



Broward SLI

State Legislative Information

January 18, 2016

Week 1 -2016 Session

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Governor Kicks off Session with the State of the State

Tuesday, January 12, 2016, marked the beginning of the 2016 Legislative Session. As customary, the House and Senate met jointly as Governor Scott gave the State of the State Address. Governor Scott outlined his Florida First budget proposal, where he highlighted the following:

- Educational successes throughout the state.
- Pilot programs to address substance abuse and mental health issues.
- The prosperity created through ingenuity and hard work of Floridians where that success comes from the bottom up and not the top down.
- The 1 million jobs created within 5 years and that this number will continue to grow.

Governor Scott also stated his goal for Florida to be first in nation for job growth, and that “in order to continue on the path to greatness and growth the state needs to continue cutting taxes.” In cutting taxes, small businesses will be enabled to grow larger, companies will be enticed to stay and grow in Florida, rather than go to other states.

The Governor further identified the need to diversify Florida's economy by urging both the Legislature to support the \$250 million Enterprise Florida Program. In addition, he urged legislators to support his \$1 billion tax cut package and permanently end sales tax on machinery and manufacturing so that small businesses can continue to stay and grow in Florida.

While the Governor's State of the State speech was brief, he focused on his main objectives to cut taxes and diversify the economy. Now, it is up to the Legislature to set its funding priorities and address the Governor's recommendations. The Legislature is expected to start formulating its FY 2017 budget during the third week of Session.

Broward County's Local Bill Passes First Committee

On Wednesday, January 13th, the House Local Government Affairs Subcommittee passed HB 871, by Rep. Clarke-Reed – a local bill relating to Broward County, which would place responsibility for maintenance of boating speed limit signs under the Florida Fish and Wildlife Commission (FWC).

Currently, Broward County spends \$30,000 per year on upgrades to the speed limit signs. This bill would repeal 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. This bill was filed at the FWC's request.

County Officers Bill Postponed in Senate, Moves Forward in House

On Tuesday, January 12th, the Senate Ethics and Elections Committee temporarily postponed SJR 648, by Sen. Hutson - relating to Constitutional Officers. While the Senate bill is not moving forward at this time, the House bill by Rep. Artiles was heard on Wednesday, January 13th in the House Judiciary Committee and received a favorable 16-2 vote.

HJR 165 proposes an amendment to the Florida Constitution to restrict the authority to alter the manner in which constitutional county officers selected. If passed by $\frac{3}{5}$ vote of the Legislature and approved by 60% of the electors statewide, the offices of the Sheriff, Property Appraiser, Supervisor of Elections, Tax Collector, and Clerk of the Circuit Court would have to be filled by vote of the county electors. In Broward County, the effect would be to reestablish an elected Tax Collector which office was repealed effective January 1, 1975.

The bill also removes the authority of electors to abolish a county office and transfer all duties prescribed by general law to another office, by amending the county charter. In addition, the proposed amendment would require that non-judicial duties removed from the Clerk of the Circuit Court in 1975 be returned absent the enactment of a special act by the Legislature prior to January 1, 2019.

Federal Immigration Enforcement

On Wednesday, January 13th, the House Civil Justice Subcommittee voted on HB 675 - relating to Federal Immigration Enforcement. This bill would require local law enforcement to comply with detainer requests where probable cause or an administrative warrant is not present.

Although Broward County has not adopted any sanctuary-related ordinances, resolutions, administrative policies, procedures, practices or customs, the Center for Immigration Studies (CIS) has on its website, <http://cis.org/Sanctuary-Cities-Map>, identified Broward County as a "sanctuary county" because of a policy adopted by the Broward Sheriff's Office (BSO) that it will not honor an Immigration and Customs Enforcement (ICE) detainer without an order of removal or an administrative arrest order. While there is no clear definition of the term "sanctuary county", CIS refers to a sanctuary city as a place where local law enforcement officers aren't required to alert federal authorities to residents who may be in the country illegally.

In 2015, the Broward Sheriff's Office (BSO) has honored 70 ICE detainer requests. The individuals detained were also being held for other offenses in addition to immigration offenses. These detainees were held for 4,372 days at a cost of \$127.92 per day spent in the county jail.

