

**FACA**  
**Legislative Bill Tracking – 2016**  
(Final Legislative Wrap-Up)

**House**

**HB 41 – “Discharge of Firearms on Residential Property”** (Combee, Rouson, Baxley, Broxson, Mayfield, Van Zant, Local & Federal Affairs Committee) – filed 8/6/15, last amendment 10/12/15

Similar to SB 130

Favorable in Criminal Justice Subcommittee (13-0), 9/9/15

Favorable in Local & Federal Affairs Committee (16-0), 10/7/15

Favorable in Judiciary Committee (17-0), 11/19/15

Placed on calendar, 2d reading 11/24/15

Placed on special order calendar, 2/2/16

Read 2d time, substituted for SB 130, laid on table, refer to SB 130, 2/2/16

Read 3d time, **PASSED** House (118-0)

[SB 130](#) approved and signed by Governor, Chapter 2016-12, 2/24/16

This bill will amend § 790.15, F.S. which currently provides that it is a first degree misdemeanor for a person to recklessly or negligently discharge a firearm outdoors, including target shooting, on any property used as the site of a dwelling or zoned exclusively for residential use. The amendment seeks to include that it would be a first degree misdemeanor for a person to *recreationally* discharge a firearm outdoors in an area that the person knows or reasonably should know is primarily residential in nature. The penalty would not apply to a personal lawfully defending life or property or performing official duties requiring the discharge of a firearm; if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property; or, to a person who accidentally discharges a firearm.

Effective date is July 1, 2016.

**HB 45 – “Prohibited Discrimination”** (Raschein, Edwards, Fitzhagen, Fullwood, Hager, Latvala, Murphy, Peters, Pilon, Richardson, Rodriguez, Plasencia) – filed 8/11/15

Similar to SB 120

Referred to Economic Affairs Committee and Judiciary Committee

In Economic Affairs Committee

**Died in Economic Affairs Committee**

Creates “Florida Competitive Workforce Act,” which will make the following amendments to cited statutes:

- §760.01 – amended to read “all individuals within the state freedom from discrimination because of *or based on the perception of* race, color, religion, sex, pregnancy, national origin, age *sexual orientation, gender identity or expression...*”
- §760.02 – renumbering and defining additional terms:
  - (8) “*Gender identity or expression*” means *gender-related identity, appearance, or behavior, whether such gender-related identity, appearance, or behavior is different from*

that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence, including, but not limited to:

(a) Medical history, care, or treatment of the gender related identity;

(b) Consistent and uniform assertion of the gender-related identity; or

(c) Other evidence that the gender-related identity is a sincerely held part of a person's core identity and is not being asserted for an improper purpose.

(13) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

- §§760.05, 760.07 and 760.08 – adds sexual orientation and gender identity or expression as impermissible grounds for discrimination; provides an exception for constitutionally protected free exercise of religion.
- §509.092 – adds sexual orientation and gender identity or expression as impermissible grounds for discrimination in public lodging establishments and public food service establishments; provides an exception for constitutionally free exercise of religion.
- §760.22 – defining additional terms:
  - (7) "Gender identity or expression" has the same meaning as provided in s. 760.02.
  - (10) "Sexual orientation" has the same meaning as provided in s. 760.02.
- §§760.23, 760.24, 760.25, 760.26, 760.29 and 760.60 – adds sexual orientation and gender identity or expression as impermissible grounds for discrimination.

**HB 57 – “Public Records and Meetings/Trade Secrets”** (Pilon, Criminal Justice Subcommittee) – filed 8/12/15, last amendment 9/15/15

Tied to HB 55

Similar to SB 182

Favorable in Criminal Justice Subcommittee (13-0), 9/16/15

Favorable in Government Operations Subcommittee (12-0), 12/2/15

Favorable in Judiciary Committee (16-0), 1/13/16

Placed on calendar, 2d reading, 1/13/16

Placed on special order calendar, 1/26/16

Read 2d time, substituted for SB182, laid on table, Refer to SB 182, 1/26/16

[SB 182](#) approved and signed by Governor, Chapter 2016-6, 2/24/16

Florida law exempts trade secret information from public records and this bill will incorporate changes to the definition of “trade secret,” to include financial information to the following statutes: § 119.071(1)(f); § 125.0104(9)(d); § 288.1226(8); § 331.326; § 365.174; § 381.83; § 403.7046(2) and 3(b); § 403.73; § 499.012(8)(g) and (m); § 499.0121(7); § 459.931; § 502.222; § 570.48(3); § 573.123(2); § 601.10(8); § 601.15(7)(d); § 601.152(8)(c); § 601.76; and, § 814.04(3).

Bill also provides for repeal of the amended exemptions on October 2, 2021, unless reviewed and saved from repeal through reenactment by Legislature and also provides a public necessity statement as required by the Constitution. **Amendments adopted 9/15/15 (CJS)** as a committee substitute. The two amendments were: restructure the public records Sunset Review Act language in §365.174, F.S. to correctly apply language to entire section; amended and reenacted cross reference for §812.081 and removed the republication of a criminal prohibition.

Effective date would be same day HB 55 takes law.

**HB 59 – “Agritourism”** (Combee) – filed 8/12/15

Similar to SB 304

Favorable in Agriculture & Natural Resources Subcommittee (11-0), 10/21/15

Favorable in Local Government Affairs Subcommittee (11-0), 11/4/15

Favorable in State Affairs Committee (18-0), 1/13/16

Placed on calendar, 2d reading, 1/19/16

Placed on special order calendar, 1/26/16

Read 2d time, placed on calendar, 3d reading, 1/26/16

Read 3d time, **PASSED** in House (118-0)

Senate referred to Agriculture, Community Affairs, Fiscal Policy, 2/3/16

Withdrawn from Agriculture, Community Affairs, Fiscal Policy, 2/18/16

Placed on calendar 2d reading, 2/18/16

Substituted for SB 304, amendment adopted, placed on 3d reading, 2/23/16

Read 3d time, **PASSED** Senate (35-0), 2/24/16

Received in messages, concurred with amendment, **PASSED** House (113-0), 3/1/16

Ordered engrossed, then enrolled, 3/1/16

Signed by Officers and presented to Governor (must act by 3/8/16), 3/1/16

[HB 59](#) approved and signed by Governor, Chapter 2016-14, 2/24/16

Bill seeks to amend §570.82 by prohibiting local governments from enforcing local ordinances, regulations, rules or policies that prohibit, restrict, regulate or otherwise limit agritourism activities on land classified as agriculture land. Bill also adds civic and ceremonial activities to the definition of “agritourism activity.”

**Amendment adopted 1/13/16 (SAC)** provides that local governments may exercise their powers and duties to address substantial off-site impacts of agritourism activities.

**Amendment adopted during 2d reading 2/18/16** including civic, ceremonial, training and exhibition as agritourism activity.

Effective date of July 1, 2016.

**HB 91 – “Severe Injuries Caused by Dogs”** (Steube, Civil Justice Subcommittee) – filed 8/21/15

Similar to SB 334

Favorable in Civil Justice Subcommittee (13-0), 10/7/15

Favorable in Local Government Affairs Subcommittee (11-0), 11/4/15

Favorable in Judiciary Committee (17-0), 1/13/16

Placed on calendar, 2d reading, 1/21/16

Placed on special order calendar, 1/26/16

Read 2d time, placed on calendar 3d time, 1/27/16

Read 3d time, **PASSED** in House (118-0)

Senate referred to Judiciary, Community Affairs, Rules, 2/3/16

Withdrawn from Judiciary, Community Affairs and Rules, 2/11/16

Placed on calendar, 2d reading, substituted for SB 334, read 2d time, 2/11/16

Read 3d time, **PASSED** Senate (40-0), 2/11/16

House ordered enrolled, 2/18/16

Enrolled text filed, 2/18/16

Signed by Officers and presented to Governor (must act by 3/8/16), 3/1/16

[HB 91](#) approved and signed by Governor, Chapter 2016-16, 3/8/16

Bill amends certain provisions of Chapter 767, F.S., requiring all cases involving the severe injury to a human being by an unclassified dog by resolved pursuant to a dangerous dog classification proceeding rather than a destruction proceeding. If classified as a dangerous dog, the dog may be destroyed or returned to its owner subject to the safety restrictions for dangerous dogs. The bill expressly exempts law enforcement dogs.

**Amendment adopted 11/3/15 (LGAS)** adding language that *local governments have the authority to adopt certain ordinances pertaining to dogs that have bitten or attacked persons or domestic animals.*

Effective date is upon becoming law.

