



BOARD OF COUNTY
COMMISSIONERS

2014 STATE LEGISLATIVE FINAL REPORT

BOARD OF COUNTY COMMISSIONERS



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2014 STATE LEGISLATIVE FINAL REPORT

The Office of Intergovernmental Affairs and Professional Standards (OIAPS) is pleased to present the Broward County 2014 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.

Section I summarizes the Commission Priorities and the associated outcomes during the 2014 Legislative Session. Please note that an issue's designation as successful or unsuccessful is a reflection of its outcome with respect to the Broward County Board of County Commissioners' position, and not simply whether the issue passed or failed.

Section II provides an overview of major funding decisions as enacted in the General Appropriations Act for FY 2014-2015. Section III summarizes the bills of interest, including local bills, which passed the Legislature during the 2014 Session. Section IV summarizes the bills of interest, including local bills, which failed to pass during Legislature 2014 Session.

For the online version of the report, a link to each chapter law number designated by the Secretary of State is provided. In addition, a direct link to access is provided to the Governor's veto messages associated with reported appropriations and bills. Finally, a link is also provided to the final reports of the Florida Legislature, Florida League of Cities and the Florida Association of Counties.

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: PROGRAM PRIORITIES

Enterprise Zones

During the 2014 Legislative Session no bills passed that would change the Enterprise Zone thresholds or expand the employee eligibility base. However, legislation entitled the Florida Enterprise Zone Act was filed and would have postponed the Enterprise Zone repeal/sunset date from December 31, 2015 to December 31, 2025. Both [SB 472](#) and [HB 141](#) were unsuccessful.

Port Issues

The 2014 Legislative Session was another good year for ports. The Florida Department of Transportation Work Program was fully funded by the Legislature which included \$14.718 million for the Turning Notch project and \$1.850 million for lengthening of Slip 2 at Port Everglades. Additionally, \$139.3 million for programs such as the Seaport Economic Development and Access Programs and the Strategic Port Investment Incentive Program will be spread across Florida.

Medicaid Access

Reforms to Medicaid that would limit access to services or restrict eligibility did not pass during the 2014 Legislative Session.

Juvenile Justice

Attempts to legislatively modify the state-county cost share relationship for juvenile secure detention services failed to pass during the 2014 Session. HB 5305, by the House Justice Appropriations Subcommittee and Rep. McBurney, sought to amend §985.686, Florida Statutes, to implement a fifty-fifty (50-50) cost share split between the state and the 37 Florida counties that pay to provide secure detention services to youth residing within such counties.

The bill also proposed a 23-year payment plan to repay the more than \$140 million the Department of Juvenile Justice (DJJ) had overbilled counties during fiscal years 2009-2013. The overpayment resulted from DJJ's promulgation of invalid rules that unlawfully shifted costs to counties for which DJJ was responsible. Pursuant to the requirements of §985.686, F.S., counties are only responsible for the "actual costs" of secure detention care. Several counties challenged DJJ's rules and annual reconciliations as inconsistent with the statute and prevailed before the Division of Administrative Hearings. The invalidation of DJJ's rules was also upheld on appeal. Broward County, who is owed more than \$11.5 million, would have received only

80% of the amount owed under the 23-year plan and without interest. Although the County sought a more reasonable repayment schedule (5-10 years), House leaders were not inclined to negotiate and ultimately the County was forced to oppose the legislation. The bill, although it passed the House 100-11, died in Messages as the Senate never considered the bill.

In the Senate, Sen. Bradley sponsored SB 1532 that also proposed a 50-50 split cost share model for secure detention, but contained no plan to repay the overpayment amounts due to the counties. In addition, as a condition of passing this legislation, the Senate sponsor required counties, especially Broward County, release the state from any amounts presently due as a result of the administrative actions pending before the Division of Administrative Hearings (DOAH) and provide a unilateral waiver of their rights to challenge any secure detention cost share legislation which passed the Legislature, regardless of how onerous such legislation might be on counties. Despite conversations with the Senate sponsor to remove these conditions and consider a reasonable repayment plan, no accommodation could be reached. SB 1532 died in the Senate Appropriations Committee.

Everglades Restoration

The 2014 General Appropriations Act ([HB 5001](#)) included \$232 million for Everglades restoration efforts. Additionally, legislation supporting Everglades restoration was filed but ultimately failed.

[HB 607](#) was filed as a memorial urging Congress to enact the Water Resources Development Act authorizing the next phase of Everglades restoration, which includes the Biscayne Bay Coastal Wetlands, the C-111 Spreader Canal, the Broward County Water Preserve Area, the Caloosahatchee River C-43 West Basin Storage Reservoir, and the Central Everglades Planning Project. All previously authorized Comprehensive Everglades Restoration Plan projects are underway and Florida is prepared to start the next phase. However, congressional authorization is required before commencement of additional projects.

Beach Renourishment

The 2014 General Appropriations Act included \$47.3 million for beach nourishment. Broward County's Segment II Project received \$2,030,000 included in the statewide funding.

Affordable Housing

Affordable housing efforts were well funded for a second straight Legislative Session. \$100 million was appropriated for the State Housing Incentive Partnership

(SHIP) program, with \$4 million coming off the top to fund the Homeless Challenge Grant Program. Another \$57.7 million was appropriated for the construction or rehabilitation of rental units occupied by elderly, homeless, or persons with developmental disabilities.

SECTION II: Budget Overview - HB 5001 Relating to Appropriations

HEALTH & HUMAN SERVICES

Agency for Health Care Administration (AHCA)

Medicaid Services to Individuals

Community Mental Health Services

FY 10-11 Appropriated	\$60,150,023	
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	(\$20,776,987)

Home Health Services

FY 10-11 Appropriated	\$159,932,827	
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	\$13,619,653

Medicaid Long Term Care

Home and Community Based Services

FY 10-11 Appropriated	\$1,000,476,643	
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	(\$135,586,434)

Department of Health (DOH)

Child Protection Teams

FY 10-11 Appropriated	\$37,396,929	
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	\$2,800,000

Department of Children and Families (DCF)

Grants to Sheriffs for Protective Investigations

FY 10-11 Appropriated	\$47,491,154	
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	\$5,936,814

Mental Health Services

Mental Health and Substantive Abuse Local Match Grant

FY 10-11 Appropriated	\$3,000,000	
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	Level Funding

Children's Mental Health Services

FY 10-11 Appropriated	\$47,315,346	
FY 11-12 Appropriated	\$47,011,346	
FY 12-13 Appropriated	\$47,011,569	
FY 13-14 Appropriated	\$47,174,813	
FY 14-15 Appropriated	\$48,334,813	\$1,160,00

Community Mental Health Services - Adults

FY 10-11 Appropriated	\$224,062,552	
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	\$4,228,979

Substance Abuse Services

Grants and Aids - Community Substance Abuse Services

FY 10-11 Appropriated	\$129,488,989	
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	(\$5,899,000)

Economic Self Sufficiency

Homeless Prevention Program Housing

	FY 10-11 Appropriated	\$8,602,844	
vetoed	FY 11-12 Appropriated	\$12,000,000	
	FY 12-13 Appropriated	\$3,000,000	
	FY 13-14 Appropriated	\$3,000,000	
	FY 14-15 Appropriated	\$3,000,000	Level

Elder Affairs

Community Care for the Elderly

FY 10-11 Appropriated	\$53,044,996	
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	\$5,000,000

GENERAL GOVERNMENT

Housing and Community Development

Housing Finance Corporation - Affordable Housing Programs

FY 10-11 Appropriated	\$37,500,000	
FY 11-12 Appropriated	\$0	
FY 12-13 Appropriated	\$10,000,000	
FY 13-14 Appropriated	\$0	(\$75 mm in SB 1852)
FY 14-15 Appropriated	\$67,660,000	\$67,660,000