The bill's sponsor, Rep. Metz, stated his intent was to define what a sanctuary policy is, prohibit state and local officials from adopting such policies, and direct cities and counties to adhere to the law. He acknowledged this issue has been addressed on the federal level; however, he does not want the state or local government to continue noncompliance with existing law. Interestingly, Rep. Metz failed to identify any local governments who were failing to comply with properly supported ICE detainer requests.

Members of the Committee questioned the legality of the bill; waiver of sovereign immunity of local governments and the potential the bill's provisions may result in the violation of an individual's constitutional rights, and correspondingly liability for local governments that illegally detain individuals. The bill allows the Florida Attorney General to file an action for injunctive relief against any state or local official or agency that adopts or enforces a sanctuary policy. The bill further allows citizen complaints and provides for penalties against officials and agencies that violate the sanctuary policy prohibitions.

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Despite the questions and passionate testimony from over 50 individuals, the committee voted 9-4 in favor of the bill. It next moves to the House Judiciary Committee.

Anti-Corruption Bill Requires Broad Changes

SB 686, by Sen. Gaetz – relating to Government Accountability – was voted favorably (7-3), out of the Senate Ethics and Elections Committee. The bill would require:

- Local governments to post proposed and adopted budgets online;
- Lobbyist disclosure for governments; and
- Local government auditing.

More specifically, the bill creates a new monthly report required of legislative branch lobbyists to disclose which bills, appropriations, or proposed legislation the lobbyists are seeking to support, oppose, or influence. If a lobbyist fails to file the disclosure within 7 business days of the beginning of the month, a \$50 per day fine is imposed up to a maximum of \$5,000; which may be waived upon a demonstration of unusual circumstances. In addition, SB 686 prohibits legislators from accepting employment with private entities that directly receive funding through state revenues appropriated by the General Appropriations Act.

The bill next moves to the Senate Government Oversight and Accountability Committee. Its House companion, HB 593, by Rep. Metz will be heard on January 20th at the House Government Operations Subcommittee.

Flood Insurance

On Wednesday, January 13th, the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development unanimously voted in favor of SB 584 by Sen. Brandes – relating to Peril of Flood. SB 584 authorizes the Division of Emergency Management to administer a matching grant program that provides to local governments up to \$50 million per year in technical and financial assistance grants to implement flood risk reduction policies and projects.

The bill adds flood mitigation projects to the list of projects under the Florida Communities Trust (FCT) program. Also, land acquired for flood mitigation projects must be maintained strictly for flood mitigation purposes or conservation. The bill next moves to the Senate Appropriations Committee, its last committee of reference before consideration on the Senate floor.

Local Government Capital Recovery Stalls in House

On Wednesday, January 13th, HB 7009 by Rep. Cortes stalled in the State Affairs Committee with a 9-9 vote. The bill would require local governments to bid for a third party vendor to collect debt owed to the local government should it reach a certain threshold of delinquent claims for various revenue sources.

The Committee removed a requirement that a county or municipality seek bids from registered collection agencies which offered a one-time, up-front cash payment in exchange for the right to collect all of the county's or municipality's delinquent designated revenues. In addition, the Committee also removed a provision allowing certain local officials to negotiate and execute a contract with a collection agency, if the county or municipality had done so with a collection agency that submitted a response to the procurement request within 60 days of receipt of all responses.

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While the vote tied, Rep. Gaetz moved to reconsider and to temporarily postpone the bill in committee. This procedural move allows the bill to be considered at another committee hearing. The bill has no Senate companion.