**HB 131 - "Unattended Persons and Animals in Unattended Vehicles"** (Young, Moskowitz, Broxson, Gaetz(M), Gonzalez, Hager, Jones (S), Rader, Rehwinkel Vasilinda, Rouson, Civil Justice Subcommittee) – filed 9/2/15

Similar to SB 308

Favorable in Civil Justice Subcommittee (13-0), 10/20/15

Favorable in Judiciary Committee (17-0), 11/19/15

Placed on calendar, 2d reading 11/24/15

Placed on special order calendar, 1/26/16

Read second time, amendment adopted, placed on 3d reading, 1/26/16

Read 3d time, **PASSED** in House (118-0), immediately certified

Senate refers to Criminal Justice, Judiciary and Rules, 1/27/16

Withdrawn from Criminal Justice, Judiciary and Rules, 1/27/16

Placed on calendar, 2d reading, substituted for SB 308, read 2d time, read 3d time, 1/27/16

**PASSED** in Senate (38-0), 1/28/16

House ordered enrolled, 2/2/16

Enrolled text filed, 2/2/16

Signed by Officers and presented to Governor (must act by 3/8/16), 3/1/16

[HB 131](#) approved and signed by Governor, Chapter 2016-18, 3/8/16

Amends §768.139, F.S. Florida's Good Samaritan Act to provide that a person is immune from civil liability for damage resulting for the forcible entry of a motor vehicle in emergency situations for the purpose of removing an endangered person, i.e., elderly, disabled, minor, or domestic animal if the vehicle is determined to be locked, good faith belief that person or animal will suffer harm if not removed, person contacts local law enforcement prior to entry, stays with person or animal until law enforcement arrives, reasonable force is used for entry. Amendment language filed on October 20, 2015, requires person to "ensure that law enforcement is contacted" before or immediately after breaking into vehicle.

**Amendment adopted 11/20/15 (JC)** defines "domestic animal" as dog, cat, or other animal that is domesticated and may be kept as a household pet and extended immunity from civil liability to the entry of a motor vehicle under circumstances authorized under Bill and provided that a good samaritan

may call 911 in lieu of contacting law enforcement before or immediately after entering a motor vehicle under circumstances authorized by the Bill.

**Amendment adopted on second reading 1/26/16** providing immunity from civil liability for damage to a person who enters a motor vehicle, by force or otherwise, for the purpose of removing a vulnerable person or domestic animal.

Effective date is upon becoming law.

**HB 163 – “Weapons and Firearms”** (Gaetz (M), Baxley, Combee, Drake, Eagle, Fant, O’Toole, Renner, Smith (J), Van Zant, Criminal Justice Subcommittee) – filed 9/14/15

Similar to SB 300

Favorable in Criminal Justice Subcommittee (8-4), 10/6/15

Favorable in Justice Appropriations Subcommittee (7-6), 11/18/15

Favorable in Judiciary Committee (12-4), 1/28/16

Placed on calendar, 2d reading, 1/28/16

Placed on special order calendar, 1/29/16

Read 2d time, amendments adopted, placed on 3d reading, 2/2/16

Read 3d time, **PASSED** House (80-38)

Senate referred to Criminal Justice, Judiciary and Rules, 2/10/16

**Died in Criminal Justice**

Bill amends § 790.053, F.S. authorizing concealed carry licenses to openly carry firearms or weapons. Currently, § 790.02, F.S., authorizes an officer to make a warrantless arrest for the carrying of a concealed weapon in violation of § 790.01, F.S., when the officer has reasonable grounds or probable cause to believe such offense has been committed. The bill amends this provision to clarify that it only applies to the unlicensed carrying of a concealed weapon and to delete authorization for such warrantless arrests based on reasonable grounds.

This Bill creates § 776.00111, F.S. and amends § 790.25(4), F.S. to require the judiciary to employ strict scrutiny in reviewing any statute that implicates the right to bear arms or defend one’s self. The Bill also specifies that the right to bear arms or defend one’s self is a fundamental and individual right that exists in any place that a person has the right to be, subject only to exceptionally and narrowly tailored restrictions that employ the least possible restriction on the right in order to achieve a compelling government interest.

The Bill also creates § 790.0015, F.S., to specify that it is a violation subject to liability for any person or entity to infringe on certain rights to bear arms or defend one’s self. With respect to this liability, the Bill states, “Notwithstanding any other law, no immunity shall apply to persons or entities infringing on such rights in violation of this section.”

Lastly, the Bill amends § 790.25(1), F.S., to specify that the Legislature finds that the possession and carrying of weapons and firearms by law-abiding individuals for lawful purposes, including self-defense, enhances public safety.

**Amendment language adopted 11/18/15 (JAS)** include adding language to §790.0015, F.S. which provides that the rights of an owner or lessee of real property or a private employer are not diminished and they may prohibit the possession of a firearm on their property. Creating § 790.0016, F.S., to

provide that no employee will have cause of action against an employer, including termination of employment, resulting from failure of the employee to comply with the employer's orders regarding the carrying or not carrying of a weapon during working hours. This section does not impair a cause of action against employers arising from another statutory or constitutional provision.

**Amendment language adopted 1/28/16 (JC)** strike-all amendment that: (a) removed the bill's provisions requiring the judiciary to employ strict scrutiny when reviewing a statute that implicates the right to bear arms or defend one's self; (b) revise the penalty provisions in § 790.0015(1), F.S., and specify that such penalties apply to "any person or entity," not only public entities and the agents thereof; (c) specify in § 790.0015(2), F.S., that the section is not intended to restrict certain investigations; (d) authorize warrantless arrests under § 790.02, F.S., based on reasonable suspicion; and (e) require an openly carried firearm to be carried in a holster, case, or bag.

**Amendments adopted on 2d reading 2/2/16** adding section addressing permanent resident alien and illegal aliens prohibited from obtaining license to carry concealed weapon under Chapter 790; and language pertaining to persons licensed to carry a concealed weapon may openly carry such weapon subject to the restrictions and limitations of §§ 6 790.06 and 790.10, F.S. and except as otherwise provided by law it is unlawful for any other person to openly carry on or about his or her person any firearm or electric weapon or device.

Proposed effective date is becoming law.

**HB 165 – "Selection and Duties of County Officers"** (Articles) – filed 9/14/15

Identical to SB 648

Favorable in Local Government Affairs Subcommittee (11-0), 11/4/15

Favorable in Judicial Committee (16-2), 1/13/16

Favorable in Local & Federal Affairs Committee (12-4), 1/21/16

Placed on calendar, 2d reading, 1/21/16

**Died on Calendar**

Joint Resolution proposing amendment to § 1, Article VIII, Constitution by removing the authority to alter the manner of selecting certain county officers and limiting the ability to abolish a county office and transfer all duties prescribed by general law to another office, either by charter counties or by special law approved by the county electors. As a result, the offices of sheriff, property appraiser, supervisor of elections, tax collector, and clerk of the circuit court would be filled only by vote of the county electors and for terms of four years. One or more of these county offices could be abolished and its duties transferred to another office only by special law approved by the county voters. As proposed in the joint resolution, the clerk of the circuit court would be the *ex officio* clerk of the board of county commissioners, auditor, recorder, and custodian of county funds unless otherwise provided by special law approved by the county voters.

Each house of the Legislature must pass a joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot and the Constitution requires 60 percent voter approval for passage of a proposed constitutional amendment.

**HB 181 – "Public Works Projects"** (Van Zant, Tobie, Smith (J)) – filed 9/17/15

Favorable in Government Operations Subcommittee (8-4), 10/20/15

Favorable in Local Government Affairs Subcommittee (7-3), 11/4/15

Favorable in State Affairs Committee (11-6), 11/13/15  
Placed on calendar, 2d reading, 1/15/16  
Placed on special order calendar, 1/26/16  
Temporarily postponed on 2d reading

**Died on Calendar**

Contracts for construction services that are projected to cost more than a specified threshold must be competitively awarded. Specifically, state contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000. The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register.

**Amendment adopted 11/4/15 (LGAS)** creating § 255.0992, F.S., relating to public works projects and prohibited governmental actions. The bill defines the terms “political subdivision” and “public works project.” It 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 the 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.

Department of Transportation contracts executed under chapter 337, F.S., are excluded from this bill.

In addition, the bill 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 is otherwise qualified to do the work described.

Proposed effective date is July 1, 2016.

**HB 197 – “Term Limits for Appellate Courts”** (Wood, Sullivan, Hill) – filed 9/17/15

Similar to SB 322

Favorable in Civil Justice Subcommittee (8-5), 11/3/15  
Favorable in Appropriations Committee (13-6), 1/21/16  
Favorable in Judiciary Committee (11-6), 2/4/16  
Placed on calendar 2d reading, 2/5/16  
Placed on special order calendar, 2/19/16  
Read 3d time, **PASSED** House (76-38), 2/24/16  
In messages, Senate referred to Judiciary, Ethics & Elections, Rules, 3/1/16

**Died in Judiciary**

This joint resolution limits future justices and judges to two full terms of office. A joint resolution to amend the constitution must be passed by a three-fifths vote of the membership of each house of the Legislature. The proposed joint resolution, if passed by the Legislature, would be considered by the electorate at the next general election in November 2016.