State Housing Initiative Partnership Program

FY 10-11 Appropriated	\$0	
FY 11-12 Appropriated	\$0	
FY 12-13 Appropriated	\$0	
FY 13-14 Appropriated	\$0	(\$70 mm in SB 1852)
FY 14-15 Appropriated	\$100,000,000	\$100,000,000

Department of Environmental Protection

Fixed Capital Outlay - Statewide Beach Projects

FY 10-11 Appropriated	\$15,536,535	
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	\$9,815,437

Fixed Capital Outlay - Wastewater Treatment Construction

FY 10-11 Appropriated	\$171,580,534	
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	\$18,845,863

TRANSPORTATION & ECONOMIC DEVELOPMENT

Department of Transportation

Aviation Development Grants

FY 10-11 Appropriated	\$129,921,080	
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	\$123,802,362

Public Transit Development Grants

FY 10-11 Appropriated	\$200,923,034	
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	\$106,958,438

Seaport - Economic Development

FY 10-11 Appropriated	\$15,000,000	
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	Level

Seaport - Access Program

FY 10-11 Appropriated	\$10,000,000	
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	Level

Seaport - Grants

FY 10-11 Appropriated	\$25,640,022	
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	(\$126,725,106)

Strategic Port Investment Initiative

FY 12-13 Appropriated	\$35,000,000	
FY 13-14 Appropriated	\$10,000,000	
FY 14-15 Appropriated	\$10,000,000	Level

Strengthening Domestic Security

FY 10-11 Appropriated	\$48,486,622	
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	(\$3,463,426)

GOVERNOR'S OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT

Economic Development Tools

FY 10-11 Appropriated	\$21,637,500	
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	\$25,500,000

Economic Development Projects

FY 10-11 Appropriated	\$1,625,000	
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	\$4,425,000

SECRETARY OF STATE

Historical Resources Preservation

Grants and Aids - Historic Preservation Grants

FY 09-10 Appropriated	\$0	
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	(\$7,206,622)

Library, Archives and information Services

Grants in Aid - Library Grants

FY 10-11 Appropriated	\$24,046,017	
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	\$5,460,989

Grants in Aids - Library Resources

FY 10-11 Appropriated	\$3,782,333	
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	

Cultural Support and Development Grants

Aid to Local Government - Arts Grants

FY 10-11 Appropriated	\$297,200	
FY 11-12 Appropriated	\$297,200	
FY 12-13 Appropriated	\$297,200	
FY 13-14 Appropriated	\$232,231	
FY 14-15 Appropriated	\$232,231	Level

SECTION III: Bills of Interest that Passed

Legislative Session Dates

HB 9 moves the start date of the 2016 Legislative Session from its usual start date of the second Tuesday in March to January 12, 2016.

[Approved by Governor: June 13, 2014 - Effective Date: June 13, 2014.](#)

County Employees

SB 106 clarifies the authority of counties relating to employee benefits and personnel. It specifies that the county's power to employ personnel includes, but is not limited to, the authority to determine the benefits available to different types of personnel. It also specifies that the Florida Retirement System Act governs the participation of county employees in the Florida Retirement System.

[Approved by Governor: May 5, 2014 - Effective Date: July 1, 2014.](#)

Motor Vehicle and Mobile Home Taxes, Fees and Surcharges

SB 156 rolls back vehicle registration fees to pre-2009 levels. Fees were increased during that time to boost state revenues and help balance the state budget. The bill is expected to save motorists an average of \$25. The bill is estimated to have a total negative recurring impact of \$394.6 million to the State.

[Approved by Governor: April 2, 2014 - Effective Date: September 1, 2014.](#)

Emergency Communication System

HB 175 lowers the E911 fee on wireline and wireless phones to 40 cents. The bill allows the E911 Board to raise the fee on or after June 1, 2015, but not above the existing cap of 50 cents. The bill also imposes the fee on pre-paid wireless services and requires the seller of such devices to collect the fee and remit to the Department of Revenue (DOR). In the first two months after the legislation is effective, retailers are allowed to keep 100 percent of the fee collected to develop the capability to collect and remit the fee.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Public Records/Prepaid Wireless E911 Fee

HB 177 is linked with HB 175 as an exemption from public records any proprietary confidential business information submitted by a wireless service provider to DOR.

[Approved by Governor: Jun 20, 2014 - Effective Date: July 1, 2014.](#)

Transportation

SB 218 is generally a glitch bill for the Department of Transportation. The bill was amended on the Senate floor to include language sought by Broward County that would allow a public transportation system to dispose of lost or abandoned property.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Nicotine Dispensing Devices

SB 224 prohibits the sale of e-cigarettes to persons under the age of 18. The original bill preempted the regulation of tobacco sales to the state and prohibited local control over the sale of such devices. However, the bill was amended during the legislative process to remove the preemption and late session efforts to reinstate preemption language failed on the House floor.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Admissions Tax

HB 231 exempts sales of tickets to Major League Soccer games and all-star National Basketball Association events from admission tax. This bill puts MLS on par with other types of professional sporting events (NFL, NBA, NHL).

[Approved by Governor: May 5, 2014 - Effective Date: July 1, 2014.](#)

Convention/Single-Subject Requirement for Federal Legislation

HB 261 is a memorial which would serve as an application to Congress to call an Article V Convention of the states for the purpose of proposing a single subject amendment to the U.S. Constitution. The amendment would prohibit a legislative body from passing any law that embraces more than one subject. A convention may only be called when two-thirds of the state legislatures make similar applications to Congress. This threshold has not been met.

[Signed by Officers and filed with Secretary of State: June 5, 2014 - Effective Date: Not Specified.](#)

Worker's Compensation

HB 271 makes various changes to Florida's worker compensation law. Currently, if an employer fails to comply with workers' compensation coverage requirements, the Department of Financial Services (DFS) must issue a stop-work order (SWO) within 72 hours. SWOs require the employer to cease all business operations. Additionally, employers are assessed a penalty equal to 1.5 times what the employer would have paid in workers' compensation premiums for all periods of non-compliance during the preceding 3-year period or \$1,000, whichever is greater. SWOs remain in effect until the employer secures appropriate coverage and the DFS issues (1) an order releasing the SWO (for employers that have paid the assessed penalty) or (2) an order of conditional release (for employers that have agreed to pay the penalty in installments under a payment agreement schedule).

The bill makes several changes related to SWOs and the associated penalties. HB 271 increases the time, from 5 to 10 business days, within which an employer must produce requested business records or be subject to an SWO after receipt of a written request from the DFS. The bill also authorizes DFS to issue an order of conditional release from an SWO to an employer that has secured appropriate coverage if the employer pays \$1,000 as a down payment on the assessed penalty and agrees to pay the remainder of the penalty pursuant to a payment agreement schedule. It allows the initial payment of premium made to secure coverage for credit against the assessed penalty for employers that have not previously been issued an SWO. HB 271 reduces the look-back period for failure to comply with coverage requirements from 3 to 2 years and increases the penalty multiplier from 1.5 to 2 times the amount of unpaid premiums.