Value Adjustment Board Revisions Moves Forward

On Monday, January 11th, SB 766, Sen. Flores revises portions of the value adjustment board (VAB) property assessment appeal process. Specifically, the bill:

- Requires that a property appraiser provide written notification to the Department of Revenue (DOR) if the recertified just value of the assessment roll is less than the initial just value submitted to the DOR by more than 2 percent. DOR must review the processes used by the property appraiser and the value adjustment board if the 2 percent threshold is exceeded for 3 consecutive years.
- Requires that the VAB submit the certified assessment roll to the property appraiser by June 1 following the tax year in which the assessments were made, or by December 1st, if the petitions in the county increased by more than 10 percent from the prior year.
- Requires that a petition to the VAB be signed by the taxpayer or be accompanied by the taxpayer's written authorization for representation.
- Changes the interest rates for disputed property taxes at the VAB from twelve percent to the prime rate, and allows property owners to accrue interest at the prime rate when the property appraiser and the property owner reach a settlement prior to the VAB hearing.
- Authorizes a petitioner or a property appraiser to reschedule the hearing a single time for "good cause."
- Restricts the qualifications of those who can represent a taxpayer before the VAB.
- Extends a process by 1 year, to fiscal year 2016-17, which allows a school district to estimate its prior period district required local effort millage in the event that the final tax roll is not certified on a timely basis.

Unlike the House companion HB 499, SB 766 does not modify the VAB's composition. SB 766 next goes to the Senate Finance and Tax Committee.

FRS Contribution Rate Bill Passes Committee

On Monday, January 11th, the Senate Government Oversight and Accountability Committee unanimously voted in favor of SB 7042, which sets the FRS employer contribution rates beginning July 1, 2016 (see table below), and increases employer assessment for administration and educational expenses of the FRS system from .04 percent to .06 percent.

Membership Class	Current Rates Effective July 1, 2015		Recommended Rates to be effective July 1, 2016	
	Normal Cost	UAL Rate	Normal Cost	UAL Rate
Regular Class	2.91%	2.65%	2.97%	2.83%
Special Risk Class	11.35%	8.99%	11.35%	8.92%
Special Risk Administrative Support Class	3.71%	27.54%	3.87%	22.47%

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Elected Officer's Class				
• Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	6.48%	37.62%	6.63%	33.75
• Justices and Judges	11.39%	22.62%	11.68%	23.30%
• County Officers	8.48%	32.09%	8.55%	32.30%
Senior Management Service Class	4.32%	15.41%	4.38%	15.67%
Deferred Retirement Option Program	4.10%	7.12%	4.17%	7.10%

The aggregate employer contributions anticipated to be paid into the Florida Retirement System Trust Fund in FY 2016-2017 will increase by approximately \$62.6 million when compared to the employer contributions paid in FY 2015-2016. The impacts by employer group for FY 2016-2017 are shown below:

Employer Group	Additional Contributions
State Agencies	\$ 8.4 M
Universities	\$7.8 M
Colleges	\$2.7 M
School Boards	\$31.1 M
Counties	\$9.6 M
Other	\$3.1 M
TOTAL	\$62.6 M

Additionally, the revenues expected to flow into the SBA's Administrative Trust Fund will increase by approximately \$5.7 million annually. These revenues are a result of the assessment increasing from 0.04% of payroll to 0.06% of payroll. The increases by employer group for Fiscal Year 2016-2017 are noted below.

Employer Group	Additional Contributions
State Agencies	\$.87 M
Universities	\$.26 M
Colleges	\$.20 M
School Boards	\$2.54 M
Counties	\$1.52 M
Other	\$.31 M
TOTAL	\$5.70 M

The bill has been referred to the Senate Appropriations committee and, at this time, does not have a House companion.

Local Tax Referenda

On Wednesday, January 13th, the House Local Government Affairs Subcommittee passed HB 791, by Rep. Ingoglia, out of committee. The bill requires any referendum to levy a discretionary sales surtax to be held on the day of the general election and approved by 60% of electors voting in the referendum. The bill also prohibits a county or school district from spending funds to promote a surtax referendum, except for funds required to comply with advertising requirements set in general law.

The committee amended the bill to push the effective date to July 1, 2017. Even with the delayed effective date, counties and cities opposed to 60% threshold standard that is the

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standard for constitutional amendments. Its next stop is in the House Finance and Tax Committee. The Senate companion, SB 1100 by Brandes has not yet been heard in its first committee of reference.

