



**2016 STATE
LEGISLATIVE FINAL REPORT**

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The Office of Intergovernmental Affairs and Professional Standards (OIAPS) is pleased to present the Broward County 2016 State Legislative Final Report. The report represents the advocacy results of County Commissioners, County staff, and the County's Intergovernmental Affairs team who spent time in Tallahassee lobbying critical priorities and issues important to the county. This report identifies results from the 2016 Regular Legislative Session.

Section I summarizes the County Commission Priorities and the associated outcomes during the 2016 Regular Session.

Section II provides an overview of major funding decisions as enacted in the General Appropriations Act for FY 2016-2017.

Section III summarizes the bills of interest, including local bills, which passed the Legislature during the 2016 Regular Session.

Section IV summarizes the bills of interest, including local bills, which failed to pass in 2016.

Provided in the electronic version of the report are links to each legislative bill information page and to the Governor's veto messages associated with reported appropriations and bills. A link is also provided to the final reports of the Florida Association of Counties and the Florida League of Cities.

Questions or comments should be directed to the Office of Intergovernmental Affairs and Professional Standards at (954) 357-7575.

Respectfully submitted,

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Section I – Commission Priorities

Beach Renourishment and Inlet Management Funding

The General Appropriations Act, HB 5001, allocated a total of \$32,562,424 for projects numbered one through seventeen on the beach restoration and renourishment projects list – Line Item 1602. Included in this amount is \$250,237 for design services for Segment III – Broward County Shore Protection project; and a total of \$492,500 for the design services for the Port Everglades Inlet Management Plan Implementation (Sand Bypass) project. These projects were not vetoed by Governor Scott for FY 2016-2017.

Prohibition of Oil or Gas Drilling

CS/SB 318 – Regulation of Oil and Gas Resources

This bill failed on a 9-10 vote in the Senate Appropriations Committee. In addition, an attempt to reconsider the vote was abandoned by the bill's sponsor when the votes necessary to reconsider the bill failed. CS/HB 191, the House companion, passed the House on a split vote. The bills would have directed the Department of Environmental Protection (DEP) to conduct a study analyzing the potential impacts that fracturing well stimulation may have on Florida's underlying geologic features. In addition, DEP would be prohibited from issuing permits for fracturing well stimulation until DEP adopted rules based on the study's findings and the Legislature ratified the rules. Most significantly, the measures would have preempted to the state all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas.

Port Everglades

HB 7027 – Department of Transportation

This bill revises provisions for the Florida Seaport Transportation & Economic Development Program. Specifically, the bill reallocates \$10 million within the Work Program to the Florida Seaport and Economic Development (FSTED) Program, which increases the program's annual funding minimum from \$15 to \$25 million. In addition, the bill authorizes DOT to designate certain locations and routes as ports of entry. The bill also limits the penalty that may be assessed for specified operators which obtain temporary permits at a port of entry and authorizes the DOT to assume specified environmental review responsibilities under the National Environmental Policy Act (NEPA) with respect to highway projects.

The bill modifies the process for the development and review of public-private partnership project proposals; authorizes DOT to establish a Business Development Program that would assist small businesses and increase competition in the procurement of highway project contractors; removes the Beeline-East Expressway and the Navarre Bridge from the list of facilities whose toll revenues may be used to secure bonds; authorizes the creation of the DOT Financing Corporation to serve as a conduit issuer of debt to finance transportation projects; increases the length of time that a toll account must remain dormant before it is presumed unclaimed property; and revises requirements for when a DOT Work Program amendment must be approved by the Legislative Budget Commission.

Water Project Infrastructure Funding

The General Appropriations Act, HB 5001, allocated \$2 million for the C-51 Reservoir Project. An allocation of \$1.8 million for the Osborne Reef Tire Removal Project was also provided. Both projects were not vetoed by the Governor.

Behavioral Health Services

CS/CS/HB 769 – Mental Health Treatment

The bill requires an admitting physician in a state forensic or civil facility to continue the administration of psychotropic medication previously prescribed in jail, while a court order is sought, when a forensic client lacks the capacity to make an informed decision and, in the physician's opinion, the abrupt cessation of medication could risk the health and safety of the client.

The bill also requires a competency hearing to be held within 30 days after the court has been notified that a defendant is competent to proceed or no longer meets the criteria for continued commitment. The bill also requires that the defendant be transported to the committing court's jurisdiction for these hearings.

Section 916.145, F.S., requires all charges against any defendant adjudicated incompetent to proceed due to mental illness to be dropped if the defendant remains incompetent to proceed five years after the initial determination. The bill amends this section to require that all charges be dismissed if the defendant remains incompetent to proceed for five continuous, uninterrupted years after the initial determination of incompetency. The bill also permits a court to dismiss charges for an individual whom the court has determined to be incompetent to proceed and who remains incompetent for three years after the original determination, unless the charge is for specified offenses.

The bill became law on March 25, 2016, chapter 2016-135, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 12 – Mental Health & Substance Abuse

The bill improves the delivery of mental health and substance abuse services. This legislation is designed to improve the delivery of critically important services, while protecting and respecting the rights of individuals struggling with addiction and making certain they receive treatment in an environment that promotes long-term recovery. Specifically, the bill:

- Expands the membership of the Criminal Justice, Mental health, and Substance Abuse Statewide Grant Review Committee; allows not-for-profit community providers or managing entities to apply for grants; and creates a grant review and selection committee that will select grant recipients;
- Allows the state attorney to have access to clinical records and witnesses when representing the state in Baker Act hearings;
- Revises the DCF's contracting requirements for managing entities; allows managed behavioral health organizations to be eligible to bid for managing entity contracts under certain circumstances;
- Requires Medicaid managed care plans to work toward integration and coordination of primary care and behavioral health services for Medicaid recipients; and
- Requires intern registration for clinical social work, marriage and family therapists, or mental health counselors to be valid for five years, and subsequent intern registrations may not be issued unless the candidate has passed the theory and practice examination required under current law.

The bill became law on April 15, 2016, chapter 2016-241, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/HB 439 – Mental Health Services in the Criminal Justice System

The bill expands the authority of courts to use treatment-based mental health and substance abuse court programs for defendants who are involved in the criminal justice process at both the pre-adjudicatory and post-adjudicatory level. The bill:

- Expands eligibility criteria for defendants to participate in diversionary programs to include children in dependency court and veterans who were released from military service under a general discharge.
- Authorizes counties to fund and establish mental health court programs under which a child under the jurisdiction of dependency court or a defendant having a mental illness shall be processed in a manner that provides appropriate treatment and services.
- Requires the state courts system, contingent upon appropriations by the Legislature, to establish a mental health coordinator for each county mental health court program.
- Creates the Forensic Hospital Diversion Pilot Program to divert defendants found mentally incompetent to proceed to trial or not guilty by reason of insanity into a residential bed and community treatment setting. The Program authorizes the Department of Children and Families (DCF) to replicate the current model of the Miami-Dade Forensic Alternative Center into two additional counties. In addition to Miami-Dade, DCF would implement the program in Broward and Duval Counties.

The specialized mental health treatment authorized by the bill may help defendants avoid returning to the criminal justice and forensic mental health systems. The bill became law on March 25, 2016, chapter 2016-127, Laws of Florida, and becomes effective July 1, 2016.

Childcare Development Associates

Legislation to support teacher preparation in all publicly-funded early learning programs by requiring each lead teacher to have a Child Development Associate degree within five years and by requiring 20 hours of annual professional development proved unsuccessful during the 2016 Regular Session.

Crime Lab Funding

Legislation to amend state law to ensure each local criminal analysis laboratory, designated in Section 943.35(1), F.S., receives the state mandated funding level (75 percent of actual operating costs) required under Section 943.35(2), F.S., was unsuccessful during the 2016 Regular Session.

Utility Relocation

SB 416 – Location of Utilities

This bill was amended early in the session to remove provisions that counties pay for the costs of relocating utilities located with a publicly-owned right-of-way due to interference with a public works project including transportation improvement, rail projects, and water/wastewater infrastructure projects. As passed, the bill requires FDOT or the applicable local government to pay for the relocation of utility facilities if the facilities are located within an existing and valid public utility *easement* granted by recorded plat. The bill became law on March 10, 2016, chapter 2016-44, Laws of Florida, and became effective upon that date.

Community Care for the Elderly (CCE)

The General Appropriations Act provides \$50.5 million for the CCE program. This represents an increase of \$2 million over the FY 2016 budget and will serve approximately 324 individuals who are at the greatest risk of nursing home placement. The CCE program provides community-based services organized in a continuum of care to help functionally impaired seniors live in the least restrictive environment suitable to their needs.

Forensic Sexual Assault – Nancy J. Cotterman Center (NJCC)

The General Appropriations Act allocates \$250,000 for the Nancy J. Cotterman Center (NJCC) – State Attorney Court Liaison program. Funding for NJCC was not vetoed by Governor Scott for FY 2016-2017. The State Attorney Court Liaison (SACL) Program is administered through the NJCC, Broward County's Children's Advocacy Center and certified Rape Counseling Center. NJCC serves over 3,470 victims of sexual assault/child abuse with over 8,000 forensic medical, child abuse and trauma counseling services in addition to range of other trauma informed services.

The SACL program uses a trauma informed approach and highly skilled staff to engage victims who either do not report the crime for reasons of self-blame or guilt, shame, embarrassment, or are hesitant and mistrusting to engage with law enforcement and the State Attorney's Office. It currently provides 1.5 FTE's (one full time State Attorney Liaison and part time Graduate Student) to assist and guide sexual assault and child abuse victims through ongoing contact and information during the criminal or juvenile justice process. Program participants will receive accurate and timely updates on the status of their case throughout the criminal justice process, including jail release or court tracking information.

Aviation Funding

The FDOT Work Program funds airport development slightly over \$250,000,000. The budget includes funding for the County's runway, safety, preservation, and capacity projects. In total, over \$60 million in state funds has been programmed during the next five years for FLL and North Perry airport projects, exclusive of federal and local shares.

Homelessness

The legislature increased funding to support local Homeless Continuums of Care by \$1 million. The Broward County Homeless Continuum of Care will receive an equal share of the increased funding. In addition, the statewide Challenge Grant Program received an increase of \$1.2 million, bringing total grant funding to \$5 million, annually.

Department of Juvenile Justice Detention Centers

Initiatives to have the state provide funding to the Department of Juvenile Justice to upgrade, renovate, or reconstruct detention centers that are in a state of disrepair proved unsuccessful for FY 2016-17; however, staff garnered support from incoming Senate President Joe Negron to invest in juvenile facilities to enhance the conditions of secure confinement for detained youth as a committee project for FY 2017-18.