The bill also addresses a recent court decision by allowing benefits that are currently payable at $66\frac{2}{3}$ percent of an employee's average weekly wage (up to the maximum weekly benefit for the year of injury) to be paid at either $66\frac{2}{3}$ percent or 66.67 percent of the average weekly wage. The bill requires DFS, by July 1 of each year, to calculate the Workers' Compensation Special Disability Trust Fund (SDTF) assessment rate. The assessment rate is calculated using a formula that considers the following factors: 1) the net premiums written by carriers and self-insurers; 2) the amount of premiums calculated by the DFS for self-insured employers; 3) the sum of the anticipated disbursements and expenses of the SDTF for the next calendar year; and 4) the expected fund balance for the next calendar year. The amount is to be prorated among Florida workers' compensation insurers, self-insurers, and self-insured employers. The assessment rate is effective January 1st of the next calendar year and the bill reduces the statutory rate cap on the SDTF from 4.52 percent to 2.5 percent. HB 271 calls for reimbursement requests that have been approved, but remain unpaid as of June 30, 2014, to be paid by October 31, 2014.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Water Utilities

SB 272 creates a process for customers to petition the Florida Public Service Commission (PSC), to require compliance with secondary water quality standards. If a utility fails to comply with commission orders, the process could result in revocation of the utility's certificate of authority. The bill provides petition criteria and factors the commission must consider in its review of the petition and the action it may take to dispose of the petition. SB 272 adds secondary water quality standards to the criteria the PSC must consider when setting rates for water service. The bill provides guidelines for the secondary water quality standards and authorizes the commission to deny all or part of a rate increase for a utility's system or part of a system if it determines that the quality of water service is less than satisfactory. The bill requires a utility to provide an estimate of the costs and benefits of plausible solutions for each concern that the commission finds, meet with the customers to discuss the costs and solutions, and periodically report on the progress of implementation. SB 272 gives the PSC the ability to require the utility to resolve problems, require benchmarks be established and submit periodic progress reports. The bill authorizes the commission to adopt rules to assess and enforce compliance with the secondary water standards and prescribe penalties for a utility's failure to adequately address each concern.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Public Records/Participants in Treatment-based Drug Court Programs

SB 280 creates a public records exemption for information relating to a participant in a treatment-based drug court program. The bill protects identifying information contained in screenings for participation in the program, substance abuse screenings, behavioral health evaluations and subsequent treatment status reports. SB 280 requires consent of the participant for records to be released. The bill provides that the exemption is subject to legislative review and repeal under the Open Government Sunset Review Act.

[Approved by Governor: June 20, 2014 - Effective Date: Upon becoming a law.](#)

Commercial and Recreational Water Activities

SB 320 creates regulations for commercial parasailing, kite boarding, kite surfing and moored ballooning. With respect to commercial parasailing, the bill establishes minimum requirements for liability insurance, including bodily injury liability coverage in the amounts of at least \$1 million per occurrence and \$2 million annual aggregate. The bill requires that the operator of the vessel engaged in commercial parasailing evaluate weather conditions and maintain a weather log. SB 320

prohibits commercial parasailing under bad weather conditions and requires the vessel operator have licensure from the United States Coast Guard appropriate for the number of passengers and the displacement of the vessel. The bill creates a second-degree misdemeanor for violations of the bill.

SB 320 provides definitions for “kite boarding” or “kite surfing” and explains that “kite” has the same meaning as used in 14 C.F.R. part 101. It also provides a definition of “moored ballooning” pursuant to 14 C.F.R. part 101 and includes provisions for kite boarding, kite surfing, and moored ballooning as regulated activities under 327.37, F.S. The bill amends s. 327.37(5), F.S., by prohibiting moored ballooning within 100 feet of the marked channel of the Intracoastal Waterway and prohibiting parasailing operations and moored ballooning within two miles of the boundary of an airport unless otherwise permitted under federal law. It also creates s. 327.37(6), F.S., prohibiting kite boarding or kite surfing within an area that extends one mile in a direct line along the centerline of an airport runway and that has a width measuring one-half mile unless otherwise permitted under federal law.

[Approved by Governor: June 13, 2014 - Effective Date: October 1, 2014.](#)

Regulation of Public Lodging Establishments and Public Food Service Establishments

SB 356 prohibits local laws, ordinances, or regulations that regulate the duration or frequency of vacation rentals. It repeals the provisions in current law that prohibit local laws, ordinances, or regulations that restrict the use of vacation rentals or that regulate vacation rentals based solely on their classification, use, or occupancy.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

State Speed Zones

SB 392 amends s. 316.187(2), F.S., to increase the existing authorized maximum speed limits on state highways by five miles per hour (mph). The bill increases the speed limit to 75 mph on limited access highways, 70 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and 65 mph on other roadways under the Florida Department of Transportation (FDOT) jurisdiction.

The bill further amends s. 316.183(2), F.S., to eliminate statutorily specified minimum speed limits on all highways that are a part of the National System of Interstate and Defense Highways with at least four lanes and authorizes FDOT to determine the safe and advisable minimum speed limit on all such highways.

[Vetoed by Governor: June 2, 2014 - Effective Date: July 1, 2014.](#)

Discriminatory Insurance Practices

SB 424 specifies that it is an unfair insurance trade practice for a personal lines property or personal lines automobile insurer to discriminate against an applicant or insured because of the lawful ownership of firearms or ammunition. However, the bill allows an insurance company to charge a supplemental premium if the value of the firearms exceed the standard policy coverage.

This bill also prohibits an insurance company from disclosing an insured's or applicant's ownership or possession of a firearm or ammunition to a third party unless the insured or applicant expressly consents to the disclosure, or the disclosure is necessary to quote or bind coverage, continue coverage, or adjust a claim.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Condominiums

SB 440 partially deregulates commercial-nonresidential condominium associations by removing certain regulatory requirements. Areas of deregulation include board inquiries, proxy voting, board member qualifications, training and certification of board members, fire safety, mandatory nonbinding arbitration, hurricane shutters, and phase condominiums. The bill also extends the condominium bulk assignee and bulk buyer provisions for an additional year, from July 1, 2015, to July 1, 2016.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Amendments to the Constitution of the United States

SB 476 is a state application to the United States Congress calling upon Congress to convene an Article V constitutional amendment convention for the sole purposes of proposing amendments to the U.S. Constitution to: impose fiscal restraints on the federal government; limit the power and jurisdiction of the federal government; and limit the terms of office for federal officials and members of Congress. Each of these three proposed amendment categories is severable from one another and may be counted individually to satisfy the requirement that 34 state legislatures apply to Congress to call a constitutional convention. A provision in SB 476, calls for the application to be revoked and withdrawn, nullified, and superseded as if it had never been passed, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the U.S. Constitution for any purpose other than those listed above.

[Signed by Officers and filed with Secretary of State: May 9, 2014 - SB 476 serves as a continuing application, in accordance with the requirements for calling a constitutional convention.](#)

Public Assistance Fraud

HB 515 establishes a variety of crimes involving public assistance fraud. The criminal penalties that apply to these offenses are based on the aggregate value of the public assistance involved in the offense.

The bill amends the aggregate value amount in s. 414.39(5)(b), F.S., to make it a third degree felony if the value of the public assistance fraud is an aggregate value of \$200 or more but less than \$20,000 in any 12 consecutive months. The bill also creates s. 414.39(5)(c) and (d), F.S., which makes it a second degree felony if the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is an aggregate value of \$20,000 or more, but less than \$100,000 in any 12 consecutive months. The bill also makes it a first degree felony if the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$100,000 or more in any 12 consecutive months.

HB 515 also requires the Department of Children and Families (DCF) to pay a reward to a person who reports original information relating to a violation of the state's public assistance fraud laws. The bill also amends s. 414.095(14), F.S., to add prohibitions and restrictions that apply to persons applying for or receiving Temporary Cash Assistance benefits.

[Approved by Governor: June 13, 2014 - Effective Date: October 1, 2014.](#)

Involuntary Civil Commitment of Sexually Violent Predators

SB 522 makes various changes to laws relating to the assessment of sexual offenders for civil commitment as a sexually violent predator. The bill requires multidisciplinary teams to treat a sexual offender whose offense was an attempt, criminal solicitation, or conspiracy to commit a sexually violent offense, the same as an offender who completed the sexually violent offense. SB 522 provides the monitoring of sexual offenders may be facilitated by requiring notice to law enforcement when a person in the custody of the sexually violent predator program is released. The bill also requires that victims be notified of the release of sexual offenders who are detained, but not committed, by the sexually violent predator program based on a finding of probable cause.