Special Districts Requirements Move Forward

On Monday, January 11th, the Senate Governmental Oversight and Accountability Committee voted 3-1 to approve SB 516, by Sen Ring – relating to Special Districts. This bill requires special districts to post a budget online with specific visual features such as:

- View multiple years of budget, general ledger, and checking account data;
- Review year-over-year spending trends, examine individual accounting entries, and filter data according to categories in the special district’s chart of accounts, including, but not limited to, fund, department, division, program, or activity;
- Download financial data and graphs;
- View data in different graphical formats, including, but not limited to, stacked line, trend line, bar graph, and pie chart;
- View data in tabular formats;
- View information for multiple special district departments, divisions, funds, or financial categories simultaneously; and
- View and compare revenue and expense trends simultaneously on the same graph for any level of financial data.

Opponents of the bill argued this information is subject to public records requests and is also readily available. The bill’s requirements would place a financial burden on certain special districts who are fiscally constrained. The bill is now in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

Its companion measure, HB 479, by Rep, Metz was voted favorably on Thursday, January 14th in the House Local & Federal Affairs Committee. It has been placed on the Calendar, on 2nd reading on the House Floor.

Fracking Legislation Passes 1st Senate Committee

On Wednesday, January 13th, the Senate Environmental Preservation and Conservation Committee voted 6-3 to move SB 318, by Sen. Richter on to the Senate Appropriations Subcommittee on General Government.

SB 318 revises Florida’s oil and gas regulations to define the term “high-pressure well stimulation” and require a separate permit for the performance of high-pressure well stimulations. The bill also requires the Department of Environmental Protection (DEP) to conduct a study analyzing the potential impacts that high-pressure well stimulations may have on Florida’s underlying geologic features. The bill prohibits permits for high-pressure well stimulations from being issued until the DEP adopts rules regulating high-pressure well stimulations and such rules take effect.

Additionally, SB 318:

- Preempts to the state all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas;
- Requires inspections during the testing of blowout preventers, the pressure testing of the casing and casing shoe, and the integrity testing of cement plugs in plugging and abandonment operations;
- Requires notice to be given, a fee to be paid, and a permit to be granted before performing a high-pressure well stimulation;

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- Requires the DEP to consider groundwater contamination as a result of high-pressure well stimulations and public policy when reviewing a permit application for high-pressure well stimulations;
- Specifies that a permit may be denied or specific permitting conditions may be applied based on the past history of prior adjudicated, uncontested, or settled violations committed by the permit applicant or an affiliated entity of the applicant of any substantive and material rule or law pertaining to the regulation of oil or gas, including violations that occurred outside the state;
- Clarifies the inspection authority of the DEP;
- Requires the permit applicant to provide surety to the DEP that the high-pressure well stimulation will be conducted in a safe and environmentally compatible manner;
- Increases the civil penalty from \$10,000 per day to \$25,000 per day for violations; and
- Designates FracFocus as the state’s registry for chemical disclosure for all wells on which high-pressure well stimulations are performed.

SB 318 provides a \$1 million nonrecurring appropriation from the state’s General Revenue Fund to the DEP to conduct a study on high-pressure well stimulations. In considering the bill, the Committee adopted a series of amendments to strengthen the bill. The amendments:

- Authorize DEP to evaluate the prior adjudicated, uncontested, or settled violations committed by permit applicants as a basis for permit denial or imposition of specific permit conditions.
- Authorize DEP to consider as a criterion for issuing a permit for a high-pressure well stimulation, whether the high-pressure well stimulation as proposed is designed to ensure that the groundwater near the well location is not contaminated as a result of the high-pressure well stimulation. Additionally, the study must provide a review and evaluation of the potential for groundwater contamination from conducting high-pressure well stimulations near wells previously abandoned and plugged.
- Prohibit DEP from adopting rules for high-pressure well stimulations until the findings of the study have been submitted to the Legislature, which must be based upon the findings of the study. Additionally, the bill requires legislative ratification of the rules prior to the rules taking effect and further prohibits DEP from issuing permits for high-pressure well stimulations until the rules take effect.

The House companion measure, HB 191, awaits its hearing before the State Affairs Committee, its final committee stop before consideration on the House Floor.

