 in excess budget authority in the Mortgage Broker Exams.

Department of the Lottery

- $134.9 million budget – 100 percent trust funds. The budget represents a net decrease of $4.2 million or 3 percent less than the FY 2009-10. This translates into a $4.2 million more to education.
- Budget reductions of $5.4 million due to surplus budget and reduced contract payments resulting from declining game play of online games.
- Authorizes the Department of the Lottery to lease an additional 250 instant ticket vending machines ($987,000) – that will result in increased transfers to the Educational Enhancement Trust Fund. Proviso authorizes the lease of an additional 750 machines upon favorable Revenue Estimating Conference results.
- Reduces one position vacant more than 180 days.

Public Service Commission

- $27.8 million budget, which is a net decrease of $0.2 million or 0.7 percent less than the FY 2009-10 (federal funds account for $350,000). The budget is 100 percent trust funds.
- Budget reductions of $0.6 million and five positions due to administrative efficiencies and surplus budget.
- Increased the number of budget entities from one to five for greater budget transparency.
- $2.5 million in trust fund sweeps.

Department of Management Services

- $586.9 million budget, which is a net increase of $26.3 million or 4.7 percent more than the FY 2009-10. Within the $586.9 million budget is $33.1 million General Revenue and $3.7 million in federal funds.
- Net elimination of five positions department-wide. A total of 28 positions are transferred into the department associated with the Southwood Shared Resource Center.
- Funding of $18.1 million to meet contract obligations (includes $14.8 million contract related to MyFloridaMarketPlace).
- Provides nearly $1 million to fully fund pension payments for members of the Florida National Guard.
- Budget reductions of $21.3 million due to the elimination of non-mission essential programs, administrative efficiencies, contract savings, surplus budget, and positions.
- Continuation of 11 FTEs and the two current aircrafts in the Executive Aircraft Program. Total budget of $1.8 million in General Revenue and $0.6 million in user fees from the Aircraft Trust Fund.
- Provides increased funding of $16 million for the Florida Facilities Pool for building operations, repairs, maintenance, and debt service payments.
- Funding of $4.5 million for debt service aid to the Tallahassee-Leon County Civic Center.
- Funding of $490,000 for repairs to the Old Capitol building.

Department of Revenue

- $555.9 million budget ($210 million in General Revenue, $212.3 million in federal trust funds and $133.5 in state trust funds).
- Transfers 14 positions to the Southwood Shared Resource Center as part of the state's data center consolidation.
- Provides funding of $6.7 million to complete the relocation of DOR staff to the Southwood State Office Complex.
- Provides funding of $33.9 million for the Child Support Automated Management System.
- Funding of $27.9 million is provided to fiscally constrained counties to offset reductions in ad valorem tax revenue.
- $12 million in General Revenue is provided to restore base funding in the Child Support Program that in the FY 2009-10 was funded with Federal Stimulus funding.

Overview of Trust Fund Sweeps

Department of Business and Professional Regulation

Hotels & Restaurants Trust Fund	$5 million
Division of Florida Condominiums, Timeshare and Mobile Homes TF	$3.7 million
Professional Regulation Trust Fund	$2 million

Department of Financial Services	
Administrative Trust Fund	$4 million
Anti-Fraud Trust Fund	$26.6 million
Regulatory Trust Fund	$5 million
Public Service Commission	
Regulatory Trust Fund	$2.5 million
Total Trust Fund Sweeps	**$48.8 million**

HEALTHCARE APPROPRIATIONS COMMITTEE

- The Health Care Appropriations Committee overall budget totals $28.5 billion ($6,708.8 million General Revenue and $21,773.5 million trust funds). Includes funding for 36,869 authorized positions.
- There is a 9.35 percent increase in total funding and a 28.98 percent increase in general revenue funds over the FY 2009-10 appropriation. Includes approximately $990.6 million in general revenue funds to replace stimulus funding as a result of change in Medicaid federal match rate.

Appropriations by Agency

Agency for Health Care Administration

- Total budget for FY 2010-11 is $20,801 million, which is an increase of $2,562 million over the FY 2009-10 Appropriation – 14.05 percent increase.
- Medicaid Price Level and Workload Adjustment $2,058.6 million total, $1,482.92 million GR – Additional funding for increased Medicaid caseloads and price level adjustments as agreed upon by the February 2010 Social Service Estimating Conference for an anticipated additional 301,482. Medicaid beneficiaries. Includes approximately $990.6 million in General Revenue for stimulus flame out due to change in federal matching rate.
- Restore Medically Needy for Adults and MEDS AD Programs $1,443.67 million total, $521.3 million GR – Non-recurring funding provided to restore the Medically Needy for Adults and MEDS AD program to provide services to approximately 39,684 beneficiaries monthly.
- Florida Kid Care Enrollment Increase – $37.1 million total, $13.9 million GR – Provides funding to fully fund the 2010-11 anticipated growth in the Kidcare Program. Funding is expected to serve an additional 22,374 children, a 9 percent growth rate.
- Medicaid Dialysis Provider Rate Increase – $658,370 total, $252,856 GR – Provides funding to increase Freestanding Dialysis rates by $5 to $100 per visit.
- Florida Nursing Home Transition Plan - $8.5 million total, $3.3 million GR – Transfers funding from Medicaid Nursing Home Care to the Department of Elder Affairs, Department of Health and Department of Children and Families to transition 540 individuals from Nursing Homes to community based care settings as part of the Florida Nursing Home Transition Plan.
- Managed Care Fraud and Abuse Adjustment Capitation Adjustment ($22.7 million total, $8.7 million GR) – Savings associated with reducing prepaid health plan capitation rates for Miami-Dade County by 4.5 percent based on a fraud and abuse adjustment.
- Freeze Florida Healthy Kids Corporation Capitation Rates ($10.2 million total, $3.2 million GR) – Savings associated with freezing Florida Healthy Kids Corporation capitation rates at the average June 30, 2010 rate levels.

- Reduce Nursing Home Reimbursement Rates ($199.4 million total, $76.7 GR) – Reduces the projected Medicaid nursing home expenditures by 7 percent, effective July 1, 2010, but provides ability for nursing homes to partially restore this reduction through their quality assessment program. Funding, contingent upon federal stimulus, is provided to restore rate reductions approximately 2 percent.
- Reduce Hospice Reimbursement Rates ($17.5 million total, $6.7 million GR) – Reduces the projected Medicaid hospice rates by 7 percent, effective July 1, 2010. (Hospice reimbursement rates are calculated as a percentage of nursing home rates and receive a corresponding reduction when nursing home rates are reduced). Partial buy back of rate reductions is provided with quality assessments. Funding, contingent upon federal stimulus, is provided to restore rate reductions approximately 2 percent.
- Reduce County Health Department Reimbursement Rates ($40.4 million total, $15.4 million GR) – Reduces the projected Medicaid County Health Department expenditures to the level paid to Federally Qualified Health Centers effective July 1, 2010. Ability to buy back rate reductions is provided through county intergovernmental transfers.
- Hospital Outpatient Rate Reduction ($54.8 million total, $20.9 million GR) – Reduces the projected Medicaid hospital outpatient by 7 percent, effective July 1, 2010. Exempts Children's Specialty and Rural Hospitals from the reduction. Ability to buy back rate reductions is provided through the use of intergovernmental transfers if available.
- Hospital Inpatient Rate Reduction ($232.2 million total, $89.2 million GR) – Reduces the projected Medicaid hospital inpatient rates by 7 percent, effective July 1, 2010. Exempts Children's Specialty and Rural Hospitals from the reduction. Ability to buy back rate reductions is provided through the use of intergovernmental transfers if available.
- Prepaid Health Plan Rate Reduction ($63.3 million total, $39.3 million GR) – Reduces the projected Medicaid Prepaid Health Plan rates effective September 1, 2009. (Prepaid Health Plan reimbursement rates are calculated as a percentage of the hospital inpatient, hospital outpatient, and County Health Department Clinic rates and receive a corresponding reduction when hospital inpatient rates are reduced).
- Statewide Advocacy Council ($551,000 total GR, 6 FTEs) – Reduces funding and positions for the Statewide Advocacy Council. Statutory authority is maintained in the event the councils can raise private funds to continue their activities.
- Limit Private Duty Nursing Services ($6.1 million, $2.7 GR) – Limits private duty nursing services to 12 continuous hours per day, except as determined medically necessary in circumstances where the parent or guardian cannot participate in the care of their child because of physical or mental limitations.

Florida Department of Elder Affairs

- Total budget for FY 2010-11 is $718.2 million, which is an increase of $15 million over the FY 2009-10 Appropriation – 2.10 percent increase.
- Florida Nursing Home Transition Plan $6.8 million total, $2.6 million GR – Increases funding to support 496 additional seniors transitioning out of nursing home care and into the community based service waivers through the continuation of the Florida Nursing Home Transition Plan.
- CARES/Long Term Care Diversion Staffing Increase – $1.6 million total, $444,255 GR – funding for an additional 25 FTEs to decrease backlogs and support services in the federally mandated CARES program and Nursing Home Diversion waiver program.

- Local Service/Home Care and Community Care for the Elderly – Fully funds community-based services for elders such as the Local Services Program, Community Care for the Elderly, Homecare for the Elderly, and Alzheimer's Disease Projects.
- Program of All-inclusive Care for the Elderly (PACE) – $2.7 million total, $1 million GR – Funding to support the Program of All-Inclusive Care for the Elderly (PACE) by funding 100 slots in Hillsborough County and 100 additional slots in Pinellas County PACE Programs.
- Transfer Nursing Home Growth to Waiver Programs – $8.3 million total, $3.2 million GR – Funding to provide community based waiver services to 1,229 elders currently on the waitlist for the Aged and Disabled Adult program.

Florida Department of Veterans Affairs

- Total proposed budget for FY 2010-11 is $80.6 million, which is an increase of $8.4 million over the FY 2009-10 Appropriation – 11.64 percent increase.
- Supports an additional 16 Nursing Positions to meet staffing requirements for each of the State's Veterans' Nursing Homes and the State's Veterans' Domiciliary.
- Provides funding for an additional 174 FTEs for the remaining staffing needs to begin operations of the new St. Johns County State Veterans' Nursing Home which is scheduled to open September 2010.
- Provides $1.44 million for maintenance, repair, and replacement of fixed capital outlay across the state's six State Veterans' Facilities.

Department of Children and Family Services

- Total budget for FY 2010-11 is $2.9 billion, which is an overall decrease of $44.9 million over the FY 2009-10 Appropriation – 1.5 percent decrease, but $54.9 million increase in GR (0.7 percent increase).
- Restores nonrecurring $45.6 million with GR funding for Mental Health and Substance Abuse Services ($32.8 million) and Maintenance Adoption Subsidies ($16.8 million). Provides $19.3 million for cash assistance payments for needy families.
- Provides $51 million in stimulus funds – $22.6 million in cash assistance, $10.3 million for foster care, $8.6 million for homelessness prevention, $2.5 million for domestic violence prevention, and $7 million for public assistance eligibility determination.
- Provides 19 positions and $1.3 million for appeal hearings as a result of requiring that the Agency for Persons with Disabilities consumers receive fair hearing through DCF rather than through the Division of Administrative Hearings.
- Reduces administration by $16.1 million and 167 positions.
- Reduces child abuse prevention services by $9.9 million, mental health services by $3.9 million.
- Eliminates adoption incentives ($1.8 million) for employees of state agencies, but those employees are still eligible for maintenance adoption subsidies and the Substance Abuse and Mental Health Corporation.

Agency for Persons with Disabilities

- Total budget for FY 2010-11 is $1 billion, which is an overall decrease of $71.9 million over the FY2009-10 Appropriation – 6.6 percent decrease, but $39.5 million increase in GR (10.5 percent increase).
- Does not eliminate behavior assistance services in standard and behavior focus group homes or reduce special geographic differential rates for residential rehabilitation.

- Establishes a $150,000 annual cap on tier one waiver services which reduces state expenditures by $1.4 million ($0.5 million/GR and $0.9 million/TF). Individuals requiring intensive behavioral residential habilitation services or special medical home care are exempt.
- Reduces tiers two, three, and four annual expenditure caps by 2.5 percent for waiver services; saves $4.2 million ($1.6 million/GR and $2.6 million/TF). Tier 2 goes from $55,000 to $53,625, tier 3 goes from $35,000 to $34,125, and tier 4 goes from $14,792 to $14,422.
- Reduces provider rates by 2.5 percent saving $16.8 million ($6.5 million/GR and $10.3 million/TF).
- Closes Gulf Coast Center as part of lawsuit settlement agreement – $10 million ($2 million/GR and $8 million/TF) along with the elimination of 332 FTEs.
- Providing funds for 7 FTEs and $0.6 million ($0.3 million/GR and $0.3 million/TF) to correspond with the statutory change of moving APD's fair hearings from DOAH to DCF.

Department of Health

- Total budget for FY 2010-11 is $2.91 billion, which is an overall decrease of $32.7 million over the FY 2009-10 Appropriation – 1.1 percent decrease.
- Provides $22.3 million to the Children's Medical Services Network as a result of the projected enrollment increase in Florida Kidcare program.
- Provides $50 million for Biomedical Research programs – James and Esther King Biomedical Research Program ($20 million), Bankhead/Coley Cancer Research Program ($20 million), and H. Lee Moffitt Cancer Center ($10 million).
- Provides $26.1 million in targeted stimulus funds – $9.7 million for Early Learning Intervention Services, $4.4 million for Immunization services, $1.4 million for Community Health Centers, $2.9 million for Behavioral Risk Factor Surveillance, Diabetes Prevention, and Tobacco Prevention programs, and $9 million for Communities Putting Prevention to Work.
- Provides $2.6 million and associated salary rate for 41 FTEs for certain county health departments for the expansion of dental health initiatives.
- Provides $1.5 million for Rural Diversity Minority Healthcare, and $19.9 million for maintenance, repair, and capital improvement projects to county health departments.
- Reduces administration by $6.3 million in general revenue funds.
- Reduces or eliminates general revenue funding for certain special projects ($642 thousand), Area Health Education Center Networks ($4.9 million), Children's Medical Services ($3.4 million), Healthy Start Services ($2.6 million), the Florida Center for Nursing ($450 thousand), contributions to County Health Departments ($10.5 million), and non-federal match activities ($7.5 million) for a total reduction of $30.1 million in general revenue funds.

NATURAL RESOURCES APPROPRIATIONS COMMITTEE

The Natural Resources Appropriations Committee (NRAC) contains $2.1 billion in funding for the 2010-11 FY. This funding includes $173.1 million ($142 million recurring and $31.1 million non-recurring) in General Revenue funds and $2 billion in Trust Funds. In addition, there is $40 million in nonrecurring General Revenue contingent on the Federal Medicaid Assistance Percentage (FMAP) coming from the Federal Government.

The total for the 2010-11 FY reflects a 5 percent increase from the FY 2009-10 funding levels ($2 billion) for all funds.

The NRAC Conference Committee's allocations included:

- $12 million reduction in recurring General Revenue.
- $46.2 million in Trust Fund Transfers to General Revenue.

Appropriations by Agency

Department of Agriculture and Consumer Services:

- The Department's operating budget is funded at $337 million, consisting of $103.5 million General Revenue and $234 million Trust Funds.
- The Florida Agricultural Promotion Campaign at $3.1 million.
- An additional 28 FTEs and $1.4 million in the Division of Licensing that processes concealed weapons permits.
- Forestry Wildfire Equipment replacement at $1 million.
- The Citrus Health Response Program at $7.1 million.
- Citrus Marketing Orders at $4.8 million.
- Best Management Practices at $2.9 million.
- BMP Soil-Sensor Based Systems at $4 million.
- Specialty Crop Block Grants at $6 million.
- Northern Everglades Estuaries Protection Program Special projects at $3 million.
- Citrus Research at $1 million.

Department of Environmental Protection:

- Total budget of $1.44 billion: $40.8 million in GR, $1.4 billion in trust, and $40 million in FMAP funds.
- Florida Forever at $15 million.
- Everglades Restoration at $50 million ($40 million contingent on FMAP).
- Beach Restoration Projects at $15.5 million.
- Drinking Water Revolving Loan program at $99.7 million.
- Wastewater Revolving Loan program at $171.6 million.
- Total Maximum Daily Loads (TMDLs) at $6.25 million.
- TMDL Sensor-Based System at $4 million.
- Petroleum Tanks Cleanup Program at $120 million.
- Small County Wastewater Grants at $13.6 million.
- Nonpoint Source Management Planning Grants at $17.4 million.
- Eliminated 14 vacant FTE positions and $0.9 million.

Fish and Wildlife Conservation Commission:

- The proposed agency operating budget is $296 million, including $28.8 million in General Revenue and $267 million in Trust Funds.
- Funded Boating Infrastructure at $7.95 million.
- Funded Law Enforcement Contract and Grants at $4.5 million.
- Funded Wildlife Habitat Restoration Projects at $3.5 million.
- Funded Lake Restoration at $2 million.
- Increased Invasive Plant Control Program for one year by $3.6 million.
- Repealed the fee for the Shoreline Fishing License.

PREK-12 APPROPRIATIONS COMMITTEE

Overview of FY 2010-11 Budget

- Total budget of $14 billion; increase of $585.3 million (4.38 percent) from the FY 2009-10.
- Includes:
    - $9 billion General Revenue; increase of $904.2 million (11.21 percent).
    - $242.7 million Educational Enhancement Trust Fund; reduction of $86.1 million (-26.2 percent).
    - $110.6 million Principal State School Trust Fund; reduction of $48.9 million (-30.7 percent).
    - $4.5 billion Other Trust Funds (including continued funds for Title I, IDEA, Education Technology, Education for Homeless Youths, and the National School Lunch Program).
    - $1.9 billion Federal Education Stabilization Funds.

Florida Education Finance Program (FEFP)

- Total budget of $8.9 billion; increase of $848.9 million (10.51 percent) from the FY 2009-10.
- Includes:
    - $8.6 billion GR; increase of $1 billion (12.45 percent).
    - $242.7 million EETF; reduction of $86.7 million (-26.2 percent).
    - $109.6 million PSSTF; reduction of $49.9 million (-30.7 percent).
    - $865.3 million in Federal Education Stabilization funds.
    - $8.3 billion Total Local Funds; loss of $702.3 million from 2009-10 due to value declines.
- $6,843.51 statewide average funds per student; $1.22 increase (.02 percent) from the FY 2009-10 Fourth Calculation.

Voluntary Pre-Kindergarten (VPK)

- Total budget of $404.4 million; workload increase of $40.9 million for additional enrollment.
- Includes:
    - $331.9 million GR; increase of $2.8 million (0.86 percent) from the FY 2009-10.
    - $72.8 million Discretionary Stabilization funds.
- $2,562 per student in school year program; reduction of $13 (0.5 percent).
- $2,179 per student in summer program; reduction of $11 (0.5 percent).
- 4.5 percent administrative cost for Early Learning Coalitions; reduction of 4.85 percent.

NON-FEFP

- Total budget of $231.7 million; reduction of $42.6 million (15.6 percent) from the FY 2009-10 total budget.
- Includes:
    - $73 million GR; increase of $6.80 million (10.3 percent) from the FY 2009-10 total budget.
    - $158.7 million in federal funds; including $12.4 million Discretionary Stabilization funds.
- Most programs GR reduced from base budget, and restored to various percentages (ranging from 0 percent to 4 percent) in total reductions from the base budget.
    - 100 percent reduction – Professional Practices Substitutes

- 4 percent reductions:
    - Partially Sighted Materials
    - Panhandle Area Education Consortium
    - Instructional Materials Management
    - Assistance to Low Performing Schools
    - College Reach Out Program
    - New World School of the Arts
    - Florida Association of District Superintendents Training
    - Principal of the Year
    - Teacher of the Year
    - School Related Personnel of the Year
    - State Science Fair
    - Academic Tourney
    - Arts for a Complete Education
    - Learning for Life
    - Girl Scouts
    - Black Male Explorers
    - Project to Advance School Success
- 0 percent reductions:
    - Best Buddies
    - Florida Diagnostic and Learning Resources Centers
    - Autism Program
    - YMCA State Alliance
    - Regional Education Consortium Services
    - Florida Holocaust Museum
    - Florida School for the Deaf and the Blind
    - Public Broadcasting
- Increase to funds:
    - Learning Through Listening
    - Take Stock in Children
    - Big Brothers Big Sisters
    - Boys and Girls Clubs
- Transfers the Excellent Teacher program to House Bill 5101

Federal Grants

- Total budget of $3.3 billion; decrease of $226.8 million (6.5 percent) from the FY 2009-10.
- American Recovery & Reinvestment Act Education Program Funds re-appropriation of:
    - $496.8 million for Title I
    - $422.5 million for IDEA
    - $24.5 million for Education Technology
    - $2.1 million for Education for Homeless Youths
    - $2.5 million Discretionary Stabilization funds for school breakfast supplement

Educational Media & Technology

- Total budget of $10.9 million; increase of $0.5 million (4 percent) from the FY 2009-10 total budget.
- Includes:
    - $9.4 million GR; increase of $1.5 million (13 percent) from the FY 2009-10 total budget.
    - The FCAT Explorer was funded with non-recurring Discretionary Stabilization funds in the FY 2009-10 and has been transferred to Assessment and Evaluation in the State Board of Education budget entity for FY 2010-11.
    - New funding of $1 million for NEFEC Web-Based Instruction for Credit Recovery.
    - $1.5 million from Discretionary Stabilization funds.

State Board of Education

- Total budget of $215.3 million; decrease of $3.5 million (1.6 percent) from the FY 2009-10 total budget.
- Includes:
    - $64.5 million GR; increase of $2.4 million (3.8 percent) from total budget.
    - $150.7 million from Other Trust Funds; decrease of $5.9 million (3.8 percent) from total budget.
- GR reductions:
    - Salaries & Benefits reduced by 3.3 percent.
    - Other Personal Services reduced by 4 percent.
    - Expenses reduced by 15.6 percent.
    - Assessment and Evaluation reduced by 6.5 percent.
    - Operating Capital Outlay reduced by 4 percent.
- GR increase:
    - Contracted Services increased by 11.96 percent.
    - Data Processing Services/Education Technology/Information Services increased by .15 percent.
    - Transfer to Division of Administrative Hearings increased by 15.67 percent.
    - Loss of 14 positions.

STATE UNIVERSITIES & PRIVATE COLLEGES APPROPRIATIONS COMMITTEE

Overview of FY 2010-11 Budget

- The total budget for higher education is $7.03 billion, an increase of $314 million (4.7 percent) over the FY 2009-10.
- The total includes $4.91 billion in state and federal funding and $2.12 billion in tuition revenue for Workforce Education ($36.8 million), the Florida College System ($778.3 million), and the State University System ($1.30 billion). Only tuition revenue for the state universities is appropriated in the GAA.
- State and federal funding includes $3.42 billion in General Revenue, $738.4 million in Educational Enhancement Trust Funds, and $403.2 million in nonrecurring Federal Stimulus Funds. The stimulus funds are restored for the second and final year.
- An 8 percent tuition increase is authorized for Workforce Education, the Florida College System, and the State University System. State universities may also implement a 7 percent tuition differential.

Florida College System

- The total budget including tuition for the Florida College System is $1.9 billion, an increase of $126.5 million (7.1 percent) over the FY 2009-10.
- Additional state funding includes $36 million for enrollment growth; $5.7 million for new baccalaureate programs; and $5 million for 2+2 Partnership Incentives.

State University System

- The total budget including tuition for the State University System is $3.61 billion, an increase of $198.1 million (5.8 percent) over the FY 2009-10.
- Additional state funding includes $10 million for the New Florida Initiative; $3.9 million to continue implementation of the UCF and FIU Medical Schools, and $30.7 million for various academic and research enhancements.

Workforce Education

- The total budget including tuition for Workforce Education is $541.5 million, a reduction of $904,492 (0.2 percent) from the FY 2009-10.

State Student Financial Aid

- The total budget for state student financial aid programs is $586.2 million, including $25 million in contingent FMAP funding that is appropriated in House Bill 5201. This is an increase of $18.1 million (3.2 percent) over the FY 2009-10.
- $437.3 million is provided for the Bright Futures Scholarship Program, including the $25 million contingent FMAP funding. All eligible students are funded, and there is a reduction of $1 per credit hour for each award.
- $130 million is provided for the need-based Florida Student Assistance Grant Program, an increase of $2.3 million (1.8 percent) over the FY 2009-10.

Private College and Universities

- The total budget for Private Colleges and Universities is $114 million, a reduction of $850,960 (0.7 percent) from the FY 2009-10.
- All eligible students are provided an award under the Florida Resident Access Grant (FRAG) and the Access to Better Learning and Education (ABLE) Grant programs. Award amounts are reduced by 4 percent.

Other Programs

- Other funded programs include Vocational Rehabilitation ($219.8 million), Blind Services ($57.5 million) and the Board of Governors ($6.2 million).
- There are no reductions to state funds used for federal match.

TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (TED) COMMITTEE

The Transportation and Economic Development Committee (TED) provides $9.9 billion in funding for the 2010-11 FY. This funding includes $286.1 million ($188 million recurring and $98.1 million non-recurring) in General Revenue funds and $9.6 billion in Trust Funds. The total recurring General Revenue funding reflects a reduction of $11.1 million.
The TED Committee's allocations included:

- $11.1 million in Recurring General Revenue Reductions

- $98.1 million in Non-Recurring General Revenue for Priority Spending Issues
- $348.3 million in Trust Fund Transfers to General Revenue

Appropriations by Agency

Agency for Workforce Innovation

- Total Funding is $1.6 billion ($143.4 million GR and $1.4 billion TF)

Issues to Note:

- **School Readiness Program**—Fully funded at $615.5 million.
- **Regional Workforce Boards**—Funded at $252.5 million. This is a $6.5 million-dollar reduction from the FY 2009-10 due to decrease in non-recurring TANF funds needed for cash assistance in FY 2010-11.
- **Quick Response Training Program**—Funded at $3.3 million to maintain FY 2009-10 levels.
- **Unemployment Compensation Benefits System**—Funded at $26.3 million to continue the second year of implementation.
- **Early Learning Information System (ELIS)**—Funded at $11 million to continue second year of implementation.

Department of Community Affairs

- Total Funding is $779.6 million ($9.8 million GR and $769.8 million TF).

Issues to Note:

- **Florida Communities Trust Program**—This program is being moved back to the Office of the Secretary, where it was originally housed. FY 2009-10 included trust fund authority of $3.1 million for the Land Acquisition program and $375,000 for the Working Waterfronts program funded through a transfer from DEP.
- **Regional Planning Councils**—Funded at $2.5 million from recurring General Revenue. This is the FY 2009-10 funding level.
- **Century Commission and Comp Plan Technical Assistance**—Non-recurring reduction in funding for the Century Commission and comprehensive planning technical assistance.
    - This is due to the decline in estimated documentary stamp tax revenues.
- **Front Porch Florida**—The elimination of one FTE and related costs associated with the Front Porch program. The front porch program has not been funded in a couple of years. However, $500,000 of funding is provided for the Youth Empowerment and Leadership Development Academy, a Front Porch Florida Initiative.
- **Building Code Commission**—A nonrecurring reduction in temporary employment funds due to a decline in permitting fees, which fund the commission's activities.
- **State Match for Disaster Funding**—$17.5 million in non-recurring General Revenue will be transferred to DEM for state matching funds for federal disaster funding.
- **Down Payment Assistance**—There is $37.5 million in housing trust fund appropriations to the Florida Housing Finance Corporation to provide down payment and closing cost assistance in conjunction with the First Time Homebuyer Program. The FY 2009-10 funding level includes $30 million for the First Time Buyers Program and for down payment assistance.

Office of Tourism, Trade, and Economic Development (OTTED)

- Total funding is $98.7 million ($47 million GR and $51.7 million TF).

Issues to Note:

- The traditional economic development tools are fully funded where existing contracts for performance existed.
- **Quick Action Closing Fund**—There is $1 million in non-recurring General Revenue for the Quick Action Closing Fund. The FY 2009-10 funding level is $13.5 million.
- **Visit Florida**—There is approximately $27 million in total funding for VISIT FLORIDA. This is a $5.5 million increase over the FY 2009-10 funding level.
- **Space and Aerospace**—In addition to the $3.8 million in non-recurring General Revenue for Space Florida, Inc. operations, there is $17.5 million in non-recurring trust funds made available for infrastructure projects at two launch complexes (36 and 46) and continued development of Exploration Park at Kennedy Space Center. This is an increase over the FY 2009-10 of $7.5 million.

Department of State

- Total funding is $88.3 million ($55.5 million GR and $32.9 million TF).

Issues to Note:

- **Cultural and Museum Grants**—$2 million in non-recurring General Revenue for Cultural and Museum Grants. The FY 2009-10 funding level is $2.5 million.
- **Historic Preservation Grants**—$650,000 in non-recurring General Revenue to Historic Preservation Grants. The FY 2009-10 funding level is $550,000.
- **Florida Humanities Council**—$360,000 in non-recurring General Revenue is provided to the Florida Humanities Council. $210,000 is provided for the Quincentennial celebration planning efforts. There were no funds in the FY 2009-10 appropriations for this activity.
- **Special Elections**—$1.9 million in non-recurring General Revenue for reimbursements to counties for Special Elections.
- **Library Cooperatives**—$1.2 million in non-recurring General Revenue for Multi-County Libraries. The FY 2009-10 funding level is $1.2 million.
- **Historic Museum Permanent Exhibit**—$1 million in non-recurring General Revenue is provided for the permanent exhibit to celebrate Florida's 500 year anniversary. This is a new issue.
- **State Aid to Libraries**—Fully funded at $21.2 million in non-recurring General Revenue. This is the FY 2009-10 funding level, however the non-recurring funding is provided to restore $8.5 million in recurring General Revenue reductions.

Department of Highway Safety and Motor Vehicles

- Total Funding is $387 million ($372 million in TF and $15 million in non-recurring GR).

Issues to Note:

- **Reduction to FHP troopers**—$2 million from excess overtime budget.
- **Reduce FHP State Overtime Action Response (SOAR) Program,** Lieutenants and Captains—$675,000 reduction to the SOAR program for excluded classes of captains and lieutenants authorized to work SOAR details for a maximum of eight hours per week and compensated as Other Personal Services at $40 per hour.
- **Community Services Officer Program**—The program is reduced from 28 positions to 22 positions for a savings of $240,666. All six positions eliminated are vacant.
- **Reduce Purchase of License Plates Funding**—$1.6 million reduction for excess License Plate funding associated with the decrease in plate purchases.
- **Elimination of 20 vacant positions**—$727,346 associated with vacancies.

- **Driver License Office Closures**—Ten driver license offices will close. County tax collectors will become licensing agents. Employees in filled positions will either be employed by the Tax Collector's Office or placed in other agency vacancies. These offices include:
    - Lake City Office
    - Cape Coral Office
    - Orange Park Office
    - North Melbourne Office
    - Lake Wales Office
    - Fort Walton Beach Office
    - Clewiston Office
    - Palatka Office
    - Bradenton Office
    - Crystal River

Department of Military Affairs

- Total Funding is $59.6 million ($16.1 million GR and $43.5 million TF).
- Of this amount, $39.5 million is from the Federal Grants Trust Fund for 32 different cooperative agreements with Department of Defense and for Fixed Capital Outlay at the Camp Blanding Joint Training Center.

Issues to Note:

- No reductions to positions within the department.
- **About Face and Forward March Programs** – Fully funded at $2 million in state trust funds. This is the FY 2009-10 funding level.
- **National Guard Tuition Assistance** – Fully funded at $1.8 million from recurring General Revenue. This is the FY 2009-10 funding level.

Department of Transportation

- Total funding is $7 billion (all TF).
- Of this amount, $5.8 billion is included for the first year of the five-year Work Program.

Trust Fund Redirects/Revenue Enhancements

<u>Trust Fund Sweeps</u>

- **Housing Trust Funds-$174.1 million**—There is a non-recurring reduction of $85.5 million in affordable housing funding authority in the housing trust funds. The remaining funds come from increased revenue projections in both 2009-10 and 2010-11.
- **Grants and Donations at DCA-$12 million**—There is a non-recurring transfer to General Revenue of $12 million from the Grants and Donations Trust Fund at DCA. These funds are excess cash and the transfer does not impact operations of the Department.
- **Emergency Preparedness and Assistance Trust Fund-$2 million**—There is a non-recurring transfer to General Revenue of $2 million from the Emergency Preparedness and Assistance Trust Fund at DEM. These funds are excess cash and the transfer does not impact operations of the Department.

- **State Transportation Trust Fund-$160 Million**—There is a non-recurring transfer to General Revenue of $160 million from the State Transportation Trust Fund. The transfer may have minimal impacts on future project commitments. No projects currently under contract are affected. In addition, we have provided $40 million in nonrecurring General Revenue to be deposited back into the State Transportation Trust Fund if the state receives FMAP funding this year.

Except as otherwise provided herein, this act shall take effect July 1, 2010, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2010, then it shall operate retroactively to July 1, 2010.

HB 5003 - Implementing the 2010-2011 General Appropriations Act
By: Full Appropriations Council on Education & Economic Development; Rivera
Tied Bills: None
Companion Bills: SB 2702
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

This is the budget "Implementing Bill" which provides the statutory authority necessary to implement and execute the General Appropriations Act for FY 2010-2011. The statutory changes are effective for only one year and either expire on July 1, 2011 or revert to the language as it existed before the changes made by the bill.

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for FY 2010-2011.

Section 2 incorporates Florida Education Finance Program workpapers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 authorizes the transfer of Fixed Capital Outlay appropriations for public schools between appropriation categories upon EOG approval.

Section 4 specifically provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees.

Section 5 authorizes the Executive Office of the Governor to request additional positions for the Department of Corrections if the Criminal Justice Estimating Conference projects a certain increase in the inmate population.

Section 6 authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.

Section 7 authorizes the Department of Legal Affairs to spend funds from two specific appropriations on the same programs funded in the prior years.

Section 8 authorizes a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 9 requires the Office of State Courts Administrator, with the assistance of the clerks of court and the Florida Association of Clerks and Comptrollers to report to the legislature by February 15, 2011 the number of assigned new and reopened cases and the number of cases closed by each judge and each division and circuit for the period of January - December 31, 2010.

Section 10 provides that counties are exempt from the requirement that expenditures increase by 1.5 percent for court-related functions of the clerk.

Section 11 provides limitations on Department of Juvenile Justice reimbursements for health care services to 110 percent of Medicare allowable rates.

Section 12 authorizes the Mediation and Arbitration Trust Fund to be used as specified in the General Appropriations Act.

Section 13 authorizes the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with greatest service demand and treatment capacity and to allocate Community-Based Medicaid Administrative Claiming funds as provided in the 2010-2011 General Appropriations Act and in proportion to contributed provider earnings after administrative costs are covered.

Section 14 provides requirements for Phase 2 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study.

Section 15 extends repeal of ch. 2007-174, LOF, relating to the sunset review of the Department of Children and Families.

Section 16 provides that budget amendments relating to FAMU Crestview Center must be provided at least 14 days before the effective date of the action and subject to the objection procedures in s. 216.177(2)(b), F.S.

Section 17 provides for a study of factors affecting costs and potential assessments on consumers, and availability, of personal lines property and casualty insurance in Florida. The study is to be conducted by the Florida Catastrophic Storm Risk Management Center at Florida State University.

Sections 18 and 19 amend s. 218.12, F.S., to provide that in determining the reductions in ad valorem tax revenues occurring as a result of the implementation of the revisions to Art. VII of the State Constitution, the value of assessments reduced shall include only the reduction in taxable value for homesteads established January 1, 2010. The amendment to the section shall expire July 1, 2011 and the text of s. 218.12 shall revert to that in existence on June 30, 2009.

Sections 20 and 21 reenact s. 255.518, F.S., to authorize reserves to be used to satisfy debt service charges on obligations during the construction of a facility financed from bond proceeds during the 2010-2011 FY.

Section 22 provides that the Department of Management Services has the authority to recommend to the Department of Environmental Protection the disposition of any facility within the Florida Facilities Pool and to provide cost benefit and financial analyses addressing the effects of the proposed facility disposition.

Section 23 requires the Department of Management Services to issue by January 1, 2011, a solicitation for office supplies, and subsequently award a multiple-supplier contract with at least three awarded vendors.

Section 24 provides that funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida are authorized to be deposited into the Citrus Advertising Trust Fund.

Section 25 provides for moneys in the Land Acquisition Trust Fund to be used for the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, the Total Maximum Daily Loads programs and the Marine Spatial Planning programs as provided in the General Appropriations Act.

Section 26 provides for allocation of moneys from the Water Management Lands Trust Fund for an amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Water Management District and the St. Johns Water Management District; provides for $8 million to be transferred to general revenue; provides the remaining funds be distributed equally between the Suwannee River Water Management District and the Northwest Florida Water Management District and, for the 2010-11 FY, $50,000 to be transferred to the Department of Agriculture and Consumer Services for the soil and water conservation districts.

Section 27 reenacts s. 403.1651, F.S., relating to the Ecosystem Management and Restoration Trust Fund to fund activities to preserve and repair the state's beaches.

Section 28 provides that on July 1, 2011, the amendment to s. 403.1651, F.S., will revert to that in existence on June 30, 2009.

Section 29 provides that moneys in the Ecosystems Management and Restoration Trust Fund are authorized for transfer to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services for the Farm Share, Food Banks, and Mosquito Control Programs, and the Technological Research and Development Authority.

Section 30 provides that funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services may be appropriated for programs operated by the department which are related to the programs authorized by ch. 570, F.S.

Section 31 requires the Department of Environmental Protection to award $2,400,000 in grants divided equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

Section 32 provides that, notwithstanding s. 287.057, F.S. (governing procurement of commodities or

contractual services), the Department of Agriculture and Consumer Services, at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to ch. 2006-25, LOF (the 2006-2007 General Appropriations Act), in order to provide consistency and continuity in agriculture promotion throughout the state.

Section 33 provides that the Department of Transportation shall transfer $20,300,000 to the Office of Tourism, Trade, and Economic Development for the purpose of funding economic development transportation projects. The transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2009, in the Department of Transportation's five-year work program.

Section 34 provides that funds appropriated out of the Economic Development Transportation Trust Fund may be used to fund economic development, space and aerospace infrastructure projects.

Section 35 provides that Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Government through the American Recovery and Reinvestment Act of 2009 or any other federal economic stimulus grant funding. Such actions are subject to review and approval of the Legislative Budget Commission.

Section 36 authorizes the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 (ARRA) in traditional appropriations categories to appropriation categories established for the specific purpose of tracking funds appropriated for the ARRA.

Section 37 authorizes funds in the Department of Transportation’s State Transportation Trust Fund to be used to pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under ch. 343 or ch. 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.

Section 38 provides that funds may be transferred from the State Transportation Trust Fund to pay for county and school district transportation infrastructure improvements.

Section 39 provides that funds may be transferred from the State Transportation Trust Fund to General Revenue Fund as specified in the General Appropriations Act.

Section 40 provides that a participant in an adult or youth work experience activity administered pursuant to ch. 445 shall be deemed an employee of the state for purposes of workers' compensation coverage. The section also provides that in determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

Sections 41 and 42 remove authorization for members of the Century Commission for a Sustainable Florida to receive per diem and travel expenses while in performance of duties. The amendment to the section of statute shall expire on July 1, 2011 and the language shall revert to that in existence on June 30, 2010.