**Committee substitute adopted 11/3/15 (CJS)** differs from the Bill as filed in that it is prospective only, having no effect on current justices and judges.

If adopted at the 2016 general election, the effective date of this resolution is January 3, 2017

**HB 273 – “Public Records”** (Beshears) – filed 10/1/15

Similar to SB 390

Favorable in Government Operations Subcommittee (11-0), 12/2/15

Favorable in State Affairs Committee (15-1), 1/21/16

Placed on special order calendar, 1/26/16

Read 2d time, placed on 3d reading, 1/27/16

Read 3d time **PASSED** in House (110-7); immediately certified

Senate refers to Governmental Oversight and Accountability, Judiciary and Fiscal Policy

Withdrawn from Governmental Oversight and Accountability, Judiciary and Fiscal Policy

Placed on calendar, 2d reading, 1/28/16, substituted for SB 390

Read 2d time, placed on calendar, 3d reading, 1/28/16

Senate Referred to Governmental Oversight and Accountability, Judiciary, Fiscal Policy

Withdrawn from Governmental Oversight and Accountability, Judiciary, Fiscal Policy

Placed on calendar, 2nd reading, substituted for SB 0390, read 2d time, placed on 3d reading, 02/02/16

Read 3d time, **PASSED** Senate (34- 1), 2/2/16

House ordered enrolled, 2/10/16

Enrolled text filed, 2/10/16

Signed by Officers and presented to Governor (must act by 3/8/16), 3/1/16

[HB 273](#) approved and signed by Governor, Chapter 2016-20, 3/8/16

Bill amends §§ 119.07, 119.701, 497.140, 627.311, and 627.351, F.S.; requiring each agency head to designate custodian of public records and to display custodian contact information; requiring public records request be made to certain persons in order for requestor to be eligible for reimbursement of attorney fees; revises required provisions in public agency contract for services regarding contractor's compliance with public records laws for contracts signed or amended on or after specified date (July 1, 2016); specifies penalties for contractor who fails to comply with certain provisions.

**Amendment language adopted 12/2/15 (GOS)** creates penalties under §119.10 if contractor fails to provide requested public records within reasonable time. Creates section for a civil action to be brought against contractor for failing to comply with public records requests pertaining to a public agency's contract.

Effective date of July 1, 2016.

**HB 329 – “Animals Confined in Unattended Motor Vehicles”** (Cortes (B)) – filed 10/7/15

Identical to SB 200

Similar to HB 131 and SB 308

Favorable in Criminal Justice Subcommittee (9-4), 11/17/15

Favorable in Judiciary Committee (17-0), 2/4/16

Placed on calendar 2d reading, 2/9/16

**Died on Calendar**



Bill creates §828.075, F.S. “Protecting Animal Welfare and Safety Act” or “P.A.W.S. Act” by prohibiting persons from confining animals in unattended motor vehicles under certain circumstances; provides criminal penalties (first degree misdemeanor if its reasonably foreseeable that animal would suffer or be in danger); provides that authorized individuals may use reasonable force to remove animals under certain circumstances; provides exemption from liability for such individuals; provides exception for transportation of agricultural animals; provides that act does not preclude prosecution under any other law.

**Amendment language adopted 11/18/15 (CJS)** includes definition of “authorized individuals” as first responder as defined in § 125.01045, an animal control officer as defined in § 828.27, or any individual who has contacted the local law enforcement agency, fire department, or 911 operator and has been instructed by such entity to use reasonable force to remove animal from a motor vehicle and includes an exemption for the transportation of horses, cattle, pigs, sheep, poultry, or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.

Proposed effective date of July 1, 2016.

**HB 345 – “Firefighters and Paramedics”** (Fitzhagen, Edwards) – filed 10/9/15

Similar to SB 456

Referred to Government Operations Subcommittee, Local Government Affairs Subcommittee, State Affairs Committee

In Government Operations Subcommittee

**Died in Government Operations Subcommittee**

Bill creates § 112.183, F.S.; providing that death or disability due to cancer suffered by firefighter or paramedic employed by state or its political subdivisions is presumed accidental & suffered in line of duty under certain conditions; authorizes purchase of insurance by local governments; provides criteria for physical examinations for firefighters & paramedics; requires employing agency to keep records & notify firefighters & paramedics of reported exposure to known carcinogens; provides that firefighters & paramedics employed on effective date of act need not comply with physical examination requirements.

Proposed effective date upon becoming law.

**HB 461 – “Location of Utilities”** (Ingram) – filed 10/27/15

Identical to SB 416

Favorable in Local Government Affairs Subcommittee (12-0), 12/2/15

Favorable in Appropriations Committee (19-1), 2/10/16

Placed on calendar 2d reading, 2/10/16

Placed on special order calendar, 2/19/16

Read 2d time, substituted for SB 416, laid on table, refer to SB 416, 2/23/16

[SB 416](#) approved and signed by Governor, Chapter 2016-44, 3/10/16

Bill amends certain provisions of §§125.42, 337.401, 337.403, F.S., by revising circumstances under which county commissioners may grant license for specified projects related to lines for transmission of certain public utilities & communication services; authorizes DOT & certain local governmental entities to prescribe & enforce regulations regarding placement & maintenance of specified structures & lines within right-of-way limits of roads or publicly owned rail corridors; specifies that owner of utility located within certain right-of-way limits must initiate & bear cost necessary to alleviate any interference to use

of certain public roads or rail corridors; requires authority to bear cost of utility work necessary to eliminate unreasonable interference if utility is lawfully located within certain utility easement, subject to certain deductions; provides findings of important state interest.

Effective date upon becoming a law.

**HB 479 – “Special Districts”** (Metz, Local Government Affairs Subcommittee) – filed 10/29/15

Similar to SB 956

Favorable in Local Government Affairs Subcommittee (12-0), 11/18/15

Favorable in Local & Federal Affairs Committee (14-0)

Placed on calendar, 2<sup>nd</sup> reading, 12/3/15

Placed on special order calendar, 1/26/16

Read 2d time, amendment adopted, placed on 3d reading, 1/26/16

Read 3d time, **PASSED** in House (118-0)

Senate referred to Community Affairs, Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Fiscal Policy, 2/3/16

Withdrawn from Community Affairs, Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Fiscal Policy, placed on calendar 2d reading, substituted for SB956, 2/18/16

Read 2d time, amendments adopted, placed on 3d reading, 2/18/16

Read 3d time, **PASSED** Senate (36-0), 2/23/16

In returning messages, 2/24/16

Received in messages, concurred with amendment, **PASSED** in House (110-0), 3/1/16

House ordered engrossed and enrolled, 3/1/16

Engrossed and enrolled text filed, 3/1/16

Signed by Officers and presented to Governor (must act by 3/8/16), 3/1/16

[HB 479](#) approved and signed by Governor, Chapter 2016-22, 3/8/16

Bill amends Chapter 189, F.S. revising legislative intent with respect to Uniform Special District Accountability Act to include dependent special districts; specifies Legislature's authority to create dependent special districts by special act; provides for identification of dependent special district as dependent, & of independent special district as independent, in its charter; specifies that local general-purpose governments may review certain special districts.

**Amendment adopted on second reading (1/26/16)** in addition to the publication of notice of the proposed plan or plan amendment, the notice of proposed property taxes and non-ad valorem assessments required pursuant to § 200.069, F.S. must include notice of any assessment identified in the plan or amendment. Notice also must be compliant with §197.3632(4)(b).

**Amendments adopted during 2d reading 2/18/16** reenacting §165.0615(16), F.S.

Effective date of October 1, 2016.