Comprehensive Water Package Ready for Governor’s Approval

On Thursday, January 14th, the Legislature passed the Speaker’s priority, a comprehensive water package, which addresses springs protection and restoration, revises permit requirements, provides an assessment of water bodies and examines the feasibility of creating an interactive map of water bodies online amongst other water related issues. The package also creates a pilot program for alternative water supply in restricted allocation areas (such as South Florida) and a pilot program for innovative nutrient and sediment reduction and conservation.

TNC Legislation Ready for House Floor

On Wednesday, January 13th, HB 509, by Rep. Gaetz received a favorable 13-2 vote in the House Economic Affairs Committee. It has been placed on the Calendar, on 2nd Reading.

The bill preempts 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.

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The bill also limits airport charges for the use of an airport's facilities or designated location for staging, pickup, and other similar operations to no more than \$5,000 annually from each TNC.

Construction Contract Preemption Bulldozes to Floor

On Wednesday, January 13th, the House State Affairs Committee approved HB 181, by Rep. Van Zant, its last committee.

As passed, HB 181 prohibits 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.

In addition, HB 181 provides that the state or a political subdivision that contracts for a public works project may not prohibit a contractor, subcontractor, or material supplier or carrier from submitting a bid on the project or being awarded the relevant contract, if such individual or organization is otherwise qualified to do the work described.

The Committee approved an amendment that removed the Department of Transportation's contracts executed under chapter 337, F.S., from the bill. The bill is now on the House's 2nd Reading Calendar.

Mental Health Bills

On Wednesday, January 13, 2016, the House Children, Families, and Seniors Subcommittee workshopped two major behavioral health bills which are expected to be the centerpieces of the 2016 Session for the House. The bills make significant changes to both the Baker and Marchman Acts, but unlike in the 2015 Session, do not seek to combine both acts.

Proposed Committee Bill (PCB) 16 CFSS 16-01, relating to mental health treatment, addresses the following:

- Prohibits specified individuals from serving as a patient's representative in involuntary admissions, including the professional ordering the involuntary admission, a clinician providing services to the patient, an employee, administrator or board member of the treatment facility treating the patient, a creditor of the patient or a person subject to an injunction for protection for domestic violence, repeat violence, sexual violence, or dating violence.
- Establishes the rights of patient representatives.
- By June 30, 2017, requires counties to have a coordinated receiving system for addressing acute behavioral health needs including mental health and substance abuse, along with providing effective and timely care to greatest number of individuals.
- The coordinated care system must consist of any existing central receiving facilities or other facilities providing triaging services, transportation providers, hospitals, crisis stabilization units, detoxification units, addiction receiving facilities, and law enforcement serving the county and must have agreements and system-wide operational policies documenting the coordinated methods of triage, diversion, and acute behavioral health care services.
- Requires the managing entity, in cooperation with the county, to lead the effort to develop and document the coordinated receiving system, and to develop, by December

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31, 2017, a plan for the future enhancement of this system.

- Requires counties and managing entities to jointly develop a transportation plan to support the seamless functioning of the coordinated receiving system. The plan must address transporting individuals to receiving facilities including providing consumer choice, transporting individuals needing services to, from, and between providers, and transporting individuals after law enforcement has relinquished physical custody at a designated receiving or detoxification facility. The final plan must be approved by the County Commission and the Department of Children and Families (DCF).
- Repeals effective July 1, 2018, present transportation plans required under the Baker and Marchman Acts.
- Prohibits a court from ordering an individual with traumatic brain injury or dementia, without a co-occurring mental illness, to a state treatment facility.
- Extends the age eligibility of DCF's child and adolescent mental health system from 18 to 21 consistent with other DCF programs.
- Modifies certain requirements of the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant program.
- Requires the Agency for Health Care Administration and DCF to develop a plan to maximize federal Medicaid funding for behavioral health care. The plan must be submitted to the presiding officers of the Legislature by November 1, 2016.
- Removes the 30-bed limit for crisis stabilization units.
- Makes changes to managing entity requirements, including its selection by DCF, functions and responsibilities, the composition of its governing board (which includes counties), and the requirements to be designated as a "Coordinated Care Organization" by DCF.
- Amends several provisions of the Marchman Act, including defining "informed consent", reporting of Marchman Act activities, consolidating licensure for providers that offer multiple types of mental health and substance abuse services, bars filing fees for a filing a Marchman Act petition, allows continuances of Marchman Act involuntary treatment hearings, and allows persons court ordered to substance abuse treatment to comply by receiving treatment at a private facility if the individual has insurance or other funding.
- Deletes several obsolete provisions in the Baker and Marchman Acts.