Section II – Budget Overview – HB 5001 Relating to Appropriations

Health & Human Services		
Agency for Health Care Administration (AHCA)		
Medicaid Services to Individuals		
<u>Community Mental Health Services</u>		
FY 11-12 Appropriated	\$72,674,442	
FY 12-13 Appropriated	\$68,971,259	
FY 13-14 Appropriated	\$107,389,336	
FY 14-15 Appropriated	\$86,612,349	
FY 15-16 Appropriated	\$75,584,640	
FY 16-17 Appropriated	\$101,421,254	\$25,836,614
 <u>Home Health Services</u>		
FY 11-12 Appropriated	\$171,267,718	
FY 12-13 Appropriated	\$187,246,155	
FY 13-14 Appropriated	\$174,925,552	
FY 14-15 Appropriated	\$188,545,205	
FY 15-16 Appropriated	\$25,926,701	
FY 16-17 Appropriated	\$15,911,918	(-\$10,014,783)
 Medicaid Long Term Care		
<u>Home and Community Based Services</u>		
FY 11-12 Appropriated	\$1,024,717,619	
FY 12-13 Appropriated	\$1,082,335,883	
FY 13-14 Appropriated	\$1,145,553,628	
FY 14-15 Appropriated	\$1,009,967,194	
FY 15-16 Appropriated	\$1,020,223,743	
FY 16-17 Appropriated	\$1,133,893,400	\$113,669,657
 Department of Health (DOH)		
<u>Child Protection Teams</u>		
FY 11-12 Appropriated	\$35,897,175	
FY 12-13 Appropriated	\$28,155,403	
FY 13-14 Appropriated	\$28,865,726	
FY 14-15 Appropriated	\$31,665,726	

FY 15-16 Appropriated	\$20,918,729	
FY 16-17 Appropriated	\$16,500,000	(-\$4,418,729)

Department of Children and Families (DCF)

Grants to Sheriffs for Protective Investigations

FY 11-12 Appropriated	\$45,985,592	
FY 12-13 Appropriated	\$46,985,592	
FY 13-14 Appropriated	\$49,975,592	
FY 14-15 Appropriated	\$55,912,406	
FY 15-16 Appropriated	\$55,812,406	
FY 16-17 Appropriated	\$57,012,406	\$1,200,000

Mental Health Services

Mental Health and Substance Abuse Local Match Grant

FY 11-12 Appropriated	\$3,000,000	
FY 12-13 Appropriated	\$3,250,000	
FY 13-14 Appropriated	\$3,000,000	
FY 14-15 Appropriated	\$3,000,000	
FY 15-16 Appropriated	\$3,000,000	
FY 16-17 Appropriated	\$9,000,000	\$6,000,000

Community Mental Health Services

FY 11-12 Appropriated	\$218,846,645	
FY 12-13 Appropriated	\$219,726,369	
FY 13-14 Appropriated	\$220,363,939	
FY 14-15 Appropriated	\$224,592,918	
FY 15-16 Appropriated	\$270,859,631	
FY 16-17 Appropriated	\$277,492,868	\$6,633,237

Substance Abuse Services

Grants and Aids - Community Substance Abuse Services

FY 11-12 Appropriated	\$123,518,882	
FY 12-13 Appropriated	\$118,132,564	
FY 13-14 Appropriated	\$127,903,152	
FY 14-15 Appropriated	\$133,802,152	
FY 15-16 Appropriated	\$230,065,271	
FY 16-17 Appropriated	\$236,154,641	\$6,089,370

Economic Self Sufficiency

Homeless Prevention Program Housing

FY 11-12 Appropriated	\$12,000,000	Vetoed
FY 12-13 Appropriated	\$3,000,000	
FY 13-14 Appropriated	\$3,000,000	
FY 14-15 Appropriated	\$3,000,000	
FY 15-16 Appropriated	\$3,800,000	
FY 16-17 Appropriated	\$0	

Elder Affairs

Community Care for the Elderly

FY 11-12 Appropriated	\$53,044,996	
FY 12-13 Appropriated	\$54,044,996	
FY 13-14 Appropriated	\$59,094,996	
FY 14-15 Appropriated	\$63,345,996	
FY 15-16 Appropriated	\$64,344,996	
FY 16-17 Appropriated	\$66,390,120	\$2,045,124

General Government

Housing and Community Development

Housing Finance Corporation - Affordable Housing Programs

FY 11-12 Appropriated	\$0	
FY 12-13 Appropriated	\$10,000,000	
FY 13-14 Appropriated	\$75,000,000	(in SB 1852)
FY 14-15 Appropriated	\$67,660,000	
FY 15-16 Appropriated	\$70,000,000	
FY 16-17 Appropriated	\$64,600,000	(-\$5,400,000)

State Housing Initiative Partnership Program

FY 11-12 Appropriated	\$0	
FY 12-13 Appropriated	\$0	
FY 13-14 Appropriated	\$70,000,000	(in SB 1852)
FY 14-15 Appropriated	\$100,000,000	
FY 15-16 Appropriated	\$105,000,000	
FY 16-17 Appropriated	\$135,500,000	\$30,500,000

Department of Environmental Protection

Fixed Capital Outlay - Statewide Beach Projects

FY 11-12 Appropriated	\$7,799,701	
FY 12-13 Appropriated	\$10,000,000	
FY 13-14 Appropriated	\$37,456,100	
FY 14-15 Appropriated	\$47,271,537	
FY 15-16 Appropriated	\$32,106,500	
FY 16-17 Appropriated	\$32,562,424	\$455,924

Fixed Capital Outlay - Wastewater Treatment Construction

FY 11-12 Appropriated	\$164,346,724	
FY 12-13 Appropriated	\$131,820,672	
FY 13-14 Appropriated	\$142,713,270	
FY 14-15 Appropriated	\$161,559,133	
FY 15-16 Appropriated	\$216,810,603	
FY 16-17 Appropriated	\$151,156,179	(-\$65,654,424)

Strengthening Domestic Security

FY 11-12 Appropriated	\$94,303,313	
FY 12-13 Appropriated	\$40,688,745	
FY 13-14 Appropriated	\$28,146,674	
FY 14-15 Appropriated	\$31,610,100	
FY 15-16 Appropriated	\$30,954,281	
FY 16-17 Appropriated	\$30,764,189	-(190,092)

Transportation & Economic Development

Department of Transportation

Aviation Development Grants

FY 11-12 Appropriated	\$187,442,157	
FY 12-13 Appropriated	\$176,928,822	
FY 13-14 Appropriated	\$160,344,697	
FY 14-15 Appropriated	\$284,147,059	
FY 15-16 Appropriated	\$298,580,253	
FY 16-17 Appropriated	\$250,597,532	(-\$47,982,721)

Public Transit Development Grants

FY 11-12 Appropriated	\$343,572,957	
FY 12-13 Appropriated	\$206,688,731	
FY 13-14 Appropriated	\$251,706,738	
FY 14-15 Appropriated	\$358,665,176	
FY 15-16 Appropriated	\$468,089,885	
FY 16-17 Appropriated	\$404,382,492	(-\$63,707,393)

Seaport - Economic Development

FY 11-12 Appropriated	\$15,000,000	
FY 12-13 Appropriated	\$15,000,000	
FY 13-14 Appropriated	\$15,000,000	
FY 14-15 Appropriated	\$15,000,000	
FY 15-16 Appropriated	\$15,000,000	
FY 16-17 Appropriated	\$15,000,000	Level

Seaport - Access Program

FY 11-12 Appropriated	\$10,000,000	
FY 12-13 Appropriated	\$10,000,000	
FY 13-14 Appropriated	\$10,000,000	
FY 14-15 Appropriated	\$10,000,000	
FY 15-16 Appropriated	\$10,000,000	
FY 16-17 Appropriated	\$10,000,000	Level

Seaport - Grants

FY 11-12 Appropriated	\$117,751,305	
FY 12-13 Appropriated	\$115,446,664	
FY 13-14 Appropriated	\$243,069,966	
FY 14-15 Appropriated	\$116,344,860	
FY 15-16 Appropriated	\$105,846,949	
FY 16-17 Appropriated	\$114,480,263	\$8,633,314

Seaport Investment Program

FY 12-13 Appropriated	\$35,000,000	
FY 13-14 Appropriated	\$10,000,000	
FY 14-15 Appropriated	\$10,000,000	
FY 15-16 Appropriated	\$11,407,044	
FY 16-17 Appropriated	\$11,405,612	(-\$1,432)

Governor - Office of and Economic Development

Economic Development Tools

FY 11-12 Appropriated	\$21,750,000	
FY 12-13 Appropriated	\$71,226,719	
FY 13-14 Appropriated	\$45,500,000	
FY 14-15 Appropriated	\$71,000,000	
FY 15-16 Appropriated	\$43,000,000	
FY 16-17 Appropriated	\$18,000,000	(-\$25,000,000)

Economic Development Projects

FY 11-12 Appropriated	\$13,650,000	
FY 12-13 Appropriated	\$13,250,000	
FY 13-14 Appropriated	\$9,450,000	
FY 14-15 Appropriated	\$13,875,000	
FY 15-16 Appropriated	\$30,951,400	
FY 16-17 Appropriated	\$26,055,400	(-\$4,896,000)

Secretary of State

Historical Resources Preservation

Grants and Aids - Historic Preservation Grants

FY 11-12 Appropriated	\$1,218,250	
FY 12-13 Appropriated	\$4,261,850	
FY 13-14 Appropriated	\$9,212,773	
FY 14-15 Appropriated	\$2,006,151	
FY 15-16 Appropriated	\$2,025,224	
FY 16-17 Appropriated	\$1,886,785	(-\$138,439)

Library, Archives and Information Services

Grants In Aid - Library Grants

FY 11-12 Appropriated	\$24,092,039	
FY 12-13 Appropriated	\$23,700,606	
FY 13-14 Appropriated	\$24,699,440	
FY 14-15 Appropriated	\$30,160,429	
FY 15-16 Appropriated	\$24,449,440	
FY 16-17 Appropriated	\$24,449,440	Level

Grants in Aids - Library Resources

FY 11-12 Appropriated	\$3,652,333	
FY 12-13 Appropriated	\$3,652,333	
FY 13-14 Appropriated	\$3,652,333	
FY 14-15 Appropriated	\$3,652,333	
FY 15-16 Appropriated	\$3,789,236	
FY 16-17 Appropriated	\$3,789,236	Level

Cultural Support and Development Grants

Aid to Local Government - Arts Grants

FY 11-12 Appropriated	\$297,200	
FY 12-13 Appropriated	\$297,200	
FY 13-14 Appropriated	\$232,231	
FY 14-15 Appropriated	\$232,231	
FY 15-16 Appropriated	\$232,231	
FY 16-17 Appropriated	\$232,231	Level

Section III – Bills of Interest that Passed

HB 871 – Broward County (Local Bill)

The bill repeals current law requiring Broward County to pay for the cost of providing the speed limit signs and requiring each incorporated area within the county to bear the cost of erecting any signs to be placed within its boundaries. Any responsibility for constructing and maintaining signs after the passage of the act would pass to FWC under general law.