**HB 499 – “Ad Valorem Taxation”** (Avila) – filed 11/2/15

Similar to SB 766

Favorable in Finance & Tax Committee (16-0), 12/1/15

Favorable in Local & Federal Affairs Committee (16-0), 1/25/16

Favorable in Appropriations Committee (24-0), 2/16/16

Placed on calendar 2d reading, 2/19/16

Read 2d time, placed on 3d reading, 3/2/16  
Read 3d time, PASSED (117-0), 3/3/16  
In messages, 3/3/16  
Senate referred to Community Affairs, Finance & Tax, Appropriations, 3/3/16  
Withdrawn from Community Affairs, Finance & Tax and Appropriations, 3/8/16  
Placed on calendar 2d reading, substituted for SB 766, read 2d time, amendments  
Adopted, placed on 3d reading, 3/8/16  
Read 3d time, **PASSED** in Senate (38-0), 3/9/16  
In returning messages, 3/9/16  
House concurred with amendment, **PASSED** (117-0), 3/9/16  
House ordered engrossed, enrolled, 3/9/16  
Signed by Officers and presented to Governor (must act by 3/26/16), 3/11/16  
[HB 499](#) approved and signed by Governor, Chapter 2016-128, 3/25/16

Bill revises the composition, procedures, and oversight of the VAB process. Specifically:

- Requires that a petition to the VAB must be signed by the taxpayer or be accompanied by the taxpayer's written authorization for representation.
- Revises provisions related to the exchange of evidence.
- Provides clarification of the confidentiality of information in the evidence exchange process.
- Requires 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 1 if the petitions in that county increased by more than 10 percent from the prior year.
- Restricts the qualifications of those who can represent a taxpayer before the VAB.
- Changes the composition of the VAB by replacing one member from the county commission with a citizen member.
- Specifies that in the appointment/scheduling of special magistrates no consideration is to be given to assessment reductions recommended by any special magistrate.
- Elaborates on what is required in the VAB's findings of fact.

Interest rates for disputed property taxes at the VAB are changed from 12 percent to the prime rate; also, Bill proposes to allow 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.

The Bill requires the notice of proposed property tax (TRIM notice) to contain a breakout of millage attributable to each of the county constitutional officers, and notify the property owner that he or she may challenge the assessed value of his or her property.

Additionally, Bill extends by one year (FY 2016-17), a process that 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.

This Bill may be a county or municipality mandate requiring a two-thirds vote of the membership of the House.

**Committee substitute filed 1/27/16 (LFAC)** adopted a strike-all to the bill which makes amends the signature requirement and the restrictions on who can represent a taxpayer have been modified as follows: a licensed individual need not provide written authorization before filing a petition. However, if

an individual agent is found by the VAB to have knowingly and willfully filed a petition without the taxpayer's authorization that individual will have to provide written authorization for all of their petitions which are heard by the VAB for the next year. o If an unlicensed individual is representing a person before the VAB, they will need to provide a power of attorney; an unlicensed individual receiving no compensation, such as a grandchild or a neighbor, need only provide written authorization under the strike all; clarification that written authorization is still needed to access the taxpayer's confidential information; rescheduling to clarify that both the petitioner and the property appraiser may each reschedule the hearing one time, and to provide that the 15 day notice of the rescheduled hearing is not needed if both parties waive that requirement; eliminates that portion of the original bill which created Section 194.011(4)(c), F.S. Includes clearer language which states that if: if a property appraiser requested information from a taxpayer in writing under the authority of any statute, and the taxpayer had knowledge of that information and denied it to the property appraiser, then that specific information cannot be used as evidence in the VAB hearing by the petitioner. The bill amends § 194.034(1)(d), F.S., clarifying that the VAB may not admit evidence which was previously requested of the petitioner in writing, if: the information was requested at any time during the assessment process up to the hearing of the petition, the information was requested under the authorization of any statute, and the petitioner had knowledge of the information and denied it to the property appraiser. The amendment contains language repealing the Rules adopted by the DOR which conflict with the limitations on rescheduling hearings and the admission of evidence knowingly denied to the property appraiser that are contained in this bill. The strike-all adds a paragraph 11 to §§ 193.155, 193.1554, and 193.155, F.S. to clarify that a taxpayer who disagrees with the application or resetting of an assessment cap can appeal that decision to the VAB. §§ 195.022, and 195.027, 195.002, 120.54(4), F.S. emergency rules adopted under this subsection are effective for only 90 days and may not be renewed unless the agency as initiated regular rulemaking and there is a pending challenge to the proposed rules or the proposed rules are awaiting legislative ratification. A change was made to § 194.035, F.S., which specifies which type of magistrate should hear which type of case, to specify that attorney special magistrates should hear cases involving the application of an assessment cap or the denial of a tax deferral. The amendment provided that taxpayer may appeal to the VAB if a complete, timely return was filed. If the return is found to be incomplete or erroneous before the TRIM notice is sent, the property appraiser shall notify the taxpayer of that fact, and the taxpayer shall have 30 days to correct the return. If the return is corrected, the taxpayer has the right to appeal their assessment to the VAB. If the return is not corrected, the right to appeal to the VAB is lost Finally, the strike-all contains language regarding the assessment of taxes when an assessment limitation was improperly granted. The amendment allows the property appraiser to waive penalties and interest if the assessment cap was improperly granted "as a result of a clerical mistake or an omission by the property appraiser." It also allows the property owner 30 days to pay off the taxes and any interest and penalties owed before a lien is filed on his or her property.

**Committee substitute filed 2 amendments 2/16/16 (AC)** a strike-all and one amendment to the strike all. The amendment to the strike-all removed section 3 of the strike all. The adopted strike-all makes the following changes to the bill: eliminates portions of sections 9 and 13 of CS/HB 499, which limited evidence that could be presented before the VAB, and returns those portions of statute to current law; revises a portion of section 11 of CS/HB 499, which changed the composition of the VAB members. CS/HB 499 proposed that the third citizen member of the VAB must be a licensed real estate appraiser, whereas the strike-all revises that provision to require the third citizen member to own homestead in the county; revises a portion of section 13 of CS/HB 499, which specified who can represent a taxpayer before the VAB, by changing the "corporate representative of the taxpayer" to the "employee or affiliated entity of the taxpayer;" eliminates a portion of section 16 of CS/HB 499, which proposed to

repeal the Rules adopted by the DOR which conflicted with the admission of evidence at the VAB that were contained in sections 9 and 13 of CS/HB 499.

**Committee substituted adopted (3/1/16) (A)** authorizes employees of the taxpayer or an affiliated entity and uncompensated persons with written authorizations to represent taxpayers before the VAB; removes the requirement that a taxpayer sign a VAB petition when filed by an employee of the taxpayer or a licensed individual; clarifies the treatment of erroneous and incomplete property tax returns and requires a return to be timely filed in order to protest an assessment before the VAB; allows VABs to hear petitions concerning a determination whether a change of ownership, change of ownership or control, or a qualifying improvement has occurred, and it requires attorney special magistrates to hear these issues; requires that VAB decisions be based on admitted evidence and requires VABs not to consider a special magistrate's prior determinations in appointing and scheduling special magistrates and, repeals subsections (4) and (5) of Rule 12D-9.019, F.A.C., and provides a finding that the Bill fulfills an important state interest.

Effective date of July 1, 2016.

**HB – 509 “Transportation Network Companies”** (Gaetz-M, Avila) – filed 11/2/15

Similar to HB 175

Favorable in Highway & Waterway Safety Subcommittee (10-1), 12/2/15

Favorable in Economic Affairs Committee (13-2), 1/13/16

Placed on calendar, 2d reading, 1/15/16

Placed on special order calendar, 1/26/16

Read 2d time, amendments adopted, placed on 3d reading, 1/26/16

Read 3d time, **PASSED** in House (108-10)

Senate referred to Banking and Insurance, Judiciary, Appropriations, 2/5/16

**Died in Banking and Insurance**

The Bill preempts to the state the regulation of Transportation Network Companies (TNCs) and creates a regulatory framework for the operation of TNCs. Specifically, the bill:

- Defines “transportation network company” as an entity granted a permit under s. 316.680, F.S., to operate in this state using a digital network or software application service to connect passengers to TNC service provided by drivers. A TNC is not deemed to own, control, operate, or manage the vehicles used by drivers; is not deemed to control or manage drivers; and is not a taxicab association or for-hire vehicle owner. A TNC does not include an individual, corporation, partnership, sole proprietorship, or other entity arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization. The bill also provides other definitions related to TNCs.
- Provides that a TNC is not a common carrier and does not provide taxi or for-hire vehicle service.
- Provides that a TNC driver is not required to register his or her vehicle as a commercial vehicle or for-hire vehicle.
- Provides that a person must obtain a permit from the Department of Highway Safety and Motor Vehicles (DHSMV) to operate as a TNC.
- Provides an annual permit fee for TNCs in the amount of \$5,000, paid to DHSMV.

- Requires TNCs charging fares to disclose the fare calculation, to provide passengers with applicable rates being charged, and an option to receive an estimated fare.
- Requires an electronic receipt to be provided to TNC passengers within a reasonable period of time.
- Requires the identification of TNC vehicles and drivers by license plate and picture of the driver.
- Provides minimum TNC and driver insurance requirements and provides for certain insurance related disclosures.
- Provides that TNC drivers are independent contractors if certain conditions are met and TNCs are not required to provide workers' compensation coverage for independent contractors.
- Requires TNCs to have a zero tolerance policy for illegal drug or alcohol use.
- Provides minimum requirements for TNC drivers, including a criminal background check and a driving history report.
- Requires vehicles used to provide TNC service to meet the safety and emissions requirements of the state where the vehicle is registered.
- Prohibits certain conduct from TNC drivers such as accepting street hails or cash payments.
- Prohibits TNCs from discriminating against drivers and requires them to develop policies on nondiscrimination and accessibility.
- Requires TNCs to maintain certain records for a minimum period of time.
- Prohibits local governments from imposing taxes or licenses on TNCs relating to the provision of TNC service. The bill also revises financial responsibility requirements for for-hire passenger transportation vehicles and eliminates the self-insurance authorization for motor vehicles, and a separate self-insurance authorization for large operators of for-hire passenger vehicles.