[Approved by Governor: April 1, 2014 - Effective Date: July 1, 2014.](#)

Licensure to Carry a Concealed Weapon or Firearm

HB 523 authorizes the Department of Agriculture and Consumer Services (DACs) to allow tax collectors to accept applications for concealed weapons or firearms licenses or renewals. To be considered by DACs, tax collectors must submit a request to accept applications for concealed weapons or firearms licenses.

Approved tax collectors will be able to accept applications and payments for licensure to carry concealed weapons or firearms, and remit the payments and applications to DACs for processing. The bill provides the tax collector may charge and retain a convenience fee of \$22 for each new application and \$12 for each renewal application. HB 523 maintains DACs responsibility to process the applications and issue concealed weapons and firearms licenses to qualified applicants. The bill makes no changes to eligibility criteria or license application requirements.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Reclaimed Water

SB 536 directs the Florida Department of Environmental Protection (DEP) in coordination with the Florida Department Agriculture and Consumer Services (DACs) and the five water management districts (WMDs) to conduct a study and submit a report on expanding the use of reclaimed water in Florida, including stormwater and excess surface water. It directs the DEP and DACs to hold a minimum of two public meetings to gather input on the study design and allow the public to submit written comments on the report. Lastly, the bill requires the report to be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives by December 1, 2015.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Service of Process

HB 627 provides a fee of \$40 to be charged by the sheriff for each summons served and provides immunity to a sheriff for wrongful levy or distribution of the proceeds of sale. The bill requires that the party requesting service of process or the process server file the return of service and adds a noncriminal penalty of up to \$1,000 for an employer who refuses to accommodate service of process on an employee.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Business Organizations

HB 685 creates two new types of corporations, regulated by the Florida Business Corporation Act and the Florida Not For Profit Corporation Act, called the “social purpose corporation” and the “benefit corporation.” Social purpose and benefit corporations protect management for considering the use of corporate assets to significantly pursue public benefit goals in addition to, or even as a priority over, the generally accepted corporate goal of profit maximization. Further, since there is a hybrid of goals in these new corporations, the profit-making ability distinguishes social purpose and benefit corporations from charities and from not for profit corporations. The new forms of corporation are similar; the primary difference being that a social purpose corporation has a specified social purpose or purposes designated in advance, whereas a benefit corporation is created for a general public benefit in a manner selected by management and assessed by a third-party standard.

The bill addresses concerns that there is no provision in law for a profit-making corporation which considers a social purpose or benefit along with profit while protecting its management from liability for setting such priorities. Historically, attempts at prioritizing social benefit over profit have created a cause of action for shareholders against officers and directors for breach of their fiduciary duty.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Alzheimer’s Disease

HB 709 implements several Alzheimer’s Disease related recommendations of the Purple Ribbon Task Force. Those recommendations include requiring the Division of Emergency Management to develop a Special Needs Shelter registration program, mandating Special Needs Shelters to have staff members familiar with the needs of persons with Alzheimer’s disease and to establish a dedicated area in the shelter for those individuals to best enable them to maintain normal routines and habits. The registration program is required to be developed by January 1, 2015, and fully implemented by March 1, 2015, and must include a uniform electronic registration form and a database for uploading and storing the registration forms.

The bill also creates the Ed and Ethel Moore Alzheimer’s Disease Research Program and the Alzheimer’s Disease Research Grant Advisory Board within Department of Health and requires the Department of Elder Affairs to develop performance-based funding mechanisms to fund Memory Disorder Clinics. HB 709 also dedicates \$3 million to support Alzheimer’s Research efforts in search of a cure and prevention for the debilitating disease.

[Approved by Governor: June 18, 2014 - Effective Date: July 1, 2014.](#)

Municipal Governing Body Meetings

SB 730 authorizes the governing body of a municipality to hold meetings outside of its boundaries. The bill provides that the governing body of a municipality will be permitted to hold a joint meeting anywhere within the county where the municipality is located when there are matters of mutual interest between the municipality and the county. A municipality will also be permitted to meet in another municipality to discuss matters of mutual interest. The time and place of the meetings must be prescribed by ordinance or resolution.

[Approved by Governor: May 5, 2014 - Effective Date: July 1, 2014.](#)

Legal Notices

HB 781 changes laws relating to the publication of legal notices in newspapers. It requires legal notices to be posted on the date that the printed newspaper notice appears in a separate web page entitled, "Legal Notices," "Legal Advertisements," or comparable language. It both prohibits a fee from being charged and requiring registration for viewing or searching legal notices on the statewide site. HB 781 requires that a legal notice placed on the statewide website must be searchable by party or case number, be posted for 90 consecutive days, and retained for 18 months and provides that the newspaper's web pages that contain legal notices must present the legal notices as the dominant and leading subject matter of those pages.

[Approved by Governor: June 20, 2014 - Effective Date: October 1, 2014.](#)

Worker's Compensation

HB 785 makes changes to Florida's workers' compensation law. The bill permits a retrospective rating plan to contain a provision for negotiation of a workers' compensation premium between an employer and insurer if the employer has exposure in more than one state, an estimated annual standard workers' compensation premium in Florida of \$100,000 or more, and an estimated annual countrywide standard workers' compensation premium of \$750,000 or more. HB 785 allows only those insurers with at least \$500 million in surplus to engage in the negotiation of premiums with eligible employers. These retrospective rating plans are exempted from s. 627.072(1), F.S., which specifies factors used in determining workers' compensation rates. The bill requires such retrospective rating plans and associated forms to be filed by the National Council on Compensation Insurance and approved by the Office of Insurance Regulation (OIR). However, an individual employer's premium negotiated under an approved retrospective rating plan does not have to be filed with the OIR.

The bill also bars reimbursement under the workers' compensation law for oral vitamins, nutrient preparations, and dietary supplements. It grants insurers and self-insured employers sole discretion to authorize the provision of medical food and to provide limits to such authorization.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Communications Services Tax

HB 803 amends s. 202.11(5), F.S., to add to the definition of "information services," data processing and other services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information. The bill clarifies that such services are excluded from the definition of "communications services" and are not subject to state and local communications services taxes. The bill has no fiscal impact.

[Approved by Governor: May 12, 2014 - Effective Date: July 1, 2014.](#)

Governmental Ethics

SB 846 makes several changes to ethics laws regulating public positions. The bill requires elected municipal officers to complete four hours of annual ethics, public records, and open meetings training and requires them to certify completion of the training on annual financial disclosures. The bill further specifies that failure to certify completion of training does not constitute an immaterial, inconsequential, or de minimis error or omission on an annual financial disclosure.

The bill allows a member of a local governmental board to abstain from voting if there is a conflict of interest under local standards of conduct that are in addition to or more stringent than the standards in the Code of Ethics and specifies conflict of interest disclosure requirements for those members.

SB 846 requires certain persons affiliated with the Florida Clerks of Court Operations Corporation, Enterprise Florida, Inc., the Divisions of Enterprise Florida, Inc., the Florida Development Finance Corporation, and Citizens Property Insurance Corporation to comply with provisions of the state Code of Ethics. Persons such as board members and executive council members of these quasi-governmental entities are prohibited from quid pro quo gifts, doing business with one's agency, voting on matters affecting his or her compensation, having conflicting employment or contractual relationships and misuse of public position.