The bill also repeals a provision specifying that a person who operates a vessel in excess of the maximum speed limit in New River Canal and the Florida Intracoastal Waterway is guilty of a non-criminal infraction to be punished under s. 318.18(3), F.S. Persons found to have operated a vessel in excess of the maximum speed limit would therefore be liable according to general law. Broward County currently spends \$30,000 per year on “upgrades” to the speed limit signs. The bill would shift those costs from the county to FWC. The bill became law on March 25, 2016, chapter 2016-253, Laws of Florida, and became effective on that date.

HB 43 – Churches or Religious Organizations

The bill reinforces protections for clergy, churches, and certain religious organizations and their employees who object to solemnizing any marriage or providing services, facilities, or goods related to a marriage if doing so violates the organization or individual’s sincerely held religious beliefs.

The bill also protects the state tax exempt status, and the right to apply for grants, contracts, and participation in government programs, of covered organizations that refuse to solemnize a marriage or provide services, facilities, or goods related to a marriage. The bill became law on March 10, 2016, chapter 2016-50, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 90 – Natural Gas Rebate Program

The bill allows any unexpended funds remaining for the Natural Gas Fuel Fleet Vehicle Rebate Program for the fiscal year to be used by the Department of Agriculture and Consumer Services to award additional rebates of \$25,000 for each vehicle that has not received a rebate under the program, up to an additional \$250,000 per applicant from June 1 through June 30. Government applicants are to receive preference on a first-come, first-served basis, and remaining funds will be available to eligible commercial applicants on a first-come, first-served basis. The provisions of the bill should lower the amount of any unexpended balance of program funds in Fiscal Year 2016-17 and 2017-18. The bill became law on April 6, 2016, chapter 2016-183, Laws of Florida, and becomes effective July 1, 2016.

HB 93 – Law Enforcement Officer Body Cameras

The bill requires law enforcement agencies that permit law enforcement officers to wear body cameras to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies and procedures must include:

- General guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitations on which law enforcement officers are permitted to wear body cameras;
- Any limitations on law-enforcement-related encounters in which law enforcement officers are permitted to wear body cameras; and
- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

The bill requires law enforcement agencies provide policies and procedures training to all personnel who use, maintain, store, or release body camera recording data, and to retain body camera recording data. In addition, agencies must perform periodic reviews of agency practices to ensure compliance with agency policies and procedures. The bill also exempts body camera recordings from certain requirements found in Chapter 934, F.S. This allows law enforcement officers to wear body cameras during their patrol duties without having to inform each

individual they make contact with that they are being recorded. The bill became law on March 24, 2016, chapter 2016-76, Laws of Florida, and became effective upon that date.

CS/SB 124 – Public-private Partnerships

The bill clarifies that the public-private partnership (P3) process is an alternative process that must be construed as cumulative and supplemental to any other authority or power vested in the governing body of a county, municipality, special district, or municipal hospital or health care system. It also clarifies that the list of entities authorized to conduct P3s includes special districts and school districts rather than school boards.

The bill also provides increased flexibility to the responsible public entity by permitting a responsible public entity to deviate from the provided procurement timeframes if approved by majority vote of the entity's governing body. The bill requires an unsolicited proposal to be submitted concurrently with an initial application fee, which the responsible public entity may establish, and authorizes a responsible public entity to request additional funds if the initial fee does not cover the costs to evaluate the unsolicited proposal. However, the responsible public entity must return the initial application fee if it does not review the unsolicited proposal.

Finally, the bill authorizes the Department of Management Services to accept and maintain copies of comprehensive agreements received from responsible public entities for the purpose of sharing them with other responsible public entities. The bill became law on March 24, 2016, chapter 2016-76, Laws of Florida, and became effective on that date.

CS/SB 126 – Public Records and Public Meeting/Public-private Partnerships

The bill creates an exemption from public record and public meeting requirements for unsolicited proposals for public-private partnership projects for public facilities and infrastructure. An unsolicited proposal is exempt from public record requirements until the responsible public entity provides notice of its intended decision. If the responsible public entity rejects all proposals and concurrently provides notice of its intent to seek additional proposals, the unsolicited proposal remains exempt for a specified period of time; however, it does not remain exempt for more than 90 days after the responsible public entity rejects all proposals received for the project described in the unsolicited proposal. If the responsible public entity does not issue a competitive solicitation, the unsolicited proposal is not exempt for more than 180 days.

The bill also creates a public meeting exemption for any portion of a meeting during which the exempt unsolicited proposal is discussed. A recording must be made of the closed portion of the meeting and the recording, and any records generated during the closed meeting, are exempt from public record requirements until the underlying public record exemption expires. The public record and public meeting exemptions are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides a statement of public necessity as required by the State Constitution. The bill became law on March 25, 2016, chapter 2016-148, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 130 – Discharging a Firearm

The bill amends the law to also provide that it is a first degree misdemeanor for a person to recreationally discharge a firearm outdoors in an area that the person knows or reasonably should know is primarily residential in nature; and has a residential density of one or more dwelling units per acre.

The bill also specifies that recreational discharge includes target shooting and that the misdemeanor offense is not committed if (1) a person is lawfully defending life or property or performing official duties requiring the discharge of a firearm; (2) under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property; or (3) a person accidentally discharges a firearm. The bill became law on February 24, 2016, chapter 2016-12, Laws of Florida, and became effective upon that date.

CS/CS/HB 131 – Unattended Persons and Animals in Motor Vehicles

The bill provides that an individual who attempts to rescue a minor, vulnerable adult, or domestic animal from a motor vehicle is immune from civil liability for damage to the vehicle, if the individual:

- Determines the vehicle is locked or there is no other reasonable method for the person or animal to exit the vehicle without assistance;
- Has a good faith and reasonable belief that entering the vehicle is necessary due to the likelihood of imminent harm to the person or animal;
- Ensures that law enforcement is notified before or immediately after entering the vehicle;
- Uses only the amount of force necessary to enter the vehicle and effect the rescue; and
- Remains with the person or animal in a safe location until first responders arrive.

The bill became law on March 8, 2016, chapter 2016-18, Laws of Florida, and became effective upon that date.

CS/SB 158 – Identification Cards and Driver Licenses

The bill provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to include a symbol or symbols on the identification card or driver license of an applicant who presents proof of holding one or more of the below lifetime licenses or cards issued by the Florida Fish and Wildlife Conservation Commission:

- Lifetime freshwater fishing license
- Lifetime saltwater fishing license
- Lifetime hunting license
- Lifetime sportsman license
- Lifetime boater safety education card

In addition, the DHSMV is authorized to collect an additional \$1 fee to add the lifetime licensee or cardholder status when issuing an original identification card or driver license. The replacement fee of \$25 will be waived with payment of a \$2 fee for individuals who surrender and replace his or her identification card or driver license before its expiration date for the sole purpose of including the status as a lifetime licensee or card holder. These changes will apply upon implementation of new designs for the identification card and driver license by DHSMV. The bill became law on February 24, 2016, chapter 2016-4, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 182 – Public Records and Meetings/Trade Secrets

The bill amends certain sections in the Florida Statutes to incorporate the changes to the definition of “trade secret” made by CS/SB 180. The sections provide public record exemptions for trade secret information. Thus, the bill amends those public record exemptions for trade secret information to include financial information. In addition, the bill provides for repeal of the amended exemptions on October 2, 2021, unless they are reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the Florida Constitution. The bill became law on February 24, 2016, chapter 2016-6, Laws of Florida, and becomes effective October 1, 2016.

CS/HJR 193 - Solar or Renewable Energy Source Devices/Exemption from Certain Taxation and Assessment

The joint resolution proposes an amendment to the Florida Constitution that will be placed on the ballot on August 30, 2016, pursuant to CS/HB 195. The proposed amendment authorizes the Legislature, by general law, to:

- Exempt from ad valorem taxation the assessed value of solar devices or renewable energy source devices subject to tangible personal property tax (article VII, subsection (e) of section 3 of the Florida Constitution); and
- Prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation (article VII, subsection (i) of section 4 of the Florida Constitution).

The proposal opens the door for significant expansion of solar and renewable energy production in Florida. If approved by 60 percent of the voters in the election, the joint resolution provides that the proposed amendment will take effect on January 1, 2018, and expire on December 31, 2037. Once implemented by the legislature, the tax incentives of the amendment will begin in 2018 and extend for 20 years. Upon expiration, the amended sections will be repealed and the text of both constitutional subsections will revert to that in existence on December 31, 2017. On March 11, 2016, the proposed constitutional amendment was signed by the Officers and filed with the Secretary of State.

SB 194 – Redevelopment Trust Fund

The bill adds hospital districts to the list of taxing authorities which are exempt from contributing to the redevelopment trust fund, but only for CRAs created after July 1, 2016. Hospital districts in CRAs created before July 1, 2016, will continue to contribute to the redevelopment trust fund. The bill became law on March 30, 2016, chapter 2016-155, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 195 – Special Election

The bill provides for a special election on August 30, 2016, to be held concurrently with other statewide elections held on that date, if any. At that election, the amendment to the Florida Constitution proposed in CS/HJR 193 will be submitted to the electors for approval or rejection. The amendment authorizes the Legislature, by general law, to exempt from ad valorem taxation the assessed value of solar devices or renewable energy source devices subject to tangible personal property tax and to prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation.

The bill became law on March 25, 2016, chapter 2016-118, Laws of Florida, and becomes effective on January 1, 2017, having been enacted by a vote of at least three-fourths of each house of the Legislature and CS/HJR 193 was approved by both houses.