Rep. Harrell, the Committee's Chair announced the PCB would likely be scheduled for a formal hearing during its meeting in Week 2 of the Session. The Committee also workshopped HB 979, relating to behavioral health care services by Rep. Peters, the Committee's Vice-Chair, which is much more limited in scope than the 83-page PCB. As proposed, HB 979:

- Amends new legislative findings and intent into the Baker and Marchman Acts.
- Requires managing entities in each county or circuit to develop a plan establishing a behavioral health system with sufficient capacity to provide prompt assessment of individuals involuntarily admitted under the Baker Act. The plan must: 1) provide how the county will work with other parties to designate at least one receiving facility; 2) identify the specifications and minimum standards for accessing care within the county and how diversion programs will function; 3) address how providers will coordinate activities to assess, examine, triage, intake and process involuntary clients; and 4) include a local transportation plan and an option for procuring nonmedical transportation to transport patients between facilities.
- Replaces the present Marchman Act involuntary admission criteria with new criteria an individual must meet.
- Authorizes additional professionals who may execute a certificate that an individual meets the criteria for emergency admission, including, clinical psychologists, licensed

clinical social workers, licensed marriage and family counselors, psychiatric nurses, physician assistants, licensed mental health counselors, advance registered nurse practitioners and Master's level certified addiction professionals for substance abuse services.

- Allows a Marchman Act petition to be filed by any adult will to testify about his/her personal observation of the individual's action and the threat he/she poses.
- Addresses other changes to the Marchman Act, including duration of court-ordered involuntary treatment and scheduling of involuntary treatment hearings.

The Committee also considered and passed HB 769, by Rep. Peters – relating to mental health treatment, which addresses the administration of psychotropic medications, evaluations of an individual's competency, and transportation to competency and commitment hearings for forensic clients. In addition, the bill:

- Requires an admitting physician in a state forensic or civil facility to continue the administration of psychotropic medication previously prescribed in jail 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. This authority is limited to the time period required to obtain a court order for the medication;
- Requires that a court hold a hearing within 30 days after receiving notification from a treatment facility that a defendant who was previously adjudicated incompetent or was previously adjudicated not guilty by reason of insanity is now competent to proceed or no longer meets criteria for continued commitment;
- Requires the defendant to be transported to the committing court's jurisdiction for the hearing.
- Permits a court to dismiss charges for specified nonviolent offenses for an individual whom the court has determined to be incompetent to proceed and who remains incompetent for 3 years after the original determination.
- Changes the timeframe for mandatory dismissal of all charges for an individual whom the court has determined to be incompetent to proceed and who remains incompetent for five continuous, uninterrupted years since the court's original determination of incompetency.

The House Children, Families, & Seniors Subcommittee unanimously voted the bill out of the subcommittee. The bill now goes to the House Appropriations Committee. A similar bill has been filed in the Senate, SB 862, by Sen. Legg. It has been referred to the Senate Criminal Justice Committee.

On January 14th, the Senate Children, Families, and Elder Affairs Committee heard SB 12, by Sen. Garcia, which addresses the current system of behavioral health services. SB 12 creates a coordinated system of care to be provided either by a community or a region for those suffering from mental illness or substance use disorder through a "No Wrong Door" system of single access points. The Agency for Health Care Administration (AHCA) and the Department of Children and Families (DCF) are directed to modify licensure requirements to create an option for a single, consolidated license to provide both mental health and substance use disorder services. Additionally, AHCA and DCF are to develop a plan to increase federal funding for behavioral health care.

The bill directs that a transportation plan be developed and implemented in each county or group of counties. The plan must specify methods of transport to a facility within the designated receiving system and may delegate responsibility for other transportation to a participating facility when necessary and agreed to by the facility.