**Amendment language adopted 1/13/16 (EAC)** provides that leased or rented vehicles may be considered a personal vehicle for the provision of TNC service; requires motor vehicle crash reports to indicate if a driver was engaged in TNC service at the time of the crash and provided penalties for providing false information.

**Amendment language adopted on second reading (1/26/16)** consisted of stringent insurance requirements; disclosures by TNC to drivers of said insurance requirements; drivers distinguished as independent contractors not employees; specifying driver requirements; specifying prohibited conduct; nondiscrimination practices; and, preemption language on tax or licenses; does not prohibit airport from charging reasonable fees for use airport facilities or locations for staging, etc.

Proposed effective date of July 1, 2016.

**HB 517 – “Licensure of Life Support Services”** (Renner, Health Quality Subcommittee)

Favorable in Health Quality Subcommittee (13-0), 12/1/15

Favorable in Local Government Affairs Subcommittee (9-0), 1/14/16

Favorable in Health & Human Services Committee (16-1), 2/17/16

Placed on calendar, 2d reading, 2/23/16

**Died on Calendar**

Bill amends §401.25, F.S., requiring county governing bodies to adopt or amend ordinances that provide standards for certificates of public convenience & necessity for life support & air ambulance services; provides for filing of appeal by applicant for certificate of public convenience & necessity.

**Amendment language adopted 12/2/15 (HQS)** exempting fiscally constrained counties as defined under §218.67(1).

**Amendment language adopted 1/19/16 (LGAS)** a strike-all amendment requires each county that is not a fiscally constrained county to adopt an ordinance concerning COPCNs for basic or advanced life support services, but leaves in place the discretionary authority of current law for fiscally constrained counties to adopt ordinances pertaining to the COPCN application process for basic or advanced life support services. The amendment provides all counties have discretionary authority to adopt ordinances on the application process for COPCNs for air ambulance services. The amendment clarifies that the process for approving or denying an application shall be quasi-judicial. The amendment removes language concerning specific requirements for the ordinance.

**Committee substitute filed 2/17/16 (HHS)** a strike-all amendment which requires all counties adopting that opt to enact an ordinance for the issuance of a COPCN to consider the recommendations of consider the recommendations of local independent special districts that provide fire rescue or air ambulance services; provides that a governmental entity located in a county that has at least three independent special fire rescue districts is not required to obtain a COPCN from a county to apply for a license from DOH to provide BLS and ALS non-transport services or to provide such services in that county; requires a county having at least three independent special fire rescue districts to an adopt an ordinance or amend an existing ordinance, by January 1, 2017, establishing standards for issuing a COPCN for BLS and ALS transport services, providing a quasi-judicial process for approval and denial of an application, and providing an appeal to the local circuit court; exempts a county that would otherwise be required to adopt an ordinance from the requirement to do so, if the county's local planning agency has documented in its land use files that less than 10 percent of the buildable land in the county is vacant.

Proposed effective date of July 1, 2016.

**HB 573 – “Allocation of Court Costs”** (Stone) – filed 11/4/15  
Favorable in Civil Justice Subcommittee (11-1), 12/2/15  
Next in Justice Appropriations Subcommittee, Judiciary Committee  
**Died in Justice Appropriations Subcommittee**

Bill amends certain provisions of §§ 938.19 and 939.1895, F.S., by eliminating the mandatory even split and allows each participating county to determine the allocation of funds received. The categories are unchanged.

Proposed effective date of the bill is July 1, 2016.

**HB 675 – “Federal Immigration Enforcement” (Metz) – filed 11/16/15**

Similar to SB 872

Favorable in Civil Justice Subcommittee (9-4), 1/13/16

Favorable in Judiciary Committee (11-4), 1/21/16

Placed on calendar, 2d reading, 1/21/16

Placed on special order calendar, 1/22/16

Temporarily postponed on 2d reading

Placed on special order calendar, 2/2/16

Read 2d time, amendments adopted, placed on 3d reading, 2/2/16

Read 3d time, **PASSED** in House (80-38), 2/3/16

Senate referred to Judiciary, Appropriations Subcommittee for Criminal & Civil Justice, Appropriations, 2/10/16

**Died in Judiciary**

Designates the "Rule of Law Adherence Act"; requires state & local governmental agencies to comply with & support enforcement of federal immigration law; prohibits restrictions on transfer of information regarding citizenship or immigration status of individual, action taken with respect to such information, or enforcement of federal immigration law; prohibits sanctuary policies; authorizes law enforcement agency to transport unauthorized alien; requires recordkeeping; provides exception to reporting requirements for crime victims or witnesses; requires state & local governmental officials to report violations; authorizes ordinances for recovery immigration detainer costs; provides penalties for failing to report violation; provides whistleblower protections for certain officials; requires AG to prescribe format for submitting complaints; provides cause of action for personal injury or wrongful death caused by sanctuary policy; waives sovereign immunity for such actions.

**Amendment adopted 1/13/16 (CJS)** committee substitute differs from the bill as filed by: limiting the duty of an official or employee of a governmental entity or law enforcement agency to support immigration to only apply when the official or employee is acting within the scope of his or her official duties or employment; requiring a governmental entity or law enforcement agency to retain for at least 10 years any documents that record the cooperation provided by a victim or witness of a crime if the victim or witness is not reported to federal immigration official; authorizing a board of county commissioners to enact an ordinance to recover costs for complying with an immigration detainer; providing whistle-blower protections for an official or employee of a governmental entity or law enforcement agency who complies with his or her duty to report violations of the Act; prohibiting the expenditure of public funds to reimburse or defend a public official or employee who violates the Act; and making grammatical, technical, and stylistic improvements to the Act.

**Amendments adopted 1/21/16 (JC)** revising the definition of “immigration detainer” to specify what a facially sufficient detainer is; revising the definition of “sanctuary policy” to include limiting or preventing compliance with a request from a federal immigration agency to notify it prior to the release of an inmate in the state or local governmental entity or law enforcement agency’s custody; providing that the state attorney for the county in which a state entity is headquartered, or a local governmental entity or law enforcement agency is located, has primary responsibility for investigating violations of the Act, and that the results of any investigation must be provided to the Attorney General in a timely manner; providing that the Act does not create a private cause of action against a state or local governmental entity or law enforcement agency that complies with the Act; requiring any sanctuary policy in effect on the effective date of the Act be repealed within 90 days of the effective date of the Act.



**Amendments adopted on 2d reading 2/2/16** addressing unlawful sanctuary policies and penalties under Chapter 980, F.S. and reimbursement of costs for a board of county commissioners who may adopt an ordinance requiring a person detained pursuant to a lawful and valid immigration detainer to reimburse the county for any expenses incurred in detaining the person pursuant to the immigration detainer and providing for a person detained pursuant to an immigration detainer to not be liable under this section if a federal immigration agency determines that the immigration detainer was improperly issued. Amendment also authorizes a local governmental entity or law enforcement agency to petition the Federal Government for reimbursement of the entity's or agency's detention costs and the costs of compliance with federal requests when such costs are incurred in support of the enforcement of federal immigration law.

Proposed effective date of July 1, 2016.

**HB 1279 “Juvenile Detention Costs”** (Latvala) – filed 1/8/16

Identical to SB 1322

Referred to Justice Appropriations Subcommittee, Criminal Justice Subcommittee, Appropriations Committee

**Died in Justice Appropriations Subcommittee**

Bill amends §985.686 by revising annual contributions by certain counties for costs of detention care for juveniles; revises methodology by which DJJ determines percentage share for each county; requires state to pay all costs of detention care for juveniles residing out of state & for certain post-disposition detention care; removes requirement that DOR & counties provide certain technical assistance to DJJ; revises applicability of specified provisions.

Proposed effective date upon becoming law.

**HB 1287 – “Vacation Rental Units”** (Moraitis) – filed 1/8/16

Identical to SB 1568

Referred to Business & Professions Subcommittee, Government Operations Appropriations Subcommittee, Regulatory Affairs Committee

Temporarily postponed in Business & Professions Subcommittee, 2/2/16

**Died in Business & Professions Subcommittee**

Bill amends § 509.241, F.S. by providing criteria for licensure as vacation rental unit; requires DBPR's Division of Hotels & Restaurants to suspend license for failure to meet all criteria; specifies that vacation rental units operating without license or with license expired for specified period are subject to disciplinary action pursuant to rules establishing certain disciplinary guidelines; prohibits group licensing of such units; requires vacation rental unit to display its license number on all property rental advertising; provides that it is an unlicensed practice to advertise without license.