CS/CS/CS/HB 221 – Health Care Services (Out-of-Network Health Insurance Coverage)

The bill prohibits out-of-network health care providers from balance billing members of a preferred provider organization (PPO) or exclusive provider organization for emergency services or for nonemergency services when the nonemergency services are provided in a network hospital and the patient had no ability and opportunity to choose a network provider. The bill also establishes standards for determining reimbursement to providers and authorizes providers and insurers to settle disputed claims under the statewide provider and health plan claim dispute resolution program, according to specified procedures. In addition, the bill:

- Requires all PPOs to publish a list of their network providers on their websites, and to update the list monthly;
- Requires all PPOs to give subscribers notice regarding the potential for balance billing when using out-of-network providers;
- Subjects certain facilities and licensed healthcare practitioners to disciplinary action for violations of the prohibition on balance billing;
- Requires hospitals to publish information on their websites regarding their contracts with plans and providers of hospital-based services;
- Expands the current mandate for large group health insurers and health maintenance organizations to cover treatment of autism spectrum disorder to require coverage for treatment of Down syndrome also; and
- Reads into s. 627.42392(2), F.S., as created by HB 423, 1st Eng., 2016 Regular Session, to correct a drafting error.

The bill became law on April 14, 2016, chapter 2016-222, Laws of Florida, and becomes effective July 1, 2016.

SB 222 – Parking for Disabled Veterans

The bill clarifies that the exemption for a state, county, municipality, or any agency thereof to not charge a parking fee only applies when the vehicle is transporting the person who has a disability and to whom the disabled parking permit or disabled license plate was issued. The bill also provides that the governing body of each publicly owned or publicly operated airport must grant free parking to a vehicle displaying a:

- disabled Veteran license plate;
- disabled Veteran license plate stamped with the international wheelchair symbol; or
- Paralyzed Veterans of America license plate.

In addition, the bill adds vehicles displaying the Disabled Veteran license plate stamped with the international wheelchair symbol or the Paralyzed Veterans of America license plate to the list of vehicles that may not be charged for parking by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces outside certain conditions. The bill became law on March 10, 2016, chapter 2016-39, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 242 – Infectious Disease Elimination Pilot Program

The bill creates the Miami-Dade Infectious Disease Elimination Act, which authorizes the University of Miami and its affiliates, through a fixed location or a mobile unit, to operate a sterile needle and syringe exchange pilot program in Miami-Dade County as a means to prevent the transmission of blood-borne diseases, such as HIV, AIDS, and viral hepatitis. The bill also provides duties and requirements for operation of the program, requiring quarterly, annual, and final reports. The duties of the program include providing a one-sterile-needle to one-used-needle exchange, educational materials, testing for certain blood-borne diseases, and referrals for drug abuse prevention and treatment.

Additionally, the bill provides that certain acts performed as part of the pilot program are not violations of criminal law; prohibits state, county, or municipal funds from being used to operate the pilot program; requires the pilot program to be funded through grants and donations from private resources; and provides the pilot program expire on July 1, 2021. The bill became law on March 23, 2016, chapter 2016-68, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 273 – Public Records

The bill requires a public agency contract for services with a contractor to include a statement in large, boldface font informing the contractor of the contact information of the public agency's records custodian and instructing the contractor to contact the records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract.

Additionally, the bill repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract. Furthermore, the bill requires a request for public records relating to a contract for services to be made directly to the contracting public agency. If the public agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the public agency within a reasonable time may be subject to certain penalties.

Finally, the bill provides that if a civil action is filed to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time, and the plaintiff provided written notice of the public records request to the public agency and the contractor. The notice must be sent at least eight business days before the plaintiff files the civil action. The bill specifies that a

contractor who complies with the public records request within eight business days after the notice is sent is not liable for the reasonable costs of enforcement. The bill became law on March 8, 2016, chapter 2016-20, Laws of Florida, and became effective upon that date.

CS/HJR 275 – Homestead Tax Exemption/Senior, Low-Income, Long-Term Residents

The Florida Constitution provides that counties and municipalities, if authorized by general law, may grant an additional homestead exemption equal to the assessed value of property to any person who:

- Has the legal or equitable title to real estate with a just value less than \$250,000;
- Has maintained thereon the permanent residence of the owner for not less than 25 years;
- Has attained age 65; and
- Household income does not exceed \$20,000.

The joint resolution proposes an amendment to the Florida Constitution to limit the just value determination, for purposes of the long-term, low-income, senior exemption, to the value as determined in the first tax year that the owner applies for and is eligible for the exemption. If approved by the voters, the proposed constitutional amendment is effective January 1, 2017, and operates retroactively to January 1, 2013, for any person who received the exemption prior to January 1, 2017.

CS/HB 277 – County and Municipality Homestead Tax Exemption

The bill amends section 196.075(2), F.S., to limit the just value determination, to the value as determined in the first tax year the owner applies for and is eligible for the exemption. The bill implements CS/HJR 275, which proposes to amend the section of the Florida Constitution providing the legislative authority for the relevant ad valorem exemption.

The legislation operates retroactively, in that individuals who were granted the exemption in prior years, but became ineligible for the exemption because the just value of the individual's homestead rose above \$250,000, may regain the exemption if they are still qualified. In addition, individuals who received the exemption prior to the effective date of the bill may apply to the tax collector for a refund for any prior year in which the exemption was denied solely because the just value of the homestead property was greater than \$250,000.

The bill became law on March 25, 2016, chapter 2016-121, Laws of Florida, and becomes effective on the same date that CS/HJR 275 takes effect, and operates retroactively to January 1, 2013 for any person who received the exemption prior to January 1, 2017.

CS/CS/HB 293 – Public Records/Juvenile Criminal History Records

The bill makes the records of juveniles who have been found to have committed any number of misdemeanors confidential and exempt; ensures the list of juvenile records that are not confidential and exempt under s. 985.04(2), F.S., is identical to the list of juvenile records deemed not to be confidential and exempt under s. 943.053, F.S.; requires the Florida Department of Law Enforcement (FDLE) to release juvenile criminal history records in a manner that takes into account the records' confidential and exempt status; and specifies how FDLE must release juvenile criminal history records.

Additionally, the bill provides that a public records custodian may choose not to electronically publish on the custodian's website the arrest or booking photographs contained in a juvenile's record that is not confidential and exempt or otherwise restricted from publication by law. In addition, the bill provides for repeal of the public record exemptions on October 2, 2021, unless reviewed and saved from repeal by the Legislature and also provides a statement of public necessity as required by the State Constitution. The bill became law on March 24, 2016, chapter 2016-78, Laws of Florida, and became effective upon that date.

CS/CS/CS/HB 307 – Medical Use of Cannabis

The bill amends the Compassionate Medical Cannabis Act (CMCA) to increase regulatory oversight by the Department of Health. The bill creates stricter criteria ordering physicians must meet before ordering low-THC or medical cannabis (cannabis), including establishing a patient relationship for a certain length of time, new education requirements, informed consent, a prohibition on being a medical director employed by a dispensing organization (DO), and an order limit of a 45-day supply at a time.

The bill also includes penalties for receiving compensation from a DO related to the ordering of cannabis. In addition, new standards for Dos, including standards for growing, processing, testing, packaging, labeling, dispensing, distributing, and transporting of cannabis have been created. Independent testing laboratories are authorized to possess, test, transport, and lawfully dispose of cannabis. The bill allows DOH to approve three additional DOs, to include an applicant that is a member of a specified class, when a certain number of active registrations in the compassionate use registry has been reached.

Finally, the bill requires DOH to grant authorization to cultivate and operate to DOs that meet certain criteria for the full term of their original approval and all subsequent renewals. The bill also provides that the additional approval of other DOs does not affect the approval and authorization of these DOs. Lastly, the bill authorizes DOH to enforce the inspection requirements on these additional DOs. The bill became law on March 25, 2016, chapter 2016-123, Laws of Florida, and became effective upon that date.

CS/HB 347 – Utility Projects

The bill establishes a new financing mechanism through which certain entities created by interlocal agreement may finance or refinance, on behalf of a municipality, county, special district, public corporation, regional water authority, or other governmental entity, projects related to water or wastewater service. This financing mechanism is designed to satisfy rating agency criteria to achieve a higher bond rating and, therefore, a lower interest rate and more favorable terms for bonds issued to fund eligible projects.

The financing mechanism created, allows a local agency to apply to an authority to finance the costs of an eligible project using “utility cost containment bonds.” The authority may then adopt a financing resolution setting forth certain requirements for issuance of the bonds. The bonds are secured by the revenues from a separate “utility project charge” imposed by the authority on behalf of the local agency, stated on the bill of each present and future customer of the services specified in the financing resolution, and collected by the local agency pursuant to a servicing agreement with the authority. The moneys from the charge are transferred to the authority and used to secure bonds issued for the benefit of the local agency. These moneys are not considered revenues of the local agency but are treated as revenues of the authority. The bill became law on March 25, 2016, chapter 2016-124, Laws of Florida, and becomes effective on July 1, 2016.

SB 422 – Health Insurance Coverage for Opioids

The bill allows a health insurance policy that provides coverage for abuse-deterrent opioids to impose a prior authorization requirement for an abuse-deterrent opioid only if the policy requires prior authorization for opioids without an abuse-deterrence labeling claim. The bill also prohibits a health insurance policy from requiring the use of an opioid without an abuse-deterrence labeling claim before authorizing the use of an abuse-deterrent opioid. The bill became law on March 25, 2016, chapter 2016-112, Laws of Florida, and becomes effective January 1, 2017.

CS/CS/HB 431 – Fire Safety

The bill exempts agricultural pole barns from the Florida Fire Prevention Code (FFPC), which is enforced by the State Fire Marshal. The bill also revises current exemptions to provide that tents up to 900 square feet and nonresidential farm buildings in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress are exempt from the FFPC.

The bill also provides that structures on a farm (other than agricultural pole barns) that its owner uses for agritourism activity and receives consideration must be classified into one of three classes, and authorizes the State Fire Marshal to adopt rules to implement these classifications, including alternative life safety and fire prevention standards for Class 1 and Class 2 structures:

- Class 1: A nonresidential farm building used by its owner 12 times per year or fewer for agritourism activity with a maximum occupancy of 100 persons (these structures are subject to local inspection and State Fire Marshal rules, but are not subject to the FFPC)
- Class 2: A nonresidential farm building used by its owner for agritourism with a maximum occupancy of 300 persons (these structures are subject to local inspection and State Fire Marshal rules, but are not subject to the FFPC)
- Class 3: A structure primarily used for housing, sheltering, or accommodating the general public (these structures are subject to local inspection and the FFPC)

Additionally, the bill permits local fire officials to consider certain alternative life safety approaches as low-cost, reasonable alternatives to minimum fire safety standards, with regard to existing buildings. The bill became law on March 24, 2016, chapter 2016-83, Laws of Florida, and becomes effective on July 1, 2016.