The bill also permits officers of the Florida Tourism Industry Marketing Corporation board of directors to vote on the 4-year marketing plan and participate in the

establishment or calculation of payments related to the private match requirements, as required by law. The bill requires an annual disclosure of interests in the private match requirements.

The bill requires the Commission on Ethics to initiate proceedings, without having first received a complaint, against a person who has failed or refused to file an annual financial disclosure and has accrued the maximum automatic fine. If the Commission initiates a proceeding, it must determine whether the failure to file was willful and, if so, recommend removal from office.

The bill requires citizen support and direct-support organizations to adopt a code of ethics. SB 846 also requires those who lobby water management districts to annually register with the district as a lobbyist. Additionally, the bill authorizes the Commission to investigate complaints alleging a violation of the registration requirements.

The bill applies ethics standards to board members and staff of the Miami-Dade Expressway Authority. Specifically, it applies certain post-elected restrictions to authority board members, and requires disclosure of various conflicts of interest by authority board members, employees, and consultants. The bill also requires the authority's general counsel to serve as the authority's ethics officer and requires ethics training for authority employees.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Homelessness

HB 979 modifies the training and technical assistance program under the Affordable Housing Planning and Community Assistance Act (Act) to provide that an acceptable use of the Act is to meet the needs of the homeless. The bill amends the Act to provide that, subject to a specific appropriation in the General Appropriations Act, training and technical assistance is available for designated lead agencies of homeless assistance continuums of care to provide or secure housing and other services for the homeless. The bill also directs the Department of Economic Opportunity (DEO) to contract with a nonprofit entity to provide such training and technical assistance.

The bill modifies qualifications and eligible activities for "Challenge Grants" administered by the Office of Homelessness within the Department of Children and Families. With respect to the Challenge Grant, the bill authorizes local homeless coalitions, municipal or county government, or other public agencies, or private not-for-profit corporations to act as a lead agency. The bill requires DCF to establish varying levels of grant awards up to \$500,000 per lead agency. The award levels must be based upon the total population within the Continuum of Care catchment area and reflect the differing degrees of homelessness in the catchment planning

areas. DCF, in consultation with the Council, is required to specify a grant award level in the notice of the solicitation of grant applications. The Continuum of Care plan must implement a coordinated assessment or central intake system to screen, assess, and refer persons seeking assistance to the appropriate service provider.

HB 979 also makes changes to the responsibilities of lead agencies. The bill requires lead agencies to document the commitment of local government and private organizations to provide matching funds in an amount equal to the requested amount of the grant and submit a final report to DCF documenting the outcomes achieved by the grant in enabling homeless persons to return to permanent housing. The bill authorizes lead agencies to allocate the grant to programs, services, or housing providers that implement the local homeless assistance Continuum of Care plan and provide subgrants to a local agency to implement programs or services or provide housing identified for funding in the lead agency's application to DCF.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Human Trafficking

HB 989 amends human trafficking statutes which provide protection to victims of sexual offenses. Specifically, the bill amends current law to protect court records involving human trafficking of a minor for labor or human trafficking for commercial sexual activity. The bill specifies that victim compensation claims filed by persons engaged in an unlawful activity at the time of the crime upon which the claim is based are not eligible for an award, unless the victim was engaged in prostitution as a result of being a victim of human trafficking for commercial sexual activity. It clarifies minor victims of human trafficking for labor or human trafficking for commercial sexual activity are eligible for victim relocation assistance. HB 989 prohibits minors from working in adult theaters and requires adult theaters to verify the age of each of its employees and maintain the related records. The bill removes the statute of limitations for human trafficking violations and increases penalties relating to the trafficking of children and those who derive support from the proceeds of prostitution. The bill also creates a new penalty if a trafficker permanently brands their victim. Lastly, the bill expands provisions relating to the expunction of criminal history records for victims of human trafficking.

[Approved by Governor: June 17, 2014 - Effective Date: October 1, 2014.](#)

Cannabis

SB 1030 creates the "Compassionate Medical Cannabis Act of 2014." The bill allows patients, whose Florida-licensed physician registers them with the Department of Health (DOH), to use low-THC cannabis under limited circumstances. The bill sets

strict definitions on the formulation of low-THC and how it may be prescribed. As a condition of prescribing low-THC cannabis, the physician must determine that no other satisfactory treatment options exist and obtain a voluntary informed consent. Criminal misdemeanor penalties are created for a physician who orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from a qualifying condition and for any person who fraudulently represents himself or herself as having a qualifying condition for the purpose of obtaining an order for low-THC cannabis.

SB 1030 also creates new regulations for dispensing organizations. A dispensing organization is required to employ a medical director, who must be a physician and have successfully completed a course and examination that encompasses appropriate safety procedures and knowledge of low-THC cannabis. One dispensing organization is authorized in northwest Florida, northeast Florida, central Florida, southeast Florida and southwest Florida. Additional criteria for approval as a dispensing organization include: possessing a certificate of registration for the cultivations of more than 400,000 plants that is issued by the Department of Agriculture and Consumer Services, be operated by a nurseryman, have been operating as a registered nursery in this state for at least 30 years, and provide certified financials. Upon approval, a dispensing organization must post a \$5 million performance bond.

[Approved by Governor: June 16, 2014 - Effective Date: Upon becoming a law.](#)

Divers

HB 1049 amends current law to give divers the option to display a “divers-down buoy” instead of a divers-down flag that contains the same universal divers-down symbol. Under the bill, a diver must display either the divers-down flag or the divers-down buoy, or both, when diving. The bill also requires boater education and safety courses to include a component regarding divers-down buoys along with the divers-down flag component required in current law.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Fuel Terminals

SB 1070 limits the authority of local government to change its land use designations to render a permitted and allowed fuel terminal a nonconforming use. The bill does not limit the authority of local governments to enforce applicable laws for safety and operation of a fuel terminal but it does authorize repairing or rebuilding a fuel terminal to its preexisting capacity if damaged or destroyed due to natural disaster or other catastrophe. The designated land use for a permitted and allowed fuel

terminal under any comprehensive plan, land use map, zoning district, or land development regulation may not be changed to conflict with the fuel terminal's authorized use.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Ticket Sales

SB 1142 increases the criminal penalties related to counterfeit tickets and sales of "multiuse tickets" to theme parks. The bill also creates criminal penalties for cloning a ticket or counterfeiting, forging, altering, cloning, or possessing a card, wristband, or other medium that accesses or is associated with a ticket.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Special Districts

SB 1632 is an omnibus special district bill that reorganizes, renumbers and makes numerous technical and conforming changes to special district provisions. The bill outlines a process by which the Joint Legislative Auditing Committee (JLAC) and the Department of Economic Opportunity (DEO) may enforce reporting and other requirements when special districts fall out of compliance with their obligations or become inactive. After notifying the DEO, relevant legislators and the local general-purpose government, and after a public hearing, the JLAC may request that the DEO file a petition for enforcement with the Circuit Court of Leon County. Additionally, the bill requires special districts to maintain a public website and provide the address to the DEO for publication on its website. SB 1632 amends the definition of agency in the Code of Ethics to specifically include special districts. The bill amends the circumstances under which the DEO may declare a special district inactive and prohibits inactive districts from collecting taxes, fees, and assessments. It also changes the required education for new special district members, requires administrative fees be placed into the Operating Trust Fund, and requires public hearings concerning certain noncompliance.

The bill provides that any downtown development authority that was established before the effective date of the 1968 constitution and has its millage approved by a municipality is an independent special taxing district. The governing body of the municipality is authorized to levy an additional ad valorem tax on all real and personal property in the downtown district to finance the operations of the downtown development authority. The ad valorem tax levied for the authority is in addition to regular ad valorem taxes. However, the combined levy may not exceed the maximum levy provided by the constitution.