Proposed effective date of July 1, 2016.

**HB 1361 – “Growth Management”** (La Rosa) – filed 1/11/16

Similar to SB 1190

Favorable in Economic Development & Tourism Subcommittee (12-1), 1/25/16

Favorable in Local Government Affairs Subcommittee (12-0), 2/1/16

Favorable in Economic Affairs Committee (14-0), 2/18/16  
Placed on calendar, 2d reading, 2/25/16  
Placed on special order calendar, 2/29/16  
Read 2d time, amendments adopted, placed on 3d reading, 3/2/16  
House engrossed text filed, 3/2/16  
Read 3d time, **PASSED** (116-1), 3/3/16  
In messages, 3/3/16  
Senate referred to Community Affairs, Appropriations Subcommittee on Transportation, Tourism and Economic Development, Fiscal Policy, Rules, 3/3/16  
Withdrawn from Community Affairs, Appropriations Subcommittee on Transportation, Tourism and Economic Development, Fiscal Policy, Rules, placed on calendar 2d reading, substituted for SB 1190, read 2d time, amendment adopted, placed on 3d reading, 3/4/16  
Read 3d time, **PASSED** in Senate (34-2), 3/7/16  
In returning messages, 3/7/16  
Received in messages, concurred with amendment, **PASSED** in House (113-0), 3/9/16  
House ordered engrossed, 3/9/16  
Signed by Officers and presented to Governor (must act by 3/26/16), 3/11/16  
[HB 1361](#) approved and signed by Governor, Chapter 2016-148, 3/25/16

Administrative Challenges to Comprehensive Plan Amendments . Bill provides that a recommended order submitted to the Department of Economic Opportunity (DEO) by an administrative law judge regarding a challenged comprehensive plan amendment becomes final within 90 days without agency action or an agreement to extend the time; requires a 45 day time limit for certain expedited administrative proceedings.

Developments of Regional Impact (DRI). Bill authorizes DRIs to reduce height, density, or intensity without losing vested rights; specifies that a proposed development that would otherwise require DRI review must follow the state coordinated review process, but only if it requires an amendment to the comprehensive plan; allows a developer, DEO, and local government, to amend their agreement that a development is “essentially built-out” without a notification of proposed change necessary for a substantial deviation; provides that certain unbuilt land uses specified in an agreement establishing that a development is “essentially built out,” may be substituted for another land use; provides that phase date extensions are not substantial deviations under certain circumstances; provides that previously developed lands acquired for development as part of an existing DRI are not subject to aggregation under certain circumstances; authorizes DRIs to rescind their DRI development order.

Sector Plans. Bill decreases the minimum required acreage of sector plans from 15,000 acres to 5,000 acres.

Annexation of Enclaves. Bill authorizes enclaves that are 110 acres in size to be annexed on an expedited basis.

Tax Increment Financing. Bill authorizes the governing body of a county to designate specific areas, not to exceed 300 acres, to employ tax increment financing for economic development purposes; provides that the Department of Transportation or Florida’s Turnpike Enterprise may not impose any fees on a commercial or retail development within the tax increment areas authorized by the bill. Apalachicola Bay Area of Critical State Concern (Apalachicola Bay); provides that comprehensive plan amendments and modifications to land development regulations within Apalachicola Bay do not require approval from the Administration Commission.

**Amendment language adopted 2/2/16 (LGAS)** removes language creating a rebuttal presumption concerning substantial deviations and makes clarifying changes to the revised language (193329).

**Amendment language adopted 2/18/16 (EAC)** the first amendment authorizes counties to employ tax increment financing for certain economic development purposes in defined areas not to exceed 300 acres. The amendment also provides that the Department of Transportation or Florida's Turnpike Enterprise may not impose transportation infrastructure fees or any other fees on a commercial or retail development within such defined tax increment area. The second amendment provides that comprehensive plan amendments and land development regulations in the Apalachicola Bay Area of critical state concern are to be reviewed and approved by the state land planning agency.

Proposed effective date of July 1, 2016.

**HB 1015 "Determination of Maximum Millage Rates"** (Nunez) – filed 12/18/15

Identical to SB 1222

Favorable in Finance & Tax Committee (16-0), 1/21/16

Favorable in Local Government Affairs Subcommittee (8-4), 2/1/16

Favorable in Local & Federal Affairs Committee (17-0), 2/25/16

Committee substitute text filed, 2/26/16

Placed on calendar, 2d reading, 2/29/16

**Died on Calendar**

Bill amends §200.065, F.S. revising method for computing rolled-back rate for purposes of determining maximum millage rate for certain local governments.

**Committee substituted filed 2/1/16 (LGAS)** a strike-all amendment to the bill which provides that if the change in the Florida per capita personal income is negative, the maximum millage rate shall be equal to the rolled-back rate. In addition, it amends § 200.065(5)(a)1., F.S., to change the definition of the maximum millage rate to conform with the change in that definition made in § 200.065(5)(a), F.S.

**Committee substitute filed 2/25/16 (LFAC)** a strike-all amendment as amended which removed the changes to § 200.065(5), F.S., which changed the calculation of the maximum millage rate, and added language to § 200.065(2), F.S., which requires taxing authorities to publish certain information on their websites.

Proposed effective date of July 1, 2016.

**HB 1387 – "Waste Management"** (Santiago) – filed 1/11/16

Identical to SB 1192

Referred to Agriculture & Natural Resources Subcommittee, Appropriations Committee, State Affairs Committee

**Died in Agriculture & Natural Resources Subcommittee**

Bill amends §§316.535, 403.70491, 403.70605 and 812.0141, F.S. suspending weight limits for certain solid waste & recyclable collection vehicles under certain circumstances; requires invoices for solid waste collection to list certain taxes & fees; revising provisions relating to solid waste collection services to include disposal & recycling services; authorizing certain companies to bring actions against state agencies for specified violations; deletes exception for certain local government waste collection

services; requiring local governments providing certain solid waste services to remit certain fees & taxes & file reports; establishes crime of theft of recyclable property; provides penalties.

Proposed effective date of July 1, 2016.

**HB 4031 – “Licenses to Carry Concealed Weapons or Firearms” (Steube) – filed 10/13/15**

Referred to Criminal Justice Subcommittee, Government Operations Subcommittee, Judiciary Committee

In Criminal Justice Subcommittee

**Died in Criminal Justice Subcommittee**

Bill repeals provisions of §790.06(12)(a)(7), F.S. prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into specified public meetings (governing body of county, public school district, municipality, or special district, or any meeting of Legislature or Legislative Committee) or into career centers. Does not remove section prohibiting concealed carry permit holders from bringing firearms into courthouses.

Proposed effective date July 1, 2016.

**HB 4051 – “Concealed Weapons and Firearms” (Raburn) – filed 1/7/16**

Identical to SB 1500

Referred to Criminal Justice Subcommittee, Transportation & Ports Subcommittee, Judiciary Committee

**Died in Criminal Justice Subcommittee**

Bill revises §790.06, F.S. setting areas of an airport where a person is prohibited from openly carrying a handgun or from carrying a concealed weapon.

Proposed effective date upon becoming a law.

**HB 7071 – “Public Corruption” (Rules, Calendar & Ethics Committee, Workman) – filed 1/22/16**

Similar to SB 582

Placed on calendar 2d reading, 1/21/16

Placed on special order calendar, 1/26/16

Read 2d time, amendment adopted, placed on 3d reading, 1/27/16

Read 3d time, **PASSED** House (118-0), 1/27/16

Senate referred to Governmental Oversight & Accountability, Criminal Justice, Rules, 2/3/16

Withdrawn from Governmental Oversight & Accountability, Criminal Justice, Rules, 3/8/16

Placed on calendar 2d reading, substituted for SB 582, read 2d time, placed on 3d reading, 3/8/16

Read 3d time, **PASSED** in Senate (39-0), 3/9/16

House ordered enrolled, 3/9/16

Signed by Officers and presented to Governor (must act by 3/26/16), 3/11/16

[HB 7071](#) approved and signed by Governor, Chapter 2016-151, 3/25/16

Bill revises certain provisions of Chapter 838, F.S. and §§112.534, 117.01, 921.0022 and 817.568, F.S., revising the definition of term "bribery"; revises requirements for prosecution; revises prohibition against unlawful compensation or reward for official behavior to conform to changes made by act; revises prohibition against official misconduct to conform to changes made by act; revises applicability of offense to include public contractors; revises prohibition against bid tampering to conform to changes

made by act; revises applicability of offense to include specified public contractors; authorizes award of attorney fees to public servants & public contractors under certain conditions; reenacts provisions relating to official misconduct; reenacts provisions relating to appointment, application, suspension, revocation, application fee, bond, & oath; reenacts provisions relating to criminal use of personal identification information; reenacts provisions relating to Criminal Punishment Code offense severity ranking chart.