CS/HB 479 – Special Districts

Special districts are used to provide a variety of local services and generally are funded through the imposition of ad valorem taxes, fees, and charges on the users of those services. Special districts are governed according to Chapter 189, F.S., “Uniform Special District Accountability Act.” In 2014 Chapter 189, F.S. underwent extensive revisions in 2014 with substantive changes made to the oversight and enforcement process for special district financial reporting, an extension of the Governor’s power to remove certain special district board members, and better organizing of the underlying structure of the statute.

As signed into law, CS/HB 479:

- Requires each district to post proposed budgets, final budgets, and amendments to the final budget for specified periods on the district’s website;
- Removes obsolete language concerning special district budget information for districts that do not maintain their own website;
- Reasserts the power of the Legislature to create dependent special districts by special act;
- Requires districts to identify if they are dependent or independent in their charter;
- Creates a uniform series of requirements for special district oversight;
- Revises the process for the Department of Economic Opportunity to declare a special district inactive and clarifies the power of the Legislature to dissolve inactive independent special districts by general law;
- Revises the required content of the special district handbook; and
- Revises the list of items required to appear on a special district’s website.

The bill became law on March 8, 2016, chapter 2016-22, Laws of Florida, and becomes effective October 1, 2016.

CS/CS/HB 499 – Ad Valorem Taxation

The bill amends various provisions of the Value Adjustment Board (VAB) process, including revisions to the requirements for who may represent a petitioner before a VAB, the exchange of evidence prior to a hearing, and the rescheduling of hearings. The bill also includes matters a taxpayer may appeal changes in ownership or improvements to a property that could trigger a valuation change. Additionally, the bill provides various opportunities for taxpayers to avoid penalties and make corrections to their assessments upon discovery of improper past grants of certain property assessment limitations.

In addition, the bill requires VABs to complete all hearings and submit the certified assessment roll to the property appraiser by June 1 following the year in which the assessments were made, or by December 1 under certain

circumstances. In the event the VAB process is delayed, the bill provides school districts with a funding solution that allows for the collection of unrealized school funds from the prior year. The bill is expected to impact local government revenues by +\$42.8 million, +\$3.2 million, +\$3.5 million, and +\$15.6 million in Fiscal Years 2016-17 through 2019-20, respectively. Thereafter the recurring annual local government revenue impact is expected to be +\$3.5 million. The bill became law on March 25, 2016, chapter 2016-128, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/SB 514 – Supervisor of Election Salaries

The salaries for most county constitutional officers are set by a statewide formula. This formula provides a base salary determined by a county's population group and a group rate for each person in excess of the minimum number needed to qualify for the population group. While the base salary differs between the various county constitutional officers, the additional salary above the base for the population group is calculated using the same multiplier rate for all officers except the supervisor of elections.

The bill increases the population group multiplier rates used to calculate the salaries above the base for supervisors of elections to the same as used for other county constitutional officers. The bill also increases the base salary for supervisors of elections to the rate used to calculate the salaries for tax collectors, property appraisers, and clerks of circuit court. The bill became law on March 30, 2016, chapter 2016-157, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/CS/HB 535 – Building Codes

The bill makes the following significant changes to existing law:

Exempts employees of apartment communities with 100 or more units from contractor licensing requirements if making minor repairs to electric water heaters or HVAC systems under \$1,000

- Allows specified liquefied petroleum gas (propane) dealers and installers to disconnect and reconnect water lines in the servicing or replacement of existing propane water heaters
- Allows a homeowner to make a claim and receive restitution from the Florida Homeowners' Construction Recovery Fund based on work performed by a Division II contractor
- Clarifies that certain swimming pools used for specific purposes are not subject to regulation;
- Provides that the Florida Building Code (code) requires two fire service elevators for buildings in certain circumstances;
- Provides that the location of standpipes in high-rise buildings are subject only to specified requirements;
- Requires fire sprinklers in restaurants with a fire area occupancy load of 200 patrons or more
- Adds provisions to the code regarding fire separation distance and roof overhang projections
- Authorizes local building officials to issue phased construction permits
- Requires completed building permit applications to be submitted electronically
- Exempts wi-fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, non-removable, non-replaceable battery provision and provides requirements regarding alarm monitoring system registration
- Authorizes mandatory blower door/air infiltration testing, effective July 1, 2017, and provides air change and infiltration rates
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force and the Construction Industry Workforce Task Force
- Allows a specific energy rating index as an option for compliance with the energy conservation code and directs the Florida Building Commission to study and determine if on-site renewable energy generation can be counted toward energy conservation goals under the code

The bill became law on March 25, 2016, chapter 2016-129, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 552 – Environmental Resources

This bill revises policies relating to Florida’s environmental resources including, but not limited to:

- Creating the Florida Springs and Aquifer Protection Act to expedite protection and restoration of the water flow and water quality in the aquifer and Outstanding Florida Springs;
- Ensuring that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive water use permitting, and resource protection programs for the area encompassed by the Central Florida Water Initiative;
- Updating and restructuring the Northern Everglades and Estuaries Act to reflect and build upon the Department of Environmental Protection’s (DEP) completion of basin management action plans (BMAP) for Lake Okeechobee, the Caloosahatchee Estuary, and the St. Lucie River and Estuary, DEP’s continuing development of a BMAP for the inland portion of the Caloosahatchee River watershed, and the Department of Agriculture and Consumer Services’ implementation of best management practices in the three basins;
- Modifying water supply and resource planning documents and processes to provide more robust representations of the state’s water needs and goals;
- Requiring the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands;
- Requiring DEP to publish an online, publicly-accessible database of conservation lands on which public access is compatible with conservation and recreation purposes; and
- Requiring DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state’s waterbodies as well as regulatory information about each waterbody.

The bill became law on January 21, 2016, chapter 2016-1, Laws of Florida, and becomes effective on July 1, 2016.

CS/CS/HB 561 – Organizational Structure of the Department of Environmental Protection

The bill revises the organizational structure of the Department of Environmental Protection (DEP) to:

- Remove the Office of Chief of Staff, Office of General Counsel, Office of Inspector General, Office of External Affairs, Office of Legislative Affairs, Office of Intergovernmental Programs, Office of Greenways and Trails, and Office of Emergency Response;
- Establish the Office of the Secretary and allow the secretary to establish offices within divisions or within the Office of the Secretary to promote the efficient and effective operation of DEP;
- Specify that the secretary must appoint a general counsel (GC) who is directly responsible to and serves at the pleasure of the secretary, and specify that the GC is responsible for all DEP legal matters;
- Clarify that offices and districts are headed by managers and divisions are headed by directors;
- Specify that the managers of all offices and districts and directors of all divisions are exempt from the Career Service System and are included in the Senior Management Service; and
- Add the Division of Water Restoration Assistance as a division within DEP.

The bill became law on March 24, 2016, chapter 2016-85, Laws of Florida, and becomes effective July 1, 2016

CS/CS/CS HB 589 – Environmental Control

The bill makes the following changes to chs. 373 and 403, F.S., regarding environmental control:

- Repeals s. 373.245, F.S., which provides supplemental liability for violations of consumptive use permit conditions that damage abutting permitholders.
- Revises licensure requirements for water well contractors to require an applicant to demonstrate experience by either a letter from a water well contractor or water well inspector, but not both.

- Provides that when the beneficial use of a constructed clay settling area (CSA) of a phosphate mine is extended, the rate of reclamation requirements and the financial responsibility requirements apply to the CSA when the beneficial use of the CSA is complete.
- Allows the use of land set-asides and land use modifications not otherwise required by state law or permit, including constructed wetlands or other water quality improvement projects that reduce nutrient loads into nutrient impaired surface waters to generate water quality credits for trading.
- Provides that the limitation on the granting of a variance does not prohibit the issuance of moderating provisions or requirements under state law, subject to any necessary approval by the United States Environmental Protection Agency.
- Expands the use of funds in the solid waste landfill closure account, removes the repeal date for the account, and allows the use of the Solid Waste Management Trust Fund to pay or reimburse additional expenses needed for performing or completing approved facility closure or long-term care under certain circumstances.
- Requires a Florida registered professional to certify that a stormwater management system will meet additional requirements for a general permit, and requires the certification be submitted to the Department of Environmental Protection or a water management district before, rather than after, construction of the stormwater management system begins.

The bill became law on March 25, 2016, chapter 2016-130, Laws of Florida, and became effective upon that date.

CS/HB 613 – Workers’ Compensation System Administration

Financial Services’ (DFS) responsibility to enforce employer compliance with coverage requirements, administer the workers’ compensation health care delivery system, collect system data, and assist injured workers with understanding and pursuing their benefits and rights. The changes include:

- Providing for a 25-percent penalty credit for certain employers;
- Establishing a deadline for employers to file certain documentation to receive a penalty reduction;
- Reducing the imputed payroll multiplier related to penalty calculations from 2-times to 1.5-times the statewide average weekly wage;
- Requiring employers to simply notify their insurers of their employees’ coverage exemption, rather than requiring that a copy of the exemption be provided;
- Eliminating a three-day response requirement applicable to employer held exemption information;
- Removing the requirement that construction employers maintain written exemption acknowledgements;
- Deleting a requirement that exemption revocations be filed by mail only;
- Removing unnecessary information from the exemption application;
- Relieving employers of the obligation to notify DFS by telephone or telegraph within 24 hours of any work-related death and relying instead on other existing reporting requirements;
- Removing insurers and employers from the medical reimbursement dispute provision since they meet their adjustment, disallowance, and provider violation reporting duties through other provisions of law;
- Eliminating fees collected by DFS related to new insurer registrations and Special Disability Trust Fund notices of claim and proofs of claim;
- Revising the method for selecting an expert medical examiner; and
- Eliminating the Preferred Worker Program, which has not been used in over ten years.

The bill became law on March 10, 2016, chapter 2016-56, Laws of Florida, and becomes effective October 1, 2016.

CS/CS/SB 636 – Evidence Collected in Sexual Offense Investigations

Sexual offense evidence kits (SOEKs), also referred to as “rape kits,” are medical kits used to collect evidence from the body and clothing of a victim of rape or other sexual offense during a forensic physical examination. Such kits are submitted by law enforcement agencies to crime laboratories for DNA analysis and resulting DNA profiles are

uploaded to local, state, and federal DNA databases to determine whether a match identifying the perpetrator can be made.

The bill creates s. 943.326, F.S., to require a SOEK, or other DNA evidence if such kit is not collected, to be submitted to a member of the statewide criminal analysis laboratory system for forensic testing within 30 days after:

The receipt of the evidence by a law enforcement agency if a report of the sexual offense is made to the agency; or
A request to have the evidence tested is made by the alleged victim or a specified representative of the victim.