Sections 43 and 44 amend s. 201.15 to remove the authority of the Century Commission for a Sustainable Florida to receive certain funds from the Grants and Donations Trust Fund in the Department of Community Affairs. The amendment to the section of statute shall expire on July 1, 2011 and the language shall revert to that in existence on June 30, 2010.

Section 45 provides that the $3 million appropriation for hurricane loss mitigation may be used for hurricane shelters as identified in the General Appropriations Act.

Sections 46 and 47 reenact s. 332.007, F.S., relating to administration and funding of aviation and airport programs and projects and provides that the amendment to the section of statute shall expire on July 1, 2011 and the language shall revert to that in existence on June 30, 2010.

Section 48 creates the Florida Major Performing Arts Center Task Force.

Section 49 prohibits state and federal funds provided to the regional workforce boards to be used for certain purposes and prohibits regional workforce boards from entering into certain contracts.

Section 50 provides the Department of Transportation with flexibility necessary to balance the work program to reduced revenues from the transfer of trust funds to the General Revenue Fund.

Section 51 provides legislative intent to minimize the impacts of reduced revenues and requires the Department of Transportation to provide certain documentation to the Legislative Budget Commission upon request for budget/work program amendment approval.

Section 52 requires the Tampa-Hillsborough County Expressway Authority to transfer $19 million to the Department of Transportation by July 15, 2010. The section further provides for the transfer of governance and control and the assets and liabilities of the Authority if funds are not transferred by this date.

Section 53 authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category “Special Categories-Risk Management Insurance” of the 2010-2011 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 54 authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category “Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract” of the 2010-2011 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resources management services.

Section 55 extends for another year the provision that the state's monthly contribution to the health savings accounts for employees having individual coverage shall be $41.66 and the monthly contribution for employees having family coverage shall be $83.33.

Section 56 provides that the state contribution toward the cost of any plan in the state group insurance plan shall be the difference between the overall premium and the employee contribution.

Section 57 provides that the assignment of an employee of a state agency pursuant to s. 112.24, F.S., may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees.

Section 58 provides that for the 2010-2011 FY, the authorized salaries of members of the Legislature in effect on June 30, 2010 shall be reduced by 7 percent. This has the effect of keeping legislator salary the same as 2009-2010 FY.

Section 59 reenacts paragraph (b) of subsection (2) of s. 215.32, F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2010-2011 General Appropriations Act.

Section 60 reenacts s. 215.601, F.S., relating to the investment objectives of the Lawton Chiles Endowment.

Section 61 provides that, in order to implement the issuance of new debt authorized in the budget, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2010-2011 FY should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

Section 62 provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing and requires agency heads to consider use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 63 provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the budget between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 64 provides that an agency may transfer funds from the data processing appropriation categories to another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.

Section 65 provides that state agencies required by the 2010-2011 General Appropriations Act to begin planning for a data center consolidation scheduled for a subsequent FY may accelerate the consolidation into FY 2010-2011 contingent on the approval by the Legislative Budget Commission. The primary data center may add positions contingent on an equal or greater number of positions being placed in reserve from the agency data center being consolidated.

Section 66 provides that the Governor is authorized to transfer funds appropriated in the appropriations category “expenses” between agencies in order to allocate a reduction in the General Appropriations Act relating to SUNCOM Services.

Section 67 prohibits the Department of Environmental Protection from denying certain permit applications relating to rigid coastal armoring structures.

Section 68 provides for the implementation of the Florida International University/Miami-Dade County Health Department/Florida Department of Health facility in Section 40 of the General Appropriations Act. This provision allows the facility to be included in the Facilities Pool and provides that they do not have to provide an appropriation for planning and first year debt service in advance of the project.

Section 69 provides that Specific Appropriations 17 through 26 shall constitute authorized fixed capital outlay projects as required by s. 9(a)(2), Article XII of the State Constitution and makes clear that Public Education Capital Outlay projects are subject to budget amendment provisions in ch. 216.

Section 70 provides that for any purchase of goods and services in excess of $5 million through state contracting, preference shall be given to the maximum extent possible by law, to vendors or businesses with a principle place of business in the state who commit contractually to maximize the use of Florida residents, products, and other Florida-based businesses. Agencies are required to report each contractor's compliance with this section to the Agency for Workforce Innovation by March 1, 2011.

Section 71 modifies state employee prescription drug program copayments consistent with decisions that have been made in the GAA.

Section 72 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 73 provides that a permanent change made by another law to any of the same statutes amended by this act will take precedence over the provision in this bill.

Section 74 provides a severability clause.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2010.

HB 5705 - State Employees
By: Full Appropriations Council on Education & Economic Development; Rivera
Tied Bills: None
Companion Bills: CS/SB 2384
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill resolves all non-economic collective bargaining articles at impasse between the State of Florida and the bargaining representatives for state employees for FY 2010-2011.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 5801 - Taxation
By: Full Appropriations Council on Education & Economic Development; Finance & Tax Council; Bogdanoff
Tied Bills: None
Companion Bills: Includes part(s) of HB 5001; HB 5003; CS/HB 7157; CS/SB 1592; SB 1976; SB 2700
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

CS/HB 5801 creates a structured state tax amnesty program to be administered by the Department of Revenue (Department). This amnesty program will be structured as follows:

- The amnesty program will be in effect for a three-month period beginning July 1, 2010 and ending September 30, 2010;
- A taxpayer may participate in the amnesty program whether or not the taxpayer is under audit, inquiry, examination, or civil investigation by the Department;
- A taxpayer may not participate if under criminal investigation, indictment, information, or prosecution regarding a Florida revenue law;
- A participating taxpayer who is currently under audit, inquiry, examination or civil investigation by the Department is responsible to pay the full amount of taxes due and receives a 25 percent reduction in interest due;
- A participating taxpayer who initiates contact with the Department is responsible to pay the full amount of taxes due and receives a 50 percent reduction in interest due;
- Penalties are waived on any tax paid pursuant to the amnesty program. Furthermore, the Department will not initiate a criminal investigation against a participating taxpayer with respect to failure to timely pay a tax;
- A participating taxpayer must waive any right to claim a refund, protest, or initiate any administrative proceeding that challenges any assessment administered under the amnesty program. Preexisting protests or administrative or judicial proceedings must be withdrawn;
- The Department is allowed to rescind a grant of amnesty on the basis of fraud, misrepresentation, or mutual mistake of fact;
- Any local option tax administered by a local government is not included in the amnesty program, unless the local government notifies the Department of Revenue by June 1, 2010, that it chooses to participate in the amnesty program; and
- Taxpayers participating in the amnesty program may request an installment payment plan provided by the Department.

The Department is authorized to adopt emergency rules to implement the amnesty. The Department is also authorized to hire an additional 25 audit and collection services staff.

<u>Severance Tax on Phosphate</u>
The bill amends various provisions in s. 211.3103, F.S., relating to the severance tax on phosphate rock, providing the following:

- Eliminates a tax rate reduction on phosphate from $1.945 to $1.51 that was contingent upon the collection of $60 million from a $1.34 surcharge created by ch. 2008-150, LOF.
- Reduces the tax rate on phosphate from $1.945 per ton to $1.71 per ton in 2010-11 and from $1.71 to $1.61 per ton in 2011-12.
- Revises various distributions to trust funds from the phosphate severance tax beginning in 2010-11, and creates a new distribution to the Minerals Lands Trust Fund beginning in 2010-2011.

Tax Liability Confidentiality and Information Sharing
This bill amends s. 212.053(8)(d), F.S., authorizing the Department to share and provide information regarding outstanding sales and use tax warrants or judgment liens against hotels and restaurants with the Department of Business and Professional Regulation's (DBPR) Division of Hotels and Restaurants.

The bill creates s. 212.053(20), F.S., authorizing the Department to publish a list of taxpayers who have current warrants and judgment lien certificates. This list is permitted to be publicized on the Department's Internet website that includes the name, amount of liability, and other publicly available taxpayer information. This list shall be updated at least monthly. The Department is authorized to adopt rules in the administration of this provision.

Furthermore, this bill creates s. 212.053(21), F.S., authorizing the Department to disclose specified information related to taxpayers against whom the Department has filed tax warrants, notice of liens, or judgment lien certificates.

Suspension or Refusal to Reinstate a License
This bill creates s. 213.50(3), F.S., allowing DBPR to suspend a license or deny an application to renew a license of a licenseholder, if a tax warrant has been outstanding for more than three consecutive months.

Integrated Enforcement Authority
This bill creates s. 213.692, F.S., allowing the Department to revoke a taxpayer's certificate of registration for any tax when the taxpayer owes any other tax where a tax warrant, notice of lien, or judgment lien certificate has been issued. The Department must schedule an information conference with the taxpayer, before revocation, to allow the taxpayer to present evidence regarding the revocation action. The Department is also required to issue an administrative complaint under ch. 120, F.S., if the taxpayer fails to attend the informal conference or fails to comply with an executed compliance agreement.

The taxpayer whose certificates of registration, permits, or licenses have been revoked may not be issued new ones unless either the outstanding tax liabilities have been satisfied or the Department enters into a written agreement with the taxpayer regarding their liabilities. The Department must require a cash deposit, bond, or other security as a condition of issuing a new certificate of registration pursuant s. 212.14(4), F.S. The Department is authorized to adopt rules to administer the provisions of this section.

This bill also authorizes the Department to adopt emergency rules to administer the provisions of the newly created section.

Transfer of Tax Liabilities
This bill creates s. 213.758, F.S., a comprehensive statute governing the transfer of tax liabilities to future owners of a business and/or business assets.

The bill provides that a taxpayer, who quits a business without benefit of a purchaser, successor or assignee, or without transferring the business or stock of goods to a transferee, must file a final return and make full payment of taxes owed, excluding corporate income tax, within 15 days after quitting the business. The bill also provides that a taxpayer, who transfers a business or stock of goods, must make a

final return and full payment for any taxes due, excluding corporate income tax, within 15 days of the date of transfer. The transferee of more than 50 percent of a business is liable for the tax, interest, or penalty owed by the transferor, unless the transferor provides the transferee a receipt or certificate from the Department showing that the transferor is not liable for taxes and the Department conducts an audit and finds that the transferor is not liable for taxes. The transferee may withhold a portion of consideration to pay the taxes, interest, and penalties owed from the operation of the business. If the consideration withheld is less than the transferor's liability, the transferor remains liable for the remaining amount owed. The bill clarifies that new owners can be liable even if the business or business assets were transferred to the new owner but were not purchased.

The Department may request the Department of Legal Affairs to seek an injunction to prevent further business activity until all taxes, penalties and interest due have been paid. Transferees of more than 50 percent of a business or stock of goods are jointly and severally liable with the transferor for the payment of the taxes, interest, or penalties owed. The maximum liability of the transferee is limited to the fair market value or the purchase price of the property transferred, whichever is higher.

The Department is authorized to adopt rules in order to administer the provisions of this section.

Fiscally Constrained Counties

This bill also permanently reenacts subsection 218.12(3), F.S., providing the appropriate reference year for calculating property tax revenue losses for fiscally constrained counties, due to the constitutional amendment passed in January 2008.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law except as otherwise provided.

Criminal & Civil Justice Appropriations Committee

CS/HB 5401 – State Judicial System
By: Full Appropriations Council on Education & Economic Development; Criminal & Civil Justice Appropriations Committee; Adams
Tied Bills: None
Companion Bills: CS/CS/SB 1400; HB 5403; CS/HB 7161; includes parts of CS/HB 7069
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The Conference Committee Amendment for CS/HB 5401, relating to the state judicial system, changes laws related to the state courts system, the Justice Administrative Commission, the state attorneys, the regional conflict counsels, Guardian Ad Litem, the Department of Legal Affairs and the clerks of court. The amendment also redirects revenue into the Administrative Trust Fund within the state courts and the State Attorney Revenue Trust Fund within the Justice Administrative Commission. Specifically, the bill:

- Redirects $50 of the Supreme Court filing fee from the Operating Trust Fund to the State Courts Revenue Trust Fund to fund court operations. In addition, the amendment renames the Operating Trust Fund in the state courts system as the Administrative Trust Fund;
- Requires court-appointed counsel to maintain records and to ensure the redaction of privileged information so that the Justice Administrative Commission can inspect such records relating to the state's payment of legal services performed;
- Establishes rates to be set annually in the General Appropriations Act for court reporters, investigators, and Jimmy Ryce experts for court-appointed counsel;
- Clarifies that the Regional Conflict Counsels take 3.850 and 3.800 cases for certain indigent clients. These cases are related to post-conviction complaints against an indigent person's attorney. Also, the Regional Conflict Counsels can take termination of parental rights cases under ch. 63, F.S.;
- Requires the clerk of court to make a search of property records and motor vehicle title records for a more accurate determination of indigency for the purposes of receiving the services of a public defender. Also, the amendment presumes that a person is not indigent for costs if the person's private attorney fees exceed a certain amount, with exceptions and provisions. Other changes are made to reform indigent for costs in order to control costs;
- Imposes additional penalties for court-appointed counsel requesting payments after one and two years following the disposition of cases. Also, requires court-appointed attorneys paid by state funds to obtain approval from the court when requesting certain services for out-of-state due process providers;
- Requires due process providers paid from state funds by the Justice Administrative Commission to use Electronic Funds Transfer effective January 1, 2011;
- Provides criteria and conditions under which transcripts will be provided and specifies that the state will pay for only one original transcript when the state would provide transcripts to state paid court-appointed attorneys;
- Clarifies that changes made in the 2009 session did not intend to assess filing fees for domestic violence cases;
- Requires the clerk of court to transmit moneys collected to the Department of Revenue within 10 working days after the end of the month rather than 20 days;

- Provides that the clerk of the court can release the initial application of an indigent client when using a collection agent to collect fees, service charges, fines and court costs;
- Revises the clerks' unit cost budgeting from four core services to ten unit cost case types. Also, provides a mechanism and timeframe for the release of funds to the clerks and the adjustment of approved unit costs;
- Deletes the reporting requirements of redundant budget expenditure reports submitted by the chief judge, state attorneys and public defenders;
- Clarifies that a new small claims fee created by the 2009 Legislature when a person files a small claim and a request for a replevin action to recover property at the same time shall only be required to pay one filing fee, not the combination of the two;
- Requires that a parent who qualifies and receives the services of a Regional Conflict Counsel or any other court-appointed attorney under a child dependency case is responsible and liable for payment of the $50 civil indigency application fee;
- Clarifies that the existing $50 civil indigency application fee for dependency cases is mandatory. If the fee has not been paid within the seven days, the court is to enter an order requiring payment. Also, requires the court to order the payment of the application fee upon appointing counsel to the indigent party;
- Requires all Guardian Ad Litem applicants certified on or after July, 1, 2010, to undergo a Level 2 background screening, which searches the state and national criminal history information. Also, allows the Guardian Ad Litem to pay the reduced fee of $8 rather than the current fee of $24 to the Department of Law Enforcement for background screening;
- Provides for deposits in the Operating Trust Fund rather than the Legal Affairs Revolving Trust Fund within the Department of Legal Affairs;
- Provides a one-year extension for the redaction of confidential information of court records. The clerks must comply by January 1, 2012;
- Clarifies that counties may impose one of the statutory surcharges to fund court facilities through local ordinance, but not more than one surcharge at the same time;
- Provides that the alteration of a vehicle tag, unlawful use of a temporary tag, failure to surrender a commercial license and certain restrictions on driver's licenses is punished as a moving violation, which is a noncriminal traffic infraction;
- Redirects deposits of criminal fines from cases where adjudication is withheld to the General Revenue Fund rather than the State Courts Revenue Trust Fund;
- Directs funds collected on behalf of the state attorneys for the worthless check program and costs of prosecution to be deposited into the State Attorney Revenue Trust Fund rather than the State Attorney Grants and Donations Trust Fund;
- Clarifies that the $20 court cost for crime stoppers is mandatory on all criminal convictions and criminal cases when adjudication is withheld;
- Provides that a judicial lien for attorney's fees or costs remain in force notwithstanding the child reaching the age of majority. Provides for imposition for a lien when a person receives state paid legal representation or due process costs in certain legal cases;
- Allows trial court administrators to appoint a court employee as a designee to approve certain expenditures;
- Clarifies that the $65 additional court cost on criminal convictions that is used by counties to fund court improvement projects must be defined as court improvement projects by the chief judge;

- Requires the Department of Law Enforcement to modify the statewide uniform statute table used by local law enforcement and state attorney offices in charging persons accused of committing crimes;
- Provides for the transfer of balances to the State Courts Revenue Trust Fund and the State Attorneys Revenue Trust Fund;
- Appropriates $3.6 million of nonrecurring funds from the Clerks of Court Trust Fund to assist the clerks with the backlog of foreclosure cases; and
- Transfers $18.6 million from the State Courts Revenue Trust Fund to the Clerks of Court Trust Fund for the purpose of paying the 2009-2010 general revenue service charge for the clerks of court.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

Government Operations Appropriations Committee

SB 1626 (ch. 10-11, LOF) - Ringling Investment Trust Fund/DMS
By: General Government Appropriations; Baker
Tied Bills: HB 7133
Companion Bills: None
Committee(s) of Reference: General Government Appropriations

The bill provides for termination of the Ringling Investment Trust Fund within the Department of Management Services. The trust fund was originally used to invest funds from the Ringling Museum Trust Fund, which was transferred to the Department of State in 1994. The trust fund had no cash balances or any outstanding debts and obligations.

The bill was approved by the Governor on April 15, 2010, ch. 2010-11, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1628 (ch. 10-12, LOF) - Federal Grants Trust Fund/DMS
By: General Government Appropriations; Baker
Tied Bills: None
Companion Bills: HB 5609
Committee(s) of Reference: General Government Appropriations

The bill creates the Federal Grants Trust Fund within the Department of Management Services. The trust fund will be for use as a depository for funds to be used for allowable grant activities funded by

restricted program revenues from federal sources.

ch. 215.32(2)(B)2., F.S., provides that agencies have an enumerated list of standardized funds for day to day operations. The Federal Grants Trust Fund is one of those enumerated funds.

The bill was approved by the Governor on April 15, 2010, ch. 2010-12, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1630 (ch. 10-13, LOF) - Audit & Warrant Clearing Trust Fund/DOR
By: General Government Appropriations; Baker
Tied Bills: None
Companion Bills: HB 7135
Committee(s) of Reference: General Government Appropriations

This bill re-creates the Audit and Warrant Clearing Trust Fund within the Department of Revenue (DOR) in s. 215.199, F.S. This trust fund is a non-operating account that serves as a repository for audit receipts, warrant receipts, and governmental leasehold receipts, and for subsequent distributions to appropriate entities and accounts.

The bill was approved by the Governor on April 15, 2010, ch. 2010-13, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 5603 - Department of Financial Services
By: Government Operations Appropriations Committee; Hays
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill:

- Revises s. 20.121, F.S., by transferring the consumer assistance functions for the Office of Financial Regulation (OFR) from the Department of Financial Services (DFS) to the Office of Financial Regulation. Currently, DFS provides consumer assistance functions related to inquiries and complaints from citizens for programs within DFS as well as for the programs in the OFR and the Office of Insurance Regulation.
- Amends s. 284.50, F.S., by requiring all state agencies and state universities with more than 6,000 employees that are provided insurance coverage from the Division of Risk Management to establish and maintain a return-to-work program for injured state workers. Presently, each of the impacted agencies and state universities that have more than 6,000 employees have some form of a return to work program or are in the process of beginning and/or implementing such a program. The General Appropriations Act includes $298,478 and three positions to implement the return to work program with the goal of reducing workers' compensation costs;
- Amends s. 440.13, F.S., by revising the workers' compensation requirements for determining the amount of a reimbursement for repackaged and relabeled prescription medications.

Reimbursements for such prescriptions are limited to the number of units dispensed multiplied by the per-unit 'Average Wholesale Price' set by the original manufacturer of the drug, plus a $4.18 dispensing fee; and

- Amends s. 440.50, F.S., to require that funds that are transferred from the Workers' Compensation Administration Trust Fund (WCATF) to other agencies (that by statute are to be funded from the WCATF) that remain unencumbered as of June 30 or undisbursed as of September 30 each year, shall revert back to the Workers' Compensation Administration Trust Fund at the Department of Financial Services. This change is to insure that sufficient cash balance will be available in the WCATF to fund the various appropriations made by the Legislature in support of the administration of the workers' compensation statutes and to avoid increases in the assessment on workers' compensation premiums.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5607 - Retirement
By: Government Operations Appropriations Committee; Hays
Tied Bills: None
Companion Bills: SB 2022
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill:

- Revises s. 121.71, F.S., to establish the required employer payroll contribution rates for each membership class and subclass of the defined benefit plan and the optional retirement plans within the Florida Retirement System for the FYs beginning July 1, 2010 and July 1, 2011;
- Reduces the interest rate earned on participants in the Deferred Retirement Option Program from 6.5 percent to 3 percent annually for employees entering the Deferred Retirement Option Program after July 1, 2010; current Deferred Retirement Option Program participants are not affected;
- Reduces the employer contribution rate to fund the administrative costs of the State Board of Administration from .05 percent to .03 percent for four years;
- Specifies methods of funding the Deferred Retirement Option Program for the state actuary when conducting the annual actuarial study of the State Retirement System.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 5611 - Department of Management Services
By: Full Appropriations Council on Education & Economic Development; Government Operations Appropriations Committee; Hays
Tied Bills: None
Companion Bills: Includes parts of HB 7151; includes parts of CS/SB 2386
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill:

- Establishes the department as a Governor and Cabinet agency with the authority to appoint an executive director, upon confirmation by the Senate;
- Povides an appropriation to re-establish management positions for the purpose of implementing the provisions of s. 20.22, F.S., which positions are subject to Senate confirmation;
- Eliminates the Council on Efficient Government and its support office by repealing s. 287.0573, F.S., and making corresponding changes to other sections of law;
- Amends expiration dates from July 1, 2012 to July 1, 2017 relating to a $3 surcharge on certain criminal offenses and on noncriminal moving traffic violations used to fund the State Law Enforcement Radio System;
- Eliminates the State Employee Wellness Council, which was created to advise the Department of Management Services on health care education for employees;
- Authorizes the department to transfer revenues from vendor transaction fees collected by the department for use of its statewide electronic procurement and information services system to the Department of Financial Services to support statewide purchasing operations performed in conjunction with the department;
- Authorizes the department to transfer $320,000 to the Department of Environmental Protection for the creation of a comprehensive database of state-owned real property;
- Requires parties represented by attorneys in hearings held under the Division of Administrative Hearings to file documents electronically; parties not represented by attorneys are encouraged, but not required, to file documents electronically;
- Establishes statewide wireless device utilization standards for agencies to use in determining employee assignment of wireless communication devices; requires agencies to procure for wireless devices and services using SUNCOM Network Services;
- Directs the department to submit a plan to the Legislature to create, administer, and maintain a centralized fleet of all state-owned motor vehicles; and
- Directs the department to coordinate with all state agencies prior to submitting a plan to the Governor and Legislature to centralize all real estate operations and maintenance.

The bill amends statutes to conform to the General Appropriations Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, or as otherwise expressly provided in the bill.

Health Care Appropriations Committee

CS/CS/SB 1484 - Medicaid
By: Policy and Steering Committee on Ways and Means; Health and Human Services Appropriations; Peaden
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Policy and Steering Committee on Ways and Means; Health and Human Services

This bill amends multiple sections of Florida Statutes relating to Medicaid as following:

- Amends s. 16.59, F.S., requiring Medicaid related fraud units to be collocated, to the extent possible; requiring the Medicaid managed care fraud investigators within the Attorney General's Office to collocate with the Division of Insurance Fraud within the Department of Financial Services (DFS); and conforming provisions to changes made by the act;
- Amends s. 20.121, F.S., establishing the Division of Public Assistance Fraud within the DFS effective January 1, 2011;
- Amends s. 409.912, F.S., allowing a provider service network to provide behavioral health services in addition to physical health services in areas of the state not under Medicaid reform and conforming provisions to changes made by the act;
- Amends s. 409.91211, F.S., extending the guidelines for phasing in financial risk for approved provider service networks and Children's Medical Services Networks over the period of the waiver and the extension thereof; revising the requirements for the selection of a behavioral health care provider in Broward County for children who have a case open in the Department of Children and Family Services' HomeSafeNet; and authorizing a participating specialty plan to receive an administrative fee for coordination of services contingent on the state share being provided through intergovernmental transfers (IGTs);
- Amends s. 409.91212, F.S., requiring each Medicaid managed care plan to adopt an anti-fraud plan to address overpayment, abuse, and fraud in the provision of Medicaid services and to submit the plan for approval to the Office of Medicaid Program Integrity with the Agency for Health Care Administration (AHCA); requiring each Medicaid managed care plan to establish a fraud investigative unit or contract with an entity; requiring an annual report from each managed care plan outlining its experience in implementing an anti-fraud plan; providing penalties for Medicaid managed care plans that fail to comply; and requiring all Medicaid managed care plans to report any suspected instance of overpayment, fraud, or abuse to the Office of Medicaid Program Integrity within 15 days;
- Amends ss. 411.01, 414.33, and 414.39, F.S., conforming provisions to changes made by the act. This bill also amends 943.401, F.S., transferring and renumbering s. 934.401, F.S., as s. 414.411, F.S., and directing the DFS rather than the Florida Department of Law Enforcement (FDLE) to investigate public assistance fraud;
- Creates ss. 624.35 and 624.351, F.S., establishing the "Medicaid and Public Assistance Fraud Strike Force" (Strike Force) within the DFS to develop a statewide strategy and coordinate state and local efforts and resources to prevent, investigate, and prosecute Medicaid and public assistance fraud.
- Creates s. 624.352, F.S., requiring the Chief Financial Officer to develop model interagency agreements to coordinate the prevention, investigation, and prosecution of Medicaid and public assistance fraud;

- Creates an undesignated section of law directing the AHCA to request an extension of the current Medicaid Reform waiver obtained under s. 1115 of the Social Security Act and to preserve the Low Income Pool provisions of the waiver by no later than July 1, 2010;
- Creates an undesignated section of law directing the AHCA to develop methodologies to maintain the use of IGTs and certified public expenditures in a Medicaid managed care environment; authorizing the AHCA to convene a workgroup to advise on the study and development of IGT distribution methods; and requiring a report to the Legislature and Governor by January 1, 2011;
- Creates an undesignated section of law requiring the Auditor General and the Office of Program Policy Analysis and Government Accountability to review and evaluate the AHCA's Medicaid fraud and abuse systems and requiring a report to the Legislature and Governor by December 1, 2011;
- Creates an undesignated section of law establishing the Medicaid claims adjudication project in the AHCA to decrease the incidence of inaccurate payments and to improve efficiency to the Medicaid claims processing systems; and
- Creates an undesignated section of law transferring all powers, duties, functions, records, offices, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to public assistance fraud in the FDLE to the Division of Public Assistance Fraud in DFS.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

HB 5301 - Medicaid Services
By: Health Care Appropriations Committee; Grimsley
Tied Bills: None
Companion Bills: CS/CS/HB 1464
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

This is a conforming bill to the General Appropriations Act (GAA) for FY 2010-2011 and contains various statutory revisions to conform to budget adjustments in the area of health care. The bill:

- Amends s. 400.23, F.S., modifying nursing home staffing requirements to allow for a combined direct care staffing requirement of 3.9 hours per resident per day. The bill also amends s. 400.141. F.S., providing a cross-reference to conform to the act;
- Amends s. 400.179, F.S., precluding the collection of Lease Alternative Bond Fund payments for nursing homes when the fund balance exceeds $25 million;
- Amends s. 409.904, F.S., extending the date that the Medicaid Aged and Disabled (MEDS-AD) and Medically Needy programs are set to sunset to June 30, 2011;
- Amends s. 409.905, F.S., authorizing the agency to develop and implement a program to reduce the number of hospital readmissions among the non-Medicare population in AHCA Areas 9, 10, and 11;
- Amends s. 409.907, F.S., authorizing the agency to enroll entities as Medicare crossover-only providers for payment and claims processing purposes; requiring the provider to have a current provider agreement with Centers for Medicare and Medicaid Services; requiring a provider to immediately notify the agency of suspensions or disenrollment as a Medicare provider; requiring health care services records to be kept by the provider for a minimum of 6 years; and providing an enrollment exclusion for providers that are required to post a surety bond as part

of the Medicaid enrollment process. This bill also amends 409.908, F.S., providing penalties for providers that fail to report suspension or disenrollment from Medicare;

- Amends ss. 409.9082 and 409.9083, F.S., clarifying the use of the funds collected as a result of implementing quality assessment programs for nursing homes and privately operated intermediate care facilities for the developmentally disabled;
- Amends ss. 409.911, 409.9112, 409.9113, and 409.9117, F.S., specifying the years of audited data to be used in determining Medicaid and charity care days for hospitals participating in the Disproportionate Share Hospital (DSH) Program and revising the formula used to calculate disproportionate share dollars to provider service network hospitals;
- Creates an undesignated section of law authorizing the Agency for Health Care Administration (AHCA) to contract with a private health care organization to provide comprehensive services to frail and elderly persons residing in Polk, Highlands, Hardee, and Hillsborough Counties and approving 150 initial enrollees in the Program of All-inclusive Care for the Elderly (PACE) to serve persons in Polk, Highlands, and Hardee Counties; and
- Creates an undesignated section of law authorizing the Agency for Health Care Administration (AHCA) to contract for a new PACE site in Southwest Miami-Dade County and approving 50 initial enrollees in the PACE to serve persons in Southwest Miami-Dade County.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5303 - Agency for Persons with Disabilities
By: Health Care Appropriations Committee; Grimsley
Tied Bills: None
Companion Bills: CS/CS/SB 1468
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill makes statutory changes to conform to the funding decisions included in the General Appropriations Act, for FY 2010-2011. The bill does the following:

- Amends s. 393.0661, F.S., to specify the Agency for Persons with Disabilities (APD) use an assessment instrument that the agency deems to be reliable and valid, but not limited to, the Department of Children and Family Services' Individual Cost Guidelines or the Questionnaire for Situational Information for determining the tier to which the client should be assigned;
- Specifies that age is a client characteristic in assigning clients to a tier;
- Adjusts annual client expenditure caps for each of the four tier waiver services;
- Specifies that individuals enrolled in tier four on July 1, 2007, are assigned to that tier without the need for any further assessment;
- Creates s. 393.0662, F.S., relating to individual budgets or iBudgets to improve the financial management of waiver services;
- Amends s. 393.125, F.S., to specify conditions for requesting APD Medicaid fair hearings and requires hearings to be provided by the Department of Children and Families; and
- Creates the Services for Children with Developmental Disabilities Task Force to develop a plan for the creation of, and enrollment in, the Developmental Disabilities Savings Program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5305 - Child Welfare
By: Health Care Appropriations Committee; Grimsley
Tied Bills: None
Companion Bills: CS/CS/SB 1466
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill conforms statutes to the funding decisions for child welfare included in the proposed General Appropriations Act (GAA) for FY 2010-2011.

- The bill creates s. 402.7306, F.S., and requires the Department of Children and Families (DCF), as well as the Departments of Health and Juvenile Justice, and the Agencies for Persons with Disabilities and Health Care Administration, to implement changes to improve efficiency in health and human services contract administration. The bill also amends s. 402.7305, F.S., requiring the Department of Children and Families to limit monitoring of a child-caring or child-placing services provider to only once per year;
- The bill amends s. 409.1451, F.S., authorizing DCF to adopt rules regarding payments under the Independent Living Transition Services program; and
- The bill repeals s. 409.1663 and amends s. 409.166, F.S., to conform to the total elimination of the funding for adoption benefits for qualifying adopting employees of state agencies.
- The bill amends s. 409.1671, F.S.:
    - Specifies that contracts entered into with community-based care lead agencies must be funded by a grant of general revenue and by applicable other state and federal funding sources;
    - Authorizes in increase in lead agency contracts for excess federal funds;
    - Authorize to carry community-based care lead agency forward documented unexpended funds from one FY to the next limited to 8 percent of total funds, but must return any unexpended funds that remain at the end of the contract period. Funds carried forward may be retained through any contract renewals and any new procurement as long as the same community-based care lead agency is retained by the department;
    - Requires the department to enter into a fixed-price contract that provides for a 2-month advance payment at the beginning of each FY and equal monthly payments thereafter;
    - Allows the department to outsource programmatic, administrative or fiscal monitoring oversight of the lead agencies; and
    - Authorizes the lead agencies to continue to use funding for certain expenditures.
- Authorizes DCF to provide dependent children family-centered, cognitive-behavioral interventions designed to mitigate out-of-home placements as an alternative to therapeutic residential or group care.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5307 - Mental Health and Substance Abuse
By: Health Care Appropriations Committee; Grimsley
Tied Bills: None
Companion Bills: CS/CS/SB 1466
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill makes statutory changes to conform to the funding decisions included in the House proposed General Appropriations Act (GAA) for FY 2010-2011. The bill:

- Eliminates the Substance Abuse and Mental Health Corporation and provides conforming changes to various sections in statute;
- Changes the Suicide Prevention Coordinating Council voting members from 28 to 27 and reduces the number of members appointed by the director of the Office of Drug Control from 14 members to 13 members;
- Requires the Department of Children and Family Services to be responsible for establishing a Statewide Grant Review Committee, which is renamed the "Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee" along with revising the current committee structure and its responsibilities relating to developing criteria and review of grant applications; and
- Clarifies the submittal of an annual report by January 1 of each year on the activities associated with the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5309 - Comprehensive Statewide Tobacco Education and Use Prevention Program
By: Health Care Appropriations Committee; Grimsley
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill conforms statutes to the funding decisions included in the proposed General Appropriations Act (GAA) for FY 2010-2011.

- The bill deletes obsolete provisions, updates terminology, and changes references to "smoking" to "tobacco use" to ensure the program covers cessation for all types of tobacco products;
- The bill expands the media campaign component to include communication strategies incorporating the use of personal communication devices and online networking;
- The bill ensures administration and management expenditures for the Department of Health are limited to 5 percent; and
- The bill deletes obsolete language related to Area Health Education Centers.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5311 - Department of Health
By: Health Care Appropriations Committee; Grimsley
Tied Bills: None
Companion Bills: CS/CS/CS/HB 1143
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill conforms statutes to the funding decisions related to the Department of Health (DOH) in the proposed General Appropriations Act (GAA) for FY 2010-2011:

- The bill amends multiple statutes regarding the administration and use of funds in the department's Administrative Trust Fund, the Emergency Medical Services Trust Fund and the Brain and Spinal Cord Injury Program Trust Fund;
- The bill provides for the reorganization of the DOH, requires DOH to conduct an evaluation and justification review of each division, and report its findings and recommendations to the Senate President, the Speaker of the House, the chairpersons of the appropriate substantive and appropriations committees, the Legislative Auditing committee, the Governor and the State Surgeon General no later than March 1, 2011;
- The bill reenacts the James and Esther King Biomedical Research Program and the William G. "Bill" Bankhead Jr., and David Coley Cancer Research Program and provides recurring funding of $20 million to the James and Esther King Biomedical Research Program, $20 million to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program, and $10 million to the H. Lee Moffitt Cancer Center;
- The bill provides an additional appropriation of $250,000 for the Florida Center for Universal Research to Eradicate Disease such that its total annual appropriation is $500,000;
- The bill removes the authority for the DOH division directors to appoint ad hoc advisory committees, prohibits the DOH from creating new programs without the express consent of the Legislative Budget Commission or the Legislature, and requires the DOH to notify the Governor and the Legislature before applying for any continuation or new federal or private grants for an amount of $50,000 or greater;
- The bill identifies the role of the DOH in an emergency by listing its specific responsibilities;
- The bill decreases the DOH's environmental health food service responsibilities over facilities that are licensed and inspected by other agencies and specifies the types of entities having food service inspections administered by the DOH;
- The bill repeals the Children's Early Investment Program, which has not been operational for many years (ss. 411.23, 411.231, and 411.232, F.S.);
- The bill exempts medical device manufacturers that are registered by the Federal Drug Administration from regulation by the DOH to eliminate duplicative regulation, and provides a definition for a "medical convenience kit" and exempts the wholesale distribution of medical convenience kits that contain prescription drugs from the pedigree paper requirements in certain circumstances;
- The bill requires the DOH to develop a plan to treat contagious tuberculosis in private and nonstate public hospitals. The DOH must submit the plan to the Governor and the Legislature by November 1, 2010;
- The bill transfers the administration of ch. 499, F.S., relating to the regulation of drugs, devices, cosmetics, and household products, from the DOH to the Department of Business and Professional Regulation on October 1, 2011;
- The bill amends the DOH's responsibility for physician workforce development; creates a

Physician Workforce Advisory Council; and repeals the Graduate Medical Education Committee annual report within the Community Hospital Education Act Program;
- The bill creates ss. 458.315 and 459.0076, F.S., to issue temporary certificates for practice in areas of critical need under certain circumstances;
- The bill amends s. 380.00315, F.S., which authorizes DOH to accept funds from cities, counties, and certain entities to participate in contracts with the U.S. Department of Health and Human Services for the manufacture and delivery of licensable products in response to a public health emergency; and
- The bill authorizes the DOH to submit a budget amendment for additional authority for the Florida Center for Nursing to make expenditures supported by grants and donations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

Natural Resources Appropriations Committee

HB 651 - Department of Agriculture and Consumer Services
By: Rivera; Evers
Tied Bills: None
Companion Bills: CS/CS/SB 1158
Committee(s) of Reference: Natural Resources Appropriations Committee; Full Appropriations Council on Education & Economic Development

The 2009 Legislature transferred over $588 million from various trust funds to the General Revenue Fund in the General Appropriations Act. This amount included a $6 million transfer from the Division of Licensing Trust Fund. This transfer was vetoed by Governor Crist.

Section 215.32(2)(b)4.a., F.S., allows the Legislature to transfer cash balances from various trust funds to the General Revenue Fund or the Budget Stabilization Fund notwithstanding any other law to the contrary. There are currently statutory exemptions to this in subparagraph 4.b., such as:
- Trust funds required by federal programs or mandates;
- Trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body;
- The State Transportation Trust Fund;
- The trust fund containing the net annual proceeds from the Florida Education Lotteries,
- The Florida Retirement System Trust Fund;
- Trust funds under the management of the State University System where trust funds used for auxiliary purposes, self-insurance and contracts, grants, and donations, as
- Those terms are defined by general law;

- Trust funds that serve as the clearing funds or accounts for the Chief Financial Officer or state agencies;
- Trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and
- Other trust funds authorized by the State Constitution.

This bill amends s. 215.32(2)(b) 4.b., F.S., to add the Division of Licensing Trust Fund within the Department of Agriculture and Consumer Services to this exemption list. This trust fund is the depository for license fees for concealed weapons permits and other various permit fees.

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

CS/SB 1510 - Department of Citrus
By: General Government Appropriations; Baker
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: General Government Appropriations; Policy and Steering Committee on Ways and Means

This bill revises the location of the executive offices of the Department of Citrus. The 2009-2010 General Appropriations Act directed the department to relocate its executive office from Lakeland, Florida, to the Bob Crawford Building in Bartow, Florida. The department relocated its executive offices to Bartow in February 2010.