[Approved by Governor: May 12, 2014 - Effective Date: July 1, 2014.](#)

Bicycle and Pedestrian Ways

SB 2514 provides the Florida Department of Transportation (DOT) the authority to use state revenues from the State Transportation Trust Fund (STTF) to establish a statewide system of interconnected multiuse trails. The DOT is authorized to pay the cost of planning, land acquisition, design, and construction of trails and related facilities identified as a priority by the Florida Greenways and Trails Council. In HB 5001, the Fiscal Year 2014-2015 General Appropriations Act, the DOT is provided \$15 million of budget authority in the State Transportation Trust Fund for the purpose of funding multi-use trails.

[Approved by Governor: June 2, 2014 - Effective Date: July 1, 2014.](#)

General Appropriations Act

HB 5001 is the 2014 Legislative Session General Appropriations Act. The bill provides funding for the annual fiscal period beginning July 1, 2014, and ending June 30, 2015.

[Approved by Governor: June 2, 2014 - Effective Date: July 1, 2014.](#)

Implementing 2014-2015 General Appropriations Act

HB 5003 implements specific appropriations of the 2014-2015 General Appropriations Act.

[Approved by Governor: June 2, 2014 - Effective Date: July 1, 2014.](#)

Florida Retirement System

HB 5005 revises applicable current law to increase the employer contribution rate for the health insurance subsidy from 1.20 to 1.26 percent. The bill also provides that a proper and legitimate state purpose is served, which includes providing benefits that are managed, administered, and funded in a sound actuarially manner.

The bill conforms the law to the proposed FY 2014-15 General Appropriations Act (GAA) requiring retirement and health insurance subsidy contributions. The bill has a significant negative fiscal impact to the state and local governments: \$80.0 million in General Revenue (state, district school boards, state colleges and universities) and \$13.0 million in trust funds; \$53.7 million to local governments (county agencies, certain municipalities and special districts).

[Approved by Governor: June 2, 2014 - Effective Date: July 1, 2014.](#)

Medicaid

HB 5201 conforms statutes to funding decisions for the Medicaid program included in the General Appropriations Act (GAA) for FY 2014-2015. The bill amends the definition of “rural hospital” to include hospitals meeting the qualifications of a federal “sole community hospital” having up to 340 beds. The bill also removes an obsolete statutory provision in the definition of rural hospital. It requires the Agency for Health Care Administration, beginning in FY 2015-2016, to reconcile for each hospital participating in the Statewide Medicaid Residency Program the number of residents calculated under the program’s statutory formula with the most recent Medicare cost report submitted by the hospital. The bill exempts children receiving services in a prescribed pediatric extended care facility from mandatory enrollment within the Statewide Medicaid Managed Care program and provides that reimbursement for prescribed pediatric extended care services provided to children enrolled in a Medicaid managed care plan will be paid to the prescribed pediatric extended care service provider by the Agency for Health Care Administration on a fee-for-service basis. HB 5201 does allow Medicaid recipients residing in Agency for Persons with Disabilities-licensed group homes and children receiving services in a prescribed pediatric extended care center to voluntarily enroll in Statewide Medicaid Managed Care. It also repeals the requirement that persons eligible for the Medically Needy program must enroll in managed care plans and pay a monthly premium of an amount up to their share of cost calculated under the Medically Needy program.

[Approved by Governor: June 2, 2014 - Effective Date: July 1, 2014.](#)

Additional Judgeships

HB 5301 conforms to the FY 2014-15 General Appropriations Act by creating three additional appellate judgeships within the state. The Supreme Court certified the need for three additional judges in the appellate courts. Specifically, the bill creates two additional judgeships in the Second District Court of Appeal and one additional judgeship in the Fifth District Court of Appeal.

[Approved by Governor: June 2, 2014 - Effective Date: July 1, 2014.](#)

Economic Development

HB 5601 is an omnibus economic development and tax cut package. The most visible portion of the bill is the annual “tax holiday.” The “Back to School” tax holiday will take place from August 1, 2014 to August 3, 2014 where clothing, school supplies, and computers will be exempt from sales tax. There is also a “Hurricane Preparedness” holiday from May 31st, 2014 to June 8, 2014, and an “Energy Efficient Appliance” holiday from September 19, 2014 to September 21, 2014.

The bill also makes a number of other exemptions: youth bicycle helmets, child car seats, college meal plans, and therapeutic pet food are all permanently exempt from sales tax. The bill also shifts prepaid calling agreements, such as calling cards, from the communication services tax to regular sales tax.

[Approved by Governor: May 13, 2014 - Effective Date: May 12, 2014.](#)

Department of Highway Safety and Motor Vehicles

HB 7005 is generally the Division of Highway Safety and Motor Vehicle legislative package for the year. The bill includes a provision prohibiting busses from loading or unloading of passengers in a manner that impedes, blocks, or restricts traffic progression when there is another reasonable means available (such as a turning lane or dedicated bus loading lane).

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Economic Development

HB 7023 is an omnibus bill for the Department of Economic Opportunity. The bill repeals the requirement that applicants for reemployment assistance complete an initial skills review to receive benefits. The bill also extends and renews for two years building or environmental permits issued by DEP or a water management district.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

Juvenile Justice

HB 7055 is a major rewrite of Chapter 985 which regulates the Department of Juvenile Justice. The measure is designed to: increase public safety by reducing juvenile delinquency through prevention, intervention, and treatment; rehabilitate children in the least restrictive, most supportive, and most appropriate environment; and allocate resources for the most effective programs connected to the family of the juvenile. Specifically, juvenile detention is only to be used for children who pose a threat to public safety. The bill also limits residential facilities to no more than 90 beds, and emphasizes the importance of keeping treatment close to the area where the juvenile's family lives.

[Approved by Governor: June 17, 2014 - Effective Date: July 1, 2014.](#)

Professional Sports Facilities Incentive Application

HB 7095 creates the Sports Development Program within the Florida Department

of Economic Opportunity to provide funding for constructing, reconstructing, renovating or improving professional sports facilities owned by local governments or by a private entity located on land own by a local government.

The bill also limits the occurrences during which a sports facility, constructed with financial assistance from the state, must be used as a homeless shelter during emergencies. Currently, such a facility must be designated a shelter site for the homeless in accordance with the criteria of a locally existing homeless shelter program unless the facility is already contractually obligated for an event. The bill expands the exemption to avoid mandated designation if the local government that owns or operates the facility operates enough homeless assistance shelters to meet the homeless sheltering needs within the county.

[Approved by Governor: June 20, 2014 - Effective Date: June 20, 2014.](#)

Department of Agriculture and Consumer Services

HB 7147 makes numerous changes to energy oversight by the Department of Agriculture and Consumer Services (DACS) and updates local government powers relating to building and permitting. The bill deletes statutory references to the defunct Solar Rebate Program and HVAC Rebate Program as both have been unfunded in several consecutive years. The bill also allows DACS to post information on its website about the location of electric vehicle charging stations.

The bill was amended to include language sought by Broward County which would allow building departments to electronically collect proof of workers compensation insurance from a person or company applying for and receiving a building permit. This will allow the County to implement e-permits.

Early iterations of this legislation removed the statutory requirement that all solar energy systems manufactured or sold in Florida meet performance standards established by the Florida Solar Energy Center and to display the related approval on the product. Removing the requirement directly undermined local governments' ability to timely issue permits with confidence. Broward County efforts helped remove this harmful language.