The bill further requires that an alleged victim or certain representatives of the victim be informed of the purpose for and right to demand testing of such evidence; testing of SOEKs be completed by laboratories within 120 days after receipt; and the FDLE and others to adopt guidelines for the collection, submission, and testing of DNA evidence.

Finally, the bill specifies that the section does not create a cause of action or a right to challenge the admission of evidence or a cause of action for damages or any other relief. The bill became law on March 23, 2016, chapter 2016-72, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 752 – Public Records/Agency Inspector General Personnel

The bill creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former employees of an agency's Office of Inspector General or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline. It also creates a public record exemption for the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such employees. In addition, the names and locations of schools and day care facilities attended by the children of such employees are exempt from public records requirements.

The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature, and provides a public necessity statement as required by the State Constitution. The bill became law on March 31, 2016, chapter 2016-164, and became effective upon that date.

CS/HB 773 – Special Assessments on Agricultural Lands

The bill limits the authority of counties and municipalities to levy special assessments for the provision of fire protection on lands classified as agricultural under Florida's greenbelt law. With respect to agricultural land, counties and municipalities are only authorized to levy special assessments for fire protection services on land that contains a residential dwelling or certain nonresidential farm buildings. The special assessment for fire protection services must be based solely on the special benefit accruing to the portion of the property consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. The bill became law on March 24, 2016, chapter 2016-89, Laws of Florida, and becomes effective November 1, 2017.

HB 819 – Sunset Review of Medicaid Dental Services

HB 819 removes dental services from the list of minimum benefits that Managed Medical Assistance (MMA) plans must provide, effective March 1, 2019. Effective July 1, 2017, the Agency for Health Care Administration must implement a statewide PDHP program for children and adults and begin enrollment by March 1, 2019.

The bill also requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to prepare a report on Medicaid dental services. The report must examine the effectiveness of MMA plans in increasing access to dental care, improving dental health, achieving satisfactory outcomes for recipients and providers, providing outreach to recipients, and delivering value and transparency regarding funds intended for, and spent on, actual dental services. The report must also examine, by MMA plan and in total, historical trends of rates paid to providers and dental plan subcontractors, provider participation in plan networks, and provider willingness to treat recipients.

It must also compare Florida's experience in providing dental care to Medicaid recipients with other states in delivering dental services, increasing access to dental care, and improving dental health. OPPAGA must submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2016.

The bill authorizes the Legislature to use the findings of the report to establish the scope of minimum benefits under the MMA program for future procurements of eligible plans; specifically, the Legislature may use the findings of the report to determine whether dental benefits should be benefits under the MMA program or be provided separately. The bill became law on March 24, 2016, chapter 2016-109, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 821 – Reimbursement of Assessments

The United States Department of Veterans Affairs (VA) allows individuals to become an "accredited representative" to assist claimants (veterans) in applying for veterans benefits. In some circumstances, the VA charges an administrative fee against an accredited representative. Federal law prohibits a representative from directly or indirectly charging the veteran for this administrative fee. This bill provides that it is a second degree misdemeanor for any accredited representative to request, receive or obtain reimbursement of the administrative fee from a veteran. The bill became law on April 14, 2016, chapter 2016-228, Laws of Florida, and becomes effective October 1, 2016.

SB 922 – Solid Waste Management

The bill amends the statute that governs the Solid Waste Management Trust Fund (SWMTF) to provide funding for a waste tire abatement program. The bill also allows funds from the solid waste landfill closure account to be used for the closing and long-term care of a solid waste management facility that was not required to obtain a Department of Environmental Protection (DEP) permit to operate.

Additionally, the bill allows a permittee to provide proof of financial assurance for closure by using an alternative form of financial assurance; allows DEP to accept sufficient documentation, rather than written documentation, to confirm that the issuer of the insurance policy or alternative form of financial assurance will provide or reimburse funds required for closure and long-term care; and allows DEP to use funds from the SWMTF to pay for or reimburse additional expenses needed for performing or completing closure or long-term care in certain situations.

Finally, the bill will remove the solid waste landfill closure account's expiration date of July 1, 2016 and amends the solid waste management grant program by increasing the population size for small counties eligible for grants from 100,000 to 110,000, adding waste tire abatement as an allowable use of grant funds, and removing the waste tire grant program. The bill became law on April 1, 2016, chapter 2016-174, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 941 – Department of Health

The bill authorizes the Department of Health (DOH) to waive fees and issue health care licenses to active duty U.S. military personnel who are within six months of an honorable discharge; and to waive fees and issue licenses, except for dental licenses, to active duty military spouses if the person is a practitioner in a profession for which licensure in another state or jurisdiction is not required, under certain circumstances. The bill also authorizes the DOH to issue certificates to military trained emergency medical technicians (EMTs) and paramedics under certain circumstances; and authorizes the issuance of temporary certificates to active duty military licensed in another state and practicing in Florida pursuant to a military platform.

The bill exempts a chiropractic physician from regulation in Florida when he or she holds an active license in another jurisdiction and is performing chiropractic procedures or demonstrating equipment or supplies for educational purposes at a board-approved continuing education program. The bill also updates various provisions regulating health care professions to reflect current operations and to improve operational efficiencies, including:

- Conforming Florida Statutes to reflect implementation of the integrated electronic continuing education (CE) tracking system regarding the licensure and renewal process;
- Authorizing the DOH to contract with a third party to serve as the custodian of medical records in the event of a practitioner's death, incapacitation, or abandonment of records;
- Extending the period of time in which an EMT of paramedic certificate may be renewed;
- Deleting the requirement for pre-licensure courses relating to HIV/AIDS and medical errors for certain professions;
- Eliminating a loophole pertaining to the licensure and license renewal of certain felons, persons convicted of Medicaid fraud, or other excluded individuals;
- Eliminating the requirement for annual inspections of dispensing practitioners' facilities;
- Repealing the Council on Certified Nursing Assistants and the Advisory Council of Medical Physicists; and
- Providing for a one-year temporary license for medical physicists.

The bill became law on April 14, 2016, chapter 2016-230, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/SB 964 – Prescription Drug Monitoring Program

The bill exempts a rehabilitative hospital, assisted living facility, or nursing home that dispenses a dosage of a controlled substance to a patient from reporting that act of dispensing to the prescription drug monitoring program (PDMP). The designee of a pharmacy, prescriber, or dispenser is allowed access to information in the PDMP database that relates to a patient of the pharmacy, prescriber, or dispenser, for the purpose of reviewing the patient's controlled substance prescription history.

The bill also authorizes impaired practitioner consultants to request access to the PDMP information relating to impaired practitioner program participants, or a person who is referred to the program. The impaired practitioner program participant, or a person referred to the program, must have agreed to be evaluated or monitored through the program, and separately agreed in writing to the consultant accessing the information in the PDMP. The bill became law on April 1, 2016, chapter 2016-177, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 971 – Community Development Districts

The bill revises the 1,000 acre threshold to 2,500 acres so that CDDs of 2,500 acres or more are now reviewed at the state level and are established by administrative rule, and CDDs of less than 2,500 acres are reviewed at a local level and established by ordinance. The bill clarifies that a CDD may contract with a towing operator to provide services for facilities and properties owned by the district, as long as the district provides the same level of notice required by private property owners. In addition, the bill creates a streamlined merger process for up to five CDDs created by ordinances of the same county or municipality, allowing districts to avoid duplication of administrative services and costs. The bill became law on March 24, 2016, chapter 2016-94, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 977 – Behavioral Health Workforce

The bill exempts persons employed with the Department of Corrections in an inmate substance abuse program from fingerprinting and background check requirements, unless they have direct contact with unmarried inmates under the age of 18 or with inmates who are developmentally disabled. The bill allows persons with a disqualifying offense that occurred five or more years ago, and who have requested an exemption from disqualification, to work with adults with substance use disorders. Until the Department of Children and Families makes a determination on a request for an exemption from disqualification, these individuals must work under the supervision of a qualified professional.

In addition, the bill:

- Expands the healthcare practitioners who are exempt from the registration requirements for prescribing controlled substances to treat non-malignant chronic pain to those who are board eligible or board certified

in pain medicine by the American Board of Interventional Pain Physicians or the American Association of Physicians;

- Provides that only a physician may dispense medication or prescribe a controlled substance on the premises of a registered pain management clinic.
- Adds psychiatric nursing as a certification eligible for licensure as an advanced registered nurse practitioner.
- Authorizes a psychiatric nurse to prescribe psychotropic controlled substances within an established protocol with a psychiatrist.
- Subjects psychiatric nurses to additional disciplinary actions related to the prescribing of psychotropic controlled substances.

The bill became law on April 14, 2016, chapter 2016-231, Laws of Florida, and became effective on that date.

HB 989 – Implementation of the Water and Land Conservation Constitutional Amendment

The bill amends s. 375.041, F.S., to provide for the distribution of funds deposited into the Land Acquisition Trust Fund. Of the funds remaining after the payment of certain debt service obligations, the Legislature will be required to annually appropriate through the 2025-26 fiscal year: a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement the Comprehensive Everglades Restoration Plan, including the Central Everglades Planning Project subject to congressional authorization, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program; a minimum of the lesser of 7.6 percent or \$50 million for springs restoration, protection, and management projects; and \$5 million to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka.

The bill also provides an adjustment to the calculation of each distribution for Everglades restoration, springs restoration, protection and management projects, and Lake Apopka restoration projects if debt service is paid on bonds issued after July 1, 2016. Finally, the bill repeals the provision, which expires July 1, 2016, paying for the South Florida Water Management District's and the St. Johns River Water Management District's debt service on bonds issued before February 1, 2009. The bill became law on April 1, 2016, chapter 2016-201, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 1004 – Public Records/Security System Plans

The bill provides additional circumstances under which information regarding security system plans which is otherwise confidential and exempt may be disclosed. Such information may now be disclosed to the property owner or leaseholder; in furtherance of the official duties and responsibilities of the agency holding the information; to another local, state, or federal agency in the furtherance of that agency's official duties and responsibilities; or upon a showing of good cause before a court of competent jurisdiction. The bill became law on April 1, 2016, and became effective on that date.