This bill substantially amends s. 601.07, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 1514 - Recreational Licenses
By: General Government Appropriations; Baker
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: General Government Appropriations; Policy and Steering Committee on Ways and Means

Chapter 2009-65, Laws of Florida, repealed the exemption that allowed Florida resident anglers to fish from the saltwater shoreline or from a structure fixed to the land without a saltwater fishing license. The legislation establishes a $7.50 fee for a shoreline license. This bill eliminates the $7.50 shoreline license fee and retains the 50-cent compensation to subagents for services.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 1516 - State-owned Lands
By: Policy and Steering Committee on Ways and Means; General Government Appropriations; Baker
Tied Bills: None
Companion Bills: HB 7169
Committee(s) of Reference: Policy and Steering Committee on Ways and Means; General Government Appropriations

The bill directs the Department of Environmental Protection (department) to create and maintain a comprehensive state-owned real property database that includes an inventory of all real property leased, owned, rented, occupied or managed by the state or the judicial branch. The bill requires all state agencies, the judicial branch, and the water management districts to report certain data annually to the department.

The bill directs the department to submit a report that lists the state-owned property recommended for disposition by October 1, 2010, and annually thereafter. However, prior to disposition, any state-owned building or parcel of land shall first be offered for lease to state agencies, state universities, and community colleges.

The bill also requires an updated feasibility study, creates an executive steering committee, and sets specific implementation timelines and deliverables to ensure the database is fully operational by September 1, 2012. The bill appropriates $320,000 in spending authority to the department for the creation of the database.

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

PreK-12 Appropriations Committee

CS/HB 5101 - Prekindergarten through Grade 12 Education Funding
By: Full Appropriations Council on Education & Economic Development; PreK-12 Appropriations Committee; Flores
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The Conference Committee Amendment for HB 5101, relating to Prekindergarten through Grade 12 Education Funding, provides for the following:

- Provides implementing language for 2010-2011 Class Size Reduction, including:
  - Implementation if the amendment is or is not approved by the voters;
  - Compliance determination based on the October student enrollment survey;

    - A reduction calculation to class size funding for noncompliant districts which may be adjusted for good cause;
    - A reallocation bonus of up to 5 percent of the base student allocation for compliant districts;
    - An add-back of all or some of the reduced funds if districts submit a plan to meet the requirements by October of the subsequent year;
    - A requirement that school boards hold public hearings on strategies to meet class size requirements before the district budget is adopted; and
    - Authorization of virtual instruction programs as an option to meet class size.
- Revises the tax roll collection rate for calculation of the local effort for school districts from 95 to 96 percent; this provision also affects state funding for lab schools and the Florida Virtual School;
- Clarifies that in order for school districts to continue the school board-super majority-approved .25 critical needs millage after the 2010-2011 FY, voters must approve the millage by referendum during the 2010 general election. If the measure fails, it cannot be put before the voters again for a full year and the voted millage will have to be reauthorized by the voters every two years;
- Adds community colleges as a provider for the school district virtual instruction programs. Community colleges may not count the student enrollment for Community College Program Funding;
- Expands eligibility for the school district virtual instruction programs to include siblings of a currently enrolled student of a virtual instruction program;
- Appropriates $21,244,177 for the Excellent Teaching Program to award bonuses for national board certified teachers;
- Extends school district flexibility to use the instructional materials categorical for computer hardware to support student learning after March 1, 2011 if all instructional content purchases have been made, and also authorizes the purchase of instructional hardware from 1.5 million capital funds;
- Establishes procedures, requirements, and definitions for districts and publishers for the purchase of instructional materials in electronic format;
- Provides guidelines and instructions for implementation of school district electronic learning management systems;
- Requires secondary students enrolled in acceleration courses or programs to be provided access to electronic library resources provided by the Florida colleges and state universities;
- Reduces the early learning coalition administrative fee for the Voluntary Prekindergarten Education Program from 4.85 to 4.5 percent;
- Eliminates advance funding payments of Florida Education Finance Program (FEFP) funds to school districts and advanced distribution of instructional materials funds;
- Requires charter schools to be in compliance with class size at the school level average;
- Reduces the school district administrative fee for charter schools and charter school systems;
- Provides that capital outlay funds shared by school districts with a charter school in the workplace prior to July 1, 2010 have met the expenditure requirements for capital outlay funding;
- Provides that charter schools in the workplace are eligible for charter school capital outlay funding;
- Requires school board member salaries for 2010-2011 to be no greater than beginning teacher salaries;
- Requires that 80 percent of the funds generated by the International Baccalaureate (IB) program

to be provided to the school program or the feeder schools where the pre-IB program takes place; the funds are to be used solely for IB program or feeder program expenditures. Requires the remaining 20 percent to be spent on assisting academically disadvantaged students with rigorous courses;

- Requires that 80 percent of the funds generated by the Industry Certified bonus be provided to the school program and also authorizes the list of industry certifications to be approved by both the Agency for Workforce Innovation and the Department of Education (DOE);
- Reduces the school district budget summary advertisement requirements;
- Requires OPPAGA to review the Special Facility Construction Account program;
- Authorizes proration of the $50,000 per member amount for Regional Education Consortia;
- Requires instructional materials to include the contributions of African Americans to American society;
- Allows the DOE to use the Sophomore Level Test Trust Fund for any purpose;
- Limits DOE efforts to produce Department of Juvenile Justice education program quality reviews to the extent funding is available;
- Establishes procedures and timelines for the DOE and school districts to ensure industry certification of automotive training programs;
- Requires school district reciprocity of level 2 screenings for Florida High School Athletic Association officials;
- Clarifies exemption for the prior years of service requirement for pay purposes for re-employment of retired teachers;
- Clarifies that a student is not eligible for a quarterly payment for the McKay Scholarship Program if the private school misses the 30 day deadline for verification of student participation;
- Authorizes an off-site instructor for a traditional classroom providing instruction through a virtual environment to be the instructor of record for purposes of enrollment reporting;
- Repeals the requirement for school districts to freeze noncapital local school property taxes when the district levies capital outlay surtax;
- Authorizes the per student cost designated for the base transportation dollar allocation for disabled students to be designated by the Legislature each year;
- Clarifies the wealth adjustment offset calculation of the Sparsity Supplement by not including Merit Award Program funds;
- Includes a provision that recalculations of the FEFP after the initial appropriation may not result in negative state funds;
- Authorizes Jefferson County School District to administer a one-time transportation survey to substitute for the statewide, scheduled October and February surveys which were omitted by the district, and requires the school district to use $50,000 from the transportation funding to hire a consultant to assist with managing district operations; and
- Makes other technical adjustments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

State Universities & Private Colleges Appropriations Committee

HB 5201 - Postsecondary Education Funding
By: State Universities & Private Colleges Appropriations Committee; Proctor
Tied Bills: None
Companion Bills: HB 101; SB 838; CS/HB 1243; CS/SB 1344; SB 2700; HB 5001
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

This bill conforms the Higher Education funding statutes to the appropriations bill as follows:

- Modifies Bright Futures by:
    - Phasing in increases to test score eligibility requirements to begin with high school students graduating in the 2011-2012 academic year;
    - Allowing the restoration of a Bright Futures scholarship for first-year students only, unless the student receives an authorized exception;
    - Reducing the number of credits covered by Bright Futures from 110 percent of program requirements to 100 percent;
    - Reducing the time to utilize the award to five years from seven years;
    - Encouraging use of acceleration credit by allowing students who graduate in less than seven semesters to utilize up to 15 hours of any remaining award towards one semester of graduate study; and
    - Authorizing flat award amounts to be established in the General Appropriations Act;
- Requires state residency confirmation for Workforce Education Programs;
- Encourages the adoption of open access textbooks;
- Provides a process for the coordinated licensing of electronic library resources for use by secondary and postsecondary students in Florida;
- Encourages continued implementation of online registration for online learning;
- Appropriates $25 million for the Bright Futures program contingent upon the receipt of additional Federal Medical Assistance Percentage (FMAP) funds;
- Modifies university fee limits by:
    - Authorizing all universities to increase the sum of the activity and service, health, and athletic fees up to 15 percent or the amount to reach the 2009-10 statewide average for the total of these fees, whichever is greater; and
    - Authorizing the sum of these fees to increase each year by 5 percent or the same percentage increase in tuition authorized by the Legislature, whichever is greater;
- Requires the study of a possible merger of public school workforce education programs into community or state colleges by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA);
- Removes specific appropriation provisions for funding baccalaureate degrees at Florida colleges; and establishes that upper-division and lower-division enrollment estimating and expenditure reporting shall be done separately;
- Requires full fee support for continuing workforce education (CWE);
- Authorizes state universities to utilize funds from the 30 percent tuition differential set-aside for need-based financial aid for students utilizing a prepaid postsecondary tuition scholarship;
- Clarifies statutory provisions relating to the Children and Spouses of Deceased or Disabled Veterans (CSDDV) Program on the use of funds, the award amounts, and the definition of eligible educational

institutions;

- Clarifies statutory provisions relating to the José Martí and Mary McLeod Bethune scholarship programs to remove obsolete language requiring the deposit of appropriated funds into a trust fund;
- Establishes a reversion schedule for any unencumbered and/or undisbursed funds that are transferred from the Department of Financial Services Workers' Compensation Administration Trust Fund to the Department of Education;
- Allows a client in the Injured Workers Program to attend a non-public program if recommended by a vocational evaluator and no public college program is available;
- Prohibits a college in the Florida College System from using its resources, including staff, faculty, land, and facilities to support the establishment of a new independent nonpublic educational institution;
- Permits the Historically Black Colleges and Universities Library Improvement funds to be used to purchase electronic as well as print media;
- Establishes October 15 as the transmittal date for the list of eligible projects for the Florida college and university facilities challenge grant programs;
- Encourages each Florida college and state university to reduce its campus-wide energy consumption by 10 percent and requires a report by January 1, 2011;
- Limits community college president salaries to $225,000 from appropriated state funds;
- Requires the operating agreement entered into with the University of Miami Medical School and the local teaching hospital be transmitted annually to the Department of Education;
- Requires an OPPAGA review of postsecondary educational opportunities for individuals with developmental disabilities;
- Authorizes the Doctor of Pharmacy degree at the University of South Florida (USF) and physically locates the program at the new campus of the USF Polytechnic; and
- Authorizes reciprocity of student residency classification from one public institution to another public institution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Transportation & Economic Development Appropriations Committee

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CS/HB 969 - Space and Aerospace Infrastructure
By: Transportation & Economic Development Appropriations Committee; Crisafulli
Tied Bills: None
Companion Bills: CS/CS/SB 1776
Committee(s) of Reference: Transportation & Economic Development Appropriations Committee

The legislation provides that funds appropriated in Specific Appropriation 2649 of ch. 2008-152, Laws of Florida, for Space and Aerospace Infrastructure to make improvements to Launch Complex 36 may also be used by Space Florida for the following purposes:

- Improving other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state;
- Addressing intermodal requirements and impacts of the launch ranges, spaceports and other space transportation facilities;
- Advancing aerospace technology to meet the current and future needs of the United States commercial space transportation industry; and
- Assisting in the development of joint-use facilities and technology that support aviation and aerospace operations.

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

SB 1632 (ch. 10-14, LOF) - Transportation Revenue Bond Trust Fund/DOT
By: Fasano
Tied Bills: None
Companion Bills: HB 7137
Committee(s) of Reference: Transportation and Economic Development Appropriations

This legislation reenacts the Transportation Revenue Bond Trust Fund, FLAIR code 55-2-734, within the Department of Transportation. This trust fund serves as a depository of revenue bond proceeds secured by state and federal revenues.

This bill was approved by the Governor on April 15, 2010, ch. 2010-14, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1634 (ch. 10-15, LOF) - Transportation Governmental Bond Trust Fund/DOT
By: Transportation and Economic Development Appropriations; Fasano
Tied Bills: None
Companion Bills: HB 7139
Committee(s) of Reference: Transportation and Economic Development Appropriations

This legislation creates the Transportation Governmental Bond Trust Fund within the Department of Transportation. This trust fund will serve as a depository of bond proceeds, issued for eligible transportation projects.

This bill was approved by the Governor on April 15, 2010, ch. 2010-15, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1636 (ch. 10-16, LOF) - Trust Funds
By: Transportation and Economic Development Appropriations; Fasano
Tied Bills: None
Companion Bills: HB 7141
Committee(s) of Reference: Transportation and Economic Development Appropriations

The legislation creates the Clearing Funds Trust Fund within the Department of State. The Clearing Funds Trust Fund is established as a depository for funds to account for collections pending distribution to lawful recipients.

The bill requires election assessments to be deposited into the Clearing Funds Trust Fund for transfer to the Department of Legal Affairs and clarifies that municipal candidate election assessments shall be collected by the Department of State for transfer to the Department of Legal Affairs. The bill clarifies that candidate filing fees are collected by the Department of State and transferred to the Department of Legal Affairs, that the Elections Commission Trust Fund is not utilized by the Division of Elections, and redirects the deposit of cable and video application filing fees to the Clearing Funds Trust Fund.

The bill amends the following sections of the Florida Statutes: ss. 99.092, 99.093, 105.031, 106.24, and 610.104.

The bill was approved by the Governor on April 15, 2010, ch. 2010-16, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1638 (ch. 10-17, LOF) - Federal Grants Trust Fund/Department of State
By: Transportation and Economic Development Appropriations; Fasano
Tied Bills: None
Companion Bills: HB 7143
Committee(s) of Reference: Transportation and Economic Development Appropriations

The legislation creates the Federal Grants Trust Fund within the Department of State. The Federal Grants Trust Fund is established as a depository for allowable grant activities funded by restricted program revenues from federal sources.

Chapter 215.32(2)(b)2., F.S., proscribes that agencies have an enumerated list of standardized funds for day to day operations. The Federal Grants Trust Fund is one of those enumerated funds.

The bill was approved by the Governor on April 15, 2010, ch. 2010-17, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1640 (ch. 10-18, LOF) - Florida Forever Trust Fund/DCA
By: Transportation and Economic Development Appropriations; Fasano
Tied Bills: None
Companion Bills: HB 7145
Committee(s) of Reference: Transportation and Economic Development Appropriations

This legislation re-creates the Florida Forever Program Trust Fund, FLAIR number 52-2-349, within the Department of Community Affairs. This trust fund serves as a depository of Florida Forever bond proceeds transferred from the Department of Environmental Protection.

This bill was approved by the Governor on April 15, 2010, ch. 2010-18, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1642 (ch. 10-19, LOF) - Emergency Response Trust Fund/Military Affairs
By: Transportation and Economic Development Appropriations; Fasano
Tied Bills: None
Companion Bills: HB 7147
Committee(s) of Reference: Transportation and Economic Development Appropriations

The legislation continues the Emergency Response Trust Fund, FLAIR number 62-2-087, which is administered by the Department of Military Affairs. The trust fund serves as a repository for funds collected from Federal Emergency Management Agency (FEMA) reimbursements and transfers of state funds when approved by budget amendments processed pursuant to ch. 216, F.S. The trust fund is used to pay all operational costs incurred by the Florida National Guard when called to active duty.

This bill repeals s. 250.175(5)(d), F.S.

This bill was approved by the Governor on April 15, 2010, ch. 2010-19, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1644 (ch. 10-20, LOF) - Trust Funds/Department of State
By: Transportation and Economic Development Appropriations; Fasano
Tied Bills: None
Companion Bills: None
Committee(s) of Reference: Transportation and Economic Development Appropriations

The bill terminates the Library Services Trust Fund and the Fine Arts Trust Fund within the Department of State. All current balances remaining in the terminated trust funds will be transferred to the Grants and Donations Trust Fund within the Department of State.

The bill directs that donations of income received from the disposal of any donations of property, art

objects, or antiquities, be deposited into the Grants and Donations Trust Fund.

This bill amends s. 265.284, F.S.

The bill was approved by the Governor on April 15, 2010, ch. 2010-20, Laws of Florida. The effective date of this bill is July 1, 2011.

SB 2462 (ch. 10-21, L.O.F) - Federal Grants TF/Department of Community Affairs
By: Fasano
Tied Bills: None
Companion Bills: HB 7149
Committee(s) of Reference: Transportation and Economic Development Appropriations

This legislation creates the Federal Grants Trust Fund within the Department of Community Affairs. This trust fund will serve as a depository of grants and funding from the federal government, interest earnings, and cash advances from other trust funds.

Chapter 215.32(2)(b)2., F.S., proscribes that agencies have an enumerated list of standardized funds for day-to-day operations. The Federal Grants Trust Fund is one of those enumerated funds.

This bill was approved by the Governor on April 15, 2010, ch. 2010-21, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 5501 - Department of Highway Safety and Motor Vehicles
By: Transportation & Economic Development Appropriations Committee; Glorioso
Tied Bills: None
Companion Bills: SB 1438
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development; Transportation & Economic Development Appropriations Committee

The legislation provides for the elimination of certain motor vehicle crash reports within the Department of Highway Safety and Motor Vehicles. The bill also requires a plan for the transition of all driver license issuance services from the Department of Highway Safety and Motor Vehicles to tax collectors, who are Constitutional officers, no later than June 30, 2015. The bill allows appointed county tax collectors to provide full driver license services. The bill also authorizes clerks of court and tax collectors authorized under s. 322.135, F.S., to sell driver records to any person upon proper payment and authorizes them to assess the $6.25 service fee for this service. The bill allows the Department of Highway Safety and Motor Vehicles to charge a lesser fee for driver records when no incidents are reported, $2.00 fee for searching an individual driver history record when no record is found, and $0.01 for electronically searching an individual history record to determine if the record meets requested criteria. The bill provides technical correction to CS/CS/HB 325, relating to Uniform Traffic Control.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 5505 - Supplemental Corporate Fees
By: Transportation & Economic Development Appropriations Committee; Glorioso
Tied Bills: None
Companion Bills: SB 1444
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development; Transportation & Economic Development Appropriations Committee

The bill deletes an exception to a $400 late charge that is collected by the Division of Corporations, within the Department of State, when a corporation, a limited liability company, or a limited partnership fails to meet the deadline and submits the supplemental corporate fee and its annual report after May 1. The business entity is obligated to pay the $400 late charge unless the business entity is administratively dissolved due to its failure to file the annual report, applies for reinstatement, and pays the applicable reinstatement fee.

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

General Government
Policy Council

HOUSE OF REPRESENTATIVES

General Government Policy Council

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2010 SUMMARY OF PASSED LEGISLATION

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Representative Debbie Mayfield, Vice Chair

Energy & Utilities Policy Committee

Representative Stephen Precourt, Chair

Representative Clay Ford, Vice Chair

Insurance, Business & Financial Affairs Policy Committee

Representative Pat Patterson, Chair

Representative Tom Grady, Vice Chair

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HB 1013 (ch. 10-35, LOF) - Citrus Canker Eradication
By: Plakon
Tied Bills: None
Companion Bills: SB 1956
Committee(s) of Reference: General Government Policy Council

During the 2006 legislative session, CS/CS/SB 994 was enacted to dismantle the citrus canker eradication program codified in Florida Statutes. CS/CS/SB 994 also directed the department to implement a comprehensive citrus health response plan (CHRP) to minimize the impact of citrus pests and diseases to production and to allow Florida's citrus to be marketed to other states and countries.

In addition, CS/CS/SB 994 stated that all claims for compensation under the Shade Dade or Shade Florida programs must be filed with the Department of Agriculture and Consumer Services (department) no later than December 31, 2007. After that date, all unfiled claims will expire, and the compensation section of Florida law (s. 581.1845, F.S.) was repealed effective July 1, 2008.

HB 1013 repeals s. 581.1845, F.S., as well as references elsewhere in statute, effectively removing all mention of the citrus canker eradication program from Florida Statutes.

The bill was approved by the Governor on May 7, 2010, ch. 2010-35, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 1377 (ch. 10-38, LOF) - Telecommunications Companies
By: Fresen and others
Tied Bills: None
Companion Bills: SB 2646
Committee(s) of Reference: General Government Policy Council

Prior to 1995, the Public Service Commission regulated the rates of local exchange telecommunications companies (local telephone companies) through rate base, rate-of-return regulation similar to the current regulation of monopoly utility services such as electric, water, and sewer services. In 1995, the Legislature found that competition for the provision of local exchange service would be in the public interest and opened local telephone markets to competition on January 1, 1996. The 1995 law allowed incumbent local exchange companies, by specified dates, to elect "price regulation" instead of traditional rate-of-return regulation. Every local exchange telecommunications company has elected price regulation, with the last rate-of-return regulated company electing price regulation in November 2008.

HB 1377 repeals provisions related to rate base, rate-of-return regulation of local exchange telecommunications companies which became obsolete when the last rate-of-return regulated company elected price regulation. The bill also repeals obsolete provisions related to the election of price regulation. The bill amends other provisions of ch. 364, F.S., to conform to the repeal of these provisions.

The bill was approved by the Governor on May 7, 2010, ch. 2010-38, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/SB 1460 - Florida Hurricane Catastrophe Fund/Contract Year
By: Banking and Insurance; Richter
Tied Bills: None
Companion Bills: HB 949
Committee(s) of Reference: Banking and Insurance

The Florida Hurricane Catastrophe Fund (Fund) is a tax-exempt trust fund created as a form of reinsurance for residential property insurers. The Fund reimburses (reinsures) insurers for a portion of their hurricane losses to residential property.

The Fund generally operates on a contract year. Historically, the Fund's contract year has run from June 1st to May 31st of the next calendar year. However, 2009 legislation changed the Fund's contract year to a calendar year starting January 1, 2011. In order to provide for a transition from a contract year ending on May 31st to one ending on December 31st, the 2009 legislation created a seven month transitional contract year from June 1, 2010, to December 31, 2010. The transitional contract year has created the unintended consequence of a negative financial impact for insurers due to the way in which the cost of reinsurance is amortized (allocated as a cost) on insurers' financial statements. To remedy the negative financial impact of the transitional contract year, starting June 1, 2010, the bill returns the Fund's contract year to June 1st – May 31st.

The bill also provides legislative intent and findings relating to Fund coverage in order to facilitate insurers' purchase of private reinsurance and provides earlier time frames for the State Board of Administration and insurers to effectuate Fund coverage each year.

The bill changes the way in which the Fund's capacity for mandatory coverage is calculated each year. Instead of allowing the Fund's capacity to increase each year as the Fund's exposure increases (but limited by the increase in the Fund's cash balance), the bill sets the Fund's capacity at $17 billion for each contract year and does not allow the capacity to increase until the Fund's cash and bonding ability exceeds $34 billion.

The bill does not change the way the Fund's retention is calculated, but requires the use of earlier exposure data in the retention calculation.

The bill was approved by the Governor on April 15, 2010, ch. 2010-10, Laws of Florida, and became effective upon approval.

CS/CS/CS/SB 2086 - Consumer Debt Collection
By: Banking and Insurance; Richter
Tied Bills: None.
Companion Bills: HB 7233
Committee(s) of Reference: General Government Appropriations; Commerce

Part VI of ch. 559, F.S., regulates consumer collection agencies and protects consumers from certain debt collection practices that involve fraud, harassment, threats, and other unscrupulous activities.

Current Florida Statutes designate the Department of Financial Services (DFS) as the registry for consumer complaints, while the Office of Financial Regulation (OFR) is responsible for registration of consumer collection agencies. In January 2008, the DFS and the OFR mutually agreed to delegate responsibility for the registry to the OFR.

The bill:

- Transfers responsibility for receiving and maintaining records of consumer correspondence and complaints regarding debt collection from the Division of Consumer Services of the Department of Financial Services to the OFR;
- Increases the maximum administrative fine from $1,000 to $10,000 for an out-of-state consumer debt collector that collects or attempts to collect debt in Florida prior to registering with the OFR;
- Authorizes the Attorney General to take action on behalf of the state against an out-of-state consumer debt collector in any state court of competent jurisdiction;
- Authorizes the Attorney General to take action against in-state debt collectors for any violations of the Florida Consumer Collection Practices Act;
- Requires that a written notice be provided to the debtor prior to an assignee taking any action to collect the debt;
- Eliminates the requirement that there must be at least five, unresolved, sworn complaints filed by five different consumers within a 12-month period against a consumer collection agency prior to the OFR initiating action to investigate a complaint;
- Specifies that a complainant must certify, subject to penalty of perjury, a summary of the nature of an alleged violation and the facts that allegedly support the complaint, using a prescribed form;
- Requires that registrants maintain books and records for three years and provides that OFR will have access to those records;
- Authorizes the OFR to issue subpoenas, and cease and desist orders;
- Requires that a registered consumer collection agency respond, in writing, to the OFR within 45 days after receipt of a written request from the OFR concerning a consumer complaint. Failure to respond timely can result in an administrative fine of up to $250 per request per day; and
- Authorizes administrative fines of up to $10,000 for a violation of a prohibited practice.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

HB 7217 - Florida Hurricane Catastrophe Fund Emergency Assessments
By: General Government Policy Council; Nelson
Tied Bills: None
Companion Bills: CS/SB 1594; includes part of CS/CS/SB 2044; includes part of CS/CS/HB 447
Committee(s) of Reference: None

The Florida Hurricane Catastrophe Fund (FHCF or fund) is a tax-exempt trust fund created in 1993 after Hurricane Andrew as a form of mandatory reinsurance for residential property insurers. All insurers that write residential property insurance in Florida are required to buy reimbursement coverage (reinsurance) on their residential property exposure through the FHCF.

If the cash balance of the FHCF is not sufficient to cover losses, the law allows the issuance of revenue bonds, which are funded by emergency assessments on property and casualty policyholders. The fund is authorized to levy emergency assessments against most property and casualty insurance premiums paid by policyholders, including surplus lines policyholders, when reimbursement premiums and other fund resources are insufficient to cover the fund's obligations. By law, workers' compensation, accident and health, federal flood and, until May 31, 2010, medical malpractice insurance are not included in the fund's assessment base and thus are not assessed for fund deficits.

The bill continues the exemption of medical malpractice insurance premiums from the FHCF emergency assessment for three years, from May 31, 2010 to May 31, 2013. Because the bill extends the exemption another three years, until May 31, 2013, the FHCF will not be able to assess medical malpractice insurance for fund deficits until after May 31, 2013.

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

HB 7243 - Environmental Control
By: General Government Policy Council; T. Williams; Troutman; Rehwinkel Vasilinda
Tied Bills: None
Companion Bills: CS/CS/SB 570; CS/CS/CS/SB 550; Includes parts of HB 1559
Committee(s) of Reference: General Government Policy Council

The bill strengthens provisions related to the statewide comprehensive recycling program and deletes a duplicative reporting requirement in the Florida Climate Protection Act. The bill requires state agencies, K-12 public schools, public institutions of higher learning, community colleges, and state universities, including all buildings occupied by municipal, county, or state employees and entities occupying buildings managed by the Department of Management Services (DMS), to report recycling rates to their respective counties. Exceptions are provided for local governments meeting specific population and per capita taxable income criteria.

The bill directs DMS to modify its procurement system to track the state's purchases of green and recycled materials and requires the Department of Environmental Protection (DEP) to create a Recycling Business Assistance Center (center) to develop new markets for recyclable materials. The DEP is directed to seek technical assistance from Enterprise Florida, Inc.

The bill outlines incremental recycling benchmarks for the state, counties, and cities that must be reached by December 31, 2020. To attain said goals, counties must include a program to recycle construction and demolition (C&D) debris. The bill requires all materials recovery facilities to report to the DEP and the counties. The DEP is:

- Directed to investigate and report to the Legislature programmatic changes that can assist in achieving the recycling goals;
- Authorized to direct counties that have not met the recycling goals to expand recycling programs to existing commercial and multifamily dwellings; and
- Required to report to the Legislature the state's recycling rates every two years.

The bill requires new commercial and multifamily construction projects, where counties have established recycling programs, to provide for recycling. The bill allows renewable energy facilities to count a certain amount of the megawatts they produce towards the state recycling goal and incentivizes renewable energy producing counties that maintain a program that recycles in a traditional manner at least 50 percent of its municipal solid waste. The bill requires the reporting of processed C&D debris and if economically feasible, the processing of C&D debris prior to disposal at permitted facilities, and exempts materials that have already been processed for recycling.

The bill reduces the scope of the solid waste management grant program, eliminating the competitive innovative grant program. The bill requires DEP to create a recycling pilot program for the Capitol recycling area, requires Capitol buildings to report recycling rates to Leon County, and requires that the rates be posted on DEP's website. The bill requires the Florida Building Commission to develop recycling recommendations and repeals s. 288.1185, F.S., the outdated Recycling Markets Advisory Committee.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Agriculture & Natural Resources Policy Committee

CS/CS/SB 350 (ch. 10-25, LOF) - Tomato Food Safety
By: General Government Appropriations; Agriculture; Dean
Tied Bills: None
Companion Bills: CS/CS/HB 69; includes part(s) of SB 2348
Committee(s) of Reference: Agriculture; General Government Appropriations

The bill authorizes the Department of Agriculture and Consumer Services (Department) to adopt rules to establish food safety standards to protect the consuming public from tainted tomatoes.

The Department is also authorized to inspect places where tomatoes are produced and handled to ensure compliance and to impose administrative fines or issue a written notice or warning for violations. Some exemptions apply, under certain circumstances, for growers who sell their tomatoes on the

premises where the tomatoes are grown, at a local farmers' market, at a U-pick operation, or at a roadside stand.

The bill was approved by the Governor on April 27, 2010, ch. 2010-25, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/HB 435 - Marketable Record Title
By: General Government Policy Council; Agriculture & Natural Resources Policy Committee; Abruzzo; Grady
Tied Bills: None
Companion Bills: CS/SB 518
Committee(s) of Reference: Agriculture & Natural Resources Policy Committee; Civil Justice & Courts Policy Committee; General Government Policy Council

The Marketable Record Title Act (MRTA) provides that one who holds title to land based on a root of title at least 30 years old, takes free and clear ownership of title and extinguishes all matters arising prior to the root of the title that are not referenced in the root of title. Due to the vast holdings of each of the water management districts (districts) and the Board of Trustees of the Internal Improvement Trust Fund (Board), it is a burden for the districts and the Board to expend significant resources in monitoring the status of title of all district land holdings, filing notices to protect district interests, and defending the interest in land holdings where they may be challenged based on MRTA.

Section 712.05, F.S., provides that any person claiming an interest in land, or a homeowners' association desiring to preserve any covenant or restriction, may preserve and protect it from extinguishment by the operation of MRTA by filing for record (during the 30-year period immediately following the effective date of the root of title) a notice that will have the effect of preserving the claim of right or covenant or restriction for a period of not longer than 30 years after filing it unless again filed as required by the statute. Section 712.06, F.S., requires the notice to contain certain information, such as the name or description of the claimant and a full and complete description of all land affected by the notice.

This bill creates an exception to the applicability of MRTA for any right, title, or interest held by the Board of Trustees of the Internal Improvement Trust Fund, any water management district created pursuant to ch. 373, F.S., or the federal government. This bill also provides that the person providing the notice claiming an interest in land or a homeowners' association desiring to preserve any covenant or restriction must cause the clerk of the circuit court to mail a copy of the notice to the purported owner of the property, or must publish the notice once a week, for two consecutive weeks, with the official record book and page number in which such notice was recorded, in a newspaper in the county where the property is located.

This bill appears to decrease state government expenditures related to the effect of MRTA on the state's real property interests.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/CS/SB 550 - Environmental Protection
By: Policy and Steering Committee on Ways and Means; Governmental Oversight and Accountability; Environmental Preservation and Conservation; Constantine
Tied Bills: None
Companion Bills: Includes part(s) of CS/SB 142; SB 422; CS/CS/SB 544; CS/CS/SB 570; CS/CS/CS/HB 617; HB 659; HB 727; HB 753; CS/CS/HB 773; CS/SB 776; CS/HB 1109; CS/SB 1126; HB 1177; CS/HB 1225; SB 1226; CS/CS/CS/HB 1271; SB 1338; CS/CS/HB 1407; SB 1738; CS/SB 2018; SB 2202; SB 2296; CS/CS/SB 2354; CS/CS/CS/SB 2362; HB 7015; CS/HB 7177; HB 7191; HB 7207
Committee(s) of Reference: Environmental Preservation and Conservation; Governmental Oversight and Accountability; Policy and Steering Committee on Ways and Means; General Government Appropriation; Rules (removed)

The bill addresses the following environmental protection issues:

Part VII to Chapter 373, F.S.
The bill reorganizes existing sections of ch. 373, F.S., that address water supply policy, planning, production and funding, and, making no substantive changes, moves those sections into a new Part VII.

The bill repeals ss. 373.0361, 373.0391, 373.0831, 373.196, 373.1961, 373.1962, and 373.1963, F.S., as these sections are incorporated into a new Part VII of ch. 373, F.S. Section 373.71, F.S., is renumbered s. 373.69, F.S., to remove it from the numbering scheme assigned to the new Part VII of ch. 373, F.S., and numerous conforming cross-reference changes are provided.

The bill provides legislative intent that the creation of Part VII of ch. 373, F.S., is to reorganize certain existing provisions of Part I of ch. 373, F.S., and does not make any substantive changes to existing law or judicial interpretation thereof.

Substantive changes to water supply policy outside of the reorganization include adding conservation projects that result in quantifiable water savings to projects that are eligible for state and water management district (WMD) funding, and directing WMDs to give significant weight to whether the local governments in which a project is located have implemented a high water protection tax assessment program when determining project funding.

Mining Operations
Life of the Mine - The Mandatory Nonphosphate Program, within the Department of Environmental Protection (DEP), Bureau of Mine Reclamation, administers the laws and regulations related to the reclamation of mined land and the protection of water resources at mines extracting heavy minerals, fuller's earth, limestone, dolomite and shell, gravel, sand, dirt, clay, peat and other solid resources (except phosphate). Operators who mine heavy minerals or fuller’s earth, but not limestone, can apply for life-of-the-mine permits. The application for a life-of-the-mine permit is reviewed based on the requirements of the statutes and rules for the Environmental Resource Permit (ERP) and conceptual mining and reclamation plan. The bill authorizes DEP to issue life-of-the-mine permits for limestone operations, and clarifies that nothing in that authorization prohibits a local government’s authority to oppose, approve with conditions, deny, or impose a different permit duration.

Miami-Dade Lake Belt Mitigation - Construction aggregates provide the basic materials needed for concrete, asphalt, and road base. The most economically advantageous deposits of aggregate materials are located in 79 square miles in Northwest Miami- Dade County known as the Lake Belt. The Lake Belt is distinct in that it has been identified as the highest concentration of the highest quality aggregate indigenous to Florida. Limestone operations in the Lake Belt are guided by the Lake Belt Mitigation Plan. The Lake Belt Plan protects the Everglades from encroaching development while maintaining the numerous economic benefits of the state's limestone industry. Under the plan, the Lake Belt limestone companies pay a special "mitigation" fee to acquire, restore and preserve environmentally sensitive lands and fund other important environmental projects. The Lake Belt limestone companies also pay a water treatment plant upgrade fee of 15 cents per ton. Limestone operations in the Lake Belt require water quality certification from the state and a dredge-and-fill permit from the U.S. Corps of Engineers (Corps).

After performance of a comprehensive 3-year environmental study of the potential impacts of mining in the Lake Belt, the Corps issued a "Record of Decision" on January 29, 2010, authorizing new permits for continued operations. The current mitigation fee is 24 cents per ton. The bill increases the mitigation fee to 45 cents per ton on or before December 31, 2011.

Florida Keys Area of Critical State Concern

The Florida Keys Area was designated as an area of critical state concern over 30 years ago for the purpose of providing state policies to guide decision making at the local level to protect natural resources and the environment, reverse the deterioration of water quality, and facilitate orderly, well-planned growth while protecting property rights.

Under current law (s. 380.0552, F.S.), the area of critical state concern designation for the Florida Keys was to be removed by October 1, 2009, unless the Florida Administration Commission found that substantial progress toward achieving specified goals – including wastewater treatment requirements—had not been achieved. The Commission subsequently found that substantial progress had not been achieved, and the designation was not removed.

Chapter 99-395, LOF, requires that each Onsite Sewage Treatment and Disposal System (OSTDS) either cease discharging or comply with the stringent effluent water quality standards provided by law and the rules of the DEP or the Department of Health (DOH), as applicable, by 2010. For central wastewater treatment facilities, the treatment standards were strengthened by: eliminating all surface water discharges by the year 2006; requiring proper operation, maintenance and performance monitoring of all sewage treatment systems; and requiring the upgrading of all systems to meet the enhanced sewage treatment requirements specified in the act by the year 2010.

The 2008 Legislature amended s. 215.619, F.S., to authorize the issuance of Everglades restoration bonds to fund costs associated with the Florida Keys Area of Critical State Concern Protection Program to restore and conserve natural systems through the implementation of water management projects. Total bonds are not to exceed $50 million per FY, for no more than four FYs. The duration of the bonds may not exceed 20 annual maturities, and the bonds must mature by December 31, 2040.

As of February 2010, Key West, Key Colony Beach and Layton operate facilities compliant with the July 1, 2010 deadline. Marathon and Key Largo are nearing completion of central systems, but will not meet the deadline. Islamorada and unincorporated Monroe County are in various stages of planning, design and construction, but facilities to serve the majority of people in these areas are years from completion.

Any of the more than 200 existing facilities that have not upgraded to meet the treatment standards will be in violation on July 1, 2010, including most existing facilities and many homeowners.

The bill clarifies current law authorizing the issuance of Everglades restoration bonds to finance wastewater facilities within the Florida Keys Area of Critical State Concern. Authorized bonds may not exceed $200 million and are limited to $50 million per FY.

The bill revises legislative intent relating to the Florida Keys Area of Critical State Concern to add intent to: promote an appropriate land acquisition and protection strategy for environmental lands within the Florida Keys; protect and improve the nearshore water quality of the Florida Keys through the construction and operation of wastewater management facilities; and ensure that the population of the Florida Keys can be safely evacuated.

The bill makes removal of the Area of Critical State Concern designation for the Florida Keys Area contingent on the completion of the wastewater treatment work plan, specified in rules of the Florida Administration Commission (Commission). The bill also revises criteria by which amendments to local comprehensive plans in the Florida Keys Area must be reviewed.

The bill adds the detailed onsite sewage treatment system requirements in ch. 99-395, LOF, to statute, and requires, after July 1, 2010, all new, modified, or repaired systems to meet higher treatment standards. In areas scheduled to be served by central sewer by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the system, an onsite system may be repaired to lesser, specified standards. The bill extends the wastewater compliance deadline for existing onsite sewage treatment systems from July 1, 2010, to July 1, 2015.

The bill extends from July 1, 2010, to December 31, 2015, the completion deadline for required wastewater treatment facilities, and requires all new and improved facilities to meet standards by December 31, 2015. Wastewater treatment facilities in operation as of July 1, 2010, which are located within areas to be served by Monroe County, municipalities in Monroe County, or special districts, and which are owned by other entities, are not required to comply with the standards until January 1, 2016. Permits in effect for those facilities as of June 30, 2010, are extended until December 31, 2015, or until the facility is connected to a local government central wastewater system.

All wastewater treatment facilities in operation after December 31, 2015, must comply with the treatment and disposal requirements and with DEP rules.

The bill adds the detailed onsite sewage treatment system requirements in ch. 99-395, LOF, to the statute, and prohibits the discharge of domestic wastewater into surface waters. All new required wastewater systems must be completed by December 31, 2015, including facilities located outside local government and special district service areas.