[Approved by Governor: June 13, 2014 - Effective Date: July 1, 2014.](#)

Department of Transportation

HB 7175 is a comprehensive and technical bill relating to the Florida Department of Transportation (FDOT). Of specific interest, the bill changes FDOT's ability to fund a fire station at mile marker 63 of Alligator Alley with excess toll revenues. The bill

strengthens FDOT's obligation, beyond the previous permissive statute, to require funding via interlocal agreement to reimburse the relevant local government for operation costs of the mile marker 63 station. The interlocal agreement is required to fund actual operations costs from July 1, 2014 through June 30, 2018. The bill also allows for any excess toll revenues, beyond contractual obligations, maintenance of the Alligator Alley, specific FDOT work plan related projects, and the interlocal agreement to fund mile mark 63 fire station operations, to be transferred to the South Florida Water Management District to pay for everglades restoration projects.

Amendments were filed to similar legislation to include Broward County's fire station between mile marker 34 and 35. The language directing funds to the fire station at mile marker 63 ultimately passed in HB 7175 without reference to station between mile marker 34 and 35.

[Approved by Governor: June 20, 2014 - Effective Date: July 1, 2014.](#)

SECTION IV: Bills of Interest that Failed

Tax on Sales, Use and Other Transactions

[SB 176/HB 11](#) reduced the tax levied on rental or license fees charged for the use of real property from 6 percent to 5 percent. This reduction would have been effective January 1, 2015.

Juvenile Civil Citations

[SB 210/HB 95](#) required law enforcement officers, upon making contact with juvenile who admits having committed misdemeanor, issue civil citation. The bill would have required law enforcement to issue civil citations instead of the current law which is permissive.

Florida Enterprise Zone Act

[SB 580/HB 577](#) revised the date of repeal of the Florida Enterprise Zone Act from December 31, 2015 to December 31, 2025.

Concealed Weapons and Firearms

[SB 580/HB 577](#) prohibited a person from openly carrying a handgun or carrying a concealed weapon or firearm into a hospital, mental health facility, or nursing home. The bill provided exceptions for security guard employees of the facility or a law enforcement officer.

Medical Examiners

[SB 584/HB 301](#) sought to prevent a medical examiner or a county from charging a user fee for an examination, investigation, or autopsy performed pursuant to s.406.11, F.S. Current law allows district and associate medical examiners to “compensation and such reasonable salary and fees as are established by the board of county commissioners in the respective districts.” The Broward County Medical Examiner charges \$54 for issuance of a cremation authorization permit.

Residency of Candidates and Public Officers

[SB 602/HB 571](#) adopted standards with respect to the residency of legislators. It clarified what the term “residence” meant for candidates and public officers in meeting constitutional and statutory residency requirements. The bill provided a non-exhaustive list of factors that a court may consider in determining where a candidate or officer resides for purposes of residency requirements that apply upon qualifying as a candidate or upon taking office.

Governmental Ethics

[SB 606/HB 7155](#) was a large ethics package. It amended several provisions of the Code of Ethics for Public Officers and Employees in Part III, Chapter 112, Florida Statutes. Specifically, the bill required elected municipal officials to complete ethics training each calendar year. It provided that reporting individuals and procurement employees may obtain an advisory opinion from his or her agency attorney concerning applicability of gifts laws and required the agency attorney to issue the opinion within 10 days. The bill also provided, under certain circumstances, a safe harbor for conduct consistent with the attorney’s advisory opinion.

The bill provided an additional penalty between \$1,000 and \$5,000 on complainants who disclose or allow to be disclosed the existence of a complaint and/or the contents of any document associated with the complaint prior to the matter becoming public. The bill directed the Commission to dismiss any complaint when the officer or employee received legal guidance from his or her attorney after consultation and full disclosure of all material facts, and acted in accordance with the guidance offered.

The bill also permitted electors of a political subdivision to impose additional or more stringent standards of conduct on its officers, but prohibited one political subdivision from imposing additional or more stringent standards of conduct and disclosure requirements upon the officers and employees of another political subdivision.

Comprehensive Everglades Restoration Plan

[HB 607](#) was a memorial urging Congress to enact a Water Resources Development Act authorizing the next phase of Everglades restoration, which includes the Biscayne Bay Coastal Wetlands, the C-111 Spreader Canal, the Broward County Water Preserve Area, the Caloosahatchee River C-43 West Basin Storage Reservoir, and the Central Everglades Planning Project. All previously authorized Comprehensive Everglades Restoration Plans projects are underway and Florida is prepared to start the next phase. However, congressional authorization is required before commencement of additional projects.

Government Contracting

[SB 612/HB 801](#) preempted local ordinances and regulations that give preference to local contractors if a competitive solicitation for personal property uses state funds to pay for 51 percent or more of the total cost. Current law requires agencies and political subdivisions of the state except for counties and municipalities purchasing personal property through competitive solicitation to give a preference to a vendor whose principal place of business is in Florida. The bill removed counties and municipalities from the exemption on preference requirements so that counties and municipalities must comply with legislative preference requirements.

The bill required a political subdivision of the state to disclose in the solicitation document of a competitive solicitation whether payment will come from funds appropriated by the state and the amount or percentage relative to the total cost of the personal property or construction services.

The bill required the Department of Management Services to maintain a vendor complaint list, a suspended vendor list, and a terminated vendor list, which are comprised of vendors identified by state agencies and participating local governments. The bill required agencies to consider the fact of a vendor's status on any of the lists in evaluating competitive solicitations. Within 30 days after an agency contracts with a vendor, the bill required an agency to update the Florida Accountability Contract Tracking System website indicating whether the contract was issued to a vendor on one of the lists.

Gaming

[SB 668/HB 1383](#) attempted to consolidate all gaming control under the newly formed Department of Gaming Control. The bill made numerous changes to the administration of gaming across the state and dissolved the Division of Pari-mutuel Wagering under the Department of Business and Professional Regulation. The Senate version of the bill offered a similar oversight change, but it also allowed

for one destination resort style casino in both Miami-Dade and Broward counties. Ultimately, both bills failed as the new resort style casinos were not accepted by the House.

Environmental Regulation

[HB 703](#) was an environmental regulation bill which started out with preemptive language aimed at local governments. Currently, counties may enforce wetland, springs, or storm-water ordinances or regulations in effect before July 1, 2003. The bill would have preempted such regulations if amended or readopted after July 1, 2003. The bill would also allow for comprehensive plan changes with a simple majority vote of the local government and preempted local regulation of wells.

Public Meetings

[SB 718/HB 985](#) required that notice of a public meeting include a description of each matter to be considered at the meeting. The bill prohibited board or commission members from taking action on any matter that is not described on the notice. An exception is provided for emergency situations requiring immediate action so long as consideration of the matter is approved by a super majority of the board or commission.

Currently, a board or commission must provide reasonable notice of the time and place of all public meetings. However, there is no requirement in Florida Statutes or the Constitution that the notice describe specific matters to be addressed by the public body in advance of the meeting.

Ad Valorem Assessments/Renewable Energy Source Devices

[SJR 916/HJR 825](#) was a proposed constitutional amendment prohibiting property appraisers from considering the value of improvements to residential property that enhance the property's wind resistance or the installation of a renewable energy device when appraising real property for ad valorem tax purposes. The bill preserved the application of the wind-resistance provisions solely to residential real property. It expanded the application of the renewable-energy provisions to all real property, but limited the application to instances when the device is installed by an end-use customer primarily to offset that end-use customer's electricity demands.

Renewable Energy Source Devices

[SB 922/HB 827](#) was the implementing bill for SJR 916. SB 922 amends s. 193.624, F.S., on assessment of residential property for ad valorem tax purposes. The bill changed the definition of the term "renewable energy source device" to require

that such a device be installed by an end-use customer and be primarily intended to offset end-use customer's electricity demands. The bill deleted existing language that limits application of the statute to real property used for residential purposes, thereby expanding application of the statute to all real property. These changes would apply to nonresidential real property upon which a renewable energy source device is installed on or after January 1, 2015, and to all assessments beginning on that date.