CS/HJR 1009 – Tax Exemption for Totally and Permanently Disabled First Responders

The joint resolution proposes an amendment to the Florida Constitution to allow the Legislature, as provided by general law, to grant a full or partial property tax exemption on homestead property to certain first responders. To qualify, the first responder must be totally and permanently disabled as a result of an injury or injuries sustained in the line of duty. The disability and its connection to service in the line of duty must be determined as provided by general law. The term "disability" does not include a chronic condition or chronic disease, unless the injury sustained in the line of duty was the sole cause of the chronic condition or chronic disease. If approved by the electorate, the joint resolution will have a zero impact on local government revenue due to the need for further implementation at the option of the Legislature. On March 11, 2016, the proposed resolution was signed by the Officers and filed with the Secretary of State.

CS/CS/HB 1025 – Public Records/Utility Security Information

The bill creates a public record exemption for the following information held by a local government utility:

- Information related to the security of the utility’s technology, processes, and practices designed to protect the utility’s networks, computers, programs, and data from attack, damage, or unauthorized access that, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources.
- Information related to the security of the utility’s existing or proposed information technology systems or industrial control technology systems that, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility.

The bill also provides for retroactive application of the public record exemption and provides that this public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. The bill became law on March 24, 2016, chapter 2016-95, Laws of Florida, and became effective upon that date.

CS/CS/SB 1044 – Contraband Forfeiture

Sections 932.701-932.706, F.S., comprise the Florida Contraband Forfeiture Act (“Act”), which provides for the seizure and civil forfeiture of property used in violation of the Act. The forfeiture procedure advances primarily by a two-step process: the seizure or other initial restraint on the property is applied; and the forfeiture itself occurs once it is determined in court that the property can be legally forfeited.

The bill amends the requirements that apply to seizure, the review of seizures, and forfeiture procedures in a number of ways:

- Property seizure is unauthorized until the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article, or one of the enumerated arrest exceptions applies.
- The seizing agency must petition the court for a finding that the seizure was lawful.
- When an agency files a petition for forfeiture, the agency must pay a minimum \$1,000 filing fee and a \$1,500 bond to the clerk of court.
- A forfeiture petition may only be granted upon proof beyond a reasonable doubt that the property was being used in violation of the Act.
- Specified parties in seizing agencies must review forfeiture settlements, perform annual seizure reviews, and review seizures for legal sufficiency.
- Agencies must address deficiencies raised by a review and create written policies promoting the release of property.
- Law enforcement officer employment and compensation may not depend on seizure quotas.
- Specified law enforcement officers must receive training on seizure and forfeiture.
- The percentage of proceeds that must be donated by the seizing agency or used for specified causes is increased.
- Any law enforcement agency that does not comply with the reporting requirements is subject to a civil fine up to \$5,000.

The bill became law on April 1, 2016, chapter 2016-179, Laws of Florida, and becomes effective on July 1, 2016.

CS/SB 1176 – Dredge and Fill Activities

The bill increases the acreage of wetland or other surface water impacts, including navigable waters, that the Department of Environmental Protection (DEP) or water management districts are authorized to implement through a state programmatic general permit (SPGP), subject to agreement with the United States Army Corps of Engineers, from three acres or less to ten acres or less. The bill provides that by seeking to use a SPGP, an applicant consents to applicable federal wetland jurisdiction criteria.

In addition, the bill allows DEP to seek delegation, in addition to assumption, of federal permitting programs regulating the discharge of dredged or fill material pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The bill became law on April 6, 2016, chapter 2016-195, Laws of Florida, and became effective on that date.

SB 1202 – Discounts on Public Park Entrance Fees and Transportation Fares

The bill requires county and municipal parks and recreation departments to provide discounts on local park entrance fees to the following individuals who present any information satisfactory to the county or municipal department, which evidences the individual's eligibility:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, or their reserve components, including the Air or Army National Guard.
- The surviving spouse or parent of a deceased member of the United States Armed Forces, or their reserve components, including the Air or Army National Guard, who died in the line of duty under combat-related conditions.
- The surviving spouse and parents of a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by state or local government, who died in the line of duty.

In order to minimize potential fiscal impacts, the bill allows a county or municipal park to determine the amount of the discount; and narrowly defines a "park entrance fee" to exclude "additional fees for amenities". In addition the bill also requires regional transportation authorities to provide disabled veterans, who provide information satisfactory to the authority, with discounts on fares or charges. The bill became law on April 26, 2016, chapter 2016-196, Laws of Florida, and becomes effective July 1, 2016.

CS/HB 1219 – Veterans' Employment

The bill revises the section of Florida law governing veterans' preference in appointment and retention to require agencies to include a veteran recruitment plan and to track data related to current veterans' preference requirements.

Specifically, the bill:

- Requires each state agency to develop and implement a written veterans' recruitment plan;
- Allows each political subdivision of the state to develop and implement a written veterans' recruitment plan;
- Requires each veterans' recruitment plan to establish and meet annual goals for ensuring the full use of veterans in the agency's or subdivision's workforce;
- Requires the Department of Management Services (DMS) to collect statistical data for each state agency on the number of persons who claim veterans' preference, the number of persons who were hired through veterans' preference, and the number of persons who were hired as a result of the veterans' recruitment plan;
- Requires DMS to update the statistical data annually on its website and include the statistics in its annual workforce report; and
- Requires each veterans' recruitment plan to apply to the same veterans and veterans' family members that are included in the Florida law governing veterans' preference in appointment and retention.

The bill became law on March 24, 2016, chapter 2016-102, Laws of Florida, and becomes effective October 1, 2016.

CS/SB 1322 – Juvenile Detention Costs

The bill creates s. 985.6865 F.S., which requires all non-fiscally constrained counties that have filed a notice of voluntary dismissal of all actions against the state or any state agency and/or executed a release and waiver of any existing future claims and actions related to juvenile detention costs to pay its annual percentage share of \$42.5 million in 12 equal payments on the first day of each month in FY 2016-17, and 50 percent of shared detention costs in FY 2017-18 and thereafter. The Department of Juvenile Justice (DJJ) is required to calculate the annual

percentage share of each county. An appropriation of \$7.3 million in recurring general revenue and \$3.5 million in nonrecurring general revenue funds to the DJJ for the purpose of implementing the provisions in the bill. The bill became law on March 29, 2016, chapter 2016-152, Laws of Florida, and became effective upon that date.

CS/CS/HB 1361 – Growth Management

The bill makes several changes to the state’s growth management programs. Specifically, the bill adds that a county governing board may hold joint public meetings with the governing body or bodies of one or more adjacent municipalities or counties to discuss matters regarding land development or other multi-jurisdictional issues at any appropriate public place within the jurisdiction of any participating municipality or county. In addition, the bill provides that an ex officio, nonvoting representative of a military installation is not required to file an annual statement of financial interests (Form 1) due solely to service on a local land planning or zoning board.

The bill as passed also establishes a timeframe for issuing a final order if the state land planning agency fails to take action and amends the minimum acreage for application of a sector plan from 15,000 to 5,000 acres and changes the acreage for annexation of enclaves under certain circumstances from 10 to 110 acres. It replaces the Administration Commission with the state land planning agency as the reviewing entity for modifications and proposed changes dealing with plans and regulations for the Apalachicola Bay Area of Critical State Concern.

Furthermore, the bill authorizes a developer, the Department of Economic Opportunity, and a local government to amend a development of regional impact (DRI) agreement when a project has been determined to be essentially built out; authorizes a local government to approve the exchange of one approved DRI land use for another so long as there is no increase in impacts to public facilities; and specifies that persons do not lose the right to complete DRIs upon certain changes to those developments.

Clarifies that certain proposed developments which are currently consistent with the local government comprehensive plan are not required to be reviewed pursuant to the State Coordinated Review Process for comprehensive plan amendments; revises conditions under which the DRI aggregation requirements do not apply; and establishes procedures relating to rights, duties, and obligations related to certain development orders or agreements if a development elects to rescind a development order. The bill became law on March 25, 2016, chapter 2016-148, Laws of Florida, and becomes effective July 1, 2016.

CS/SB 1508 – Airport Zoning Law of 1945

The bill substantially revises chapter 333, F.S., governing the management of airspace and land use at or near airports. Generally, the bill updates statutory definitions and terms in accordance with federal regulations; streamlines the current local airport protection zoning process to a simpler permitting model; provides local governments the flexibility to structure and incorporate the airport protection zoning review process into existing local zoning review processes and repeals duplicative requirements for obtaining a variance; and makes other grammatical, editorial, and conforming changes. The bill became law on April 8, 2016, chapter 2016-209, Laws of Florida, and becomes effective July 1, 2016.

CS/CS/HB 7061 – Transportation

This comprehensive transportation bill establishes the Seaport Security Advisory Committee under the direction of the Florida Seaport Transportation and Economic Development Council; revises the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; and authorizes the Department of Transportation to prohibit the operation of commercial megacycles on or across any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety. In addition, the bill revises airport zoning regulation requirements and revises the membership of the governing board of the Tampa Bay Area Regional Transportation Authority. The bill became law on April 14, 2016, chapter 2016-239, Laws of Florida, and becomes effective July 1, 2016.

HB 7071 – Public Corruption

The bill expands the applicability of offenses in Chapter 838, F.S., to officers and employees of a public entity created or authorized by law. The bill also makes public contractors eligible for prosecution of official misconduct and defines public contractors as any person, or any officer or employee of a person, who has entered into a contract with a governmental entity. Additionally, the bill widens the scope of bid tampering to include public servants and public contractors who have contracted with a governmental entity to assist in a competitive procurement.

Finally, the bill changes the mens rea element for certain public corruption crimes from “corruptly” or “with corrupt intent” to “knowingly and intentionally.” Furthermore, the bill provides that public servants and public contractors may be reimbursed in the same manner as provided by common law for any attorney’s fees incurred defending public corruption charges. The bill became law on March 25, 2016, chapter 2016-151, Laws of Florida, and becomes effective October 1, 2016.

HB 7099 – Taxation

The bill provides for a variety of tax reductions and modifications, which would improve tax administration and impact households and businesses. The bill became law on April 13, 2016, chapter 2016-220, Laws of Florida, and becomes effective July 1, 2016.

Sales Tax

The bill includes a permanent extension of the sales tax exemption for certain manufacturing machinery and equipment and expands the exemption to include machinery and equipment used for certain agricultural postharvest activities and metals recycling. The bill creates an exemption for sales of food and drink by military veterans’ service organizations to their members. The bill clarifies requirements for the current exemption on sales of aircraft that will be registered in a foreign jurisdiction. The bill phases out over three years the current per-ton tax on asphalt used for government public works projects. The bill includes a three-day “back-to-school” holiday for clothing and footwear priced at \$60 or less, and school supplies priced at \$15 or less.