Wastewater treatment facilities that have design capacities greater than or equal to 100,000 gallons/day must produce an effluent that contains no more than the following concentrations:

- Biochemical Oxygen Demand of 5 mg/1;
- Suspended Solids of 5 mg/1;
- Total Nitrogen of 3 mg/1; and
- Total Phosphorus of 1 mg/1.

Facilities that have design capacities of less than 100,000 gallons/day must produce an effluent that contains no more of the following:

- Biochemical Oxygen Demand of 10 mg/1;
- Suspended Solids of 10 mg/1;
- Total Nitrogen of 10 mg/1; and
- Total Phosphorus of 1 mg/1.

Class V injection wells must also meet certain requirements. A backup well may only be used under certain conditions. However, disposal systems serving as backups to reuse systems must comply with specified requirements.

The bill provides that if it is demonstrated that a discharge, even if the discharge is otherwise in compliance with the standards established in the bill, will cause or contribute to a violation of state water quality standards, the DEP shall:

- Require more stringent effluent limitations;
- Order the point or method of discharge changed;
- Limit the duration or volume of the discharge; or
- Prohibit the discharge.

All sewage treatment facilities must monitor effluent for total nitrogen and total phosphorus concentration as required by DEP rule. The county, each municipality, or special districts may require connecting wastewater treatment facilities owned by other entities to a central sewer system within 30 days after notice of availability of service.

The DEP is authorized to adopt rules necessary to carry out the bill's provisions relating to sewage disposal facilities.

The bill repeals s. 4 of ch. 99-395, LOF, as amended by s. 6 of ch. 2006-223, LOF, and ss. 5 and 6 of ch. 99-395, LOF.

Onsite Sewage Treatment and Disposal Systems

The DOH oversees an environmental health program as part of fulfilling its public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. One component of the program is an onsite sewage treatment and disposal function. The DOH estimates there are 2.6 million septic tanks in use statewide. The Bureau of Onsite Sewage Programs develops statewide rules and provides training and standardization for County Health Department employees responsible for permitting the installation and repair of onsite sewage treatment and disposal systems (septic tanks) within the state. The bureau also licenses septic tank contractors, approves continuing education courses and courses provided for septic tank contractors, funds a hands-on training center, and mediates septic tank contracting complaints. The bureau manages a state-funded research program, prepares research grants, and reviews and approves innovative products and septic tank designs.

The bill establishes a statewide program requiring all onsite sewage systems to undergo an inspection once every five years.

The program must begin January 1, 2011, and the DOH must ensure statewide implementation by

January 1, 2016. Evaluation must include a tank and drainfield evaluation, a written assessment of the condition of the system, and a disclosure statement. Systems installed prior to January 1, 1983, must meet 6 inch-12 inch separation standards. Systems installed after that date must meet 12 inch-24 inch separation standards (bottom of the drainfield to the wettest season water table elevation per department rule).

The DOH must give a minimum 60 days notice of the evaluation deadline. Evaluations must be performed by either a master septic tank contractor, engineer with wastewater treatment experience, or environmental health professional. The fee for the five-year evaluation report may not be less than $15, or more than $30 – paid to the evaluator and remitted to the department. At least $1 and no more than $5 collected shall be used to fund grant programs to assist low income households. Prior to January 1, 2011, the Surgeon General, after consulting with the Revenue Estimating Conference, must determine a revenue ventral fee schedule. The bill provides that such a determination is not subject to the Administrative Procedures Act (ch. 120, F.S.).

The bill provides that documentation of a tank pump-out, or a permitted new installation, repair, or modification of the system within the previous five years, documentation of the capacity of the tank, and indication that the condition of the tank is not a sanitary or public health nuisance, indicate that no pump-out of the tank is required.

The bill requires that effective January 1, 2012, the DOH administer a grant program to assist owners of onsite systems. A grant may be awarded to an owner only for the purpose of inspecting, pumping, repairing, or replacing a system serving a single family residence occupied by an owner with a family income of less than or equal to 133 percent of the federal poverty level at the time of application.

The bill prohibits the land application of septage from onsite sewage treatment and disposal systems after January 1, 2016. By February 1, 2011, the DOH, in consultation with the DEP, must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems. The report must also include any recommendations for legislation or rule authority needed to reduce land application of septage.

Ocean Outfall Requirements

There are six domestic wastewater facilities in Palm Beach, Broward, and Miami-Dade Counties discharging approximately 400 million gallons per day of treated domestic wastewater directly into the Atlantic Ocean through ocean outfalls.

Wastewater facilities that discharged wastewater through an ocean outfall on July 1, 2008, are required to install a reuse system no later than December 31, 2025. The reuse systems must be capable of providing a minimum of 60 percent of the wastewater facilities, actual annual flow for beneficial reuse. The actual annual flow is calculated using the annual average flow through a wastewater facility's ocean outfall from 2003 through 2007.

The discharge of wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system authorized by the DEP. A backup discharge may occur only during periods of reduced demand for reclaimed water, such as periods of wet weather, and must comply with the advanced wastewater treatment and management requirements of s. 403.086, F.S.

Wastewater facilities operating ocean outfalls receive a significant portion of their annual average flow from other wastewater facilities located outside their direct service areas. There is a potential that flow received from outside their service areas could be diverted to other wastewater facilities that do not discharge to ocean outfalls, and therefore would not have to comply with the 60 percent beneficial reuse requirement of ocean outfalls. Thus, diverting flow could circumvent the intent of the law to capture 60 percent of the flow currently being disposed of through ocean outfalls. Diversion may also prevent wastewater facilities discharging through ocean outfalls from meeting the 60 percent target for reuse. The reuse calculation does not consider quantities diverted from the wastewater facility, only the total average annual quantity from 2003 to 2007. In 2005, these wastewater facilities had reached approximately 94 percent of their permitted flow capacity. As such, even small flow diversions have significant compliance consequences. For example, if a wastewater facility received an average of 100 million gallons per day from 2003 to 2007, it would be required to produce 60 million gallons per day of reuse by 2025 to be in compliance. If 20 million gallons per day were diverted, the facility would still be required to produce 60 million gallons of reuse per day to comply, or 75 percent of the flow. If enough flow is diverted, it is possible that wastewater facilities discharging to ocean outfalls will be required to produce greater than 100 percent of the flow they receive as reuse.

The bill directs the DEP to submit a report on the effects of reclaimed water on the environment by February 1, 2012. The section also specifies that entities that wastewater diverted from a receiving facility that discharges to an ocean outfall must meet the 60 percent reuse requirement by 2025. The amount of wastewater diverted from a receiving facility will be deducted from its actual flow on an annual basis and the quantity of reuse it is required to produce will be recalculated.

Florida Water Pollution Control Financing Corporation

The bill expands the scope of water pollution control finance assistance program to include any program authorized under 33 U.S.C. s. 1383 (water pollution control revolving loan funds, and expands the duties of the Florida Water Pollution Control Financing Corporation (corporation) to include financing for drinking water projects. The bill adds definitions for “bonds” and “corporation” to conform the new responsibilities of the corporation to its expanded duties. It also provides rulemaking authority to the DEP and clarifies a criterion requiring that loan recipients demonstrate their ability to repay loans. In addition, the bill provides that the Drinking Water Revolving Loan Trust Fund can be used for financing authorized under the corporation and that the trust fund is exempt from constitutional termination provisions.

Wekiva Parkway

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River, and their tributaries, along with associated lands in Central Florida, is part of a vast wildlife corridor that connects northwest Orange County with the Ocala National Forest. The Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve.

The Wekiva Parkway is a limited access highway or expressway constructed between State Road (SR) 429 and Interstate 4, specifically incorporating the corridor alignment recommended by the Wekiva River Basin Area Task Force and the SR 429 Working Group. The Wekiva Parkway and related transportation facilities must follow the design criteria contained in the recommendations of the Wekiva River Area Task Force that were adopted by reference by the Wekiva River Basin Coordinating Committee. The parkway is subject to reasonable environmental, economic, and engineering

considerations.

In 2004, the Legislature enacted Part III, ch. 369, F.S., known as the Wekiva Parkway and Protection Act. The act implemented the recommendations of the Wekiva River Basin Coordinating Committee's Final Report of March 16, 2004. It provides legislative intent and a legal description of the Wekiva Study Area. The majority of the land within the Study Area contributes groundwater recharge to the Wekiva River and springs. The act requires each local government within the study area to adopt a master stormwater management plan and a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available.

The bill directs that funds expended by the Department of Transportation and the Orlando-Orange County Expressway Authority to purchase interests in certain lands be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. The act specifies the offset of road construction impacts as the only authorized use of mitigation credits. This change will allow the use of mitigation credits for other projects or developments within the study area or expansion corridor.

The State Board of Administration

The State Board of Administration (SBA) is primarily an asset management organization responsible for investing state and local government assets. Established by the Florida Constitution, its mission is to provide "superior investment and trust services while adhering to the highest ethical, fiduciary, and professional standards." As required by law, the Governor, the Chief Financial Officer, and the Attorney General comprise the SBA and serve as trustees for the assets managed. They appoint an executive director who manages the daily operations of the board by supervising a staff that oversees the investments of the board's 35 funds.

The SBA serves a variety of stakeholders, including school districts, local governments, and the state. The board manages its largest fund for active and retired members of the Florida Retirement System, the majority of whose members are from school districts (49 percent), counties (23 percent), and state government (21 percent). To help public employees make informed financial decisions related to retirement, the SBA operates the MyFRS Financial Guidance Program. This program provides financial and retirement planning services through a variety of media to over 700,000 active FRS workforce.

The bill authorizes the SBA to invest the net assets of the system trust fund in alternative water supply and water resource development projects. Investments made, if any, must be consistent with the SBA's fiduciary duties.

Alternative Dispute Resolution by Water Management Districts

Currently, disputes between governmental entities are governed by ch. 164, F.S., the Florida Governmental Conflict Resolution Act (act). The act was implemented in 1999 (ch. 99-279, LOF) as a mechanism for the resolution of disputes between governmental entities that must be followed prior to litigation. Under the act, before a governmental entity can file a lawsuit against another governmental entity, notice of intent to file suit must be given to the potential defendant at least 45 days prior to filing suit. The party receiving notice must hold a public meeting within 30 days after receipt of this notice. At this meeting, the disputing governing bodies must discuss the proposed litigation in an effort to amicably settle the controversy.

The statute provides for an exception to the notice and public meeting requirements of this act if the governmental entity finds that an immediate danger to the health, safety, or welfare of the public

requires immediate action. If a governmental entity is found not to be negotiating in good faith, it will be required to pay the attorney's fees and costs of the other party in that proceeding. The act does not preclude any party to the litigation from availing itself of all available legal remedies.

The bill reemphasizes that WMDs have a duty to negotiate conflicts in good faith before proceeding to litigation against another governmental entity, as required by ch. 164, F.S.

Construction and Demolition Debris Landfills

Construction and demolition (C&D) debris consists of materials that are generated from residential and commercial buildings, renovations and various types of demolition. C&D materials include wood, steel, glass, brick, concrete, asphalt, wallboard, rock, soils, tree remains, and other vegetative matter. Only non-water soluble and non-hazardous materials are considered C&D. C&D constitutes 25 percent of Florida's municipal solid waste stream. Florida has 83 landfills and 75 C&D disposal sites where C&D debris can be disposed, only two of which are lined. The DEP has indicated that unlined C&D landfills are environmentally problematic and may pose a threat to water resources from leachate and runoff.

The bill requires liners and leachate collection systems at C&D sites and lateral expansions of existing disposal units that have not received a permit authorizing construction or operation prior to July 1, 2010, unless the owner or operator demonstrates that the facility is not expected to result in violations of groundwater standards and criteria if built without a liner.

Penalties for Obstructing District Structures

Section 298.66, F.S., provides penalties for anyone who obstructs drainage canals and watercourses or other water control structures constructed by the districts. If a water control structure was constructed by an entity other than a WMD or a water control district, there is no penalty for obstructing, damaging or destroying the structure or watercourse. The bill provides penalties for anyone who obstructs damages or destroys any drainage watercourse or structure constructed in or maintained by any district.

Water Supply and WMD Governance

Reclaimed Water:

Currently, the governing board of each WMD is required to conduct water supply planning for any water supply planning region within the WMD identified in the appropriate WMD water supply plan where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period.

The bill adds wastewater and water reuse utilities as participants in regional water supply planning, along with WMDs, the DEP, local governments, water utilities, and multijurisdictional water supply entities, in order to incorporate reclaimed water in the planning process. In addition, the bill directs WMDs to implement rules relating to the reuse of reclaimed water by consumptive use permit (CUP) holders. WMDs are required to initiate rulemaking relating to the reuse of reclaimed water no later than July 1, 2011. The rules must:

- Require CUP applicants seeking withdrawals for non-potable water uses within a designated reclaimed water service area to submit to the WMD a letter from the applicable reclaimed water provider that addresses the availability and feasibility of using reclaimed water. The reclaimed water provider has 30 days to respond to a request for information;
- Specify the content of the documentation required, including the availability and costs associated with connection to and the use of reclaimed water; and

- Encourage reuse facilities and WMDs to periodically share information concerning the status of the reclaimed water distribution system, the availability of reclaimed water, and existing CUPs in areas served by the reuse utility.

Water Management District Governing Board Delegation Authority:
Currently, WMD governing boards must delegate duties and responsibilities pertaining to applications and permits relating to environmental resource permitting (ERP) and CUPs to the WMD executive director.

The bill removes a WMD governing board's delegation authority for issues relating to part II, ch. 373, F.S. (CUPs), and directs WMD governing boards that have delegated authority to executive directors to take final action on permit applications under part IV of ch. 373, F.S. (ERP), or petitions for variances or waivers, to provide a process for referring a denial of a petition to the governing board for the purpose to taking final action. In addition, the bill authorizes a WMD governing board to delegate powers and duties relating to general permits to its executive director. The governing board must provide a process for referring a denial of a petition to the governing board for the purpose of taking final action. The required delegation expressly prohibits governing board members from individually intervening in any manner during the review of an application before such application is referred to the governing board for final action. This prohibition from intervening expires June 1, 2011, unless reenacted by the Legislature. While in effect, however, the prohibition does not disallow the governing board as a collegial body from acting on any permit application or supervising, overseeing, or directing the activities of WMD staff.

Relating to works of the WMDs, the bill encourages WMDs and other governmental agencies to promote public-private partnerships when procuring materials for infrastructure and restoration work projects.

Consumptive Use Permits
The bill extends the duration for a 20-year CUP holder to file a compliance report to the WMD from every five years to every 10 years. The Suwannee River WMD may require a five-year compliance schedule until July 1, 2015, and thereafter every ten years during the term of the permit.

<u>Numeric Nutrient Criteria</u>
Pursuant to s. 303(d) of the federal Clean Water Act (CWA), the DEP must establish water quality standards and submit lists of surface waters that do not meet applicable water quality standards, and must establish total maximum daily loads (TMDLs) for these "impaired waters" on a prioritized schedule. A TMDL is the maximum amount of a given pollutant that a water body can absorb and still maintain its designated uses (e.g., drinking, fishing, swimming, shellfish harvesting). One water body may have several TMDLs, one for each pollutant that exceeds the water body's capacity to absorb it safely.

The state's impaired waters rule contains a table that catalogues over 100 substances, including subparts, with numerical thresholds for surface water classifications, including fresh and marine waters. For nutrients (phosphorus and nitrates), however, Florida currently uses a narrative standard rather than numerical threshold to guide the management and protection of its waters. This standard states that "in no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of flora or fauna."

The DEP has relied on this narrative standard for many years because nutrients are unlike any other

“pollutant” regulated by the CWA. Most water quality criteria are based on a toxicity threshold, evidenced by a dose-response relationship, where higher concentrations can be demonstrated to be harmful, and safe concentrations can be established at a level where no adverse responses are evident. In contrast, nutrients are present naturally in aquatic systems, and they are absolutely necessary for the proper functioning of biological communities. In addition, nutrients are sometimes moderated in their expression by many natural factors (e.g., water color, rate of flow, sunlight, shade, animal activity). The DEP’s preferred approach is to develop cause/effect relationships between nutrients and valued ecological attributes, and to establish nutrient criteria that ensure that the designated uses of Florida’s waters are maintained.

In 2001, the DEP began work developing numeric nutrient criteria. Since then, it has adopted 135 nutrient TMDLs with an additional 39 pending approval. The determination of a federal lawsuit may alter dramatically the ability of the DEP to regulate the state’s surface waters and may undo all that the DEP has accomplished to date.

In August 2008, the Environmental Protection Agency (EPA) was sued by five environmental groups (the Florida Wildlife Federation, Sierra Club, Conservancy of Southwest Florida, Environmental Confederation of Southwest Florida, and St. Johns Riverkeeper), alleging failure on the part of the federal agency to comply with the CWA. These groups asserted that Florida was not meeting water quality standards for nutrients due to the DEP’s narrative criteria. The DEP is not a party to the lawsuit, however, several groups representing utilities, local governments, and agriculture in the state intervened.

On January 14, 2009, the EPA placed the DEP on formal notice that numerical criteria for nutrients were necessary for compliance with the CWA. This notice triggered a deadline of one year for the EPA to develop numeric nutrient criteria for Florida’s surface waters and 24 months to develop numeric criteria for coastal waters. In the ensuing eight months, DEP staff worked overtime to develop numeric criteria that would satisfy the EPA. On August 19, 2009, the EPA entered into a consent decree to settle the lawsuit filed by the five environmental groups. The EPA committed to propose numeric nutrient standards for lakes and flowing waters in Florida by January 2010, and for Florida's estuarine and coastal waters by January 2011. EPA agreed to establish final standards by October 2010 for lakes and flowing waters and by October 2011 for estuarine and coastal waters.

On January 14, 2010, EPA Administrator Lisa Jackson signed a proposed rule called “Water Quality Standards for the State of Florida's Lakes and Flowing Waters.” This rule was published in the Federal Register on January 26, 2010. The rule proposes “numeric water quality criteria” pertaining to nutrient concentrations to protect aquatic life in lakes and flowing waters, including canals, within the state of Florida. In addition, EPA is proposing regulations to help Florida develop “restoration standards” for impaired waters.

Since these rules have only been proposed at this point, it is difficult to say exactly how the future day-to-day activities of Florida's residents, land and water resource managers, businesses, and utilities will be affected. In the case of wastewater disposal systems like sewage treatment plants and septic tanks, there is technology that may further reduce nutrients from these sources. For other sources of pollution, the answers are not as clear. A study commissioned by the Florida Water Environment Association Utility Council estimates that wastewater utilities in the state will spend between $24 billion and $51 billion in capital costs for additional wastewater treatment facilities and incur increases in annual operating costs between $4 million and $1 billion to comply with the proposed federal numeric nutrient criteria.

The bill provides legislative findings regarding surface water quality in the state, the EPA's numeric nutrient rulemaking, and the state's efforts to address the issue through the TMDL Program. The bill provides that the EPA's establishment of numeric nutrient criteria in a manner that fails to take into account site-specific factors may result in criteria that lack adequate scientific support and cause unintended environmental and economic consequences, and finds that any numeric nutrient criteria established pursuant to s. 303(c) of the Clean Water Act should work in concert with the TMDL program, the state stormwater treatment rule, and other water quality programs.

Voluntary Cleanup Tax Credits

The Voluntary Cleanup Tax Credit (VCTC) is a tax credit available for site rehabilitation conducted at eligible drycleaning sites and for site rehabilitation and solid waste removal conducted at brownfield sites in designated brownfield areas. To be eligible, the responsible party must execute a Voluntary Cleanup Agreement or a Brownfield Site Rehabilitation Agreement (BSRA) with the DEP.

The VCTC can apply toward corporate income taxes. The amount of the credit is 50 percent, up to $500,000 once per site, for solid waste removal, of the costs of the voluntary cleanup activity that is integral to site rehabilitation. If the credit is not fully used in any one year because of insufficient tax liability on the part of the tax credit applicant, the unused amount may be carried forward for a period not to exceed five years.

The bill provides that eligible environmental costs incurred in a given calendar year may be claimed for state VCTC, provided that the VCTC application is submitted by January 31 of the year following the cleanup activities. This provision fixes a timing issue whereby cleanup activities performed late in the calendar year will be eligible for credit. The bill also specifies that brownfield projects are eligible for funding and priority ranking when they meet existing statutory criteria under the state's Water Pollution Control Financial Assistance Revolving Loan Fund Program. Finally, the bill provides that recommendations for potential improvements to Florida's brownfield program be included in the DEP's annual brownfield report, which is due August 1 of each year.

Expedited Permitting

Section 403.973, F.S., was established to encourage and facilitate growth in economic development projects which offer job creation, high wages, strengthen and diversify the state's economy, and reflect consideration of the state's environment. The Governor, through the Office of Tourism, Trade, and Economic Development (OTTED), is vested with creating regional permit action teams which serve to expedite review of permit applications and local comprehensive plan amendments. Section 403.973, F.S., authorizes OTTED or a Quick Permitting County to certify certain business permits as eligible for expedited review. OTTED is also responsible for reviewing comprehensive plan amendments for projects that strengthen and diversify the State's economy. Recommendations for eligible projects come from Enterprise Florida, Inc., any county or city, or the Rural Economic Development Initiative (REDI). Eligibility criteria require that the business create at least 100 jobs, or, if located within specified areas such as an enterprise zone, 50 jobs.

The local government must notice and hold a public hearing to execute a memorandum of agreement for each qualified project. The memorandum of agreement that a local government signs must include a provision identifying necessary local government procedures and time limits that will be modified to allow for the local government decision on the project within 90 days. The memorandum of agreement applies to projects, on a case-by-case basis, that qualify. Each memorandum of agreement must include

a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the office determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe or unless federal law conflicts. The memorandum of agreement must to the extent feasible provide for proceedings and hearings otherwise held separately by the parties to the memorandum of agreement to be combined into one proceeding or held jointly and at one location and must include guidelines to be used in working with state, regional, and local permitting authorities.

Section 403.973, F.S., vests OTTED with agency collaboration to create the memoranda of agreement. Within 20 days after the request for OTTED to do a site review, the agencies must give OTTED a statement of each site's necessary permits under local, state, and federal law and an identification of significant permitting issues. OTTED must certify a business' eligibility for undergoing expedited review. Enterprise Florida, Inc., a county or municipal government, or REDI may recommend to OTTED that a project meeting the minimum job creation threshold undergo expedited review.

Appeals of expedited permitting projects are subject to the summary hearing provisions of s. 120.574, F.S. The administrative law judge's recommended order is not the final state agency action unless the participating agencies of the state opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. Where one state agency action is challenged, the agency of the state shall issue the final order within 10 working days of receipt of the administrative law judge's recommended order. In those proceedings where more than one state agency action is challenged, the Governor shall issue the final order within 10 working days of receipt of the administrative law judge's recommended order.

Benefits for certified projects include identification of all permits and approvals needed, designation of a project coordinator and regional permit action team contacts, final agency action on permit applications within 90 days of receipt of complete application, waiver of the twice-a-year limitation on comprehensive plan amendments, and waiver of interstate highway concurrency with approved mitigation.

According to data and interviews conducted on expedited permitting, the expedited permitting procedure in s. 403.973, F.S., is and has been infrequently used since its creation in 1996. Discussions with the Governor's office, agency staff, and business and advocacy groups have shown that the process is perceived as more of a burden that an expedited process.

The bill amends s. 403.973, F.S., to transfer the responsibility for certifying eligible projects for expedited permitting for economic development projects that create high-wage jobs from OTTED to the Secretary of the DEP. The responsibility to conduct economic assessments for projects and comprehensive plan amendments submitted for expedited permit review remains with OTTED. The bill reduces the requisite number of jobs a business must create from 100 to 50 or from 50 to 25 in enterprise zones or if the project satisfies other population criteria. The applicant and the Secretary of the DEP develop the memorandum of agreement with input solicited from the respective heads of agencies and participating government entities.

Projects that result in the cultivation of biofuels on lands 1,000 acres or larger, construction of a biofuel or biodiesel processing facility and power generating facilities using renewable fuel sources become eligible for expedited permit review. "Renewable energy" is defined as in s. 366.91(2), F.S., to mean

electrical energy produced from one or more of the following energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations.

The bill requires that recommended orders issued by an administrative law judge for challenges to state agency action in the expedited permit process must inform the parties of the right to file exceptions to the recommended order and to file responses in accordance with the uniform rules of procedure pursuant to s. 120.54. Additionally, the bill provides that for cases where the action of more than one agency of the state are challenged, the Governor shall issue the final order in 45 days, except for the issuance of department licenses required under any federally delegated or approved permit program for which the department must enter the final order.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 569 - Landfills
By: Agriculture & Natural Resources Policy Committee; Poppell
Tied Bills: None
Companion Bills: SB 1052
Committee(s) of Reference: Agriculture & Natural Resources Policy Committee; Military & Local Affairs Policy Committee; General Government Policy Council

The bill allows the disposal of yard trash in Class I landfills that have obtained a minor permit modification and are designed to utilize an active gas collection system that provides or arranges for beneficial use of the landfill gas collected. A Class I landfill may also accept yard trash for mulching and as a cover for municipal solid waste disposed at the landfill. The Department of Environmental Protection is required to develop and adopt a methodology to award recycling credit for the use or disposal of yard trash at a Class I landfills that have a gas collection system and makes beneficial use of the gas. Miami-Dade County is exempt from the provisions of this bill as a result of operating under a home rule charter authorized in 1956 in a statewide referendum. The bill provides the legislative intent that the disposal of yard trash in Class I landfills is not intended to have a material impact on current operations at existing waste-to-energy or biomass facilities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 765 - Animal Protection
By: Agriculture & Natural Resources Policy Committee; Garcia; Abruzzo
Tied Bills: None
Companion Bills: CS/SB 1708
Committee(s) of Reference: Agriculture & Natural Resources Policy Committee; General Government Policy Council

CS/HB 765 names the act the "Ivonne Rodriguez and Victoria McCullough Horse Protection Act." The bill

strengthens current laws relating to horse meat for human consumption, horse-killing and abuse, and related veterinary licensing requirements. Specifically, the bill:

- Creates four new offenses: knowingly transporting, distributing, purchasing, or possessing horse meat for human consumption;
- Increases the penalties for said offenses to a third degree unranked felony;
- Authorizes the sentencing of violent career criminals, habitual felony and habitual violent felony offenders, and three-time violent felony offenders of the horse meat for human consumption provision;
- Provides for a minimum mandatory fine of $3,500 and a minimum mandatory period of incarceration of one year for violations of said offenses;
- Authorizes the suspension of any license of any restaurant, store, or other business, as provided for in the applicable licensing law, upon the conviction of an owner or employee of said business for a violation of the horse meat for human consumption provision;
- Expands the classification of protection for registered breeds of horses to include any animal of the genus Equus (horse) and provides for a minimum mandatory fine of $3,500 and period of incarceration of one year for violations of the horse killing or aggravated abuse provision;
- Specifies that anyone convicted of a violation relating to animal cruelty or whose license to practice veterinary medicine has been revoked, suspended, inactive, or delinquent is not exempt from the veterinary license requirements provided in ch. 474, F.S., relating to veterinary medical practice;
- Requires a county or municipality that has a licensing requirement for dogs to provide a 45 day notice to dog owners prior to any licensure renewal deadline;
- Requires said notice to contain information describing the licensing requirements and any associated penalties; and
- Encourages development of online licensing systems.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 850 – Florida Industrial and Phosphate Research Institute
By: Higher Education Appropriations; Higher Education; Alexander
Tied Bills: None
Companion Bills: CS/CS/CS/HB 149
Committee(s) of Reference: Higher Education Committee; Higher Education Appropriations Committee

The bill provides for a type two transfer, pursuant to s. 20.06(2), F.S., of the Florida Institute of Phosphate Research (FIPR) to the University of South Florida Polytechnic (university), and provides for a revised name, the Florida Industrial and Phosphate Research Institute (institute).

The bill revises the membership of the institute board of directors, names it the "Phosphate Research and Activities Board," and directs the board to monitor the expenditure of funds appropriated to the university from the Phosphate Research Trust Fund.

The bill provides for an institute executive director who is designated by, and serves at the pleasure of, the campus executive officer of the university or his or her designee and is responsible for the daily

administration of the institute, including the expenditure of funds.

In addition to the current duties of the FIPR, the bill requires the institute to provide the public with access to the results of its research activities and to maintain a public library, which may include special collections, related to its research activities.

The bill authorizes the institute to:

- Research and develop methods for better and more efficient processes and practices for commercial and industrial activities, including, but not limited to, mitigating the health and environmental effects of such activities as well as developing and evaluating reclamation alternatives and technologies;
- Secure funding from grants and other available sources;
- Enter into contracts with any firm, institution, corporation, or federal, state, local, or foreign governmental agency to carry out its activities;
- Promote the application, patenting, and commercialization of the institute's technologies, knowledge, and intellectual property in accordance with university policies and procedures;
- Educate the public about the science related to the institute's scope of expertise;
- Hold public hearings;
- Establish public-private partnerships; and
- Provide consulting services.

The bill repeals s. 378.102, F.S., the "Florida Institute of Phosphate Research Competitive Negotiations Act," and corrects a cross reference in s. 211.31, F.S., to make conforming changes related to the expenses of administering the bill.

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

CS/CS/CS/HB 981 - Agriculture
By: General Government Policy Council; Natural Resources Appropriations Committee; Agriculture & Natural Resources Policy Committee; Grimsley; Boyd
Tied Bills: None
Companion Bills: CS/CS/CS/SB 2182
Committee(s) of Reference: Agriculture & Natural Resources Policy Committee; Natural Resources Appropriations Committee; General Government Policy Council

The bill states that land classified as agricultural land retains that classification when offered for sale if the land continues to be used primarily for bona fide agricultural purposes. The classification is to be remedial and clarifying and applied retroactively to all parcels for which a final court order has not been issued. The bill also provides that structures or improvements used in horticultural production for frost or freeze protection, as designated by the Department of Agriculture and Consumer Services' (DACS) interim measures or best management practices, shall be assessed by the methodology required for the assessment of land used for agricultural purposes.

The Department of Environmental Protection (DEP) is provided authority to develop and implement a general permit that will allow application of pesticides for the control of insects, aquatic weeds, algae, or

other pests. The Fish and Wildlife Conservation Commission and the DACS may enter into agreement with the DEP to ensure uniform regulation of pesticides applied to the waters of the state.

The Citrus Research and Development Foundation, Inc., is directed to serve as the advisory council for a citrus research marketing order. The foundation's board of trustees must be composed of 13 members responsible for providing advice on administering the order to the DACS, conducting citrus research, and performing duties assigned by the DACS. The bill provides for collection of agricultural assessments used to defray costs associated with marketing orders to be placed in "the appropriate trust fund" rather than the General Inspection Trust Fund as in current law. The rate of assessment imposed on citrus is required not to exceed the rate established by the marketing order.

The DACS and representatives of the state pest control industry are required to submit a report to the Legislature by January 1, 2011, that shall include recommendations for changes to the law and provide for disciplinary action against licensees of the pest control industry who violate laws or rules pertaining to the pretreatment of soil to protect newly constructed homes, pest control at sensitive facilities such as schools and nursing homes, and the fumigation of existing homes for protection against termite damage.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 1003 - Veterans
By: Agriculture & Natural Resources Policy Committee; Drake
Tied Bills: None
Companion Bills: CS/SB 1972; SB 348
Committee(s) of Reference: Agriculture & Natural Resources Policy Committee; Policy Council; General Government Policy Council

The bill clarifies several sections of Florida law pertaining to veterans' services, and reduces duplicate fundraising regulatory requirements for veterans' services organizations. Specifically, the bill:

- Amends s. 496.406, F.S., to exempt any division, department, post, or chapter of a veterans' service organization that has been granted a federal charter under Title 36, U.S.C.;
- Deletes the eligibility requirement that service-disabled veterans must have suffered a 10 percent or greater service-connected disability in order to be eligible to receive any of the benefits provided for under the Florida Service-Disabled Veteran Business Enterprise Opportunity Act;
- Codifies the Florida Department of Veterans Affairs' current policy that to be eligible for residency in the Veterans' Domiciliary Home of Florida (assisted living) or any of the four Veterans' Nursing Homes of Florida (skilled nursing), a veteran must have been approved as eligible for care and treatment by the U.S. Department of Veterans Affairs; and
- Revises the eligibility requirements for residency in any of the Veterans' Nursing Homes of Florida to also include veterans with peacetime service, not just those with wartime service.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 1118 - Docks
By: Community Affairs; Altman
Tied Bills: None
Companion Bills: CS/CS/CS/HB 1239
Committee(s) of Reference: Community Affairs Committee

The bill provides flexibility in the regulation of docking structures in aquatic preserves and other waters of the state. In addition, the bill expands the scope of on-line self-certification for projects (which is in place already for certain dock structures), directs the Department of Environmental Protection (DEP) to develop lists of activities that may serve as mitigation for projects, and restricts local governmental entities from seeking documentation when a project is exempt from permitting.

Currently, Florida has 41 aquatic preserves, encompassing almost two million acres. Part II of ch. 258, F.S., authorizes the Board's maintenance of these preserves. Rule 18-20, F.A.C., authorized by ch. 258, F.S., provides very specific directions and limitations on the type, size, and location of structures within aquatic preserves. For instance, Rule 18-20.004(5)(b)6., F.A.C., limits the terminal platform (the "T" at the end of the dock walkway) size to no more than 160 square feet. Relating to dock structures generally, s. 403.813(2)(d), F.S., provides the criteria required for a permitting exemption for the replacement or repair of an existing dock or pier provided no fill is used and the dock or pier is in the same location, configuration and dimension of the dock or pier being replaced or repaired. As this exemption applies to a single family dock as well as a marina, the DEP reports that it is important not to increase or change the "footprint" over sovereignty submerged lands, as this would necessarily require a review by the DEP to discern the potential environmental impacts. In addition, certain activities that cause impacts to wetlands or other surface waters are exempt by statute and rule from the need for regulatory permits. To be exempt by rule, the activities must have been previously determined by the DEP to be capable of causing no more than minimal individual and cumulative adverse impacts to wetlands and other surface waters. Currently, s. 403.061(29), F.S., provides authorization to DEP to adopt by rule special criteria to protect Class II shellfish harvesting waters. People seeking to build a residential dock in shellfish waters are required to apply for a variance for a permit from the DEP. However, according to the DEP, the Florida Department of Agriculture and Consumer Services, the agency that regulates the harvesting of shellfish, does not comment on such variances unless the proposed dock contains more than 10 slips. This routinely causes a delay in the project that might be avoided if the variance procedure was superseded by administrative rule.

The bill allows for a roof structure over private residential single family docks in aquatic preserves if the dock contains a boat lift or davits that do not float in the water. The roof may not overhang more than 1 foot beyond the footprint of the lift and the boat stored at the lift. Such roofs are not included in the square-footage calculation of a terminal platform. In addition, the bill authorizes the use of different construction materials and minor deviations to allow upgrades to current structural and design standards for the replacement of docks, and removes the need for a variance for docks in certain shellfish waters.

The DEP currently accepts certain types of permit applications online and provides an online self-certification process for private docks associated with detached individual single-family homes on the adjacent uplands, provided the dock being constructed is the sole dock on the parcel. Through this electronic process, one may immediately determine whether a private single family dock can be constructed without further notice or review by the DEP. This includes notification of qualification for

the U.S. Army Corps of Engineers' State Programmatic General Permit (SPGP IV). In addition, Florida's five WMDs have designed and support a shared permitting portal. Some local governments, however, often do not accept self-certification for permit-exempt projects identified in statute, rule, or listed in the DEP's Self-Certification Process for Single-Family Docks., and require a "signature" from DEP permit review staff to verify the exempt status of the projects submitted under self-certification, notwithstanding the fact that current law neither requires nor provides for a "signature" from the DEP as an alternative or as supplemental to self-certification. The bill prohibits local governments from specifying the method or form of documentation that a project meets the provisions for authorization under chs. 161, 253, 373, or 403, F.S.

Not all marine projects are exempt from permitting, however, and some are subject to regulatory mitigation requirements. If the project involves state submerged lands, it is subject to proprietary or public interest mitigation requirements as well. Regulatory mitigation is essentially an action or series of actions to offset the adverse impacts to the environment from the proposed project. In contrast, public interest mitigation may be viewed as compensation to the state and the citizens of Florida for use of sovereignty submerged lands in addition to actions to offset adverse impacts to sovereign lands and associated resources from the proposed project. A common concern of DEP staff, as well as local governments and marine contractors and consultants, is that identifying appropriate projects or activities to serve as mitigation continues to be based on guesswork and time consuming negotiations with permit applicants.

The bill directs DEP to develop a list of activities for applicants to consider for meeting mitigation or public interest requirements, and authorizes the DEP to expand the use of the online self-certification program and other forms of online authorization for appropriate exemptions, general permits, and individual permits by DEP and the water management districts if the expansion is economically feasible. The DEP is directed to report on the progress of these activities to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Committee on Intergovernmental Relations by February 15, 2011.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 1145 - State Parks
By: Agriculture & Natural Resources Policy Committee; Bembry
Tied Bills: None
Companion Bills: CS/SB 2256
Committee(s) of Reference: Agriculture & Natural Resources Policy Committee; General Government Policy Council

CS/HB 145 provides for active duty members and veterans of the United States Armed Forces (armed forces) and reserve forces to receive a twenty-five percent discount on annual entrance passes to Florida's state parks. The bill also provides for veterans with service-connected disabilities to receive a lifetime family annual entrance pass at no charge. Surviving spouses of members of the armed forces and reserve forces who have fallen in combat shall also receive a lifetime family annual entrance pass at no charge. The Division of Recreation and Parks (division) shall prescribe what constitutes satisfactory documentation to evidence eligibility.

The bill also reinstates language regarding the duties of the division into ch. 258, F.S. This language had previously been located in ch. 418, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

SB 1150 - Registration/Farm Labor Contractors and Employees
By: Dean
Tied Bills: None
Companion Bills: CS/HB 357
Committee(s) of Reference: Regulated Industries; Agriculture; General Government Appropriations

SB 1150 provides that if a farm labor contractor's federal certificate expires, the Department of Business and Professional Regulation (DBPR) will renew the state certificate of registration if such a person files a timely application for renewal of the federal certificate. Subsequently, the bill defines "timely application for renewal." However, the DBPR is required to suspend, revoke, or refuse to issue or renew a certificate of registration upon receipt that the U.S. Secretary of Labor has suspended, revoked, or refused to issue or renew the farm labor contractor's federal certificate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/HB 1385 - Petroleum Contamination Site Cleanup
By: General Government Policy Council; Natural Resources Appropriations Committee; Poppell
Tied Bills: None
Companion Bills: CS/SB 2592
Committee(s) of Reference: Agriculture & Natural Resources Policy Committee; Natural Resources Appropriations Committee; General Government Policy Council

The bill allows the Department of Environmental Protection (DEP) to establish a long-term natural attenuation monitoring category for sites in the Petroleum Cleanup Program. The DEP is required to utilize natural attenuation monitoring strategies and, when cost-effective, transition sites eligible for restoration funding assistance to long-term natural attenuation monitoring where a site meets certain criteria.

The bill requires DEP to evaluate whether higher natural attenuation default concentrations for natural attenuation monitoring or long-term natural attenuation monitoring are cost-effective and will adequately protect public health and the environment. DEP must also evaluate site-specific characteristics that will allow for higher natural attenuation or long-term natural attenuation concentration levels.