The bill would have taken effect January 1, 2015, if SJR 916 or a similar joint resolution having substantially the same intent and purpose is approved by the electors at the general election to be held in November 2014 or at an earlier special election specifically authorized by law for that purpose.

Wage Theft

[SB 926/HB 957](#) attempted to preempt local regulation of wage theft issues and provided a specific civil action in the court system for wage theft claims. The bill preempted any local regulation of wage theft enacted on or after January 1, 2014. It preserved ordinances in Broward and Miami-Dade County, while nullifying an ordinance enacted by Alachua County on January 1, 2014.

In an attempt to address wage theft issues, the bill expanded county courts jurisdiction to include actions for collection of unpaid wages that are brought under the new process created in the bill. The expanded jurisdiction includes an exception that allows the county court to have jurisdiction of these cases even if the amount in controversy exceeds \$15,000. SB 926 provided a new civil claim for wage theft that is brought in the county court and governed by Florida Small Claims Rules. The bill requires a claim for wage theft be brought in the county where the unpaid work was alleged to have been performed within one year. It also caps the filing fee for wage theft claims at \$50. Further, the bill required the employee give the employer oral or written notice of the particulars of the allegations and of the intent to file a claim, prior to filing a claim. The employer has seven days to pay the total amount of unpaid compensation or resolve the action to the satisfaction of the claimant before the claim can be filed.

In the bill, the claim is generally governed by Florida Small Claims Rules. However, the amount claimed can exceed the small claims threshold of \$5,000 but a claimant must prove wage theft by a preponderance of the evidence. Damages are limited to twice the amount of compensation owed and the court may not award noneconomic or punitive damages or attorney fees.

Additionally, the bill allowed local governments to establish an administrative, nonjudicial process to help an employee recover unpaid wages. An allowable

process must give the parties an opportunity to negotiate a resolution of the claim, but it cannot include adjudication of the dispute or an award of damages. The allowable administrative, nonjudicial program can provide for the payment of the filing fee for a county court action or assistance with filing an application for determination of civil indigent status under s. 57.082, F.S. The local government administrative process contemplated in the bill was modeled after the Palm Beach wage theft process. The bill was amended multiple times but it was clear, the bill sponsor's intent was to preempt any local wage theft ordinance outside of Broward or Miami-Dade.

Florida Retirement System

[SB 1114/HB 7173](#) made several changes to the Florida Retirement System (FRS), for members initially enrolled in the FRS on or after July 1, 2015. For those enrolled after July 1, 2015, the bill mandates that members of the Elected Officers' Class, other than those members of the Judicial Officers Subclass, may only join the Investment Plan. It also changed the default for members who do not affirmatively choose a plan from the Pension Plan to the Investment Plan and closes the Senior Management Service Optional Annuity Program to new members. Additionally, the bill changed the vesting period in the Pension Plan from 8 to 10 years and the out of service disability retirement vesting period from eight to 10 years. The bill also created some limited exceptions to the prohibition on renewed membership in the Florida Retirement System.

Conveyance of Property Taken by Eminent Domain

[SB 1172/HB 1311](#) was a bill sought by Dania Beach, with the support of Broward County, which would allow a political subdivision of the state to convey property taken by eminent domain to a private party if the property is near a large hub airport and the property is condemned pursuant to a noise mitigation or compatibility program. Essentially, when a property is taken by eminent domain, the governmental entity cannot place deed restrictions, such as height restrictions, on a property unless it is held for ten years. Since the governmental entity cannot turn around and sell the property for other uses eminent domain proceedings become extremely costly. The bill made it to the Senate floor, but was not brought up on the calendar of bills to be heard.

Gasoline Stations

[SB 1184/HB 185](#) required the Department of Agriculture and Consumer Services to confirm, during their normal inspections, that a decal is placed on each pump for self-service gas stations. The decal must be blue, at least 15 square inches,

contain the international symbol of accessibility, the words “Call for Assistance,” and a phone number for the station.

The bill also preempted all local laws, including a Broward County ordinance, with regards to fueling assistance for self-service gasoline stations.

Similar preemption provisions were advanced in various transportation bills. Ultimately, the strict preemption language was defeated and not included in any final versions.

Broward County/Juvenile Civil Citation Process

[HB 1439](#) was a local bill sponsored by the Broward Legislative Delegation. It would have required each law enforcement agency in Broward County to implement juvenile civil citation process and required each agency operating a civil citation process to report the participation of each juvenile and performance progress to Broward County, as the Department of Juvenile Justice’s coordinating agency.

Limousines for Hire

[SB 1618/HB 1389](#) better known as the “Uber” bill, started out as a blanket preemption of local regulation of chauffeured limousines. The bill would have placed all regulatory oversight of limo style cars in the Department of Highway Safety and Motor Vehicles. Local governments around the state and existing car dispatch services, such as taxis, lined up against this bill. After the bill was narrowly passed in its first committee of reference, the bill was amended to only apply to Hillsborough and Duval Counties. However, the Senate version, SB 1618, did not make it out of all its committees of reference.

Juvenile Detention Costs

[SB 1532/HB 5305](#) attempted to redefine the cost sharing between the state and non-fiscally restrained counties for juvenile detention. The bill would have moved from a pre/post adjudicatory model of cost sharing to a 50/50 split between actual costs estimated from the previous year. Pre and post adjudicatory amounts were disputed between DJJ and the counties. Last year, DJJ’s cost sharing rules were invalidated. As a result, the counties were overbilled by millions of dollars, more than \$13 million for Broward alone, and litigation was abated until after session. This bill was an attempt to fix the system.

As stated before, both bills would have created a 50/50 split on actual costs, but the House bill offered a 20 year payback schedule for monies overbilled to the counties. While the House bill passed the House, the Senate bill died in the full Appropriations

Committee. DJJ is currently in the middle of promulgating new rules for state/county cost share.

Entertainment Industry

[SB 1640](#) attempted to restructure Florida's approach to the entertainment industry in the state. The bill transferred the Department of Economic Opportunity's Office of Film and Entertainment, including the Commissioner of Film and Entertainment and the Florida Film and Entertainment Advisory Council, to Enterprise Florida, Inc. (EFI).

The Office of Film and Entertainment is established as the Division of Film and Entertainment within EFI and maintains its current responsibilities, with the exception of administering the entertainment industry economic development programs, which remains the responsibility of the Department of Economic Opportunity.

The bill also made several changes to the Entertainment Industry Financial Incentive Program. Specifically, the bill would have extended the incentive program an additional four years and provided an additional \$50 million in tax credits for each fiscal year beginning Fiscal Year 2014-15 through 2019-20, for a total of \$300 million in available tax credits. The tax credit bonus for underutilized regions would also be repealed. Instead, the bill created a set aside of 20 percent of the tax credits in the general production queue for underutilized counties. Any funds not certified after 10 months into the fiscal year would become available for certification for other applications in the queue.

The bill also modified the tax credit bonus for wages paid to Florida students and recent graduates to include wages paid to state residents that are participating in the Road to Independence Program, have developmental disabilities, or are veterans. A tax credit bonus of five percent for productions that complete a capital investment of at least \$2 million before the completion of the qualified production was also created in the bill. The bill also repealed the tax credit bonuses for "off-season" certified productions, for productions that conduct principal photography at a qualified production facility, and for family-friendly certified theatrical or direct-to-video movies and video games.

The film and entertainment incentive legislation garnered a lot of attention during the 2014 Legislative Session. Throughout the process, the specifics changed multiple times. One draft would have required local governments benefiting from local production receiving the state incentive to match 10 percent of the state contribution. The total amount funded in the program and the length of the state commitment to the program both changed during the process. Ultimately, no related legislation passed.



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