Property Tax

The bill clarifies that for a limited period, current local option economic development property tax exemptions can be granted in areas that were designated enterprise zones as of December 30, 2015. The bill also specifies that replacement equipment for a data center qualifies for the exemption and provides that the exemption shall remain in effect for 20 years for a data center (as opposed to 10 years for other facilities under current law).

Corporate Income Tax

To maintain the linkage between Florida’s corporate income tax code and that of the federal government, the bill updates references to the Internal Revenue Code as in effect on January 1, 2016, with some exceptions. Also, some filing dates are changed to conform with federal filing date changes.

Further changes in the bill include: equalization of the tax rates on apple and pear cider; changes to allowable uses of tourist development taxes under specified circumstances; elimination of a current exemption from and a reduction of the aviation fuel tax rate; clarification of administration of the tax on other tobacco products; and replacement of the current tax calculation on liquor and tobacco sold on cruise ships with a simpler, revenue neutral calculation.

A total of -\$129.0 million in tax reductions in the bill is the sum of the recurring impacts (-\$78.9 million), reflecting the annual value of permanent tax cuts when fully implemented, and the pure nonrecurring impacts (-\$47.3 million in FY 2016-17 and -\$2.8 million thereafter), reflecting temporary tax reductions. The bill also includes nonrecurring General Revenue appropriations of \$330,356.

Section IV – Bills of Interest that Failed

A total of 1,814 House and Senate bills were filed, in which 279 bills passed the 2016 Regular Session. Below are some bills of interest that failed to pass both Chambers during Regular Session.

HB 51 – Local Amendments to the Florida Building Code

During the Regular Session, HB 51 proposed to save local technical amendments to the Florida Building Code (FBC) relating to water conservation from automatic repeal. Under present law, a local technical amendment (i.e., a more stringent exception to the FBC adopted because of local conditions) expires when a new FBC is adopted every three years. The expiration occurs automatically unless the Florida Building Commission reviews the local technical amendment and makes it part of the new statewide code. HB 51 was never heard in Committee.

CS/SB 620 – Medical Examiners

A bill which would allow counties that have issued 3,000 or more medical examiner approvals for cremations, burials at sea, or dissections in the prior year to continue to charge the fee the Board of County Commissioners established by resolution or ordinance prior to February 17, 2016 died in returning messages in the last week of Regular Session. The legislation failed as last minute attempts were made to amend the language to prohibit counties from charging any fee whatsoever.

Transportation Network Companies (UBER/Lyft)

CS/CS/HB 509 – Transportation Network Companies – This bill provided a comprehensive statewide regulatory policy regarding Transportation Network Companies (TNCs). The bill preempted counties, municipalities, special districts, airport authorities, port authorities, or other local government entities or subdivisions, from enacting or enforcing any regulatory scheme or from imposing any tax on TNCs or TNC drivers, relating the provision of TNC services. The bill also addressed insurance requirements for TNCs and their drivers.

CS/CS/SB 1118 – Transportation Network Company Insurance – This bill specified minimum insurance requirements for TNCs and TNC drivers. The bill died on the Senate Calendar after an agreement between UBER/Lyft and taxi companies proved elusive.

CS/HB 191 – Public Works Projects

The bill would have prohibited the state or a political subdivision, except when required by state or federal law, from requiring a contractor, subcontractor, or material supplier or carrier engaged in a public works project to:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

Additionally, the state or political subdivision contracting for a public works project could not prohibit the contractor, subcontractor, or material supplier or carrier from submitting a bid or receiving the contract award if otherwise qualified to do the work described. The bill died on the House Calendar.

CS/HJR 165 – Selection and Duties of County Officers

CS/HJR 165 proposed an amendment to the State Constitution to remove the authority to alter the manner of selecting county officers pursuant to a county charter or by special law approved by the county electors. As a result, the offices of Sheriff, Property Appraiser, Supervisor of Elections, Tax Collector, and Clerk of the Circuit Court would be filled only by vote of the county electors and for terms of four years. The joint resolution also removed the

ability of voters to abolish a county office and transfer all duties prescribed by general law to another office pursuant to the county charter. Abolishing such an office and transferring its duties could only be achieved by special law passed by the Legislature subject to the approval of county voters.

If this joint resolution had passed the Legislature and received the necessary 60% approval in a statewide referendum, the Office of the Tax Collector would be reestablished in Broward County. In addition, certain functions now performed by the county government, including ex-officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds, would be returned to the Clerk of the Circuit Court, unless otherwise provided by special law approved by the county voters after the joint resolution took effect. The joint resolution died on the House Calendar.

CS/CS/HB 1015 – Millage Rates

Initially this bill would have reset the maximum millage rate calculation to eliminate any millage capacity accumulated by local governments during the financial downturn years. In its final form, the bill required a taxing authority to post on its official website a copy of its millage rate newspaper advertisement. In addition, the taxing authority was required to post the vote record of the adopted final millage rate, including the percentage increase in property taxes, the name of each member of the taxing authority's governing body, and each member's vote on the resolution or ordinance adopting the final millage rate. The bill died on the House Calendar and its Senate companion, CS/CS/SB 1222, died in the Senate Appropriations Committee.

CS/CS/HB 791 – Local Tax Referenda

The bill set differing voter approval thresholds for levying discretionary sales surtaxes. The bill prohibited the calling of a special referendum election to levy any local option sales surtax. If the referendum was held during a general election, then only a simple majority approval was necessary to levy the local option tax. However, if the referendum to levy the local option sales surtax were held during the presidential preference primary or other another primary, then 60% approval of the electors voting in the election would be necessary to levy the tax. The bill passed the House but was not taken up by the Senate as its companion, SB 1100, failed to pass the Senate Finance and Tax Committee.

CS/CS/CS/HB 517 – Certificates of Public Convenience and Necessity for Life Support or Air Ambulances

The bill would have required counties to include the recommendations of fire specials districts when developing standards for certificates of public convenience & necessity (COPCN). It also would have provided exemptions for certain governmental agencies; required specified county governing bodies to enact or amend an ordinance to provide standards for the issuance of COPCNs by a certain date; require counties to adopt a review process; and would have provided an appeal to the circuit court for agencies denied a COPCN. The bill died on the House Calendar.

CS/SB 1646 – Economic Development

This bill would have made several changes to the state's economic development programs to increase accountability and efficiency. Specifically, the bill would have limited incentive contracts to 10 years; required the Department of Economic Opportunity (DEO) to provide notice of executed contracts to the Legislature; required incentive reports to include information on jobs created and retained that provide health benefits; and renamed the Quick Action Closing Fund as the Florida Enterprise Fund. Furthermore, as written, the bill would have lowered the required economic benefits (return on investment) from 5 to 1, to 2.5 to 1; required projects to create at least 10 jobs; and prohibited payment before performance conditions were met.

The bill also proposed changes to the state's film and entertainment industry incentive program. The bill proposed moving Office of Film and Entertainment (OFE) from the Department of Economic Opportunity to EFI, and renaming the office as the Division of Film and Entertainment. An Entertainment Action Fund would be created to provide approved production companies funds for qualified expenditures within the state. Additionally, the existing entertainment industry sales tax exemption certificate program was revised to prohibit backdating tax exemption certificates, and to limit benefits from the Entertainment Action Fund and sales tax exemption certificate program for the same production. Although the bill passed its first two committees, it died in the Senate Appropriations Committee.

[HB 551](#) – Aviation Fuel Tax

This legislation would have amended s. 206.9825, F.S., to limit air carriers qualifying for the fuel tax exemption to those that increased their Florida workforce by more than 1000 percent and by 250 or more full-time employee positions between January 1, 1996 and July 1, 2016. In addition, beginning July 1, 2019, the bill would repeal the aviation fuel tax exemption in its entirety and reduce the aviation fuel, kerosene, and aviation gasoline tax rates from 6.9 cents per gallon to 3.3 cents per gallon. The bill died in the House Finance and Tax Committee in the final weeks of Regular Session.

However, a version of HB 551 passed in the final tax package (HB 7099) approved by the Legislature on the last day of the Regular Session. Effective July 1, 2019, the aviation fuel tax exemption is repealed and the tax rate is reduced from 6.9 cents to 4.27 cents per gallon. (See HB 7099 – Taxation – page 30 of this report).

Gaming Legislation

[CS/HB 7109](#) – Gaming

This bill would have ratified and approved the Gaming Compact between the Tribe and the State of Florida, which was executed by Governor Rick Scott and the Tribe on December 7, 2015 (the 2015 Compact), contingent upon renegotiation. The 2015 Compact permits the Tribe to offer the banked card games (such as blackjack), slot machines, raffles and drawings, live table games (such as craps and roulette), and any other game authorized in Florida. In exchange, the Tribe would make revenue sharing payments totaling at least \$3 billion to the State during the first seven years of the Compact, subject to state actions that could violate the Tribe's exclusivity rights as set forth in the 2015 Compact. The bill also made changes to Florida's pari-mutuel wagering, slot machine, and gambling laws.

[HJR 7113](#) – Voter Control of Gambling Expansion in Florida

This joint resolution proposed to create Article X, section 29 of the Florida Constitution, relating to voter control of gambling expansion. To expand gambling in the future, the joint resolution would have required a constitutional amendment proposed by initiative petition.

[SB 7074](#) – Gaming Compact Between the Seminole Tribe of Florida and the State of Florida

The bill ratified and approved the Gaming Compact (Compact) between the Seminole Tribe of Florida (Tribe) and the State of Florida, executed by the Tribe and the Governor on December 7, 2015, if the Compact was amended to include a provision that fantasy contests in accordance with sections 546.11 through 546.20, F.S., are an authorized activity and such fantasy contests did not impact the agreement's revenue-sharing payments. Sections 546.11 through 546.20, F.S., were created in CS/SB 832 (failed to pass also) to provide for the licensing and regulation of operators of fantasy contests.

[SB 7072](#) – Gaming

The bill revised gaming laws, including Chapter 24, F.S., governing state lotteries, Chapter 550, F.S., regulating pari-mutuel wagering, Chapter 551, F.S., governing slot machines, and section 849.086, F.S., regulating authorized cardrooms.

[CS/CS/SB 1192](#) – Waste Management

The bill precludes a local government from preventing a private company from listing separately on the company's invoice for solid waste collection, disposal, or recycling any governmental taxes or fees. The bill would also amend provisions regulating local government competition with solid waste collection companies to include disposal and recycling; and create the crime of theft of recyclable property and provides for a civil right of action for violations. This bill died on the Senate Calendar.

Section V – Linked Reports

[Florida Association of Counties Session Report](#) - 2016 Post Session Webinar PowerPoint (PDF)

[Florida League of Cities Session Report](#) – Legislative Bulletin