The bill prohibits a local government from denying a building permit based solely on the presence of petroleum contamination for any construction, repairs, or renovations performed in conjunction with tank upgrade activities to an existing retail fuel facility if the facility was fully operational before the

building permit was requested and if the construction, repair, or renovation is performed by a licensed contractor.

The bill establishes a low-scored site initiative for sites with a priority ranking score of 10 points or less and provides conditions for voluntary participation. If these conditions are met, DEP must issue a No Further Action (NFA) order, which means minimal contamination exists onsite and that contamination is not a threat to human health or the environment. If no contamination is detected, DEP may issue a site rehabilitation completion order (SRCO).

Sites that are eligible will be initiated by the source property owner or responsible party for the contamination and participation is strictly voluntarily. DEP may pre-approve the cost of the assessment pursuant to s. 376.30711, F.S., including 6 months of groundwater monitoring, not to exceed $30,000 for each site. DEP may not pay the costs associated with the establishment of institutional or engineering controls. Assessment work must be completed no later than six months after DEP issues its approval.

The bill authorizes DEP to spend no more than $10 million per FY from the funds currently authorized from the Inland Protection Trust Fund in DEP to assess low scored sites. Funds will be made available on a first-come, first-served basis and will be limited to 10 sites in each FY for each responsible party or property owner.

The bill deletes the provisions relating to funding for limited interim soil-source removals, which sunsets June 30, 2010.

Finally, for fuel service station facilities that have orders issued by the DEP before July 1, 2010, granting an extension to the December 31, 2009, deadline pertaining to fuel tank upgrades to secondary containment systems, the bill requires DEP to extend the deadline to September 30, 2011. The facilities must be in compliance with all other state and federal regulations pertaining to petroleum storage systems.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 7103 - Agriculture
By: General Government Policy Council; Agriculture & Natural Resources Policy Committee; T. Williams
Tied Bills: None
Companion Bills: CS/CS/SB 2074
Committee(s) of Reference: Natural Resources Appropriations Committee; General Government Policy Council

The bill prohibits counties from imposing a fee for stormwater management on agricultural land if the agricultural operation has certain specified permits or implements best management practices (BMPs). The bill also allows counties that have, prior to March 1, 2009, adopted a stormwater ordinance or resolution, adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the county's intent to use the uniform method of collection of non-ad valorem tax

assessments, to charge an assessment on agricultural land as long as the ordinance provides for credits against the assessment for implementing BMPs or stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the district permit.

The bill prohibits counties from enforcing any regulations limiting an activity of a bona fide farm operation on land classified as agricultural if the activity is regulated by BMPs, interim measures or regulations. This provision does not limit a county's powers to enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules pertaining to the Wekiva River Protection Area adopted prior to July 1, 2003.

The bill requires an applicant for a local land use permit, building permit, or certificate of occupancy for nonagricultural land to sign a written acknowledgement of contiguous sustainable agricultural land.

The bill exempts farm fences from the Florida Building Code as well as any city or county code. It also exempts nonresidential farm buildings and fences from county or municipal fees, with the exception of floodplain management regulations. The bill also clarifies the definition of "nonresidential farm buildings" to make clear that these buildings are not intended to be used as residential dwellings.

The bill exempts any person, rather than any "natural person" as in current law, from obtaining a local business tax receipt. The bill amends the definition of "farm tractor" to clarify that a farm tractor may be operated incidentally on the roads of the state.

The bill allows insurance companies, when calculating their gross writing ratio, to exclude gross written premiums for federal multi-peril crop insurance that is ceded to the Federal Crop Insurance Corporation and authorized reinsurers.

The bill returns tropical foliage to exempt status from the provisions of the License and Bond law. And, lastly, the bill amends ch. 823, F.S., to mirror the language in ch. 403, F.S., regarding agricultural materials that may be burned in the open.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Energy & Utilities Policy Committee

CS/CS/HB 163 (ch. 10-50, LOF) - Prepaid Wireless Telecommunications Service
By: Finance & Tax Council; Energy & Utilities Policy Committee; Gibbons
Tied Bills: None
Companion Bills: CS/CS/CS/SB 1202
Committee(s) of Reference: Energy & Utilities Policy Committee; Finance & Tax Council; General Government Policy Council

To fund the statewide E911 system, a fee is imposed on voice communications services at a capped rate of $0.50 per month. This fee funds costs incurred by counties to install and operate E911 systems and reimburses wireless service providers for costs incurred to provide 911 or E911 services. Current law requires voice communications services providers (providers) to collect the E911 fee from their subscribers on a service identifier basis. The fee is imposed upon local exchange service, wireless service, and other services that have access to E911 service, such as Voice over Internet Protocol, but is not currently collected on prepaid wireless services.

The E911 Board helps implement and oversee the E911 system and administers the funds derived from the E911 fee. The primary function of the Board is to make disbursements from the E911 Trust Fund to county governments and wireless providers pursuant to law. Current law provides that a county may carry forward up to 20 percent of the total funds disbursed to it by the Board during a calendar year for capital outlay, capital improvement, or equipment replacement expenditures directly attributable to the establishment or provision of E911 service, including the functions of database management, call taking, location verification, and call transfer.

CS/CS/HB 163 provides that the E911 fee shall not, before July 1, 2013, be assessed on or collected from providers with respect to prepaid calling arrangements or from the sale of prepaid wireless service. The bill strikes obsolete language requiring the Board to conduct a study concerning the feasibility of collecting E911 fees from the sale of prepaid wireless service, as the Board has already completed this study.

The bill increases to 30 percent the portion of funds disbursed by the Board to a county that the county may carry forward into the next calendar year for specified expenditures directly attributable to the establishment or provision of E911 service.

The bill was approved by the Governor on May 12, 2010, ch. 2010-50, Laws of Florida. The effective date of this bill is July 1, 2010.

HB 281 - Communications Services Taxes
By: Schultz; McBurney
Tied Bills: None
Companion Bills: SB 344
Committee(s) of Reference: Energy & Utilities Policy Committee; Finance & Tax Council; General Government Policy Council

Current law provides that a communications service provider subject to the Communications Services Tax may take a credit, or claim a refund, for tax the provider has paid on a balance that is ultimately written off as bad debt for a worthless account. The provider, also referred to as a "dealer," is required to report credits for bad debts separately from the tax when filing its return. The dealer must report the credit based on the time period and jurisdiction in which the original sale occurred.

HB 281 allows dealers to "net" the tax paid on bad debts against the amount of tax due to the state or a local jurisdiction for reporting purposes, provided that the resulting amount is not less than zero. This bill also allows dealers to use a "proportionate allocation method," based on gross taxes due, to determine the credit for bad debt attributable to the state or a local jurisdiction. In addition, the bill provides that the Department of Revenue may approve the use of another reasonable allocation method.

The bill provides for retroactive operation to July 1, 2000, as a remedial measure. However, the bill does not create a right to a refund or require a refund by any governmental entity of any tax, penalty, or interest remitted to the Department of Revenue before July 1, 2010. The bill is estimated to have no fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 814 - Lifeline Telecommunications Service
By: Children, Families, and Elder Affairs; Aronberg
Tied Bills: None
Companion Bills: CS/HB 235
Committee(s) of Reference: Communications, Energy, and Public Utilities; Children, Families, and Elder Affairs; Policy and Steering Committee on Ways and Means (w/d)

Lifeline Assistance is a program under the federal Universal Service Fund that, among other things, provides credits against the cost of basic local telecommunications service to qualifying low-income customers to encourage those customers to subscribe to telephone service. Carriers that are designated as eligible telecommunications carriers (ETCs) are eligible to participate in and receive benefits from the federal Universal Service Fund. All ETCs in Florida that are local exchange telecommunications companies with more than 1 million access lines must provide Lifeline services to qualifying customers or potential customers if the customer's income is 150 percent or less of the federal poverty income guidelines (the "income eligibility test").

The bill authorizes commercial mobile radio service providers (e.g., wireless service providers)

designated as ETCs to utilize the income eligibility test to qualify customers for the Lifeline program. The bill also authorizes the Department of Children and Family Services (DCF), the Department of Education (DOE), the Public Service Commission (PSC), and the Office of Public Counsel (OPC) to exchange sufficient information with appropriate ETCs, such as a person's name, date of birth, service address, and telephone number, so that the carriers can identify and enroll an eligible person in the Lifeline and Link-Up programs. The bill provides that this information will remain confidential and may only be used for purposes of determining eligibility and enrollment in Lifeline.

The bill extends until December 31, 2010, the deadline for development of procedures by DCF, DOE, PSC, and telecommunications companies to promote Lifeline participation. The bill amends the requirement for development of such procedures to specify that the telecommunications companies participating in development of these procedures are those that are "designated eligible telecommunications carriers" providing Lifeline services.

The bill also provides that by December 31, 2010, the PSC, DCF, OPC, and each eligible telecommunications carrier offering Lifeline and Link-Up services must convene a "Lifeline Workgroup" to discuss how eligible subscriber information will be shared, the obligations of each party with respect to that information, and the procedures to be implemented to verify eligibility in these programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 982 - Underground Facility Damage Prevention & Safety
By: Judiciary; Communications, Energy, and Public Utilities; Bennett
Tied Bills: None
Companion Bills: CS/HB 691
Committee(s) of Reference: Communications, Energy, and Public Utilities; Community Affairs; Judiciary

Chapter 556, F.S., is the "Underground Facility Damage Prevention and Safety Act." The stated purpose of the Act is to identify and locate underground facilities prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damage to those facilities. To accomplish this, the Act creates Sunshine State One-Call of Florida, Inc. (One-Call system), a not-for-profit corporation to administer a free-access notification system whereby a person intending to conduct excavation or demolition activities can give prior notice to the system of the person's intended activities, allowing operators of underground facilities the opportunity to identify and locate their nearby facilities. All operators of underground facilities in the state are required to be members of the corporation and are required to use and participate in the system.

CS/CS/SB 982 amends the "Underground Facility Damage Prevention and Safety Act" in the following ways:

- Specifies certain matters over which local government entities may not adopt ordinances or rules. Specifically, the bill provides that municipalities, counties, districts, or other local governments may not adopt or enforce ordinances or rules that conflict with ch. 556, F.S., or that do any of the following: require operators to obtain permits to identify underground facilities; require premarking or marking; specify the types of paint or other marking devices

used to identify underground facilities; or require removal of marks;

- Establishes low-impact marking practices which should reduce the amount of markings that member operators are required to provide and the total amount of time that markings are visible. These provisions of the bill provide a uniform, statewide system of marking. The bill provides that violations of certain low-impact marking practices are noncriminal infractions;
- Establishes a voluntary alternative dispute resolution program available to all member operators, excavators, and other stakeholders to help resolve disputes arising from excavation activities. The program must include mediation, arbitration, or "other appropriate processes," including the use of services of the Division of Administrative Hearings (DOAH). The bill provides that voluntary users of the program shall choose the form of alternative dispute resolution to be used and shall be responsible for the costs of using the program;
- Establishes procedures concerning excavations proposed within 15 feet of a "high-priority subsurface installation." These installations are defined to include certain underground pipelines for natural gas, gasoline, jet fuel, and other refined petroleum products and hazardous or highly volatile liquids, if the pipeline is deemed to be critical by the operator of the pipeline and is identified as a high-priority subsurface installation to an excavator. Damage to a high-priority subsurface installation that results in death or serious bodily injury requiring inpatient hospitalization or results in property damage, including service-restoration costs, in an amount in excess of $50,000 or interruption of service to 2,500 or more customers, is referred to as an "incident." Upon receiving a report of an incident, the One-Call system must transmit the report to DOAH and contract with DOAH to conduct a hearing to determine whether an incident has occurred and whether any noncriminal infraction was the proximate cause of the incident. The bill provides that the contract must include provisions for the One-Call system to reimburse DOAH for costs incurred to conduct the hearing. The bill provides detailed procedures under which DOAH will conduct the hearing. The bill provides DOAH with jurisdiction to determine the facts and law concerning an alleged incident and to impose a fine no greater than $50,000 against any person who commits a noncriminal infraction that was a proximate cause of the incident. If a state agency or political subdivision caused the incident, the maximum fine is limited to $10,000;
- Provides a specific time frame for excavators to notify the One-Call system before beginning any excavation or demolition beneath state waters. The bill requires that excavators notify the system at least 10 full business days before beginning such work. The bill provides that an excavator must stop excavation or demolition activities around an underwater facility if the horizontal route of the facility is inadequately documented and must then notify the system to have the route adequately documented;
- Prohibits member operators from using information provided to the system by other member operators for marketing purposes or for any other purposes not stated in ch. 556, F.S.;
- Expands liability for damages caused by excavation with hand tools from excavators only to excavators and member operators;
- Prohibits an excavator from notifying the One-Call system of an emergency unless the excavator reasonably believes that the intended excavation or demolition is due to an emergency situation or condition as defined in the Act. The bill provides that falsely notifying the One-Call system of an emergency situation or condition is a noncriminal infraction;
- Increases the civil penalty for noncriminal infractions from $250 plus court costs to $500 plus court costs and eliminates the power of an enforcing authority to require appearance before a county court. The bill also requires annual reporting of noncriminal infractions by the clerks of court; and

- Requires that all members of the One-Call system be assessed a proportionate share of system operating costs through monthly assessments.

The bill is not expected to have a significant fiscal impact on state government revenues or expenditures or local government expenditures. The bill may have an indeterminate positive fiscal impact on local government revenues.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

CS/HB 7179 - Qualifying Improvements to Real Property
By: Finance & Tax Council; Energy & Utilities Policy Committee; Precourt
Tied Bills: None
Companion Bills: CS/CS/CS/SB 2322; includes part(s) of CS/HB 7229
Committee(s) of Reference: Finance & Tax Council; General Government Policy Council

Qualifying Improvements to Real Property

CS/HB 7179 creates s. 163.08, F.S., providing supplemental authority to local governments regarding qualifying improvements to real property. Specifically, the bill authorizes a property owner to voluntarily enter into a financing agreement with a local government, which is defined in the bill as a county, a municipality, or a dependent special district, for the purpose of providing financing for qualifying improvements to residential, commercial, or industrial property. A local government may also partner with one or more local governments for the purpose of providing and financing qualifying improvements.

A "qualifying improvement" includes any:

- Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or more efficient use of:
    - Electricity;
    - Natural gas;
    - Propane; or
    - Other forms of energy on the property.
- Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources:
    - Hydrogen;
    - Solar energy;
    - Geothermal energy;
    - Bioenergy; or
    - Wind energy.
- Wind resistance improvement, which includes, but is not limited to:
    - Improving the strength of the roof deck attachment;
    - Creating a secondary water barrier to prevent water intrusion;
    - Installing wind-resistant shingles;
    - Installing gable-end bracing;
    - Reinforcing roof-to-wall connections;

- Installing storm shutters; or
- Installing opening protections.

A qualifying improvement must be affixed to a building or facility that is part of the property. Any work requiring a license must be performed by a properly certified or registered contractor, pursuant to Part I or Part II of ch. 489, F.S. The program does not cover wind resistance improvements in buildings or facilities under new construction.

Under the program, the local government would provide the upfront funding for the qualifying improvement project through proceeds of revenue bonds or other lawful debt, which would be repaid through voluntary non-ad valorem assessments on participating property owners' tax bills.

Without the consent of the mortgage holder or loan servicer, the total amount of any non-ad valorem assessment for a property cannot exceed 20 percent of the just value of the property, as determined by the county property appraiser. However, if an energy conservation and efficiency or a renewable energy qualifying improvement is supported by an energy audit, the amount financed is not limited to 20 percent if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the assessment.

The local government may enter into a financing agreement only with the record owner of the property and this agreement or a summary memorandum of the agreement must be recorded in the public records of the county within five days after the agreement is executed. The recorded document must give constructive notice that the assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments.

The bill provides that, at least 30 days before entering into the financing agreement, the property owner must provide notice to the mortgage holder or loan servicer of the intent to enter into the agreement, the maximum amount to be financed, and the maximum annual assessment that will be required to repay the amount. The property owner must provide proof to the local government that this notice has been provided to the holders of the mortgage or loan.

The bill provides that "A provision in any agreement between a mortgagee or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is not enforceable." However, the bill recognizes that the mortgage holder or loan servicer may increase the required monthly escrow by an amount necessary to annually pay the qualifying improvement assessment.

The bill requires a participating local government to follow the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, enumerated in s. 197.3632, F.S., which requires a resolution by the local government, public hearings, published notices in the newspaper, and individual mail notices to property owners informing them of the assessment and their right to attend a public hearing. Under current law, the special assessment process must be initiated prior to January 1 of each year. The bill provides an exception to the provisions in s. 197.3632, F.S., allowing the process to start on or before August 15, if the property appraiser, tax collector, and local government agree. For purposes of bond repayment, the bill prohibits an early payment discount for the non-ad valorem assessment.

The bill provides that the authority is additional and supplemental to county and municipal home rule authority.

Loan Guaranty Program

The bill amends statutory provisions creating the Florida Development Finance Corporation (FDFC) (ss. 288.9602-288.9610, F.S.) and conforms cross-references to allow for the state's participation in the U.S. Department of Energy's 1705 Guaranteed Loan Program (s. 406 of the American Recovery and Reinvestment Act of 2009), which provides federal government loan guarantees for certain renewable energy systems, electric transmission systems, and leading edge biofuels projects.

The bill changes the definition of the term "guaranty fund" from the "Revenue Bond Guaranty Reserve Account" to the "Energy, Technology, and Economic Development Guaranty Fund," and authorizes the FDFC to issue revenue bonds or other evidence of indebtedness for the purpose of financing capital projects which promote economic development within the state. Specifically, the bill authorizes the FDFC to:

- Finance the undertaking of any project within the state that promotes renewable energy as defined in s. 377.803 or s. 366.91, F.S.;
- Finance the undertaking of any project within the state that is a project contemplated or allowed under s. 406 of the American Recovery and Reinvestment Act of 2009; or
- If permitted by federal law, finance qualifying improvement projects within the state, pursuant to s. 163.08, F.S.

The bill allows the FDFC to accept funds from the state, a county, or other public agency. The bill authorizes the FDFC to guarantee debt service payments for bonds or other indebtedness and limits these guarantees to no more than five percent of the total aggregate principal amount of bonds or other indebtedness relating to any one capital project. It specifically authorizes the FDFC to use moneys deposited in the guaranty agreement fund to satisfy requirements to obtain federal loan guarantees for capital projects authorized under the section. It requires that all policies, procedures, and regulations of the program that are used in conjunction with the federal program comply with the federal requirements. The bill deletes obsolete language relating to the State Transportation Trust Fund with regard to the FDFC.

Energy Economic Zone Pilot Project Study

The bill directs the Department of Community Affairs (DCA) and the Office of Tourism, Trade, and Economic Development (OTTED), in consultation with the Florida Energy and Climate Commission, to make recommendations to the Governor, the Senate President, and the Speaker of the House of Representatives regarding appropriate incentives and statutory revisions necessary to provide the Energy Economic Zone Pilot Program (pilot program) communities with tools for accomplishing the goals of the program, which is established in s. 377.809, F.S. The deadline for the recommendations is February 1, 2011, and must include consideration of:

- Fiscal and regulatory incentives;
- A jobs tax credit and a corporate property tax credit; and
- Refunds and exemptions from sales and use taxes.

The bill directs the DCA and the OTTED to coordinate with the pilot program communities and clean technology industries to help attract those industries and investments to the state.

Renewable Energy
The bill adds "electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration" to the definition of "renewable energy" in s. 366.91, F.S.

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

Insurance, Business & Financial Affairs Policy Committee

CS/CS/CS/HB 159 (ch. 10-49, LOF) - Guaranty Associations
By: General Government Policy Council; Finance & Tax Council; Insurance, Business & Financial Affairs Policy Committee; Legg
Tied Bills: None
Companion Bills: CS/CS/SB 2232
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Finance & Tax Council; General Government Policy Council

The bill makes changes to the Florida Insurance Guaranty Association (FIGA), the Florida Life and Health Insurance Guaranty Association (FLAHIGA), and the Florida Workers' Compensation Insurance Guaranty Association (FWCIGA). Guaranty associations are non-profit corporations that assume responsibility for settling claims and refunding unearned premiums to policyholders of insolvent and liquidated insurance companies. Insurance companies are required by law to participate in guaranty associations as a condition of transacting business in Florida.

The bill combines the two automobile accounts in FIGA and changes the assessment recoupment process insurance companies use to recoup assessments levied by FIGA from their policyholders.

Regarding FLAHIGA, the bill increases the coverage limits for some types of claims covered by FLAHIGA, permits insurance agents to provide specific written material regarding FLAHIGA with potential or current life and health insurance policyholders or annuity purchasers, and makes numerous statutory changes to conform the FLAHIGA statutes with the National Association of Insurance Commissioners 2009 Model Act for life and health insurance guaranty associations.

The bill makes FWCIGA, rather than FIGA, responsible for covering employment liability claims of insolvent workers' compensation insurers.

The bill was approved by the Governor on May 12, 2010, ch. 2010-49, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/CS/HB 303 - Regulation of Real Estate Appraisers and Appraisal Management Companies
By: General Government Policy Council; Government Operations Appropriations Committee; Insurance, Business & Financial Affairs Policy Committee; Hudson
Tied Bills: None
Companion Bills: CS/CS/SB 2210
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Government Operations Appropriations Committee; General Government Policy Council

CS/CS/CS/HB 303 amends ch. 475 (Part II), F.S., to require regulation of appraisal management companies (AMCs). AMCs are business entities that administer networks of independent appraisers to fulfill real estate appraisal assignments on behalf of lenders. The Department of Business and Professional Regulation (DBPR) will be required to develop an additional license type for the registration of AMCs. The bill describes the application requirements (including background checks), qualifications for registration, and standards for disciplinary actions and penalties related to AMCs.

The bill also revises the requirements for the retention of appraisal records, gives authority to the Florida Real Estate Appraisal Board to adopt rules to institute requirements for the protection of appraisers' signatures, adds two required members to the Board, and sets minimum fees for the application, registration and renewal of AMCs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2011.

HB 545 - Residential Property Sales
By: Patterson
Tied Bills: None
Companion Bills: SB 2190
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Policy Council; General Government Policy Council

Pursuant to current law, in November 2007 the Financial Services Commission adopted a uniform home grading scale to grade the ability of a home to withstand the wind load from a tropical storm or hurricane. The rating system scores homes on a scale of 1 to 100.

In 2008, the Legislature passed a law that established a two-part phase-in of a requirement that sellers of homes located in the state's wind borne debris region disclose the home's windstorm mitigation rating based on the grading scale:

- The first part of the phase-in was to begin January 2010 and would have required sellers of homes insured by Citizens Property Insurance Corporation for $500,000 or more to disclose the home's windstorm mitigation rating to buyers. However, in 2009, before it took effect, this disclosure requirement was repealed; and
- The second part of the phase-in, which remains law today and is scheduled to begin January 2011, will require sellers of any home in the windborne debris region to disclose the home's rating.

The bill repeals the second part of the disclosure phase-in before it takes effect in January 2011. Consequently, sellers of homes located in the wind borne debris region would not be required, beginning January 2011, to disclose the home's windstorm mitigation rating.

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

HB 661 (ch. 10-56, LOF) - Minimum Surplus Requirements for Mortgage Guaranty Insurers
By: Nelson
Tied Bills: None
Companion Bills: SB 2084
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Policy Council; General Government Policy Council

Currently, mortgage guaranty insurers must maintain specified surplus levels and have sufficient capital and surplus so that their outstanding aggregate exposure (net of reinsurance) does not exceed 25 times the insurer's paid-in-capital, surplus, and contingency reserve combined. In effect, mortgage guaranty insurers are required to set aside $1 of capital for every $25 of risk they insure, and are prohibited from writing new business when their risk-to-capital ratio reaches 25 to 1.

The bill authorizes the Commissioner of Insurance Regulation, upon written request of a mortgage guaranty insurer, to temporarily permit the insurer to continue writing new business if its risk-to-capital ratio reaches 25 to 1. The request may be granted if it is found that the insurer's financial position is reasonable in relation to its aggregate insured risk and financial needs, i.e., that the insurer's resources are adequate to satisfy policyholder claims to continue writing new business. The bill permits the Office of Insurance Regulation to take action against any mortgage guaranty insurer that does not obtain a temporary exception and continues to write new business after its risk-to-capital ratio has reached 25 to 1.

The bill was approved by the Governor on May 12, 2010, ch. 2010-56, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/CS/CS/HB 663 - Building Safety
By: Full Appropriations Council on Education & Economic Development; General Government Policy Council; Military & Local Affairs Policy Committee; Insurance, Business & Financial Affairs Policy Committee; Aubuchon
Tied Bills: None
Companion Bills: CS/CS/SB 648; includes parts of HB 401; CS/CS/HB 447; HB 531; CS/CS/CS/HB 561; HB 629; CS/CS/CS/HB 713; CS/HB 959; CS/HB 1035; HB 1317; HB 1447; CS/HB 7095; SB 832; CS/CS/CS/SB 846; CS/SB 1074; SB 1136; CS/SB 1172; CS/CS/CS/SB 1196; SB 1270; CS/CS/SB 1330; CS/CS/SB 2044; CS/SB 2108; SB 2658; SB 2694
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Military & Local Affairs Policy Committee; General Government Policy Council; Full Appropriations Council on Education & Economic Development

The bill revises various laws regarding building safety.

The bill provides that the expiration or revocation of a building permit issued to a property owner after a three-year period provided to commence repair or rebuilding constitutes abandonment of the property as homestead.

As to elevator safety, the bill limits requirements to retrofit elevators to comply with certain changes to the Florida Building Code and permits the use of a lock box to provide regional emergency elevator access.

The bill delays applicability of home inspector and mold assessor licensure and regulation until July 1, 2011, amends licensure requirements, and provides guidelines for practicing home inspectors and mold assessors to be licensed under a grandfather provision.

Regarding the Florida Building Code, the bill:

- Authorizes the Department of Community Affairs to contract for administration of the inspection and certification of manufactured buildings and reinstates local jurisdiction over prototype buildings;
- Amends authority of the Florida Building Commission to allow fees for nonbinding interpretations of the Building Code and amendments to the Florida Building Code addressing equivalency of standards, needs of state agencies facing federal mandates, and inconsistencies in federal and state law;
- Requires state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity;
- Exempts certain mausoleums and prisoner housing from the Building Code; and
- Revises the calculation, collection and distribution of surcharges applied to certain building permits; and
- Revises requirements as to carbon monoxide alarms, pool pump motors, air conditioner installation, certain mechanical equipment, classroom lighting and windstorm mitigation.

The bill also amends requirements for uniform mitigation verification inspections, providing that home inspectors meeting certain requirements may sign mitigation forms for such inspections. Furthermore, the bill requires signatories to personally perform such inspections, with exceptions, and provides for

investigations into suspected fraud or misconduct.

Relating to Fire Prevention and Safety, the bill:

- Provides guidelines for the State Fire Marshal to follow when issuing expedited declaratory statements;
- Establishes a process for nonbinding interpretations of the Florida Fire Prevention Code;
- Requires continuing education reciprocity between the Division of the State Fire Marshal and the Building Code Administrators and Inspectors Board;
- Amends certification requirements for fire protection service contractors, fire equipment dealers and certain firefighters;
- Provides exceptions from certain fire sprinkler or fire alarm requirements; and
- Provides that public fire hydrants owned by a governmental entity to be inspected following standards adopted by the State Fire Marshal or equivalent standards.

As to condominiums, the bill repeals a five-year inspection requirement concerning the maintenance, useful life, and replacement cost of common elements.

The bill is expected to have a positive impact on state revenues of $5.5 million in the first year.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

CS/CS/CS/HB 713 - Department of Business and Professional Regulation
By: General Government Policy Council; Government Operations Appropriations Committee; Insurance, Business & Financial Affairs Policy Committee; Workman
Tied Bills: None
Companion Bills: CS/CS/SB 1330
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Government Operations Appropriations Committee; General Government Policy Council

The bill contains numerous modifications relating to several regulatory activities under the Department of Business and Professional Regulation (DBPR). The bill:

- Amends various provisions of the home inspection licensing program scheduled to become effective July 1, 2010, and delays applicability of licensure and regulation until July 1, 2011. Changes include modifying the definition of home inspection services, eliminating the business license (certificate of authorization), authorizing applicants to take the licensure examination without having to obtain DBPR approval, requiring a criminal history check for applicants, providing disciplinary action for failure to meet standards of practice adopted by the DBPR, and providing additional rulemaking authority;
- Amends various provisions of the mold-related licensure program scheduled to become effective July 1, 2010, and delays applicability of licensure and regulation until July 1, 2011. Changes include eliminating the business license (certificate of authorization), authorizing applicants to take the licensure examination without having to obtain DBPR approval, clarifying that the two-year degree requirement must be an associate of arts degree or equivalent (with 30 semester hours in certain courses), requiring a criminal history check for applicants, providing

disciplinary action for failure to meet standards of practice adopted by the DBPR, and providing additional rulemaking authority;

- Creates a temporary Florida professional license for individuals who hold a valid professional license from another state and are spouses of active duty military personnel who are stationed in Florida (profession is defined to mean any activity regulated by the DBPR in the Divisions of Accounting, Professions, Real Estate, and Regulation);
- Transfers carbon monoxide regulation in public lodging establishments from the Division of Hotels and Restaurants to the State Fire Marshal;
- Allows the Florida State Boxing Commission to issue a notice to cease and desist;
- Prohibits an examinee whose examination materials were confiscated based upon suspicion of theft or unlawful reproduction of examination materials from taking another examination until the criminal investigation determines if a violation occurred;
- Expands the exemption from licensure requirements to allow veterinary interns or residents who are graduates in training to be a graduate of a school recognized by the Educational Commission for Foreign Veterinary Graduates;
- Removes the requirement that cosmetology applicants must take the examination within 6 months after approval to take the examination;
- Provides methods for contacting a licensee when a complaint is being served; and
- Requires that upon a determination by the DBPR that it erroneously issued a license, or upon the revocation of a license, the licensee must surrender his or her license to the DBPR.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 751 (ch. 10-58, LOF) - Automatic Renewal of Service Contracts
By: Insurance, Business & Financial Affairs Policy Committee; McBurney
Tied Bills: None
Companion Bills: CS/SB 1332
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Civil Justice & Courts Policy Committee; General Government Policy Council

Contracts with automatic renewal provisions are designed to continuously renew unless a party takes an action to cancel the contract. The burden is generally placed on the consumer, who may not always notice the provisions, to terminate the contract. Therefore, consumers may ultimately contract for a period longer than anticipated.

The bill provides that an automatic renewal provision must be clearly and conspicuously disclosed in service contracts where the provision renews a contract for more than one month and where the provision causes the contract to be in effect more than six months after the contract was initiated. It also provides that where the service contract is for twelve months or longer, and the renewal is for a period of one month or longer, the seller must provide either written or electronic notification to the consumer no more than sixty and no fewer than thirty days prior to the cancellation deadline provided in the service contract.

The bill makes automatic renewal provisions void and unenforceable if any notification requirements are not met, except under certain circumstances. It also provides exemptions from the notification

requirements for:

- Financial institutions;
- Health studios;
- Insurance providers;
- Warranty associations;
- Electric utilities;
- Private companies providing certain local or municipal services; and
- Certain types of healthcare organizations and programs.

The bill was approved by the Governor on May 12, 2010, ch. 2010-58, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 821 (ch. 10-60, LOF) - International Commercial Arbitration
By: Insurance, Business & Financial Affairs Policy Committee; Thurston
Tied Bills: None
Companion Bills: CS/SB 1114
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Criminal & Civil Justice Policy Council; General Government Policy Council

The bill repeals current law relating to international commercial arbitration and adopts instead the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration (Model Law) as amended in 2006.

The bill applies to any international commercial arbitration subject to an agreement between the United States of America and any other country, which is taking place in Florida. However, certain provisions of the bill apply regardless of the site of arbitration.

The bill provides applicable definitions, principles under which the law is to be interpreted, procedural requirements, discovery and evidentiary requirements, and arbitral tribunal powers and immunity. Furthermore, the bill limits a court's authority to intervene in arbitration. The bill also allows parties to seek interim measures of protection and preliminary orders from a court during the pendency of arbitration under certain circumstances. The bill outlines standards for recognition and enforcement, and the refusal of such, for arbitration awards.

The bill was approved by the Governor on May 12, 2010, ch. 2010-60, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/HB 885 (ch. 10-61, LOF) - Life Insurance
By: Rules & Calendar Council; General Government Policy Council; Tobia
Tied Bills: None
Companion Bills: SB 1364
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Policy Council; General Government Policy Council; Rules & Calendar Council

The bill makes the following changes to provisions relating to life insurance:

- Specifies circumstances under which an insurer is not required to send notice of a replacement life insurance policy to the current insurer;
- Allows coverage of a spouse and dependent children under a group life insurance policy up to the amount for which the employee is insured under the policy;
- Bars the sale or exchange of annuities, which were purchased as part of a settlement to satisfy Medicare secondary payer requirements, to third parties that are not connected with the settlement;
- Prohibits creation of a class of employees that consists solely of employees covered under the employer's group health plan for purposes of establishing eligibility for participation in a group life insurance plan; and
- Exempts life insurance agents who have not sold, or do not have any active, life insurance policies or annuity contracts during a continuing education cycle from the requirement to take three hours of continuing education on the subject of suitability in annuity and life insurance transactions.

The bill was approved by the Governor on May 12, 2010, ch. 2010-61, Laws of Florida. The bill was effective upon becoming law.

CS/CS/SB 926 - Trusts
By: Judiciary; Banking and Insurance; Richter
Tied Bills: None
Companion Bills: CS/CS/HB 501
Committee(s) of Reference: Banking and Insurance, Judiciary

The bill creates s. 736.0902, F.S., "Nonapplication of prudent investor rule." This section relieves trustees of irrevocable life insurance trusts from certain duties relating to life insurance policies insuring the life of a "qualified person," and exempts trustees from liability to trust beneficiaries or any other person for losses sustained as to these policies. Specifically, absent contrary language in the trust instrument, when the insured or proposed insured or that person's spouse provides the trustee with funds to acquire or pay premiums for life insurance policies insuring such person and/or their spouse, the trustee has no duty to determine whether the life insurance contract is/was procured or effected in compliance with insurable interest law. If the trust instrument, by reference, makes this section applicable to such policies or qualified beneficiaries are given notice of its applicability, the trustee is also relieved of the following duties, unless the trust instrument provides otherwise:

- To determine whether any life insurance contract is or remains a proper investment;
- To investigate the financial strength of the life insurance company;

- To determine whether to exercise any policy option available under the life insurance contract;
- To diversify any life insurance contract or diversify the trust assets with respect to the life insurance contract; and
- To inquire about or investigate the health or financial condition of any insured.

When a qualified beneficiary objects in writing within 30 days after receiving such notice, the trustee remains responsible for all duties listed in s. 736.0902, F.S., except for determining whether the life insurance contract complies with insurable interest requirements, until the objection is withdrawn. The section does not apply to life insurance policies purchased from an affiliate of the trustee or from which the trustee or an affiliate received any commission, unless the trustee's duties have been delegated under s. 518.112, F.S., which authorizes trustees to delegate specified duties. A trustee remains responsible for determining whether he/she has an insurable interest in a life insurance policy insuring a qualified person if the trustee applied for or accepted ownership of the policy with knowledge that insurable interest standards have been violated. The bill precludes trustees who provide fiduciary or advisory services related to life insurance policies that are subject to s. 736.0902, F.S., from receiving compensation for these services. The bill expands the list of investment functions that fiduciaries that administer life insurance contracts can delegate under s. 518.112, F.S., to include all duties specified in s. 736.0902, F.S., and corrects inconsistencies in notice provisions of the Prudent Investor Act, the Trust Code, and the Probate Code.

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

CS/HB 1035 - Elevator Safety
By: Insurance, Business & Financial Affairs Policy Committee; Frishe
Tied Bills: None
Companion Bills: CS/SB 1172
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; General Government Policy Council

The bill revises various provisions relating to the regulation of elevators by the Division or Hotels and Restaurants (division), Bureau of Elevator Safety (bureau), within the Department of Business and Professional Regulation (department).

The bill creates a five-year exemption for updates to the elevator safety code for existing elevators in condominiums and other multi-family residential buildings that relate to Phase II Firefighters' Service, which is a building code and elevator safety code requirement that permits firefighters to operate and control an elevator for evacuating the physically disabled and for moving firefighters and equipment. The exemption is limited to buildings issued a certificate of occupancy as of July 1, 2008. The exemption does not apply if the elevator is replaced or requires major modification before the end of the five-year exemption.

The bill also:
- Corrects citations to the most current edition of the elevator installation and maintenance standards;
- Grants the division additional rulemaking authority and the right of access to regulated

equipment;
- Provides standards for the approval of requests for variances from the rules of the division;
- Provides additional violations that may result in the suspension or revocation of an elevator inspector certification;
- Requires that certified elevator inspectors and certified elevator companies respond to written requests by the division for an explanation of their inspection procedures and applications;
- Increases from 30 days to 90 days the period of time that elevator owners have to correct violations after the issuance of an order to correct by the division; and
- Authorizes the division to issue citations for unlicensed activity, and gives the division the authority to enforce the citation as a stop work order.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

SB 1136 - Firesafety Inspections
By: Crist
Tied Bills: None
Companion Bills: HB 629
Committee(s) of Reference: Community Affairs; Banking and Insurance; General Government Appropriations

The bill provides that public utilities may designate properly qualified employees to perform inspections of fire hydrants maintained by the public utility. It also states that such employees may inspect fire hydrants in accordance with either the standard adopted by the State Fire Marshal or the standard of the American Water Works Association (AWWA), which is a standard considered to meet and exceed the standard adopted by the State Fire Marshal.

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

CS/CS/SB 1152 - Funeral, Cemetery, and Consumer Services Act
By: Regulated Industries; Banking and Insurance; Bennett
Tied Bills: None
Companion Bills: CS/HB 527; CS/HB 305
Committee(s) of Reference: Banking and Insurance; Regulated Industries

Chapter 497 regulates the funeral and cemetery industry, including licensing requirements for funeral directors, embalmers, direct disposers, cemeteries, monument establishments, cinerator facilities, and other related services. The bill allows persons who wish to obtain a funeral director only license to take only funeral service arts courses, rather than both the funeral service arts and embalming courses. It also allows persons holding associate degrees or higher who are currently enrolled in required funeral service arts courses and who have passed a course in mortuary law to begin their required funeral director internships. It would also allow for the renewal of the funeral director internship for an additional year, provided the intern meets certain requirements.

The bill would require a funeral director to serve as the direct disposer in charge of a direct disposal establishment. However, there is a grandfather provision that would allow direct disposers already serving as direct disposers in charge of a direct disposal establishment to continue to serve in that capacity. Similarly, the bill would require the full-time funeral director in charge of a licensed funeral establishment to hold a combination funeral director and embalmer license. However, there is a grandfather provision to allow current funeral director only licensees who are serving as the full-time funeral director in charge to continue to serve in that capacity.

The bill provides for certain waivers and modifications of ch. 497, F.S., in the event of a public emergency. It also modifies some of the health and safety education requirements for licensees, as well as some of the preneed contract provisions. The bill further allows cemeteries to require monument establishments to provide proof of liability as required by law, but prohibits cemeteries from specifying a certain additional amount of insurance, or requiring the monument establishment to obtain a bond.