**Amendment adopted during 2d reading 1/27/16** specifying public contractors.

Effective date of October 1, 2016.

### **Senate**

**SB 92 – “Contaminated Sites”** (Evers) – filed 8/3/15

Identical to HB 351

Favorable in Environmental Preservation (7-0), 10/7/15

Favorable in Appropriations Subcommittee on General Government (6-0), 10/20/15

Favorable in Appropriations (14-0), 11/19/15

Placed on calendar, 2d reading, 11/23/15

Placed on special order calendar, 2/10/16

Read 2d time, amendment adopted, placed on 3d reading, 2/10/16

Read 3d time, substituted for HB 351, laid on table, refer to HB 351, 2/11/16

### **HB 351 Died in Messages**

Bill amends §§ 376.30701 and 376.81, F.S., to provide clarifying language and allow for additional considerations in the use of risk-based corrective action (RBCA) in contamination cleanup and brownfield site rehabilitation. It authorizes DEP to use alternative cleanup target levels without requiring institutional controls in remediating contaminated sites under § 376.30701, F.S.

The Bill also amends §§ 376.301, F.S. and 376.79, F.S., to provide definitions for “background concentration” and “long-term natural attenuation.” The Bill also makes conforming changes to correct cross references related to RBCA.

**Amendment language adopted on 11/19/15 (App)** clarifies that non-program petroleum-contaminated sites are exempt from the Global Risk-Based Corrective Action (RBCA) unless application is requested by the person responsible for the site rehabilitation.

**Amendment adopted during 2d reading 2/10/16** amending § 288.8013, F.S. to clarify that Triumph Gulf Coast, Inc., must create and administer the Recovery Fund for the benefit of the disproportionately affected counties. The principal of the fund shall derive from 75 percent of all funds received by the state pursuant to the settlement agreement between the gulf states and the BP entities with respect to economic claims arising from the Deepwater Horizon incident...Moneys that account for the principal of the Recovery Fund shall be transferred to the Recovery Fund no later than 30 days after they are received.

Proposed effective date of July 1, 2016.

**SB 116 – “Tax on Sales, Use and Other Transactions”** (Hukill) – filed 8/11/15

Similar to HB 247

Favorable in Community Affairs (8-0), 10/6/15

Favorable in Finance & Tax (8-0), 10/20/15

Next in Appropriations

**Died in Appropriations**

Bill reduces the tax rate imposed on the rent or license fee charged for the use of commercial property from 6% to 5%. The Bill reduces sales and use tax revenue by \$119.6 million in Fiscal Year 2016-2017 and \$287.0 million on a recurring basis. It also decreases General Revenue and local revenue by \$254.1 million and \$32.9 million, respectively, on a recurring basis. In Fiscal Year 2016-2017, the Bill reduces General Revenue by \$105.9 million and local revenue by \$13.7 million. The estimated first full year impact to counties is approximately \$21 million.

Proposed effective date of January 1, 2017.

**SB 124 – “Public Procurement Practices”** (Evers) – filed 8/13/15

Similar to HB 95

Linked to SB 126

Favorable in Community Affairs (7-0), 11/17/15

Favorable in Governmental Oversight and Accountability (4-0), 2/1/16

Favorable in Fiscal Policy (11-0), 2/24/16

Placed on calendar 2d reading, 2/24/16

Placed on special order calendar, 3/2/16

Read 2d time, placed on 3d reading, 3/3/16

Read 3d time, **PASSED** (38-0), 3/4/16

In messages, 3/4/16

Referred to Calendar

Read 2d time, substituted for HB 95, placed on 3d reading, 3/7/16

Read 3d time, **PASSED** in House (116-1), 3/8/16

Senate ordered enrolled, 3/8/16

Signed by Officers and presented to Governor (must act by 3/30/16), 3/15/16

[SB124](#) approved by Governor, 3/30/16

Bill amends certain provisions of §§ 255.0654, 287.05712 and 287.0935, F.S., by deleting provisions creating the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force; requiring a private entity that submits an unsolicited proposal to pay an initial application fee and additional amounts if the fee does not cover certain costs; deleting provisions relating to notice to affected local jurisdictions; increasing the dollar threshold for a contract amount of a project for which a person, the state, or a political subdivision is prohibited from refusing a surety bond issued by a surety company that meets certain requirements, etc.

**Committee substitute filed 2/3/16 (GOA)** removes Florida College Systems from the definition of a “responsible public entity;” adds provisions stating that if the responsible public entity evaluates an unsolicited proposal involving architecture, engineering or landscape architecture, the project must meet standards consistent with public projects and be required to retain the professional until the project is complete; provides that if a responsible public entity requests a proposal from a private entity which includes design work, the solicitation must include reasonably specific criteria and the licensed

design profession who prepares the design criteria must be retained through the completion of the project; and makes editorial changes.

Effective date of July 1, 2016.

**SB 130 – “Discharging a Firearm”** (Richter, Community Affairs, Criminal Justice) – filed 8/13/15

Similar to HB 41

Favorable in Criminal Justice (5-0), 9/16/15

Favorable in Community Affairs (8-0), 10/6/15

Favorable in Fiscal Policy (9-0), 11/19/15

Placed on calendar, 2d reading, 11/19/15

2d reading, 1/21/16, amendment adopted

Placed on calendar, 3d reading, 1/28/16

Read 3d time **PASSED** in Senate (37-0); immediate certified

House placed on special order calendar, 2/2/16

House substituted for HB 0041, read 2d time, placed on 3d reading, 02/03/16

Read 3d time; **PASSED** in House (118-0), 2/3/16

Senate ordered enrolled, 2/10/16

Signed by Officers and presented to Governor (must act by 2/25/16)

[SB 130](#) approved and signed by Governor, Chapter 2016-12, 2/24/16

Bill prohibits the recreational discharge of a firearm in areas that are primarily residential. Violation of this prohibition is a first degree misdemeanor punishable by up to a year in jail and a \$1,000 fine. The bill provides exemptions for the lawful defense of life or property, the accidental discharge of a firearm or the performance of official duties that require the discharge of a firearm. Additionally, the penalties do not apply if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property.

**Amendment language adopted 1/21/16 (on 2d reading)** to include target shooting.

Effective date upon becoming law.

**SB 170 - “Renewable Energy Source Devices”** (Brandes, Hutson, et al) – filed 8/24/15

Similar to HB 193

Linked to SB 172

Favorable in Communications, Energy and Public Utilities (8-0), 11/3/15

Favorable in Community Affairs (5-0), 12/1/15

Favorable in Finance & Tax (8-0), 1/11/16

Favorable in Appropriations (17-0), 3/3/16

Placed on calendar 2d reading, 3/4/16

Placed on special order calendar, 3/4/16

Read 2d time, placed on 3d reading, 3/8/16

Read 3d time, substituted for HB 193, laid on table, refer to HB 193, 3/9/16

**HB 193** read 3d time, **PASSED** in House (117-0), 3/9/16

In messages, 3/9/16

Senate referred to Communications, Energy and Public Utilities, Community Affairs, Finance & Tax, Appropriations, 3/9/16

Withdrawn from Communications, Energy and Public Utilities, Community Affairs, Finance & Tax, Appropriations, placed on calendar 2d reading, 3/9/16

Read 2d time, **PASSED** in Senate (37-0), 3/9/16

House ordered enrolled, 3/9/16

[HB 193](#) signed by Officers and filed with the Secretary of State, 3/11/16

Bill amends Article VII, section 3 of the State Constitution, authorizing the Legislature to exempt the assessed value of a solar or renewable energy source device from the tangible personal property tax. It also amends Section 4 to allow the Legislature to prohibit the consideration of the installation of a solar or renewable energy source device for the purpose of ad valorem taxation of real property. It creates Article XII, section 34 of the State Constitution to establish an implementation schedule under which the amendments would take effect January 1, 2018, and expire on December 31, 2037, with the text of the amended sections reinstated at that time. If approved by vote of at least 60 percent of the electors voting on the measure and implemented by the Legislature, SJR 170 will reduce ad valorem tax revenue from solar or renewable energy source devices that would otherwise be taxed as real or tangible person property. The actual impact will depend upon the terms of the implementing legislation.