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To the extent possible, the bill aligns the legal processes, timelines and processes for assessment, evaluation and receipt of available services under the Baker Act (Mental Illness) and Marchman Act (Substance Abuse) to assist individuals in recovery and reduce readmission to the system. The DCF's duties and responsibilities are revised and updated to include designation of facilities within the receiving system; specify data reporting and use of shared data systems within the system; set performance measures and standards for managing entities and enter into contracts with the managing entities that support efficient and effective administration of the behavioral health system and ensure accountability for performance.

The duties and responsibilities of managing entities are also revised and updated. Each managing entity must conduct a community behavioral health care needs assessment in their geographic region which must include information needed by DCF for its annual report to the Governor and the Legislature. Additionally, the managing entities are to:

- Provide assistance to counties to develop a designated receiving system and transportation plan;
- Enter into cooperative agreements with local homeless councils and organizations to share data and other information that is useful in addressing the homelessness of persons suffering from a behavioral health crisis;
- Develop a comprehensive network of qualified providers to deliver behavioral health services;
- Provide or contract for case management services;
- Collaborate with local criminal and juvenile justice systems to divert persons with mental illness, substance use disorder, or both, from the criminal justice system;
- Collaborate with local court systems to develop procedures to maximize the use of involuntary outpatient services, reduce involuntary inpatient treatment and increase diversion from the criminal justice system; and
- Promote integration of behavioral health with primary care.

Committee members recognized the need for these changes but expressed that the Legislature must also provide more funding for behavioral health services. SB 12 passed unanimously and now goes to the Senate Appropriations Subcommittee on Health and Human Services.

Medical Examiners Bill Moves Forward

On Thursday, January 14th, the House Local and Federal Affairs Committee voted 12-6 to move HB 315 by Rep. Roberson, relating to Medical Examiners, on to the next committee of reference.

HB 315 eliminates the ability of a medical examiner or county to charge members of the public fees for examinations, investigations, or autopsies performed pursuant to s. 406.11, F.S., including review of death certificates when a body will be cremated, buried at sea or dissected. In these latter instances, the Medical Examiner must determine the cause of death given that the body will not be available for autopsy, investigation or examination in the future.

In 2015, the Medical Examiner reviewed over 7,200 death certificates in which the individual's remains were to be cremated, buried at sea, or dissected. The County charges a fee of \$55.74 for administrative costs associated with such reviews. Should the bill become law, the Medical Examiner will be prohibited from charging this fee resulting in an approximate loss of \$402,000 to the County.

HB 315 is in the House Health & Human Services Committee – its last bill of reference. The Senate companion, SB 620 by Sen. Grimsley, has yet to be heard.

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Life Support Services – COPCNs

On Monday, January 11th, the Senate Community Affairs passed SB 742 by Sen. Hutson, relating to Certificates of Public Convenience and Necessity for Life Support or Air Ambulance Services.

SB 742 amends s. 401.25, F.S., to require, rather than allow, counties to adopt or amend ordinances setting reasonable standards for the issuance of certificates of public convenience and necessity (COPCN) to provide basic or advanced life support services or air ambulance services. The bill details certain standards that must be included in the county's ordinance. Additionally, county ordinances must include a quasi-judicial process for approval or denial of a COPCN application, and ordinances must also provide that applicants currently maintaining fire rescue infrastructure and providing first response in the county may appeal the decision to the circuit court with jurisdiction over the county. Finally, counties may adopt an ordinance to provide reasonable, objective standards for COPCNs for air ambulance services.

Before approving the bill, the Committee adopted a strike-all amendment modifying the bill as follows:

- Requires counties with existing COPCN ordinances to amend them if they are not in compliance with certain standards. If existing ordinances are in compliance, no action needs to be taken.
- Ordinances must provide a quasi-judicial process for approval or denial of an application for a COPCN, as well as providing that applicants currently maintaining fire rescue infrastructure and providing first response in the county may appeal the county's decision to the circuit court with jurisdiction over the county.
- Counties may adopt an ordinance to provide reasonable, objective standards for COPCNs for air ambulance services.

It is now slated to be heard on January 20th in the Senate Judiciary Committee. However, as amended by the Community Affairs Committee, the bill no longer negatively impacts the County's COPCN process.

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