For military personnel who die in military service, the bill amends the definition of "legally authorized person" to determine disposition of the deceased remains to include the person designated by the service member on Department of Defense Form 93 or any successor form. This designation is given priority over the hierarchical listing of family members who may serve as the legally authorized person under Florida law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 1253 - Continuing Care Facilities
By: Insurance, Business & Financial Affairs Policy Committee; Proctor
Tied Bills: None
Companion Bills: CS/SB 2030
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; Full Appropriations Council on Education & Economic Development; General Government Policy Council

Continuing Care Retirement Communities (CCRCs), also known as life-care facilities, are retirement facilities that furnish residents with shelter and health care for an entrance fee and monthly payments. In Florida, CCRCs are regulated by the Department of Financial Services, the Agency for Health Care Administration and the Office of Insurance Regulation (OIR); the latter primarily through ch. 651, F.S. The OIR authorizes and monitors a facility's operation as well as determines the facility's financial status and the management capabilities of its managers and owners. The OIR is also empowered to discipline a facility for violations of residents' rights.

This bill clarifies and updates several provisions in ch. 651, F.S., many of which are reflective of current practices in CCRCs. Among its key provisions, the bill:

- Increases allowable provider cancellation processing fees for prospective residents who cancel contracts prior to occupancy;
- Adds new content requirements for annual reports;
- Clarifies that a provider may assess a non-refundable application processing fee;
- Clarifies that the taxes and insurance that must be factored into the escrow account as a debt service reserve pertain to "property";

- Clarifies that if a prospective resident signs a contract but delays moving into the community, he or she is considered to have occupied a unit in the facility when he or she pays an entrance fee, or any portion thereof, and has begun paying a monthly fee. The proposed language also reiterates that such resident has seven days from the date of signing the contract to cancel without financial penalty;
- Adds new requirements for the residents' council regarding providing notice to residents;
- Gives residents the right to receive memos and announcements from the residents' council as well as unrestricted access to the council;
- Increases the availability and distribution of certain information and reports to residents and prospective residents;
- Changes OIR inspections from at least once every three years to at least once every five years for certain accredited providers;
- Requires the Continuing Care Advisory Council to report annually the Council's findings and recommendations concerning continuing care facilities to the Governor and the Commissioner of OIR;
- Requires OIR to disclose to Council members specified information regarding complaints filed with DFS and to notify the Council regarding rule changes and scheduled rule workshops and hearings; and
- Repeals current law regarding provisional certificates issued under prior law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

SB 1264 (ch. 10-9, LOF) - International Banking Corporations
By: Richter
Tied Bills: None
Companion Bills: CS/HB 707
Committee(s) of Reference: Banking and Insurance

The Office of Financial Regulation (OFR) has authority to regulate entities conducting banking or trust business in Florida. An international banking corporation or other foreign institution that engages in banking activities, must be licensed by the OFR before transacting business in Florida. Although an international banking corporation may operate through a variety of business models, each of which must be separately licensed, a particular business model not addressed in Florida Statutes, and thus not subject to OFR regulation, is an "international trust company representative office."

The bill defines an international trust company representative office and provides for its regulation by the OFR. An international trust company representative office will be subject to:
- Licensing and examination;
- Audit and record keeping requirements;
- Injunctions and subpoenas;
- Administrative action and fines; and
- Voluntary and involuntary dissolution.

The bill stipulates that international trust company representative offices will not be authorized to accept deposits or make loans. Activities will be limited to those which are ancillary to the trust

business and of a nonfiduciary nature such as marketing, soliciting business, answering questions, or providing account information.

The bill provides for a $5,000 filing fee and $2,000 annual assessment for an international trust company representative office, which is consistent with the existing requirement for an international representative office or international administrative office.

The bill expands the requirements to conduct financial institution business by an international banking corporation. It provides statutory authority for the OFR to regulate and take action against an international banking corporation based on the activities of its affiliates or subsidiaries.

The bill provides for increases to the minimum capital account requirements for international financial entities.

The bill was approved by the Governor on April 15, 2010, ch. 2010-9, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 1281 (ch. 10-67, LOF) - Loan Origination
By: Insurance, Business & Financial Affairs Policy Committee; Workman
Tied Bills: None
Companion Bills: CS/SB 2548
Committee(s) of Reference: Insurance, Business & Financial Affairs Policy Committee; General Government Policy Council

In 2009, the Legislature passed a bill which brought the state into compliance with the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" or "S.A.F.E. Mortgage Licensing Act of 2008". The S.A.F.E. Act provides for greater accountability and regulation of loan originators and enhances consumer protections. It establishes regulatory requirements for individuals, collectively known as loan originators, rather than businesses. The law provides for a transition from the current licensure system and categories of licensees to a system meeting minimum federal requirements.

The bill defines a loan processor, consistent with the S.A.F.E. Act, as an individual licensed as a loan originator but only performing clerical or support duties. If the individual wishes to work for multiple employers, (s)he must file a "declaration of intent to engage solely in loan processing" with the Office of Financial Regulation.

Because a loan processor may be employed by a company other than a mortgage broker or mortgage lender, the bill provides an exception to Florida Statutes which prohibits the payment of fees or commissions in any mortgage loan transactions to any person or entity other than a licensed or exempt mortgage broker or lender.

The bill provides clarifications as to disclosures provided as part of the good faith estimate process, and requires the borrower acknowledge receipt of the disclosure by signing and dating the document.

The bill removes the requirement that mortgage lenders file a new license application because of a

change of control in the business.

The bill also reenacts s. 494.00255(1)(m), F.S., thereby providing a basis for disciplinary action by the Office of Financial Regulation for violating provisions of the federal Real Estate Settlement Procedures Act, the federal Truth in Lending Act, or any regulations adopted under such acts, regarding mortgage transactions.

The bill was approved by the Governor on May 12, 2010, ch. 2010-67, Laws of Florida. The effective date of this bill is October 1, 2010.

CS/CS/SB 2044 - Insurance
By: General Government Appropriations; Banking and Insurance; Richter
Tied Bills: None
Companion Bills: CS/CS/HB 447; includes part(s) of CS/CS/CS/CS/HB 663; CS/SB 2108, CS/HB 1181; CS/CS/SB 2264; CS/CS/CS/HB 1445; CS/HB 7103; HB 7217; CS/CS/CS/SB 382; CS/SB 1594; CS/CS/SB 2074; HB 1341; HB 1447; CS/CS/SB 648
Committee(s) of Reference: Banking and Insurance; General Government Appropriations

This bill makes numerous changes to insurance laws, primarily property insurance laws. Specifically, the bill makes the following changes:

Florida Hurricane Catastrophe Fund
Exempts medical malpractice insurance from assessments levied by the Florida Hurricane Catastrophe Fund for another three years, until May 31, 2013.

Surplus for Property Insurance Companies to Maintain an Insurance License

- Increases surplus for residential property insurance companies licensed after July 1, 2010 to maintain an insurance license from $4 million to $15 million; and
- Increases surplus for residential property insurance companies licensed before July 1, 2010 to maintain an insurance license from $4 million to $15 million over a ten-year period.

Additional Regulation of Residential Property Insurance Companies by the Office of Insurance Regulation (OIR)
Provides the OIR with additional regulatory authority to require residential property insurance companies to provide financial information to the OIR regarding the insurer's business with affiliates and to provide a risk-based capital plan to the OIR if the insurance company loses more than 15 percent of surplus on any quarterly or annual financial report or cumulatively for the calendar year.

OIR Regulation of Affiliates
Allows domestic property insurance companies to enter into management agreements, service contracts, and cost-sharing arrangements with affiliates only if the insurer gives notice to the OIR and the OIR does not disapprove the agreement, contract, or arrangement within a specified time period.

Managing General Agents
Allows the OIR to examine all managing general agents as if they were the insurer.

Annual Statement Preparation by Insurance Companies
Prohibits any insurer from using the same accountant or partner of an accounting firm to prepare the insurer's audited financial report for more than five consecutive years.

Crop Insurance
Changes how certain crop insurance is included in the calculation of an insurance company's writing ratio.

Exemption from Examination for Customer Representative Licensure
Exempts applicants from the examination required for licensure as a property insurance customer representative if the applicant is designated a Certified Insurance Representative from the National Association of Christian Catastrophe Insurance Adjusters.

Public Adjusters

- Provides specific statements that are deceptive or misleading if the statements are contained in advertising or solicitation of public adjusters such that if a public adjuster uses these statements in advertising or solicitation, the adjuster commits an unfair and deceptive trade practice;
- Requires any written advertisements by public adjusters to contain a specific disclaimer in bold print and capital letters in a specific typeface that identifies the advertisement as a solicitation for business;
- Specifies certain actions a public adjuster and an insurance company must take in residential property and condominium unit owner property insurance claims, primarily relating to inspection of the damaged property, meeting with the policyholder, and notifying the insurance company of the claim;
- Requires continuing education in claims adjusting for public adjuster apprentices;
- Specifies additional contents for public adjuster contracts;
- Adds a fee cap of 20 percent of the claim payment obtained on reopened or supplemental residential and condominium unit owner claims involving public adjusters; and
- Forbids contractors from adjusting property insurance claims but allows contractors to submit bids to the policyholder to repair or replace damaged property.

Timeframe for Filing A Property Insurance Claim

- Requires a notice of an initial, supplemental, or reopened personal lines residential property insurance claim resulting from windstorm or a hurricane event to be filed with the insurance company within three years after the hurricane first made landfall or the windstorm caused the damage which forms the basis of the claim; and
- Precludes the timeframe for filing a property insurance claim from affecting any statute of limitations applying to initial, supplemental, or reopened claims.

Insurance Company Report Card
Requires the Insurance Consumer Advocate to publish a report card each year setting forth a letter grade for each personal residential property insurance company based on valid consumer complaints and other specified information.

OIR Action Relating to Insurance Agent Costs
Prohibits the OIR from directly or indirectly interfering in an insurance company's payment of specified

costs to their insurance agents, acquisition of policyholders, advertisement, or appointment of insurance agents.

Use and File Rate Filing

Extends the prohibition on use of a "use and file" rate filing for one more year, to December 31, 2011 (from December 31, 2010).

Expedited Rate Filing

- Allows more types of costs than under current law to be included in an expedited rate filing – any reinsurance costs, costs for financing products used to replace reinsurance, and an inflation trend factor can be included, rather than only reinsurance costs and costs related to the Florida Hurricane Catastrophe Fund;
- Deletes the current prohibition against including any expense or profit load in costs included in an expedited rate filing;
- Keeps current law limiting the use of an expedited rate filing by an insurance company to once every 12 months;
- Limits the expedited rate filing to increasing premiums a maximum of ten percent per policyholder in a policy year, but allows the premium to increase more than ten percent if the additional increase is due to coverage changes made by the policyholder or due to surcharges on the policy; and
- Requires the OIR to annually publish an inflation trend factor for residential property insurance for use in an expedited rate filing.

Medical Malpractice Insurance Language Repeal

- Repeals obsolete language requiring the OIR to establish a presumed factor for the impact the 2003 medical malpractice law changes would have on medical malpractice insurance and requiring medical malpractice insurance companies to submit a rate filing reflecting a rate decrease at least as great as the presumed factor; and
- Repeals current law requiring the OIR to allow medical malpractice insurance companies to adjust medical malpractice rates if any provision of the 2003 medical malpractice law changes are invalidated by a court.

Actuarial Certification of a Property Insurance Rate Filing

Provides the actuarial certification of an initial property insurance rate filing is not rendered false if the insurance company provides additional or supplementary information to the rate filing at the request of the OIR.

Mitigation Discounts

- Allows debits (i.e. surcharges) for property that is not mitigated;
- Allows a property insurance company to raise its base rates if the company's aggregate amount of mitigation discounts reduces the company's revenue in an amount that exceeds the company's reduction in aggregate loss expected from the mitigation features and includes legislative intent relating to the issue; and
- Repeals the requirement that mitigation discounts be correlated with the uniform home grading scale.

Uniform Mitigation Verification Form (Mitigation Discount Form)

- Allows home inspectors with certain training in hurricane mitigation to sign the mitigation discount form;
- Allows insurance companies to accept a mitigation discount form signed by any person with qualifications and experience acceptable to the insurance company;
- Requires mitigation discount forms to be signed only by those who personally inspect the home for the existence of mitigation features, except contractors are authorized to allow direct employees to inspect a home;
- Prohibits misconduct in completing the mitigation discount form or conducting the inspection and defines misconduct;
- Allows the licensing board of the inspector to discipline the inspector if misconduct occurs;
- Allows discipline of the supervising contractor for the misconduct of a direct employee if a direct employee of a contractor does the inspection;
- Requires any fraud relating to a mitigation discount inspection and the completion of a mitigation discount form to be reported to the Division of Insurance Fraud with immunity from liability given to the person reporting the fraud;
- Requires the Division of Insurance Fraud to issue an investigative report if the Division of Insurance Fraud finds probable cause of intentional mitigation inspection fraud;
- Requires the Division of Insurance Fraud to notify the OIR and the licensing agency of the mitigation inspector if a finding of probable cause of mitigation inspection fraud is made; and
- Allows insurance companies to require mitigation inspection forms be independently verified before accepting the mitigation discount form as valid.

Website for Property Insurance Comparison

- Requires the OIR to implement a website for property owners to compare various information about property insurance companies and property insurance products if an appropriation is given to the OIR for the website; and
- Appropriates $263,200 in nonrecurring funds and $47,500 in recurring funds from the Insurance Regulatory Trust Fund and one FTE to the OIR for the website.

Citizens Property Insurance Corporation (Citizens)

- Changes the name of the "high risk account" in Citizens to the "coastal account";
- Directs the Division of Statutory Revision to prepare a reviser's bill next Session changing the term "high risk account" to "coastal account" to conform with the changes in the bill;
- Requires a Citizens Policyholder Surcharge to be paid upon cancellation, termination, or renewal of an existing Citizens' policy or upon issuance of a new Citizens' policy within 12 months after the surcharge levy or within the period of time needed to fully collect the surcharge;
- Requires Citizens to fully levy the Citizens Policyholder Surcharge before levying a regular assessment;
- Makes members of the Citizens Board of Governors exempt from the conflicting employment or contractual relationship provisions for public officers and agency employees;
- Requires members of the Citizens Board of Governors to abstain from voting on any measure before the Board that would provide the member a gain or loss, would provide the member's principal with a gain or loss, or would provide a family member or business associate of the member a gain or loss. Provides procedures to be followed when a voting abstention occurs; and
- Extends for two years (until December 1, 2012) the time period Citizens has to reduce its 100-

year probable maximum loss or be required to reduce its wind-only coverage area.

Notice of Nonrenewal or Cancellation

- Allows Citizens to give 45 days' notice of nonrenewal , rather than the notice of nonrenewal under current law (generally, 100 days' notice), if the policyholder's property insurance policy issued by Citizens is being assumed by a private insurance company; and
- Allows property insurance companies to give 45 days' notice of nonrenewal or cancellation, rather than the notice of nonrenewal or cancellation under current law (generally, 100 days' notice), if the OIR finds the insurer's policy count needs to be reduced to protect the best interests of the public or policyholders, in part, because of the inadequate financial condition of the insurance company.

Changing Insurance Policy Terms

Allows insurance companies to change the terms of an insurance policy by providing notice to the policyholder of the change of policy terms with the policy renewal notice.

Replacement Cost Coverage

- For partial dwelling losses insured for replacement cost: requires the policyholder to be paid actual cash value up front less the applicable deductible with the remaining amount (up to the replacement cost) paid as the repair/replacement work is done pursuant to a repair contract. Prohibits the policyholder from being required to advance any moneys for repair by the insurance company, the contractor, or the subcontractor, but requires the policyholder to pay any incidental expenses to mitigate further damage to the dwelling. Allows the policyholder one year after actual cash value is paid to make a claim for replacement cost;
- For total dwelling losses insured for replacement cost: requires the policyholder to be paid full replacement cost (i.e., policy limits) up front and does not require the policyholder to rebuild the dwelling to obtain such payment; and
- For partial or total personal property losses insured for replacement cost: maintains current law, meaning the policyholder is paid replacement cost up front whether or not the policyholder repairs or replaces the personal property.

Time Period for Insurance Company to Pay Property Insurance Claims

Clarifies insurance companies must pay or deny an initial or supplemental property insurance claim within 90 days of receipt of notice of the claim and maintains the same exceptions under current law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010, except as otherwise provided.

CS/CS/SB 2176 - Insurance
By: General Government Appropriations; Banking and Insurance; Peaden
Tied Bills: None
Companion Bills: CS/HB 1563; CS/SB 844; includes part(s) of CS/CS/HB 123; CS/CS/CS/SB 212; HB 825; HB 1379; CS/SB 2618; CS/CS/HB 885; SB 1364; CS/CS/SB 2044
Committee(s) of Reference: Banking and Insurance; General Government Appropriations

This bill makes changes to various insurance laws primarily related to commercial lines insurance, risk management or self-insurance for public entities, warranty associations, disability presumption and workers' compensation for law enforcement officers, Medicare supplemental insurance, and annuities. The changes made by the bill are as follows:

Commercial Lines Insurance
Commercial lines insurance (commercial insurance) is insurance designed for and bought by a business to cover certain types of losses sustained by the business. Under current law, rates for commercial insurance must be filed with, reviewed by, and approved by the Office of Insurance Regulation (OIR). The bill excludes the following types of commercial insurance and risks from having to file a rate with the OIR:

- Excess or umbrella insurance;
- Surety insurance;
- Fidelity insurance;
- Boiler and machinery insurance;
- Leakage and fire extinguishing equipment insurance;
- Fleet commercial motor vehicle insurance covering 20 or more vehicles;
- Errors and omissions insurance;
- Directors' and officers', employment practices, and management liability insurance;
- Intellectual property and patent infringement insurance;
- Advertising injury and Internet liability insurance;
- Property risks rated under a highly protected risks rating plan; and
- Other types of commercial insurance determined by the OIR.

Rates for these types of commercial insurance and risks must still not be excessive, inadequate, or unfairly discriminatory as determined by the rate factors and standards in current law. The insurer writing commercial insurance or the rating organization setting the loss cost for commercial insurance covered by the bill must notify the OIR when the company changes a rate or loss cost for the commercial insurance. The OIR can examine the insurance company's records relating to the rate charged and request any information it needs to determine if the rate is excessive, inadequate, or unfairly discriminatory.

Risk Management or Self-Insurance for Public Entities
The bill prohibits an association, fund, or pool created to manage a risk management mechanism or for providing self-insurance for a public entity from requiring its members to give more than a 45-day notice of the member's intention to withdraw from the association, fund, or pool.

Warranty Associations
Chapter 634, F.S., governs the regulation of warranty associations, which are motor vehicle service

agreement companies, home warranty associations and service warranty associations. Motor vehicle service agreements provide vehicle owners with protection when the manufacturer's warranty expires. Home warranty associations indemnify warranty holders against the cost of repairs or replacement of any structural component or appliance in a home. Service warranty contracts for consumer electronics and appliances allow consumers to extend the product protection beyond the manufacturer's warranty terms.

In Florida, warranty associations are regulated by the OIR. The OIR's regulatory authority includes approval of forms, investigation of complaints, and monitoring of reserve requirements, among other duties. However, the OIR is not required to approve rates for warranties.

This bill reduces some regulatory oversight by the OIR over warranty associations while specifying new prohibited acts and adding penalties. Among its key provisions relating to warranty associations and warranty contracts, the bill:

- Exempts motor vehicle service agreements that are sold to persons other than consumers and that cover motor vehicles used for commercial purposes from the Florida Insurance Code;
- Provides unlicensed activity by warranty associations is a first-degree misdemeanor;
- Prohibits false, deceptive or misleading advertising, under certain circumstances;
- Removes requirements to submit warranty service agreements to the OIR for approval;
- Provides the OIR can order a form not to be used if it does not meet specified criteria;
- Switches from quarterly to annual financial reports requirements;
- Makes periodic OIR examinations discretionary, and provides factors to consider in choosing to conduct an examination;
- Provides there is no violation of knowingly overcharging, if the motor vehicle service agreement company refunds the excess premium within 45 days;
- Makes a failure to provide a complete sample copy of the terms and conditions of a service or warranty agreement prior to sale an unfair practice, but provides the terms may be provided online;
- Broadens the definition of home warranty service agreements;
- Allows premium increases in renewal home warranty contracts, if supported by claims history or claims cost data;
- Removes the OIR's ability to require additional regular or special reports from home warranty associations;
- Repeals requirement for home warranty associations and motor vehicle service agreement companies to file rates with the OIR; and
- Requires, by July 1, 2011, all types of warranty contracts sold in Florida to be accompanied by a written disclosure to the consumer that the rate charged for the contract is not subject to regulation by the OIR.

Disability Presumption and Workers' Compensation for Law Enforcement Officers

Current law establishes a presumption for state and local firefighters, law enforcement officers, and correctional officers regarding determinations of employment related disability. The law provides certain diseases (tuberculosis, heart disease, and hypertension) acquired by such firefighters and officers are presumed to have been suffered in the line of duty. This presumption in law has the effect of shifting from the employee to the employer, the burden of proving by competent evidence that the disabling disease resulted from the person's employment.

The bill specifies the presumption also applies to correctional probation officers. The bill provides that a law enforcement officer, correctional officer, or correctional probation officer who suffers from tuberculosis, heart disease, or hypertension and materially departs from the prescribed course of treatment of his or her physician, and the departure is demonstrated to result in an aggravation of his or her condition, loses a specified presumption for claims after July 1, 2010. The bill also specifies claims for benefits must be made prior to or within 180 days of leaving employment for the presumption to apply. These provisions would not apply to state or local firefighters.

The bill also provides a broader interpretation of workers' compensation benefits payable to off-duty deputy sheriffs to include, but not be limited to, providing security, patrol, or traffic direction for a private employer. For purposes of workers' compensation benefits related to off-duty employment, the bill authorizes a sheriff to include the sheriff's proportionate cost of workers' compensation premiums for the off-duty deputy sheriffs providing such off-duty employment.

Medicare Supplemental Insurance

Medicare is health insurance for people 65 years of age and older and for those under age 65 with a disability or End Stage Renal Disease. Under federal law, Medicare beneficiaries age 65 and older, who are also enrolled in Medicare Part B, have a guaranteed right to purchase a Medicare supplemental policy (Medigap insurance) during an open enrollment period. Medigap insurance helps pay some of the health costs not covered by Medicare, including copayments, coinsurance, and deductibles.

The Department of Health and Human Services (HHS) defines the parameters and provides guidelines for standardized Medigap policies. HHS has opined a network arrangement wherein the facility agrees to waive all or a portion of the Medicare Part A in-patient deductible if the facility does not violate standardization provisions. In addition, HHS has opined if products containing such provisions are permitted to be marketed and sold in a state, the waiver of the Part A premium deductible and the premium credit must be factored into the loss ratio calculation and into the policy premium.

The bill allows insurers that offer Medigap insurance policies to enter into agreements with in-patient facility networks that agree to waive the Medicare Part A deductible in whole or in part. The insurer is not required to file a copy of the network agreement with the OIR. Such network agreements are not subject to OIR approval. The bill also provides that premium credits granted to insureds under Medigap insurance policies for using in-network in-patient facilities do not constitute an unfair method of competition or unfair or deceptive trade practice. The waiver of the Medicare Part A deductible and premium credit are required to be factored into the insurer's loss-ratio calculation and policy premium.

Annuities

An annuity is a contract sold by an insurance company designed to provide a stream of payments to the purchaser at specified intervals, typically after retirement. Because these contracts allow retirees protection against outliving their savings, these products have become extremely popular among Florida's increasingly large retirement-aged population.

The Department of Financial Services (DFS) is the state agency responsible for regulating the sale of annuities in Florida. This bill makes several changes in the Florida Insurance Code to enhance penalties for unethical annuity sales practices as well as provide certain consumer protections for seniors who purchase annuity contracts. The bill includes the following provisions:

- Generally prohibits family members of the life insurance agent that sells the policy from being named as beneficiaries;
- Strengthens DFS's ability to deny licensure to agents for specified misconduct;
- Bars issuance of a license to an agent or customer representative who previously had their license revoked due to the solicitation or sale of an insurance product to a senior consumer;
- Generally entitles senior consumers of annuities to a 21-day unconditional refund;
- Requires more favorable annuity contract terms for seniors and requires sales agents to provide seniors with greater disclosures prior to the sale of an annuity contract; and
- Increases the maximum administrative fines for deceptive annuity sales practices towards seniors and gives DFS the authority to order the selling agent to pay restitution to a senior who is harmed by a violation of this section.

Miscellaneous Provisions

- Exempts applicants from the examination required for licensure as a customer representative if the applicant is designated a Certified Insurance Representative from the National Association of Christian Catastrophe Insurance Adjusters; and
- Exempts insurance agents that do not have any active life insurance or annuity contracts from current law requiring any person with a license to solicit or sell life insurance to complete at least three hours in continuing education on the subject of suitability in annuity and life insurance transactions.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2011, except as otherwise provided.

HB 7017 - Pub. Rec./Credit History Information and Credit Scores/OFR
By: Insurance, Business & Financial Affairs Policy Committee; Workman
Tied Bills: None
Companion Bills: SB 1576
Committee(s) of Reference: Economic Development & Community Affairs Policy Council

The bill makes changes to the confidentiality provisions of Part I, ch. 494, F.S. which regulates mortgage brokerage and mortgage lending.

The bill colocates the confidentiality provisions found in Part I, ch. 494, F.S., within a single section of law.

The bill creates a public records exemption for credit history information and credit scores held by the Office of Financial Regulation for licensure purposes under ch. 494, F.S., and pursuant to the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008. It also provides for repeal of the exemption on October 2, 2015, unless reviewed and saved from repeal by the Legislature.

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

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HB 7019 - Trust Funds/Creation/Mortgage Guaranty Trust Fund/Office of Financial Regulation
By: Insurance, Business & Financial Affairs Policy Committee; Workman
Tied Bills: None
Companion Bills: SB 1228
Committee(s) of Reference: Full Appropriations Council on Education & Economic Development

The bill creates the Mortgage Guaranty Trust Fund within the Office of Financial Regulation (OFR). The OFR is the administrator of the trust fund.

Funds credited to the trust fund must be used to pay claims against loan originators, mortgage brokers, and mortgage lenders pursuant to s. 494.00172, F.S.

The trust fund's assets consist of an annual fee imposed on Florida-licensed loan originators, mortgage brokers, and mortgage lenders.

Any balance in the trust fund at the end of the fiscal year shall remain in the trust fund and be available for the payment of claims.

The trust fund shall be terminated on July 1, 2014 pursuant to s. 19(f)(2), Article III of the Florida Constitution. Prior to its termination, the trust fund must be reviewed pursuant to s. 215.3206(1) and (2), F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Government Accountability Act Council

HOUSE OF REPRESENTATIVES

Government Accountability Act Council

Representative Faye Culp, Chair

Representative Kevin Ambler, Vice Chair

2010 SUMMARY OF PASSED LEGISLATION

The Government Accountability Act Council was not first reference on any bill that passed both houses of the Legislature.

Health & Family Services
Policy Council

HOUSE OF REPRESENTATIVES

Health & Family Services Policy Council

Representative Ed Homan, Chair

Representative Matt Hudson, Vice Chair

2010 SUMMARY OF PASSED LEGISLATION

Elder & Family Services Policy Committee

Representative Thomas Anderson, Chair

Representative Esteban Bovo, Jr., Vice Chair

Health Care Regulation Policy Committee

Representative Nicholas Thompson, Chair

Representative Charles Van Zant, Vice Chair

Health Care Services Policy Committee

Representative Paige Kreegel, Chair

Representative Kurt Kelly, Vice Chair

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CS/HB 889 (ch. 10-34, LOF) - Biomedical Research
By: Health & Family Services Policy Council; Adkins and others.
Tied Bills: None
Companion Bills: HB 947; CS/SB 2100
Committee(s) of Reference: Health & Family Services Policy Council

CS/HB 889 deletes outdated or obsolete language relating to the following biomedical research provisions:

- Center for Health Technologies;
- Florida Biomedical and Social Research Act;
- Cervical Cancer Elimination Task Force; and
- The Florida Cancer Council.

The Center for Health Technologies is currently inactive. The Florida Biomedical and Social Research Act became obsolete when s. 381.86, F.S., the Institutional Review Board, was enacted by the Legislature in order to comply with federal law and achieved a similar purpose to that of the Florida Biomedical and Social Research Act. The Cervical Cancer Elimination Task Force statutorily sunset on June 30, 2008. Finally, the Florida Cancer Council was never funded and is currently inactive.

Repealing these provisions will not affect the funding to any existing programs.

The bill appears to have no fiscal impact on state or local government.

The bill was approved by the Governor on May 7, 2010, ch. 2010-34, Laws of Florida. The effective date of this bill is July 1, 2010.

Elder & Family Services Policy Committee

CS/HB 91 (ch. 10-31, LOF) - Adult Protective Services
By: Elder & Family Services Policy Committee; Wood
Tied Bills: None
Companion Bills: CS/SB 336
Committee(s) of Reference: Elder & Family Services Policy Committee; Public Safety & Domestic Security Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

CS/HB 91 changes several definitions used in ch. 415, F.S., relating to adult protective services. The bill replaces the terms "disabled adult" and "elderly persons" with the term "vulnerable adult," and adds "sensory" to the term "vulnerable adult." The bill creates a definition for "activities of daily living" that conforms the phrase with its use in Part II of ch. 429, F.S., relating to adult family-care homes.

The bill provides that the central abuse hotline must transfer to the appropriate county sheriff's office reports of known or suspected abuse of a vulnerable adult involving a person other than a relative, caregiver, or household member. This change aligns the abuse of vulnerable adult reporting requirements with the abuse of children reporting requirements.

The bill authorizes the Department of Children & Families (Department), upon a good faith belief that a vulnerable adult lacks the capacity, to file a petition to determine capacity in emergency and nonemergency adult protective proceedings, pursuant to s. 744.3201, F.S. A copy of a petition for appointment of a guardian or emergency temporary guardian can be filed along with a petition to determine capacity. The bill prohibits the Department from serving as guardian or providing legal counsel to the guardian once such petition has been filed.

The bill provides the Department with access to records of the Department of Highway Safety & Motor Vehicles for use in conducting protective investigations.

The bill has no impact on state or local government.

The bill was approved by the Governor on May 7, 2010, ch. 2010-31, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/CS/HB 945 - Automated External Defibrillators in Assisted Living Facilities
By: Health Care Appropriations Committee; Elder & Family Services Policy Committee; Anderson
Tied Bills: None
Companion Bills: CS/CS/SB 2008
Committee(s) of Reference: Elder & Family Services Policy Committee; Health Care Appropriations Committee

An assisted living facility (ALF) is a residential establishment for adults that provides housing, meals, and one or more personal services relating to the activities of daily living. Activities of daily living include: ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks.

Automated external defibrillators (AEDs) are computerized devices that are used by healthcare providers and by lay rescuers to revive victims who are thought to be in cardiac arrest.

The bill amends s. 429.255, F.S., effective July 1, 2011, to provide that an ALF with 17 or more beds must have on the premises at all times a functioning AED. The bill encourages the location of the AED to be registered with the medical director of the local emergency medical service.

The bill directs that facility staff may withdraw or withhold the use of an AED if presented with an order not to resuscitate in the same manner as they can now withdraw or withhold cardiopulmonary resuscitation. The civil immunity provisions of the Cardiac Arrest Survival Act and the Good Samaritan Act will apply to both the ALF and the facility staff.

The bill provides that the Department of Elder Affairs may adopt rules relating to the use of an automated external defibrillator in an ALF.

The bill provides an appropriation of $11,200 in nonrecurring revenue and $22,447 in recurring revenue in FY 2010-2011 and $113,030 in recurring revenue in FY 2011-2012 from the General Revenue Fund to the Agency for Health Care Administration for two Health Facility Evaluators (two FTEs) to implement the provisions of the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Health Care Regulation Policy Committee

CS/CS/HJR 37 - Health Care Services
By: Rules & Calendar Council; Health Care Regulation Policy Committee; Plakon and others
Tied Bills: None
Companion Bills: CS/SJR 72
Committee(s) of Reference: Health Care Regulation Policy Committee; Rules & Calendar Council

CS/CS/HJR 37 proposes to amend Section 28 of Article I of the Florida Constitution. The joint resolution prohibits any person, employer, or health care provider from being compelled to participate in any health care system. The joint resolution authorizes any person or employer to pay directly for health care services and provides that persons or employers shall not incur a penalty or fine for direct payment. The joint resolution authorizes a health care provider to accept direct payment and prohibits penalties and fines for providers accepting direct payment.

The joint resolution permits reasonable regulation but bans any law or rule which prohibits private health insurance sales or purchases.

Nothing in the joint resolution will affect:

- Which health care services a provider is required to perform;
- Which health care services are permitted by law;
- Worker's compensation care as provided by general law;
- Laws or rules in effect as of March 1, 2010;
- Negotiated provisions in any insurance contract, network agreement, or other provider agreement contractually limiting co-payments, coinsurance, deductibles, or other patient charges; and
- Any general law passed by a two-thirds vote of the membership of each house, provided that the law states with specificity the public necessity justifying the exemption.

The joint resolution provides definitions and usage of its terms and includes a ballot summary.

The joint resolution was approved by three-fifths vote of the membership of each house; thus it will be presented to the electors of Florida at the November 2, 2010 general election. Approval requires a favorable vote from 60 percent or more of the electors voting on the measure.

The joint resolution has a negative, non-recurring fiscal impact on state government of $90,800. The Department of State must expend funds to meet constitutional publishing requirements for the proposed constitutional amendment.

If approved by the voters, the joint resolution would take effect January 4, 2011.

CS/HB 295 (ch. 10-28, LOF) - Food Service Inspections of Domestic Violence Centers and Group Care Homes
By: Health Care Regulation Policy Committee; Hukill and others
Tied Bills: None
Companion Bills: CS/CS/SB 532
Committee(s) of Reference: Health Care Regulation Policy Committee; Health & Family Services Policy Council

CS/HB 295 requires food inspection services and regulation performed by the Department of Health (Department) to treat all certified domestic violence centers and group care homes as having five or fewer residents, without regard to the actual number of residents in each facility. The Department uses a tier system based on the number of residents to determine the level of regulation and inspection required for any community-based residential facility that provides food preparation facilities to its residents. Certified domestic violence centers and group care facilities will be subject to the lowest threshold of food service regulation and inspection requirements – Tier One.

The bill provides an exemption for certified domestic violence centers from the definition of "food service establishment" in s. 381.0072(1)(b), F.S. This exemption clarifies that certified domestic violence centers are not subject to the Department's tier-based food inspection regulatory scheme. The exemption does not include certified domestic violence centers that prepare and serve meals to their residents.

The bill has an insignificant positive fiscal impact, as the Department would perform fewer quarterly inspections and sanitation certifications.

The bill was approved by the Governor on April 27, 2010, ch. 2010-28, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 491 - Teaching Nursing Homes
By: Health Care Regulation Policy Committee; Bogdanoff and others
Tied Bills: None
Companion Bills: CS/CS/SB 816
Committee(s) of Reference: Health Care Regulation Policy Committee; Health & Family Services Policy Council

A teaching nursing home is a comprehensive multidisciplinary program of geriatric education and research in a nursing home facility. Presently, only one facility, the Miami Jewish Home and Hospital for the Aged at Douglas Gardens, is designated a teaching nursing home.

CS/HB 491 revises the requirements for becoming a teaching nursing home, which increases the number of facilities eligible for the designation. Under the revised requirements, the Miami Jewish Home and Hospital for the Aged at Douglas Gardens will remain eligible. Presently, Joseph L. Morse Geriatric Center, Inc., (MorseLife) in Palm Beach County, River Garden Hebrew Home for the Aged in Jacksonville, and Indian River Center in West Melbourne may also meet the requirements of the bill. In the future, other nursing homes may become eligible.

The bill will have no fiscal impact on state government.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/HB 573 (ch. 10-55, LOF) - Physician Assistants
By: Health Care Regulation Policy Committee; Kreegel
Tied Bills: None
Companion Bills: SB 1456
Committee(s) of Reference: Health Care Regulation Policy Committee; Health & Family Services Policy Council

CS/HB 573 deletes the requirement that a physician assistant have at least three months of clinical experience in the specialty of the supervising physician. A licensed physician assistant will be allowed to practice and prescribe medication immediately upon the establishment of a supervisory relationship with a physician.

The bill authorizes the Department of Health to accept physician assistant licensure applications and supporting documentation electronically.

The bill has no fiscal impact on state or local government.

The bill was approved by the Governor on May 12, 2010, ch. 2010-55, Laws of Florida. The effective date of this bill is July 1, 2010.

CS/HB 729 - Practice of Tattooing
By: Health Care Regulation Policy Committee; Brandenburg
Tied Bills: None
Companion Bills: CS/SB 942
Committee(s) of Reference: Health Care Regulation Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

CS/HB 729 creates regulatory requirements for the licensure of tattoo artists, tattoo establishments, temporary tattoo establishments and registration of guest tattoo artists. The bill specifies that a person may not tattoo the body of a human being in this state except in a licensed tattoo establishment and the person performing the tattooing must be licensed as a tattoo artist or registered as a guest tattoo artist. The bill specifies that persons and entities seeking licensure or registration must apply to the Department of Health (Department) and meet eligibility requirements.

The bill exempts licensed medical doctors, doctors of osteopathic medicine, and dentists who perform tattooing exclusively for medical or dental purposes from having to be licensed as a tattoo artist.

The bill specifies that a person may not tattoo a child younger than 16 years of age unless the procedure is performed for medical or dental purposes. A minor child over the age of 16 may receive a tattoo if:

- The minor is accompanied by a parent or legal guardian;
- The minor provides proof of identity in the form of a government issued photo identification;
- The parent or legal guardian provides proof that he/she is the parent or legal guardian of the minor;
- The parent submits notarized consent; and
- The tattooing is performed by a tattoo artist, guest tattoo artist, medical doctor, doctor of osteopathic medicine, or dentist.

The bill exempts a person from criminal prosecution if a minor falsely presents himself or herself as being 18 years of age, the artist checks identification, and a reasonable person of average intelligence would believe the minor is at least 18 years of age.

The bill specifies that these provisions do not preempt any local law or ordinance of a county or municipality that imposes regulations on tattoo establishments, temporary establishments, tattoo artists, or the practice of tattooing.

The bill appears to have a significant fiscal impact; however, the expenditures incurred will be offset by the revenues earned in annual licensure and registration fees. Approximately 10 percent of the estimated expenditures incurred by the Department will be incurred by the central office and are administrative in nature. The remaining expenditures will be incurred by the county health departments for regulatory purposes.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2012.

CS/CS/CS/SB 742 - Public Safety Telecommunicators/E911
By: Health and Human Services Appropriations; Community Affairs; Health Regulation; Detert
Tied Bills: None
Companion Bills: CS/CS/HB 355
Committee(s) of Reference: Health Regulation; Community Affairs; Health and Human Services Appropriations

CS/CS/CS/SB 742 creates a mandatory certification program, effective October 1, 2012, for 911 public safety telecommunicators, whose job duties include answering, receiving, and transferring 911 calls, or dispatching emergency services throughout the state. The bill provides for education and training standards, continuing education, discipline, fees and rulemaking authority.

After October 1, 2012, individuals seeking certification must complete a 232-hour training program approved by the Department of Education, and pass an examination administered by the Department of Health. The bill creates several exceptions to these requirements:

- Persons employed as 911 public safety telecommunicators, sworn state-certified law enforcement officers or state-certified firefighters before April 1, 2012, who pass the examination, are not required to complete the training program.
- Trainees who work under the direct supervision of a certified dispatcher and are enrolled in a public safety telecommunication may be employed by a public safety agency, without certification, for no more than 12 months.
- Individuals with three years of full-time employment as 911 public safety telecommunicators since 2002 may qualify for certification without completing an approved training program and passing an examination; however, this exemption expires October 1, 2012.

The bill requires all certified 911 public safety telecommunicators to complete 20 hours of additional training for biannual certification renewal. The Department of Health may waive the 911 public safety telecommunicator certification requirements when the Governor declares a state of emergency pursuant to s. 252.36, F.S.

The bill may require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill is not a prohibited local mandate because it applies to all persons similarly situated (including the state) and includes a statement of public interest pursuant to s. 18 of art. VII of the Florida Constitution. The bill will have an indeterminate negative fiscal impact on local governments.

The bill authorizes the Department of Health to charge fees for certification, certification renewal, examination, and training program approval, which must be deposited into the Emergency Medical Services Trust Fund. The bill authorizes the use of funds in the Emergency Communications Number E911 System Fund to cover dispatching functions and the certification and renewal fees for 911 public safety telecommunicators. According to the Department of Management Services, the bill will have a negative fiscal impact on that Fund. The fiscal impact to other state agencies is indeterminate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 1050 - Ephedrine or Related Compounds/Sale
By: Judiciary; Criminal Justice; Baker and others
Tied Bills: None
Companion Bills: CS/CS/HB 1071
Committee(s) of Reference: Criminal Justice; Health Regulation; Judiciary; Criminal and Civil Justice Appropriations

CS/CS/HB 1071 limits access to "ephedrine or related compounds" used in the manufacturing of methamphetamine.

The bill specifies that a person may not knowingly obtain or deliver in any retail over-the-counter sale a nonprescription compound, mixture, or preparation that contains in excess of:

- In any single day, 3.6 grams of ephedrine or related compounds;
- In any single sale, three packages (regardless of weight) that contain ephedrine or related compounds; or
- In any 30-day period, 9 grams of ephedrine or related compounds.

A violation of these provisions is a second degree misdemeanor, escalating to a first degree misdemeanor and a third degree felony for second and third offenses respectively.

The bill requires the Department of Law Enforcement (Department) to contract or enter into a memorandum of understanding with a private third party administrator to implement an electronic recordkeeping system (electronic logbook). The bill requires retailers and pharmacies to adopt an electronic logbook to track and report in real time non-prescription transactions of ephedrine and related compounds, and block sales that exceed the legal limit. Pharmacies and retailers may request exemptions from electronic reporting if they lack the technology to access the electronic logbook and sell less than 72 grams of ephedrine or related compounds in a 30-day period.

Currently there are electronic recordkeeping systems available at no cost to users (i.e., state law enforcement agencies, retailers, or pharmacies). One such electronic recordkeeping system ("MethCheck") is offered by Apriss. This system is part of the National Precursor Log Exchange. MethCheck is paid for by manufacturers of products containing ephedrine and is managed by the National Association of Drug Diversion Investigators.

The bill prohibits any entity that collects point of sale information from accessing or using the information, except for law enforcement purposes pursuant to state or federal law or to facilitate a product recall for public health and safety. The bill provides immunity from civil liability to individuals who release information concerning such transactions in good faith.

According to the Department, workload impact to provide access to the electronic logbook will be managed within existing resources. On February 23, 2010, the Criminal Justice Impact Conference met and concluded that the bill will have an insignificant impact on prison beds.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/CS/HB 1143 - Health Care
By: Health & Family Services Policy Council; Health Care Appropriations Committee; Health Care Regulation Policy Committee; Hudson
Tied Bills: None
Companion Bills: CS/CS/SB 2434
Committee(s) of Reference: Health Care Regulation Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

CS/CS/CS/HB 1143 amends the Health Care Licensing Procedures Act and the various authorizing statutes of entities regulated by the Agency for Health Care Administration (Agency) to reduce, streamline, and clarify regulations for those providers.

- The bill eliminates the Limited Nursing Services specialty license for assisted living facilities (ALFs) to allow a licensed nurse to provide such services in a standard licensed ALF. The bill replaces the requirement to monitor specialty license facilities with a requirement to monitor all ALFs based upon citation of serious violations and allows a fee to be charged for monitoring visits. The bill modifies Agency consultation duties related to ALFs, and requires the adoption of rules for data submission by ALFs related to the numbers of residents receiving mental health or nursing services, resident funding sources, and staffing;
- The bill precludes the collection of Lease Alternative Bond Fund (Fund) payments by certain nursing homes when the Fund exceeds $25 million based on certain calculations;
- The bill limits the frequency of food safety inspections by the Department of Health and fire safety inspections by the State Fire Marshal for nursing homes, and expands the ability of nursing homes to provide respite services and provides criteria for the provision of such services;
- The bill amends the Health Care Clinic Act to exempt from licensure entities owned by a corporation generating more than $250 million in annual sales and which have at least one owner who is a health care practitioner, and entities owned or controlled, directly or indirectly, by a publically traded entity with $100 million or more in total annual revenues derived from providing health care services by employed or contracted health care practitioners;
- The bill amends various licensure provisions, including those related to bankruptcy notifications, licensure renewal notices, billing complaints, accrediting organizations, licensure application document submissions, staffing in geriatric outpatient clinics, medical records, property statements, AHCA inspection staff, litigation notices, and health care clinic licensure exemptions; and
- The bill repeals obsolete or duplicative provisions in licensing and related statutes, including expired reports and regulations and provisions that exist in other sections of law. The bill resolves conflicts among and between provisions in the Health Care Licensing Procedures Act and various authorizing statutes for individual provider types. The bill also makes various revisions to update terminology and conforms current law to prior legislative changes.

The bill exempts sealed medical convenience kits meeting certain specifications from pedigree paper requirements.

The bill adds orthotic, pedorthic and prosthetic licensees to the list of “health care providers” for purposes of medical malpractice lawsuits.

The bill requires an ultrasound prior to an abortion to determine gestational age. Ultrasounds are currently required for second and third trimester abortions. The bill requires abortion providers to allow the patient to view the live ultrasound images, and contemporaneously review and explain the images to her, prior to obtaining informed consent to the procedure. The patient may decline to view the images, and must document that decision and the lack of any undue influence on a form. Providers are not required to offer the patient the opportunity to view the ultrasound if she presents documentation of rape, incest, domestic violence, human trafficking, or risk of impairment of a major bodily function.

The bill establishes a state policy that a person may not be compelled by federal, state or local governments to purchase health insurance or services. The bill makes exceptions for voluntary participation in a public benefit and working in an occupation having a risk of injury or illness. The bill expresses support for the Attorney General's litigation asserting the unconstitutionality of the recently-enacted federal health care reform law, the Patient Protection and Affordable Care Act, P.L. 111-148.

Pursuant to federal authority provided in P.L. 111-148, the bill prohibits coverage for abortions purchased with state or federal funds through a state exchange created pursuant to that law.

The bill will have an annual positive fiscal impact on the Agency in the amount of $55,700 for the discontinuation of certified mail service to deliver licensure renewal notices, and up to $1,264,448 ($486,307 General Revenue) annually in Medicaid expenditures for nursing home lease bond payments. The bill will save nursing home providers up to $4.2 million annually by providing relief from lease bond fund requirements if adequate fund receipts exist.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/CS/SB 2272 - Controlled Substances
By: Criminal Justice; Health Regulation; Health Regulation; Fasano; Gardiner
Tied Bills: None
Companion Bills: CS/CS/HB 225; includes parts of HB 1499
Committee(s) of Reference: Health Regulation; Criminal Justice

SB 2272 increases the regulation of pain management clinics, and physicians who practice in them, by the Department of Health (Department). It requires the prescription drug monitoring program to report additional information to law enforcement.

SB 2272 increases regulation of pain management clinics:

- The Department may access patient records without patient consent or a subpoena, under certain conditions.
- The Department may not register a pain clinic that is not either owned by physicians or licensed as a health care clinic under ch. 400.
- The Department must deny or revoke registration of a clinic owned by, or with any contractual or employment relationship with, a physician:
    - Whose DEA number has ever been revoked;
    - Whose application for a license to prescribe a controlled substance has been denied by any jurisdiction; or

    - Who has been convicted of, or has entered a plea of guilty of or pled nolo contendere to, a felony for receipt of illicit and diverted drugs, in any jurisdiction.
- Pain clinics must designate a physician who will be responsible for complying with all statutory requirements. The bill provides additional licensure violations for designated physicians who fail to ensure compliance.
- The Department must annually inspect registered pain clinics to ensure they comply with the law and applicable rules, except those with certain accreditation.
- The bill creates new bases for disciplinary action, including revocation, and makes revocation mandatory under certain circumstances. If registration is revoked, persons named in the registration documents may not apply again for 5 years.

SB 2272 also creates exemptions from registration as a pain clinic, if:

- It is a hospital, ambulatory surgical center, or mobile surgical center;
- The majority of the physicians who provide services in the clinic primarily provide surgical services;
- It is owned by a publicly held corporation whose total quarterly assets exceed $50 million;
- It is affiliated with an accredited medical school;
- It does not prescribe or dispense controlled substances for the treatment of pain; or
- It is owned by a charitable organization.

SB 2272 increases regulation of physicians practicing in registered pain management clinics:

- Physicians may not dispense more than a 72-hour supply of controlled substances to patients paying with cash, checks or credit cards, with some exceptions.
- Physicians may not advertise or promote the use, sale or dispensing of a controlled substance.
- Effective July 1, 2012, the physician must have successfully completed a pain medicine fellowship or an accredited pain medicine residency, or be recognized as a specialist in pain medicine by an organization approved by the relevant licensure board.
- To dispense a controlled substance, the physician must perform a physical examination of a patient on the same day, and must document the reason for prescribing more than a 72-hour supply.
- The physician must maintain control of his or her prescription blanks, comply with requirements for counterfeit-resistant blanks, and notify the Department within 24 hours of any theft or loss of a prescription blank.
- The Department must also adopt rules defining what constitutes “practice” by physicians and designated physicians in pain clinics.
- The medical boards must set the maximum number of prescriptions for certain controlled substances which may be written at any one pain clinic during any 24-hour period.
- The bill creates new bases for disciplinary actions against physicians.

SB 2272 creates criminal penalties:

- A 3rd degree felony to knowingly operate, own, or manage an unregistered pain clinic.
- A 1st degree misdemeanor to knowingly prescribe or dispense, or cause to be prescribed or dispensed, controlled substances in an unregistered pain clinic.
- A 3rd degree felony to dispense more than a 72-hour supply of a controlled substance in a registered pain clinic.

SB 2272 narrows the public records exemption for records contained in the prescription drug database required by ch. 2009-198 LOF, but which is yet to be created. The prescription drug monitoring program is required to report otherwise confidential and exempt information directly to law enforcement agencies to investigate whether violations have occurred regarding certain controlled substances.

The bill provides the Department rule-making authority to implement its provisions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2010.

Health Care Services Policy Committee

CS/HB 315 (ch. 10-6, LOF) - Adoption
By: Health Care Services Policy Committee; Horner and others
Tied Bills: None
Companion Bills: CS/SB 530
Committee(s) of Reference: Health Care Services Policy Committee; Health & Family Services Policy Council

The bill amends ch. 63, F.S., making changes relating to adoption, firearms, and ammunition. Specifically, the bill:

- Prohibits an adoption agency or entity, whether public or private, from making adoption suitability determinations based on the lawful possession, storage, or use of a firearm or ammunition;
- Prohibits an adoption agency or entity from requiring the adoptive parent or prospective adoptive parent to disclose such firearm and ammunition information;
- Restricts the adoption agency or entity from restricting the lawful possession, storage, or use of a firearm or ammunition as a condition for a person to adopt;
- Requires, as a condition of licensure, that child placing agencies comply with statutory requirements relating to the regulation of firearms and increases the Department of Children and Families' (Department) authority to deny, suspend or revoke a license of a child placing agency based on failure to comply with these sections of law; and
- Requires the Department to adopt a form on which prospective adoptive parents will acknowledge the receipt of verbatim statutory language relating to the safe storage of firearms.

The bill was approved by the Governor on April 6, 2010, ch. 2010-6, Laws of Florida. The bill became effective on April 6, 2010.

CS/CS/CS/SB 694 - Child Support
By: General Government Appropriations; Judiciary; Children, Families, and Elder Affairs; Storms
Tied Bills: None
Companion Bills: CS/HB 7083
Committee(s) of Reference: Children, Families, and Elder Affairs; Judiciary; General Government Appropriations; Rules

This bill makes several administrative and technical improvements to the Child Support Enforcement program administered by the Department of Revenue (Department). Specifically, the bill includes key changes as follows:

- Restores authority for Clerk of Courts to process payments for private child support cases;
- Authorizes the Department to collect non-covered medical expenses by installments and gives the Department access to health records received by the Agency for Health Care Administration;
- Authorizes the Department to claim as program income, un-cashed checks of less than $1 or closed case balances of less than $1;
- Permits the Department to use written declarations attesting to the income of a noncooperative parent receiving public assistance;
- Clarifies terms used in statute regarding administrative establishment of child support orders;
- Assists the Department in establishing paternity by directing the Office of Vital Statistics to amend a child's birth certificate based on a marriage license application under oath or on a final judgment of dissolution of marriage;
- Removes requirement for the Department to seek a federal waiver to serve individuals who are owed support without need of an application unless the waiver is cost-effective to the state;
- Removes requirement for the Department to reduce the retroactive support obligation when parties agree on terms;
- Conforms requirements related to electronic filing of documents until the Department's Child Support Automated Management System is completed;
- Provides direction to the Department in conducting support order reviews for orders entered by the circuit court, including methods of notification to parties, and requires source and amount of income to be included on financial affidavits submitted to the court;
- Permits the court to modify support orders without a hearing, subsequent to a review, when a request for hearing or objection is not timely filed.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

CS/SB 962 - Driver License Records
By: Transportation; Storms
Tied Bills: None
Companion Bills: CS/HB 479
Committee(s) of Reference: Transportation; Children, Families, and Elder Affairs; Health and Human Services Appropriations

The bill amends s. 322.142, F.S., to permit, pursuant to an interagency agreement, a specified number of Department of Children and Families (DCF) employees to access the Department of Highway Safety and Motor Vehicles (DHSMV) database to conduct adult protective service investigations under ch. 415, F.S. Access to this system should assist investigators in the positive identification of victims and responsible persons who are subjects in investigations of abuse, neglect, or exploitation and provide quick access to the location of such persons, including vulnerable adults.

The bill will also permit, pursuant to an interagency agreement, a specified number of DCF employees to access the DHSMV database to verify the identity of public assistance applicants in order to expedite eligibility determinations and for use in public assistance fraud investigations. The effect of the proposed changes will lessen the time it takes to determine eligibility and reduce benefit errors as a result of incorrect or fraudulent applicant identification.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 1306 - Public Assistance
By: Children, Families, and Elder Affairs; Storms
Tied Bills: None
Companion Bills: HB 1293
Committee(s) of Reference: Children, Families, and Elder Affairs; Health and Human Services Appropriations

The bill makes revisions to law relating to the food stamp program and WAGES Program to conform to current federal and state law. The bill replaces all references in statute to either "food stamp" or "food stamp program," with either "Supplemental Nutrition Assistance Program" or "food assistance." The bill also replaces all references in statute to either "WAGES" or "WAGES Program" with either "temporary cash assistance" or "Temporary Cash Assistance Program."

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Policy Council

HOUSE OF REPRESENTATIVES

Policy Council

Representative Marcelo Llorente, Chair

Representative John Legg, Vice Chair

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CS/SB 318 - Wildlife Regulation
By: General Government Appropriations; Environmental Preservation and Conservation; Sobel; Constantine
Tied Bills: None
Companion Bills: CS/CS/HB 709
Committee(s) of Reference: General Government Appropriations; Environmental Preservation and Conservation

The bill bans the possession of certain types of reptiles, including any kind of reptile designated as a reptile of concern (ROC) by the Florida Fish and Wildlife Conservation Commission (FWCC). The bill prohibits any person, party, firm, association, or corporation from keeping, possessing, importing into the state, selling, bartering, trading, or breeding these reptiles for personal use or for sale for personal use.

The bill provides an exception for any person, party, firm, association, or corporation currently licensed or licensed prior to July 1, 2010, to continue to possess the reptile for the remainder of its life. If a person, party, firm, association, or corporation holds a permit issued before July 1, 2010, and the reptile remains alive following the death or dissolution of the licensee, the reptile may be legally transferred to another entity that holds a permit. This prohibition does not apply to traveling wildlife exhibitors licensed or registered under the U.S. Animal Welfare Act or to zoological facilities that are licensed by the FWCC or are exempted from the licensure requirement.

This bill requires authorization by the FWCC for any person, party, firm, corporation, or association to sell in the state any wild animal life designated by FWCC rule as a conditional or prohibited species, Class I or Class II wildlife, ROC or venomous reptile. Authorization is also required for a sale with delivery made in this state, regardless of the origin of the sale or the location of the initial transaction.

This bill establishes a minimum mandatory fine of $100 for 2nd degree misdemeanor (Level Two) violations of the ROC and venomous reptile law and FWCC rules or orders pertaining to species that are designated conditional and prohibited. Animals subject to the violation must also be surrendered to FWCC.

In addition, this bill establishes civil penalties for those who have been convicted of violations dealing with illegal importation of wildlife, ROCs and venomous reptiles, and the licensing requirements for commercial and personal use. This bill also expands the $10,000 bond or $2 million comprehensive general liability insurance requirement for those exhibiting Class I wildlife to anyone possessing Class I wildlife.

The bill requires FWCC to annually report to the Legislature which species are listed as reptiles of concern, conditional, and prohibited.

The bill also requires FWCC, by December 31, 2010, to evaluate adding additional species, such as iguanas, to the list of reptiles of concern.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 1730 - Biodiesel Fuel
By: Higher Education; Oelrich
Tied Bills: None
Companion Bills: HB 1065
Committee(s) of Reference: Higher Education; Finance and Tax; Policy and Steering Committee on Ways and Means

CS/SB 1730 creates a fuel tax exemption for biodiesel fuel manufactured by a public or private secondary school that produces less than 1,000 gallons annually, when it is produced for the sole use at the school, by its employees, or its students.

The bill also exempts a public or private secondary school that manufactures less than 1,000 gallons of biodiesel fuel annually from requirements for fuel registration with the Department of Revenue.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

Rules & Calendar Council

HOUSE OF REPRESENTATIVES

Rules & Calendar Council

Representative Bill Galvano, Chair

Representative Ellyn Setnor Bogdanoff, Vice Chair

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SB 1784 (ch. 10-5, LOF) - Florida Statutes 313

SCR 10 - Balanced Federal Budget
By: Atwater and others
Tied Bills: None
Companion Bills: HCR 8001
Committee(s) of Reference: Judiciary

SCR 10 makes application under Article V of the United States Constitution, for Congress to call a convention for the purpose of proposing amendments to the Constitution to achieve and maintain a balanced federal budget and to control the ability of the Congress and the various federal executive agencies to require states to expend funds. The Resolution supersedes all previous memorials applying to Congress to call a convention. The Resolution provides for its own retroactive nullification "if it is used to amend the Constitution for any purpose other than the two stated in the Resolution."

The concurrent resolution was passed April 21, 2010 and is not subject to the Governor's veto powers. The concurrent resolution will be sent to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the presiding officers of each house of the several state legislatures.

CS/HM 191 - Ecumenical Patriarchate
By: Rules & Calendar Council; Nehr and others
Tied Bills: None
Companion Bills: SM 314
Committee(s) of Reference: Rules & Calendar Council; Policy Council

House Memorial 191 urges the U.S. Congress to encourage the government of Turkey to end policies negatively affecting the Ecumenical Patriarchate, which is the spiritual center of the Eastern Orthodox Christian Church and is located in Istanbul. In particular, the memorial urges Congress to encourage the Turkish government to:

- Uphold and safeguard religious and human rights without compromise;
- Cease its discrimination against the Ecumenical Patriarchate;
- Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities; and
- Respect the property rights and human rights of the Ecumenical Patriarchate.

The memorial is not subject to the Governor's veto powers.

SB 1780 (ch. 10-3, LOF) - Official Florida Statutes
By: Villalobos
Tied Bills: None
Companion Bills: HB 7067
Committee(s) of Reference: Rules

SB 1780 was drafted by the Division of Statutory Revision of the Office of Legislative Services to prospectively adopt the Florida Statutes 2010 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S., and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The 2010 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2009 Regular Session together with corrections, changes, and amendments to and repeals of provisions of 2009 Florida Statutes enacted in additional Reviser's bill(s) by the 2010 Legislature. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2009, which thus serve as the best evidence of the law.

Legislation passed in the December 2009 Special Session and the 2010 Regular Session, which will have occurred since the publication of the 2009 edition, is not adopted as the official statutory law of the state, and serves as prima facie evidence of the law until it is adopted in 2011.

The bill was approved by the Governor on March 31, 2010, ch. 2010-3, Laws of Florida. The effective date of this bill is 60 days after sine die.

SB 1782 (ch. 10-4, LOF) - Florida Statutes
By: Villalobos
Tied Bills: None
Companion Bills: HB 7065
Committee(s) of Reference: Rules

SB 1782 deletes statutory provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect. Such provisions may be omitted from publication in the 2010 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

The bill was approved by the Governor on April 7, 2010, ch. 2010-4, Laws of Florida. The effective date of this bill is 60 days after sine die.

SB 1784 (ch. 10-5, LOF) - Florida Statutes
By: Villalobos
Tied Bills: None
Companion Bills: HB 7063
Committee(s) of Reference: Rules

SB 1784 is a general reviser's bill of technical nature that deletes expired or obsolete language; corrects cross-references and grammatical errors; removes inconsistencies, redundancies, and unnecessary repetition in the statutes; improves the clarity of the statutes and facilitates their correct interpretation; and confirms the restoration of provisions unintentionally omitted from republication in the Legislature's acts during the amendatory process.

The bill was approved by the Governor on March 31, 2010, ch. 2010-5, Laws of Florida. The effective date of this bill is 60 days after sine die.

Select Committee on Seminole Indian Compact Review

HOUSE OF REPRESENTATIVES

Select Committee on Seminole Indian Compact Review

Representative Bill Galvano, Chair

Representative Sandra Adams, Vice Chair

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CS/SB 622 - Gaming
By: Regulated Industries; Jones
Tied Bills: None
Companion Bills: HB 7001; HB 7221; HB 749
Committee(s) of Reference: Regulated Industries

This bill addresses gaming in two major ways:

Seminole Tribal Compact

- It ratifies the Compact executed between the Governor and the Seminole Tribe of Florida (the Tribe) on April 7, 2010, and requires the Governor to cooperate with the Tribe in seeking approval of the ratified Compact by the Secretary of the United States Department of Interior. It also amends the Governor's authority to negotiate future tribal gaming compacts, as well as the procedures for transmitting such documents to the Legislature.

Pari-Mutuels

- It changes the effective date of specific pari-mutuel provisions that were enacted in the 2009 Regular Session but which have not yet taken effect; it makes those provisions effective July 1, 2010.

The Ratified Compact (Compact)

Covered Games

The Compact grants the Tribe the right to offer Class III slots (Vegas-style slots) at their facilities in Broward and the exclusive right to offer Class III slots at their tribal facilities outside Broward and Miami-Dade. The Tribe would also have the exclusive right to offer banked card games at five of its seven tribal facilities, specifically its three facilities in Broward County, its facility in Collier County, and its facility in Hillsborough County. The tribe would receive the right to offer banked card games at its remaining facilities if the State authorizes banked card games for any person for any purpose, except for another federally-recognized tribe that has land in federal trust as of February 1, 2010. Additionally, the Tribe is granted the right to offer raffles and drawings and any new game authorized by Florida law for any person for any purpose.

Term of the Compact

The Compact grants the Tribe the right to operate slot machines for 20 years and the right to operate banked card games at its facilities in Broward, Collier, and Hillsborough Counties for the first 5 years of the Compact. If the Legislature does not affirmatively renew the banked card games, the Tribe must cease operating banked card games within 90 days of the expiration of the five-year term. If the Tribe does not cease operations, the State is entitled to seek immediate injunctive relief in court.

Tribal Payments

The Compact provides that the Tribe agrees to make payments to the State from the Tribe's net win in consideration of the substantial exclusivity accorded to the Tribe by the State. Net win is defined in the Compact to mean the "total receipts from the play of all covered games less all prize payouts and free play or promotional credits issued by the Tribe." The following chart displays the applicable revenue sharing payments that are to be made by the Tribe to the State:

Revenue Sharing Payments to the State					
Initial Period (First 24 Months After Compact's Effective Date)		1st Revenue Cycle	2nd Revenue Cycle	3rd Revenue Cycle	4th through 18th Revenue Cycles
Year 1	Year 2	Year 3	Year 4	Year 5	Years 6 through 20
Guaranteed Minimum $ 150 M		Guaranteed Minimums $ 233 M		Guaranteed Minimum $ 234 M	No Guaranteed Minimums
		The Guaranteed Minimum Amounts apply unless the percentages below would yield a greater amount			Revenue Share for these cycles are calculated using % amounts below
		12 percent of net win up to $2 B			
		15 percent of the net win over $2 B up to and including $3 B			
		17.5 percent of the net win over $3 B up to and including $3.5 B			
		20 percent of the net win over $3.5 B up to and including $4 B			
		22.5 percent of the net win over $4 B up to and including $4.5 B			
		25 percent of the net win over $4.5 B			

The Compact also provides that the State shall be reimbursed for the cost of regulation in an amount not to exceed a $250,000 annual oversight assessment. Additionally, it requires the Tribe to contribute $250,000 per facility per year to the Florida Council on Compulsive Gambling.

Finally, the Compact requires the Tribe to continue making payments to the State prior to the Compact taking effect so long as the Tribe continues operating Class III gaming and provides that moneys paid by the Tribe prior to the Compact going into effect are released by the Tribe without further obligation or encumbrance.

The Compact does not designate where revenue sharing is to be deposited; however, the bill directs their deposit into the General Revenue Fund (GR). The Compact specifies that 3 percent of the Tribe's revenue share payment to the State is to offset impacts to local government as provided by the Legislature. In accordance with the ratified Compact, the bill details a schedule for the distribution of 3 percent of the revenue share payment from GR to local government. Under the local government revenue sharing schedule, the proportionate revenue share contributed by each tribal facility is to be distributed to local government as indicated in the following chart:

Broward County	Other Specified Counties
Seminole Indian Casino at Hollywood 15 % Broward County 65 % City of Hollywood 10 % City of Dania Beach 10 % Town of Davie	Seminole Indian Casino at Brighton 100 % Glades County
Seminole Indian Casino at Hollywood 15 % Broward County 65 % City of Hollywood 10 % City of Dania Beach 10 % Town of Davie	Seminole Indian Casino at Immokalee 100 % Collier County
Seminole Indian Casino at Coconut Creek 7.5 % Broward County 65 % City of Coconut Creek 15 % City of Coral Springs 10 % City of Margate 2.5 % City of Parkland	Seminole Indian Casino at Big Cypress 100 % Hendry County
	Seminole Hard Rock Hotel & Casino at Tampa 100 % Hillsborough County

Exclusivity & Reduction of Revenue Sharing

Under the Compact, the tribal exclusivity is considered breached and tribal revenue sharing ceases if Florida law is amended or interpreted to authorize Class III gaming or "other casino style games" not in operation on February 1, 2010. The phrase "other casino style games" is defined to include slot machines, electronically assisted bingo or electronically assisted pull tab games, table games, and VLTs or similar games.

Under the Compact, if the discontinuance of revenue share provisions is triggered by legislative act or constitutional amendment (i.e., new gaming is authorized) then revenue sharing will cease when the newly authorized gaming begins. If the discontinuance of revenue share provisions are triggered by judicial ruling or administrative act and the new gaming begins, the Tribe will continue to make payments into an escrow account. The Legislature will have 12 months to act to remedy the breach of exclusivity. If the gaming is stopped or the Legislature makes the activity illegal, the moneys will be released to the State. If the Legislature fails to act or the gaming continues beyond 12 months, then the moneys will be released to the Tribe.

The Compact further provides exceptions that would not be considered a breach of exclusivity and, therefore, would not result in a complete discontinuance in revenue sharing. These exceptions include the operation of the following games or activities:

- Slot machines at the eight presently operating licensed pari-mutuel facilities in Broward and Miami-Dade Counties provided the licenses are not transferred or moved to operate slot machines at another location;

- Pari-mutuel wagering activities at pari-mutuel facilities licensed by the State;
- Poker, including no-limit poker, at card rooms licensed by the State;
- Lottery games of the type authorized by law and operated by the Florida Department of Lottery (DOL) as of February 1, 2010, excluding any:
    - Player-activated or operated machines or devices *other* than up to a maximum of 10 electronic lottery vending machines at any one facility which dispense:
        - Instant paper tickets (i.e., scratch-offs);
        - Paper tickets where the winner is selected at a later drawing conducted by DOL; or
        - Electronic instant tickets where a winning ticket is selected by touch screen; however, electronic instant ticket machines may not be installed at licensed pari-mutuel facilities.
    - Banked or banking card or table games.
- Games authorized by ch. 849, F.S., as of February 1, 2010, which would include bingo, penny ante poker, dominoes, et cetera;
- A combined total of not more than 350 restricted Historic Racing Machines and restricted Electronic Bingo Machines, as authorized by law, at each pari-mutuel facility licensed as of February 1, 2010, except for pari-mutuel facilities in Broward County or Miami-Dade County; or
- Class III games authorized by a State compact with another federally-recognized tribe with land in federal trust in Florida as of February 1, 2010.

Therefore, additional exceptions in the Compact that would not trigger a complete discontinuance or cessation of revenue sharing but could have the effect of reducing revenue sharing payments.

Authorization of the following gaming activities could reduce revenue sharing payments under certain conditions:

- Authorization of Class III or other "casino style games" (except slots) at the eight presently operating licensed pari-mutuel facilities in Broward and Miami-Dade Counties would entitle the Broward Tribal facilities to reduce their payments by an amount equal to 50 percent of any decline in their revenues. In addition, the Tribe would no longer be subject to paying the guaranteed minimums, but instead would make payments in accordance with the percentage revenue sharing schedule.
- Authorization by law or constitutional amendment of any new Class III or other casino style games at a facility in Broward or Miami-Dade Counties—other than at any of the eight presently operating licensed pari-mutuel facilities in those counties—would trigger a cessation of the revenue share derived from the Broward tribal facilities. The Tribe would also be released from making the guaranteed minimum payments; however, they would still be obligated to make payments based on the percentage revenue sharing schedule and the net win generated from the Tribe's facilities outside of Broward.
- Authorization of Internet/online gaming by the State would relieve the Tribe from making the guaranteed minimum payments if the Tribe's net win declines more than 5 percent. However, the Tribe would still be required to make payments based on the percentage revenue sharing schedule. Also, the Tribe would not be relieved from paying the guaranteed minimums if the Tribe itself engages in Internet gaming or the decline in Tribal net win is actually due to acts of God, war, terrorism, fires, floods or accidents causing damage to or destruction of one or more of the Tribe's facilities.

State Oversight and Independent Audits
Under the Compact, regulatory responsibility belongs to the Tribe; however, the State has an oversight role to ensure compliance with the Compact's terms. The Tribe is responsible for ensuring that facilities and covered games are operated in compliance with the Seminole Tribal Gaming Code, the rules, regulations, procedures, specifications and standards adopted by the National Indian Gaming Commission, and the Compact. The bill statutorily designates the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation as the state agency to carry out oversight responsibilities. The Compact authorizes the State to conduct a random inspection each month which shall not last for more than two days or 10 hours, except when substantial noncompliance is discovered, and additional time is deemed necessary by the Department. There is an annual cap of 1200 on-site hours for all random inspections and audits across all facilities. Although the Department may have access to the public areas without notice, the Department must notify the Seminole Tribe Gaming Commission at the commencement of an inspection, and at least one-hour notice is required when the inspection will include non-public areas of the facility. Additionally, the State may secure an annual independent audit of the operation of covered games and the revenues connected with covered games.

Patron Disputes and Waiver of Immunity in Tort
Under the Compact, all patron disputes related to covered games will be handled pursuant to tribal policies in the Seminole Tribal Gaming Code. Workers' Compensation claims are handled in accordance with the Tribe's Worker's Compensation Ordinance.

A patron who is injured in a facility where covered games are played must provide written notice to the Tribe of the claim. The Tribe has 30 days to respond and begin to resolve the claim. If the Tribe does not respond, the patron may seek relief in any court of competent jurisdiction. If the Tribe does respond, they have a year to resolve the claim. After one year the patron may seek relief in any court of competent jurisdiction. Patron tort claims are subject to a 4-year statute of limitations, but the patron must give notice to the Tribe within 3 years of the incident or the claim is barred.

In the Compact, the Tribe waives its sovereign immunity for tort claims in the same levels waived by the State: up to a $100,000 per person and $200,000 per occurrence. The Tribe must maintain insurance coverage sufficient to pay covered claims made by patrons up to the immunity waiver limits. Patron claims against the Tribe or its subordinate governmental or economic units or agents must be made solely against the Tribe as the only party in interest.

State/Tribal Dispute Resolution
The Compact provides that if either party believes the other has breached the terms of the Compact or a dispute otherwise arises, the party asserting noncompliance or seeking an interpretation shall notify the other party in writing. The State and the Tribe shall meet within 30 days of such notice to attempt to resolve any dispute. If the matter is not resolved, the parties must seek resolution through mediation; however, the duration of the mediation is limited to no more than 60 calendar days, unless the parties negotiate an extension. If there is no resolution after mediation, the parties may seek relief in federal court. If the federal court declines to exercise jurisdiction or if precedent exists that denies a federal court jurisdiction over the matter, the parties may seek relief in state circuit court in Broward County.

The Tribe waives its sovereign immunity from suit under the Compact, but the waiver does not extend to any third party who is joined or intervenes. If a third party's participation would result in the waiver

of sovereign immunity as to that third party, the Tribe may revoke its waiver of sovereign immunity entirely.

Amendment of the Compact or Tribal Rules & Regulations
The Compact states that any amendment of the Compact must be by "written agreement of the parties" subject to approval of the Secretary of the Interior; furthermore, any amendment that alters the provisions relating to the covered games, the amount of revenue payments, the suspension or reduction of revenue payments, or the exclusivity of gaming operations must be ratified by the Florida Legislature.

Miscellaneous
The Compact requires the Tribe to maintain a minimum payout of 85 percent per facility for slot machines. The Tribe must also provide non-smoking gaming areas at all facilities within five years. The Tribe must also maintain its programs related to prevent problem gaming, drunk driving and underage drinking.

The Pari-mutuel Provisions

The bill changes the effective date of certain pari-mutuel provisions that were enacted in the 2009 Extended Regular Session. The legislation made those provisions effective only if a Seminole gaming Compact was negotiated in accordance with the legislation, was ratified by the Legislature, and then approved at the federal level. Since those contingent events never occurred, the pari-mutuel provisions have not taken effect yet. The bill specifies July 1, 2010, as the date for them to take effect and removes the contingencies related to the approval of a gaming Compact.

The major pari-mutuel provisions enacted in the 2009 Extended Regular Session contained in ch. 2009-170, Laws of Florida, which this bill makes effective July 1, 2010, include:

- Reducing the tax rate on slot machine revenue from 50 percent to 35 percent but requiring the payment of tax revenue in an amount no less than the amount collected in FY 2008-2009;
- Gradually reducing the slot machine annual license fee from $3 million to $2 million;
- Allowing for slot machines to be linked using a progressive system;
- Providing that the payout percentage of a slot machine facility shall be no less than 85 percent;
- Authorizing Class III slot machines in a county that has had a referendum approving slots or has a referendum approving slots that was approved by law or the Constitution provided that such facility has conducted two years of racing and complies with other requirements for slot licensure;
- Providing that an initial cardroom license shall not be issued unless the permitholder has a facility and has begun racing;
- Allowing for the conduct of no limit poker in cardrooms;
- Extending the hours of cardroom operation from 12 hours per day to 18 hours per day Monday through Friday and 24 hours per day Saturday and Sunday.
- Gradually increasing the number of performances that comprise a full schedule of live racing for quarter horses;
- Allowing quarter horse permitholders to run thoroughbred races up to 50 percent of the time;
- Authorizing a quarter horse permit to convert to a limited thoroughbred permit;
- Restricting quarter horse permit holders to a 35-mile lease restriction;
  Authorizing a jai alai permit to convert to a greyhound permit if certain requirements are satisfied;

- Streamlining regulatory procedures for the pari-mutuel industry by:
    - Changing the term “year” to FY instead of calendar year;
    - Requiring monthly payment of taxes instead of weekly payments beginning on July 1, 2012;
    - Providing a consistent definition of the term “conviction” for purposes of licensure;
    - Providing flexibility for occupational license renewal and fees;
    - Providing enhanced fingerprint regulations;
    - Expanding the current cruelty to animal prohibitions; and
    - Providing for greater flexibility in the payment of breeders’ and stallion awards.

Subject to the Governor’s veto powers, the effective date of this bill is April 28, 2010.

Select Policy Council on Strategic & Economic Planning

HOUSE OF REPRESENTATIVES

Select Policy Council on Strategic & Economic Planning

Representative Dean Cannon, Chair

Representative Denise Grimsley, Vice Chair

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SB 2284 - Legislature
By: Negron
Tied Bills: None
Companion Bills: HB 7227
Committee(s) of Reference: Reapportionment

This bill provides that the 2012 Regular Session of the Legislature will convene on January 10, 2012. The next regular apportionment would occur in 2012. Traditionally, the Legislature fixes an early start date for the regular session in apportionment years—years in which the Legislature redistricts Florida's state legislative and congressional district boundary lines.

For example, ch. 2001-128, Laws of Florida, provided that the 2002 Regular Session convene on January 22, 2002. ch. 91-90, Laws of Florida, provided that the 1992 Regular Session convene on January 14, 1992.

The Legislature advances the commencement of session in apportionment years in order that the redistricting plans can be timely submitted to and reviewed by the Florida Supreme Court and the United States Department of Justice, in adequate time prior to qualifying for state and federal offices in June 2012.

The bill will help reduce the possibility of voter confusion in the 2012 election cycle. The bill does not have a fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

HJR 7231 - Standards for Establishing Legislative and Congressional District Boundaries
By: Select Policy Council on Strategic & Economic Planning; Hukill
Tied Bills: None
Companion Bills: CS/CS/SJR 2288
Committee(s) of Reference: Rules & Calendar Council

Summary
The Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the United States Census, to apportion state legislative districts (redistricting). The United States Constitution requires the reapportionment of the United States House of Representatives every ten years, which includes the distribution of the House's 435 seats between the states and the equalization of population between districts within each state.

Two citizen initiatives, related to redistricting, have already secured placement on the 2010 General Election ballot. Amendments 5 and 6, promoted by FairDistrictsFlorida.org, would add standards for state legislative and congressional redistricting to the Florida Constitution. Those standards include a prohibition against intending to favor or disfavor incumbents or political parties, protections for minority voters, compactness, adherence to political and geographical boundary lines, and others.

However, Amendments 5 and 6 do not provide definition or instructions for most of the proposed new standards, which may have the effect of restricting the range of redistricting choices available under the federal Voting Rights Act (VRA). Furthermore, the amalgamation of standards in Amendments 5 and 6 is such that they are conflicting and appear to be mutually exclusive.

The proposed joint resolution would create a new Section 20 to Article III of the Florida Constitution. The new section would add new state constitutional standards for establishing legislative and congressional district boundaries. The proposed standards in the joint resolution would complement the proposed standards in Amendments 5 and 6 and provide for a balancing of the various constitutional redistricting standards.

Background on federal Voting Rights Act

The VRA protects minority communities in which a single minority group is a majority of the community (minority-minority districts). Additionally, Section 5 of the VRA also gives special protection to minorities in five Florida counties, based on very specific evidence of past voting requirements that disfavored minorities (poll taxes, literacy tests, etc.). In those cases, the courts would interpret the VRA to mandate that secondary criteria like compactness and political and geographical boundaries cannot supersede the protections provided in federal law for minority-majority districts and Section 5 counties.

However, federal law also allows states to create districts that give minorities the opportunity to elect a candidate of their choice, even though the minority community is less than a majority of the district (minority access districts), but only if no other state standard exists that would impede the creation of that district. Therefore, the courts have interpreted the VRA to mean that where other state standards exist, those state standards can be read as a priority over minority access districts. In regards to Amendments 5 and 6, standards like compactness and political and geographical boundaries could prohibit what is a purely discretionary authority, the creation of a minority access district.

For Florida, minority access districts have been a fundamental building block over the last 18 years to increase opportunities for minorities to be elected. For example, two of Florida's three African-American congressional districts are minority access districts, and none of the three districts existed for the 125 years prior to the current redistricting practices. Additionally, five of the seven African-American state senate districts are minority access districts. In all, the establishment of minority access districts has doubled African-American and Hispanic representation in the Florida Legislature and in Florida's Congressional delegation since 1992.

For the courts, an essential ingredient to establishing a legally valid minority access district is "communities of interest." The courts have accepted the creation of minority access districts when states marry that goal with the creation of districts that preserve other identifiable communities of interest. These communities of interest allow the Legislature to expand allowances for race beyond the minimum obligations of the VRA. In other words, communities of interest allow the Legislature to justify a minority district for non-racial reasons, so that the state can avoid a claim that it engaged in race-based redistricting, which would violate federal law.

Amendments 5 and 6 do not address "communities of interest." Therefore, minority access districts cannot be protected by the language contained in Amendments 5 and 6, because by their very nature nothing can conflict with something that is purely a matter of discretion. Furthermore, creating such districts without observing other standards in the state constitution, therefore for purely race-based reasons, would violate federal law.

Impacts of Legislation

First, HJR 7231 would require that the state apply federal requirements in its balancing and implementing of the redistricting standards in the Florida Constitution. Second, both the equal opportunity of racial and language minorities to participate in the political process and communities of interest are established as standards that may not be subordinated by any other standard in the Florida Constitution. Finally, the joint resolution asserts that districts and plans are valid if the standards in the Florida Constitution were balanced and implemented rationally and consistent with federal law.

As a result, the joint resolution ensures that communities of interest may be utilized to maximize the Legislature's discretion to preserve and enhance minority voting rights to the greatest extent permissible under the U.S. Constitution. The joint resolution also makes Amendments 5 and 6 workable by explaining that the Legislature must balance and implement the standards as a whole. Lastly, the joint resolution clarifies the standard of review that the court must use to assess the validity of the Legislature's plans.

Upon approval of 60 percent of the voters at the 2010 general election, this amendment to the constitution will take effect January 4, 2011.

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SB 570	HB 7243	General Government Policy Council
HB 573	HB 573	Health & Family Services Policy Council
HB 603	SB 1058	Education Policy Council
HB 609	SB 488	Economic Development & Community Affairs Policy Council
HB 615	HB 615	Criminal & Civil Justice Policy Council
HB 617	SB 550	General Government Policy Council
SB 618	HB 7093	Economic Development & Community Affairs Policy Council
SB 622	SB 622	Select Committee on Seminole Indian Compact Review
HB 629	HB 663	General Government Policy Council
HB 629	SB 1136	General Government Policy Council
HB 631	HB 631	Economic Development & Community Affairs Policy Council
HB 631	HB 971	Economic Development & Community Affairs Policy Council
HB 637	SB 1752	Economic Development & Community Affairs Policy Council
SB 642	HB 467	Education Policy Council
HB 643	HB 5	Economic Development & Community Affairs Policy Council
HB 643	HB 321	Economic Development & Community Affairs Policy Council

Bills	Passed As /In	Council
SB 644	SB 644	Economic Development & Community Affairs Policy Council
HB 645	SB 1166	Economic Development & Community Affairs Policy Council
SB 648	SB 1196	Criminal & Civil Justice Policy Council
SB 648	SB 846	Economic Development & Community Affairs Policy Council
SB 648	HB 663	General Government Policy Council
SB 648	SB 2044	General Government Policy Council
HB 651	SB 1158	Full Appropriations Council on Education & Economic Development
HB 659	SB 550	General Government Policy Council
HB 661	HB 661	General Government Policy Council
HB 663	SB 1196	Criminal & Civil Justice Policy Council
HB 663	SB 846	Economic Development & Community Affairs Policy Council
HB 663	HB 663	General Government Policy Council
HB 663	SB 2044	General Government Policy Council
SB 688	HB 393	Economic Development & Community Affairs Policy Council
HB 689	HB 689	Criminal & Civil Justice Policy Council
HB 691	SB 982	General Government Policy Council
SB 694	SB 694	Health & Family Services Policy Council
HB 697	SB 1752	Economic Development & Community Affairs Policy Council
HB 701	SB 1964	Criminal & Civil Justice Policy Council
SB 704	SB 704	Criminal & Civil Justice Policy Council
HB 707	SB 1264	General Government Policy Council
HB 709	SB 318	Policy Council
HB 711	SB 1752	Economic Development & Community Affairs Policy Council
SB 712	HB 437	Criminal & Civil Justice Policy Council
HB 713	HB 7129	Economic Development & Community Affairs Policy Council
HB 713	HB 713	General Government Policy Council
HB 713	HB 663	General Government Policy Council
HB 723	HB 723	Education Policy Council
HB 727	SB 550	General Government Policy Council
HB 729	HB 729	Health & Family Services Policy Council
HB 731	HB 731	Criminal & Civil Justice Policy Council
SB 736	HB 351	Economic Development & Community Affairs Policy Council
SB 742	SB 742	Health & Family Services Policy Council
HB 747	HB 747	Education Policy Council
HB 749	SB 622	Select Committee on Seminole Indian Compact Review
HB 751	HB 751	General Government Policy Council
HB 753	SB 550	General Government Policy Council

Bills	Passed As /In	Council
HB 765	HB 765	General Government Policy Council
SB 768	SB 768	Criminal & Civil Justice Policy Council
HB 773	SB 550	General Government Policy Council
SB 776	HB 1271	Economic Development & Community Affairs Policy Council
SB 776	SB 550	General Government Policy Council
HB 787	HB 787	Criminal & Civil Justice Policy Council
SB 792	HB 631	Economic Development & Community Affairs Policy Council
HB 795	HB 795	Economic Development & Community Affairs Policy Council
SB 808	SB 808	Criminal & Civil Justice Policy Council
HB 813	SB 1012	Criminal & Civil Justice Policy Council
SB 814	SB 814	General Government Policy Council
SB 816	HB 491	Health & Family Services Policy Council
HB 821	HB 821	General Government Policy Council
HB 825	SB 2176	General Government Policy Council
HB 827	HB 5	Economic Development & Community Affairs Policy Council
HB 827	HB 321	Economic Development & Community Affairs Policy Council
HB 829	SB 1004	Economic Development & Community Affairs Policy Council
SB 832	HB 663	General Government Policy Council
SB 838	HB 5201	Full Appropriations Council on Education & Economic Development
HB 839	HB 5	Economic Development & Community Affairs Policy Council
HB 839	HB 321	Economic Development & Community Affairs Policy Council
SB 840	SB 1196	Criminal & Civil Justice Policy Council
HB 841	HB 5	Economic Development & Community Affairs Policy Council
SB 842	HB 263	Economic Development & Community Affairs Policy Council
HB 843	HB 843	Economic Development & Community Affairs Policy Council
SB 844	SB 2176	General Government Policy Council
SB 846	SB 846	Economic Development & Community Affairs Policy Council
SB 846	HB 663	General Government Policy Council
SB 850	SB 850	General Government Policy Council
HB 851	HB 851	Criminal & Civil Justice Policy Council
SB 860	HB 317	Criminal & Civil Justice Policy Council
SB 868	HB 5	Economic Development & Community Affairs Policy Council
HB 869	HB 131	Economic Development & Community Affairs Policy Council
HB 869	HB 1207	Economic Development & Community Affairs Policy Council
SB 870	HB 525	Criminal & Civil Justice Policy Council
SB 872	HB 1271	Economic Development & Community Affairs Policy Council
SB 874	HB 615	Criminal & Civil Justice Policy Council

Bills	Passed As /In	Council
SB 880	HB 131	Economic Development & Community Affairs Policy Council
SB 880	HB 1207	Economic Development & Community Affairs Policy Council
SB 882	HB 7123	Economic Development & Community Affairs Policy Council
SB 884	HB 7165	Economic Development & Community Affairs Policy Council
HB 885	HB 885	General Government Policy Council
HB 885	SB 2176	General Government Policy Council
SB 886	HB 7091	Economic Development & Community Affairs Policy Council
SB 888	HB 7111	Economic Development & Community Affairs Policy Council
HB 889	HB 889	Health & Family Services Policy Council
SB 896	HB 747	Education Policy Council
SB 900	HB 131	Economic Development & Community Affairs Policy Council
HB 907	HB 907	Criminal & Civil Justice Policy Council
HB 913	SB 1752	Economic Development & Community Affairs Policy Council
SB 920	HB 7113	Economic Development & Community Affairs Policy Council
SB 926	SB 926	General Government Policy Council
HB 927	HB 927	Criminal & Civil Justice Policy Council
SB 942	HB 729	Health & Family Services Policy Council
SB 944	SB 944	Economic Development & Community Affairs Policy Council
HB 945	HB 945	Health & Family Services Policy Council
HB 947	HB 889	Health & Family Services Policy Council
HB 949	SB 1460	General Government Policy Council
HB 951	HB 951	Criminal & Civil Justice Policy Council
HB 951	SB 1974	Criminal & Civil Justice Policy Council
HB 951	HB 7069	Criminal & Civil Justice Policy Council
HB 959	SB 1196	Criminal & Civil Justice Policy Council
HB 959	HB 663	General Government Policy Council
SB 960	HB 1005	Criminal & Civil Justice Policy Council
SB 960	HB 7035	Criminal & Civil Justice Policy Council
SB 962	SB 962	Health & Family Services Policy Council
HB 963	HB 963	Economic Development & Community Affairs Policy Council
HB 965	HB 965	Economic Development & Community Affairs Policy Council
HB 969	HB 1389	Economic Development & Community Affairs Policy Council
HB 969	HB 969	Full Appropriations Council on Education & Economic Development
HB 971	HB 971	Economic Development & Community Affairs Policy Council
HB 971	HB 631	Economic Development & Community Affairs Policy Council
SB 978	HB 289	Economic Development & Community Affairs Policy Council
HB 981	HB 981	General Government Policy Council

Bills	Passed As /In	Council
SB 982	SB 982	General Government Policy Council
HB 983	SB 1752	Economic Development & Community Affairs Policy Council
HB 985	HB 985	Criminal & Civil Justice Policy Council
SB 998	SB 998	Criminal & Civil Justice Policy Council
HB 1003	HB 1003	Economic Development & Community Affairs Policy Council
HB 1003	HB 1003	General Government Policy Council
SB 1004	SB 1004	Economic Development & Community Affairs Policy Council
HB 1005	HB 1005	Criminal & Civil Justice Policy Council
HB 1005	HB 7035	Criminal & Civil Justice Policy Council
HB 1009	SB 2126	Finance & Tax Council
SB 1012	SB 1012	Criminal & Civil Justice Policy Council
HB 1013	HB 1013	General Government Policy Council
HB 1017	SB 46	Criminal & Civil Justice Policy Council
HB 1019	HB 131	Economic Development & Community Affairs Policy Council
SB 1022	HB 341	Education Policy Council
SB 1026	HB 5	Economic Development & Community Affairs Policy Council
SB 1026	HB 321	Economic Development & Community Affairs Policy Council
HB 1033	HB 5	Economic Development & Community Affairs Policy Council
HB 1035	HB 1035	General Government Policy Council
HB 1035	HB 663	General Government Policy Council
HB 1043	HB 289	Economic Development & Community Affairs Policy Council
SB 1050	SB 1050	Health & Family Services Policy Council
SB 1052	HB 569	General Government Policy Council
SB 1054	HB 551	Economic Development & Community Affairs Policy Council
SB 1056	HB 1157	Economic Development & Community Affairs Policy Council
SB 1058	SB 1058	Education Policy Council
HB 1059	HB 1059	Economic Development & Community Affairs Policy Council
SB 1060	HB 521	Education Policy Council
HB 1061	SB 434	Education Policy Council
HB 1065	SB 1730	Policy Council
SB 1068	HB 33	Criminal & Civil Justice Policy Council
HB 1071	SB 1050	Health & Family Services Policy Council
SB 1072	HB 7131	Criminal & Civil Justice Policy Council
HB 1073	HB 1073	Education Policy Council
SB 1074	HB 663	General Government Policy Council
HB 1075	SB 1612	Economic Development & Community Affairs Policy Council
SB 1078	HB 1307	Economic Development & Community Affairs Policy Council

Bills	Passed As /In	Council
SB 1096	HB 105	Education Policy Council
HB 1107	SB 2060	Criminal & Civil Justice Policy Council
SB 1108	HB 449	Criminal & Civil Justice Policy Council
HB 1109	SB 550	General Government Policy Council
HB 1113	HB 5	Economic Development & Community Affairs Policy Council
HB 1113	SB 2054	Economic Development & Community Affairs Policy Council
SB 1114	HB 821	General Government Policy Council
SB 1118	SB 1118	General Government Policy Council
SB 1126	SB 550	General Government Policy Council
SB 1136	HB 663	General Government Policy Council
SB 1136	SB 1136	General Government Policy Council
SB 1138	HB 399	Economic Development & Community Affairs Policy Council
HB 1143	HB 1143	Health & Family Services Policy Council
HB 1143	HB 5311	Full Appropriations Council on Education & Economic Development
HB 1145	HB 1145	General Government Policy Council
SB 1148	HB 1363	Education Policy Council
SB 1150	SB 1150	General Government Policy Council
SB 1152	SB 1152	General Government Policy Council
HB 1155	SB 50	Criminal & Civil Justice Policy Council
HB 1157	HB 1157	Economic Development & Community Affairs Policy Council
SB 1158	SB 1158	Full Appropriations Council on Education & Economic Development
SB 1166	SB 1166	Economic Development & Community Affairs Policy Council
SB 1172	HB 663	General Government Policy Council
SB 1172	HB 1035	General Government Policy Council
HB 1177	SB 550	General Government Policy Council
SB 1178	SB 1178	Finance & Tax Council
HB 1181	SB 2044	General Government Policy Council
SB 1182	HB 631	Economic Development & Community Affairs Policy Council
HB 1193	HB 1193	Economic Development & Community Affairs Policy Council
SB 1194	HB 907	Criminal & Civil Justice Policy Council
HB 1195	HB 5	Economic Development & Community Affairs Policy Council
SB 1196	SB 1196	Criminal & Civil Justice Policy Council
SB 1196	HB 663	General Government Policy Council
HB 1197	HB 1237	Criminal & Civil Justice Policy Council
SB 1198	HB 7115	Economic Development & Community Affairs Policy Council
HB 1199	SB 1896	Economic Development & Community Affairs Policy Council
SB 1200	HB 7087	Economic Development & Community Affairs Policy Council

Bills	Passed As /In	Council
SB 1202	HB 163	General Government Policy Council
HB 1203	SB 2014	Education Policy Council
HB 1207	HB 1207	Economic Development & Community Affairs Policy Council
HB 1207	HB 131	Economic Development & Community Affairs Policy Council
SB 1208	HB 351	Economic Development & Community Affairs Policy Council
SB 1224	HB 689	Criminal & Civil Justice Policy Council
HB 1225	SB 550	General Government Policy Council
SB 1226	SB 550	General Government Policy Council
SB 1228	HB 7019	General Government Policy Council
HB 1229	SB 1752	Economic Development & Community Affairs Policy Council
HB 1237	HB 1237	Criminal & Civil Justice Policy Council
HB 1239	SB 1118	General Government Policy Council
HB 1243	HB 5201	Full Appropriations Council on Education & Economic Development
HB 1253	HB 1253	General Government Policy Council
SB 1264	SB 1264	General Government Policy Council
SB 1266	HB 5	Economic Development & Community Affairs Policy Council
SB 1270	SB 1196	Criminal & Civil Justice Policy Council
SB 1270	HB 663	General Government Policy Council
HB 1271	HB 1271	Economic Development & Community Affairs Policy Council
HB 1271	SB 550	General Government Policy Council
HB 1279	HB 1279	Economic Development & Community Affairs Policy Council
HB 1281	HB 1281	General Government Policy Council
SB 1284	HB 119	Criminal & Civil Justice Policy Council
HB 1291	HB 1291	Criminal & Civil Justice Policy Council
HB 1293	SB 1306	Health & Family Services Policy Council
HB 1297	SB 2470	Economic Development & Community Affairs Policy Council
HB 1301	HB 1301	Economic Development & Community Affairs Policy Council
HB 1303	SB 30	Criminal & Civil Justice Policy Council
SB 1304	HB 1271	Economic Development & Community Affairs Policy Council
SB 1306	SB 1306	Health & Family Services Policy Council
HB 1307	HB 1307	Economic Development & Community Affairs Policy Council
SB 1314	HB 119	Criminal & Civil Justice Policy Council
HB 1317	SB 1196	Criminal & Civil Justice Policy Council
HB 1317	HB 663	General Government Policy Council
SB 1330	HB 663	General Government Policy Council
SB 1330	HB 713	General Government Policy Council
HB 1331	SB 1842	Economic Development & Community Affairs Policy Council

Bills	Passed As /In	Council
SB 1332	HB 751	General Government Policy Council
HB 1337	HB 1337	Education Policy Council
SB 1338	SB 550	General Government Policy Council
HB 1341	SB 2044	General Government Policy Council
SB 1344	HB 5201	Full Appropriations Council on Education & Economic Development
HB 1345	HB 1307	Economic Development & Community Affairs Policy Council
SB 1354	HB 523	Economic Development & Community Affairs Policy Council
HB 1363	HB 1363	Education Policy Council
SB 1364	HB 885	General Government Policy Council
SB 1366	HB 731	Criminal & Civil Justice Policy Council
HB 1377	HB 1377	General Government Policy Council
HB 1379	SB 2176	General Government Policy Council
HB 1385	HB 1385	General Government Policy Council
HB 1389	HB 1389	Economic Development & Community Affairs Policy Council
SB 1400	HB 7069	Criminal & Civil Justice Policy Council
SB 1400	HB 5401	Full Appropriations Council on Education & Economic Development
HB 1401	HB 1401	Economic Development & Community Affairs Policy Council
HB 1407	SB 550	General Government Policy Council
HB 1411	HB 1411	Criminal & Civil Justice Policy Council
SB 1412	HB 851	Criminal & Civil Justice Policy Council
SB 1412	SB 1412	Economic Development & Community Affairs Policy Council
SB 1438	HB 5501	Full Appropriations Council on Education & Economic Development
SB 1444	HB 5505	Full Appropriations Council on Education & Economic Development
HB 1445	SB 2044	General Government Policy Council
SB 1446	HB 1291	Criminal & Civil Justice Policy Council
HB 1447	HB 663	General Government Policy Council
HB 1447	SB 2044	General Government Policy Council
HB 1455	HB 1455	Criminal & Civil Justice Policy Council
SB 1456	HB 573	Health & Family Services Policy Council
SB 1460	SB 1460	General Government Policy Council
SB 1464	HB 5301	Full Appropriations Council on Education & Economic Development
SB 1466	HB 5305	Full Appropriations Council on Education & Economic Development
SB 1468	HB 5303	Full Appropriations Council on Education & Economic Development
SB 1484	SB 1484	Full Appropriations Council on Education & Economic Development
HB 1493	HB 1493	Criminal & Civil Justice Policy Council
HB 1499	SB 2272	Health & Family Services Policy Council
HB 1505	HB 1505	Education Policy Council

Bills	Passed As /In	Council
HB 1509	SB 1752	Economic Development & Community Affairs Policy Council
SB 1510	SB 1510	Full Appropriations Council on Education & Economic Development
SB 1514	SB 1514	Full Appropriations Council on Education & Economic Development
SB 1516	SB 1516	Full Appropriations Council on Education & Economic Development
SB 1518	HB 143	Economic Development & Community Affairs Policy Council
SB 1520	HB 951	Criminal & Civil Justice Policy Council
SB 1520	HB 7069	Criminal & Civil Justice Policy Council
SB 1522	HB 351	Economic Development & Community Affairs Policy Council
SB 1522	HB 971	Economic Development & Community Affairs Policy Council
HB 1525	SB 2742	Economic Development & Community Affairs Policy Council
SB 1530	HB 1307	Economic Development & Community Affairs Policy Council
SB 1544	HB 1237	Criminal & Civil Justice Policy Council
HB 1551	HB 1551	Economic Development & Community Affairs Policy Council
HB 1559	HB 7243	General Government Policy Council
HB 1563	SB 2176	General Government Policy Council
HB 1565	HB 1565	Economic Development & Community Affairs Policy Council
SB 1576	HB 7017	General Government Policy Council
SB 1580	HB 31	Education Policy Council
HB 1581	HB 1581	Education Policy Council
SB 1592	HB 5801	Full Appropriations Council on Education & Economic Development
SB 1594	SB 2044	General Government Policy Council
SB 1594	HB 7217	General Government Policy Council
SB 1604	HB 795	Economic Development & Community Affairs Policy Council
SB 1610	HB 5	Economic Development & Community Affairs Policy Council
SB 1612	SB 1612	Economic Development & Community Affairs Policy Council
HB 1619	SB 140	Education Policy Council
SB 1626	SB 1626	Full Appropriations Council on Education & Economic Development
SB 1628	SB 1628	Full Appropriations Council on Education & Economic Development
SB 1630	SB 1630	Full Appropriations Council on Education & Economic Development
SB 1632	SB 1632	Full Appropriations Council on Education & Economic Development
SB 1634	SB 1634	Full Appropriations Council on Education & Economic Development
SB 1636	SB 1636	Full Appropriations Council on Education & Economic Development
SB 1638	SB 1638	Full Appropriations Council on Education & Economic Development
SB 1640	SB 1640	Full Appropriations Council on Education & Economic Development
SB 1642	SB 1642	Full Appropriations Council on Education & Economic Development
SB 1644	SB 1644	Full Appropriations Council on Education & Economic Development
SB 1658	HB 7119	Economic Development & Community Affairs Policy Council

Bills	Passed As /In	Council
SB 1660	HB 7117	Economic Development & Community Affairs Policy Council
SB 1662	HB 7089	Economic Development & Community Affairs Policy Council
SB 1664	HB 7121	Economic Development & Community Affairs Policy Council
SB 1666	HB 7033	Economic Development & Community Affairs Policy Council
SB 1672	HB 131	Economic Development & Community Affairs Policy Council
SB 1676	HB 7167	Economic Development & Community Affairs Policy Council
SB 1678	SB 1678	Economic Development & Community Affairs Policy Council
SB 1682	HB 131	Economic Development & Community Affairs Policy Council
SB 1698	HB 5	Economic Development & Community Affairs Policy Council
SB 1698	HB 29	Economic Development & Community Affairs Policy Council
SB 1708	HB 765	General Government Policy Council
SB 1720	HB 1551	Economic Development & Community Affairs Policy Council
SB 1724	HB 843	Economic Development & Community Affairs Policy Council
SB 1730	SB 1730	Policy Council
SB 1736	SB 1736	Economic Development & Community Affairs Policy Council
SB 1736	HB 7157	Finance & Tax Council
SB 1738	SB 550	General Government Policy Council
SB 1744	HB 5	Economic Development & Community Affairs Policy Council
SB 1752	SB 1752	Economic Development & Community Affairs Policy Council
SB 1752	HB 1389	Economic Development & Community Affairs Policy Council
SB 1776	HB 969	Full Appropriations Council on Education & Economic Development
SB 1780	SB 1780	Rules & Calendar Council
SB 1782	SB 1782	Rules & Calendar Council
SB 1784	SB 1784	Rules & Calendar Council
SB 1786	HB 7237	Education Policy Council
SB 1806	HB 7037	Education Policy Council
SB 1824	HB 1455	Criminal & Civil Justice Policy Council
SB 1842	SB 1842	Economic Development & Community Affairs Policy Council
SB 1844	HB 1565	Economic Development & Community Affairs Policy Council
SB 1856	HB 7109	Economic Development & Community Affairs Policy Council
SB 1862	HB 787	Criminal & Civil Justice Policy Council
SB 1866	HB 7203	Finance & Tax Council
SB 1876	HB 5	Economic Development & Community Affairs Policy Council
SB 1884	HB 927	Criminal & Civil Justice Policy Council
SB 1896	SB 1896	Economic Development & Community Affairs Policy Council
SB 1912	HB 7219	Finance & Tax Council
SB 1932	HB 1193	Economic Development & Community Affairs Policy Council

Bills	Passed As /In	Council
SB 1948	HB 5	Economic Development & Community Affairs Policy Council
SB 1948	HB 321	Economic Development & Community Affairs Policy Council
SB 1948	HB 1033	Economic Development & Community Affairs Policy Council
SB 1956	HB 1013	General Government Policy Council
SB 1964	SB 1964	Criminal & Civil Justice Policy Council
SB 1972	HB 1003	General Government Policy Council
SB 1974	HB 951	Criminal & Civil Justice Policy Council
SB 1974	HB 7069	Criminal & Civil Justice Policy Council
SB 1976	HB 109	Finance & Tax Council
SB 1976	HB 7157	Finance & Tax Council
SB 1976	HB 5801	Full Appropriations Council on Education & Economic Development
SB 1980	HB 1301	Economic Development & Community Affairs Policy Council
SB 1986	HB 289	Economic Development & Community Affairs Policy Council
SB 2000	HB 963	Economic Development & Community Affairs Policy Council
SB 2008	HB 945	Health & Family Services Policy Council
SB 2014	SB 2014	Education Policy Council
SB 2018	SB 550	General Government Policy Council
SB 2020	SB 2020	Full Appropriations Council on Education & Economic Development
SB 2022	HB 5607	Full Appropriations Council on Education & Economic Development
SB 2024	SB 2024	Full Appropriations Council on Education & Economic Development
SB 2030	HB 1253	General Government Policy Council
SB 2044	SB 2044	General Government Policy Council
SB 2044	HB 7217	General Government Policy Council
SB 2046	SB 2046	Economic Development & Community Affairs Policy Council
SB 2054	SB 2054	Economic Development & Community Affairs Policy Council
SB 2054	HB 5	Economic Development & Community Affairs Policy Council
SB 2060	SB 2060	Criminal & Civil Justice Policy Council
SB 2074	SB 2044	General Government Policy Council
SB 2074	HB 7103	General Government Policy Council
SB 2076	HB 5	Economic Development & Community Affairs Policy Council
SB 2084	HB 661	General Government Policy Council
SB 2086	SB 2086	General Government Policy Council
SB 2100	HB 889	Health & Family Services Policy Council
SB 2102	HB 723	Education Policy Council
SB 2108	HB 663	General Government Policy Council
SB 2108	SB 2044	General Government Policy Council
SB 2118	HB 1073	Education Policy Council

Bills	Passed As /In	Council
SB 2126	SB 2126	Finance & Tax Council
SB 2128	HB 985	Criminal & Civil Justice Policy Council
SB 2140	HB 1565	Economic Development & Community Affairs Policy Council
SB 2144	HB 7193	Economic Development & Community Affairs Policy Council
SB 2160	HB 965	Economic Development & Community Affairs Policy Council
SB 2166	HB 325	Economic Development & Community Affairs Policy Council
SB 2170	HB 7085	Economic Development & Community Affairs Policy Council
SB 2176	SB 2176	General Government Policy Council
SB 2182	HB 981	General Government Policy Council
SB 2186	HB 1307	Economic Development & Community Affairs Policy Council
SB 2188	HB 7079	Economic Development & Community Affairs Policy Council
SB 2190	HB 545	General Government Policy Council
SB 2202	SB 550	General Government Policy Council
SB 2210	HB 303	General Government Policy Council
SB 2226	HB 631	Economic Development & Community Affairs Policy Council
SB 2226	HB 971	Economic Development & Community Affairs Policy Council
SB 2230	HB 1059	Economic Development & Community Affairs Policy Council
SB 2232	HB 159	General Government Policy Council
SB 2236	HB 851	Criminal & Civil Justice Policy Council
SB 2246	HB 907	Criminal & Civil Justice Policy Council
SB 2256	HB 1145	General Government Policy Council
SB 2264	SB 2044	General Government Policy Council
SB 2272	SB 2272	Health & Family Services Policy Council
SB 2284	SB 2284	Select Policy Council on Strategic & Economic Planning
SB 2288	HB 7231	Select Policy Council on Strategic & Economic Planning
SB 2296	SB 550	General Government Policy Council
SB 2322	HB 7179	General Government Policy Council
SB 2350	HB 1005	Criminal & Civil Justice Policy Council
SB 2350	HB 7035	Criminal & Civil Justice Policy Council
SB 2354	SB 550	General Government Policy Council
SB 2358	HB 1411	Criminal & Civil Justice Policy Council
SB 2362	SB 550	Economic Development & Community Affairs Policy Council
SB 2362	HB 1271	Economic Development & Community Affairs Policy Council
SB 2362	SB 550	General Government Policy Council
SB 2364	HB 7131	Criminal & Civil Justice Policy Council
SB 2374	SB 2374	Full Appropriations Council on Education & Economic Development
SB 2384	HB 5705	Full Appropriations Council on Education & Economic Development

Bills	Passed As /In	Council
SB 2386	SB 2386	Full Appropriations Council on Education & Economic Development
SB 2400	HB 631	Economic Development & Community Affairs Policy Council
SB 2416	HB 951	Criminal & Civil Justice Policy Council
SB 2416	HB 7069	Criminal & Civil Justice Policy Council
SB 2434	HB 1143	Health & Family Services Policy Council
SB 2440	SB 2440	Criminal & Civil Justice Policy Council
SB 2450	HB 1279	Economic Development & Community Affairs Policy Council
SB 2460	HB 1581	Education Policy Council
SB 2462	SB 2462	Full Appropriations Council on Education & Economic Development
SB 2470	SB 2470	Economic Development & Community Affairs Policy Council
SB 2500	HB 1389	Economic Development & Community Affairs Policy Council
SB 2530	HB 1337	Education Policy Council
SB 2536	HB 1207	Economic Development & Community Affairs Policy Council
SB 2540	HB 7205	Economic Development & Community Affairs Policy Council
SB 2548	HB 1281	General Government Policy Council
SB 2576	HB 1401	Economic Development & Community Affairs Policy Council
SB 2592	HB 1385	General Government Policy Council
SB 2606	HB 451	Economic Development & Community Affairs Policy Council
SB 2618	SB 2176	General Government Policy Council
SB 2620	HB 1237	Criminal & Civil Justice Policy Council
SB 2646	HB 1377	General Government Policy Council
SB 2658	HB 663	General Government Policy Council
SB 2694	HB 663	General Government Policy Council
SB 2700	HB 5001	Full Appropriations Council on Education & Economic Development
SB 2702	HB 5003	Full Appropriations Council on Education & Economic Development
SB 2742	SB 2742	Economic Development & Community Affairs Policy Council
SB 2746	HB 1505	Education Policy Council
SB 2750	HB 1493	Criminal & Civil Justice Policy Council
HB 5001	HB 5001	Full Appropriations Council on Education & Economic Development
HB 5003	HB 5003	Full Appropriations Council on Education & Economic Development
HB 5101	HB 5101	Full Appropriations Council on Education & Economic Development
HB 5201	HB 5201	Full Appropriations Council on Education & Economic Development
HB 5301	HB 5301	Full Appropriations Council on Education & Economic Development
HB 5303	HB 5303	Full Appropriations Council on Education & Economic Development
HB 5305	HB 5305	Full Appropriations Council on Education & Economic Development
HB 5307	HB 5307	Full Appropriations Council on Education & Economic Development
HB 5309	HB 5309	Full Appropriations Council on Education & Economic Development

Bills	Passed As /In	Council
HB 5311	HB 5311	Full Appropriations Council on Education & Economic Development
HB 5401	HB 7069	Criminal & Civil Justice Policy Council
HB 5401	HB 5401	Full Appropriations Council on Education & Economic Development
HB 5403	HB 5401	Full Appropriations Council on Education & Economic Development
HB 5501	HB 5501	Full Appropriations Council on Education & Economic Development
HB 5505	HB 5505	Full Appropriations Council on Education & Economic Development
HB 5603	HB 5603	Full Appropriations Council on Education & Economic Development
HB 5607	HB 5607	Full Appropriations Council on Education & Economic Development
HB 5609	SB 1628	Full Appropriations Council on Education & Economic Development
HB 5611	HB 5611	Full Appropriations Council on Education & Economic Development
HB 5705	HB 5705	Full Appropriations Council on Education & Economic Development
HB 5801	HB 7157	Finance & Tax Council
HB 5801	HB 5801	Full Appropriations Council on Education & Economic Development
HB 7001	SB 622	Select Committee on Seminole Indian Compact Review
HB 7015	SB 550	General Government Policy Council
HB 7017	HB 7017	General Government Policy Council
HB 7019	HB 7019	General Government Policy Council
HB 7033	HB 7033	Economic Development & Community Affairs Policy Council
HB 7035	HB 7035	Criminal & Civil Justice Policy Council
HB 7035	HB 1005	Criminal & Civil Justice Policy Council
HB 7037	HB 7037	Education Policy Council
HB 7039	SB 2	Education Policy Council
HB 7053	SB 4	Education Policy Council
HB 7061	HB 7157	Finance & Tax Council
HB 7063	SB 1784	Rules & Calendar Council
HB 7065	SB 1782	Rules & Calendar Council
HB 7067	SB 1780	Rules & Calendar Council
HB 7069	HB 7069	Criminal & Civil Justice Policy Council
HB 7069	HB 951	Criminal & Civil Justice Policy Council
HB 7069	HB 5401	Criminal & Civil Justice Policy Council
HB 7069	HB 5401	Full Appropriations Council on Education & Economic Development
HB 7079	HB 7079	Economic Development & Community Affairs Policy Council
HB 7083	SB 694	Health & Family Services Policy Council
HB 7085	HB 7085	Economic Development & Community Affairs Policy Council
HB 7087	HB 7087	Economic Development & Community Affairs Policy Council
HB 7089	HB 7089	Economic Development & Community Affairs Policy Council
HB 7091	HB 7091	Economic Development & Community Affairs Policy Council

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HB 7093	HB 7093	Economic Development & Community Affairs Policy Council
HB 7095	SB 846	Economic Development & Community Affairs Policy Council
HB 7095	HB 663	General Government Policy Council
HB 7099	SB 1752	Economic Development & Community Affairs Policy Council
HB 7101	HB 131	Economic Development & Community Affairs Policy Council
HB 7103	HB 7103	General Government Policy Council
HB 7103	SB 2044	General Government Policy Council
HB 7109	HB 7109	Economic Development & Community Affairs Policy Council
HB 7111	HB 7111	Economic Development & Community Affairs Policy Council
HB 7113	HB 7113	Economic Development & Community Affairs Policy Council
HB 7115	HB 7115	Economic Development & Community Affairs Policy Council
HB 7117	HB 7117	Economic Development & Community Affairs Policy Council
HB 7119	HB 7119	Economic Development & Community Affairs Policy Council
HB 7121	HB 7121	Economic Development & Community Affairs Policy Council
HB 7123	HB 7123	Economic Development & Community Affairs Policy Council
HB 7129	HB 7129	Economic Development & Community Affairs Policy Council
HB 7131	HB 7131	Criminal & Civil Justice Policy Council
HB 7133	SB 1626	Full Appropriations Council on Education & Economic Development
HB 7135	SB 1630	Full Appropriations Council on Education & Economic Development
HB 7137	SB 1632	Full Appropriations Council on Education & Economic Development
HB 7139	SB 1634	Full Appropriations Council on Education & Economic Development
HB 7141	SB 1636	Full Appropriations Council on Education & Economic Development
HB 7143	SB 1638	Full Appropriations Council on Education & Economic Development
HB 7145	SB 1640	Full Appropriations Council on Education & Economic Development
HB 7147	SB 1642	Full Appropriations Council on Education & Economic Development
HB 7149	SB 2462	Full Appropriations Council on Education & Economic Development
HB 7151	HB 5611	Full Appropriations Council on Education & Economic Development
HB 7157	HB 7157	Finance & Tax Council
HB 7157	HB 109	Finance & Tax Council
HB 7157	HB 7157	Full Appropriations Council on Education & Economic Development
HB 7161	HB 5401	Full Appropriations Council on Education & Economic Development
HB 7165	HB 7165	Economic Development & Community Affairs Policy Council
HB 7167	HB 7167	Economic Development & Community Affairs Policy Council
HB 7169	SB 1516	Full Appropriations Council on Education & Economic Development
HB 7177	SB 550	General Government Policy Council
HB 7179	HB 7179	General Government Policy Council
HB 7179	SB 550	General Government Policy Council

Bills	Passed As /In	Council
HB 7181	HB 7131	Criminal & Civil Justice Policy Council
HB 7189	SB 6	Education Policy Council
HB 7193	HB 7193	Economic Development & Community Affairs Policy Council
HB 7197	SB 1678	Economic Development & Community Affairs Policy Council
HB 7201	SB 1752	Economic Development & Community Affairs Policy Council
HB 7203	HB 7203	Finance & Tax Council
HB 7205	HB 7205	Economic Development & Community Affairs Policy Council
HB 7205	SB 1752	Economic Development & Community Affairs Policy Council
HB 7207	SB 550	General Government Policy Council
HB 7215	HB 927	Criminal & Civil Justice Policy Council
HB 7217	HB 7217	General Government Policy Council
HB 7217	SB 2044	General Government Policy Council
HB 7219	HB 7219	Finance & Tax Council
HB 7221	SB 622	Select Committee on Seminole Indian Compact Review
HB 7227	SB 2284	Select Policy Council on Strategic & Economic Planning
HB 7229	HB 7179	General Government Policy Council
HB 7231	HB 7231	Select Policy Council on Strategic & Economic Planning
HB 7233	SB 2086	General Government Policy Council
HB 7237	HB 7237	Education Policy Council
HB 7241	SB 2046	Economic Development & Community Affairs Policy Council
HB 7243	HB 7243	General Government Policy Council
HB 8001	SB 10	Rules & Calendar Council