**Committee substitute filed 3/3/16 (App)** authorizes the Legislature to exempt solar or renewable energy source devices from the ad valorem tax on tangible personal property, subject to conditions, limitations, or reasonable definitions. For a solar or renewable energy source device owned by the real property owner, the bill authorizes the Legislature to prohibit the consideration of the installation of a solar or renewable energy source devices for the purpose of ad valorem taxation of real property.

The effective date is delayed by one year to January 1, 2018, and the amendment's repeal is delayed until December 31, 2037.

**Committee substitute filed 1/11/16 (F&T)** removes references to "components" of renewable energy source devices for purposes of preventing taxation of these devices.

**SB 172 – "Special Election – 2016"** (Brandes, Hutson, et al)

Similar to HB 195

Linked to SB 170

Favorable in Communications, Energy & Public Utilities (8-0), 11/3/15

Favorable in Community Affairs (5-0), 12/1/15

Favorable in Finance & Tax (8-0), 1/11/16

Favorable in Appropriations (19-0), 3/3/16

Placed on calendar 2d reading, 3/4/16

Placed on special order calendar, 3/8/16

Read 2d time, substituted for HB 195, laid on table, refer to HB 195, 3/8/16

**HB 195** Read 3d time, **PASSED** Senate (33-6), 3/9/16

House ordered enrolled, 3/9/16

Signed by Officers and presented to Governor (must act by 3/26/16), 3/11/16

[HB 195](#) approved and signed by Governor, Chapter 2016-118, 3/25/16

Implementing legislation for SJR 170. The bill expands the definition of "renewable energy source device" to include devices that store solar energy or energy derived from geothermal deposits and expands the exemption for renewable energy source devices from consideration in appraised property value to all real property.



Bill also creates § 196.182, F.S., exempting renewable energy source devices, and any components thereof, from the tangible personal property tax. These changes would take effect January 1, 2017, should the constitutional amendments proposed in SJR 170 or a similar joint resolution having substantially the same specific intent and purpose be passed by three-fifths of the membership of each house of the Legislature and be approved by vote of at least 60 percent of the electors voting on the measure at the next general election, in which case the constitutional amendments proposed by SJR 170 will become effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision. Consistent with the implementation schedule established in SJR 170:

- The amendments made by the bill to s. 193.624, F.S., expire December 31, 2036, and the text of the section reverts to that in existence on December 31, 2016, except that any amendments to such text enacted other than by this bill are preserved and continue to operate to the extent that such amendments are not dependent upon the portion of text scheduled to expire, and
- § 196.182, F.S., as created by the bill expires and is automatically repealed on December 31, 2036.

**Committee substitute filed on 1/11/16 (F&T)** adds “wiring, structural supports, and other components used as integral parts of (renewable energy source device) systems” to the statutory definition of “renewable energy source device” and removes all other references to components of renewable energy source devices from the bill. It also removes a requirement that a renewable energy source device be installed on real property on or after January 1, 2017, in order to qualify for a property tax exemption.

**Committee substituted filed on 3/3/16 (App)** deletes the language that implements CS/CS/SJR 170 and substituted language providing for a special election for SJR 170 on August 30, 2016.

**SB 200 – “Animals Confined in Unattended Motor Vehicles”** (Hukill) – filed 8/31/15

Identical to HB 329

Favorable in Criminal Justice (5-0), 2/1/16

Next in Judiciary and Rules

**Died in Judiciary**

Creates §828.075, F.S. creating the "Protecting Animal Welfare and Safety Act" or "P.A.W.S. Act"; prohibiting a person from confining an animal in an unattended motor vehicle under certain circumstances; providing a criminal penalty; providing that authorized individuals may use reasonable force to remove animals under certain circumstances; providing an exemption from liability for authorized individuals; providing an exception for the transportation of agricultural animals, etc.

**Committee substitute filed 2/1/16 (CJ)** deleted language related to: definitions of “authorized individual” and “motor vehicle”; actions expected of, or permitted by, an authorized individual; applications of the bill to agricultural (livestock) animals; and the bill’s application to other statutes.

Proposed effective date of July 1, 2016.

**SB 308 – “Persons or Domestic Animals Unattended in Motor Vehicles”** (Benacquisto) – filed 9/17/15

Similar to HB 131 and SB 200

Favorable in Criminal Justice (5-0), 11/17/15

Favorable in Judiciary (8-0), 12/1/15  
Favorable in Rules (11-0), 1/14/16  
Placed on calendar, 2d reading, 1/15/16  
Placed on special calendar, 1/19/16  
Read 2d time, placed on 3d reading, 1/21/16  
Read 3d time, substituted for HB 131, laid on table, **refer to HB 131**, 1/28/16  
**HB 131** read 3d time, **PASSED** in House (118-0), immediately certified, 1/27/16  
Senate referred to Criminal Justice, Judiciary and Rules, 1/27/16  
Withdrawn from Criminal Justice, Judiciary and Rules, 1/28/16  
Placed on calendar 2d reading, read 2d time, 1/28/16  
Read 3d time, **PASSED** in Senate (38-0), 1/28/16  
House ordered enrolled, 2/2/16  
Enrolled text filed, 2/2/16  
Signed by Officers and presented to Governor (must act by 3/8/16), 3/1/16  
[HB 131](#) approved and signed by Governor, Chapter 2016-18, 3/8/16

Bill amends § 768.13, F.S., “Good Samaritan Act” in providing immunity from civil liability for forcible entry into a motor vehicle to remove an elderly person, disabled adult, minor, or domestic animal in certain circumstances, so long as he/she determines vehicle is locked, calls law enforcement/emergency assistance, stays with individual until help arrives and believes in good faith that force is needed to open the vehicle.

**Amendment adopted 12/1/15 (JR)** defines “vulnerable person” and provides for immunity for damage to a motor vehicle.

Proposed effective date upon becoming law.

**SB 318 – “Regulation of Oil and Gas Resources”** (Richter) – filed 9/17/15

Similar to HB 191

Favorable in Environmental Preservation and Conservation (6-3), 1/8/16

Favorable in Appropriations Subcommittee on General Government (4-2), 1/25/16

Unfavorable in Appropriations (9-10), 3/1/16

**Died in Appropriations**

Bill amends § 377.06, F.S.; preempting the regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas; declaring existing ordinances and regulations relating thereto void; providing an exception for certain zoning ordinances.

Bill amends § 377.19, F.S. defining certain terms to additional sections of Chapter 377, F.S.; revising the definition of the term “division”; defining the term “high-pressure well stimulation.”

Bill amends § 377.22, F.S. revising the rulemaking authority of the DEP.

Bill amends § 377.24, F.S.; requiring that a permit be obtained before the performance of a high-pressure well stimulation; specifying that a permit may authorize single or multiple activities; deleting provisions that prohibit the Division of Water Resource Management from granting permits to drill gas or oil wells within the limits of a municipality without approval of the governing authority of the municipality; prohibiting the department from approving permits for high- pressure well stimulation

until certain rules are adopted. Bill also amends § 377.241, F.S.; requiring Division of Water Resource Management to give consideration to and be guided by certain additional criteria when issuing permits.

Bill amends § 377.242, F.S. which authorizes DEP to issue permits for the performance of a high-pressure well stimulation; revising permit requirements that permit holders agree not to prevent division inspections. Bill also amends § 377.2425, F.S. requiring an applicant or operator to provide surety that performance of a high-pressure well stimulation will be conducted in a safe and environmentally compatible manner.

Bill creates § 377.2436, F.S.; requiring FDEP to conduct a study on high-pressure well stimulation; providing study criteria; requiring the study to be submitted to the Governor and Legislature and posted on the FDEP's website.

Bill amends § 377.37, F.S. increasing the maximum amount of a civil penalty to \$25,000 for each offense.

Bill creates § 377.45, F.S.; requiring DEP to designate the national chemical disclosure registry as the state's registry; requiring service providers, vendors, and well owners or operators to report certain information to DEP; requiring DEP to report certain information to the national chemical registry.

Non-recurring appropriation of \$1 million is included in this Bill.

**Committee substitute filed 1/13/16 (EPC)** authorizes the 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.; authorizes the 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, clarifies that the study provide a review and evaluation of the potential for groundwater contamination from conducting high-pressure well stimulations near well that have been previously abandoned and plugged; prohibits the DEP from adopting rules for high-pressure well stimulations until the findings of the study have been submitted to the Legislature and clarifies that the rules are to be based upon the findings of the study. Additionally, requires legislative ratification of the rules prior to such rules taking effect and prohibits the DEP from issuing permits for high-pressure well stimulations until such rules take effect.

**Committee substitute filed 1/25/16 (ASGG)** authorizes a county or municipality to adopt and enforce zoning or land use requirements which affect the use of property for the exploration, development, production, processing, storage or transportation of oil and gas, with the exception of geophysical operations, so long as such zoning or land use requirements do not impose a moratorium on, effectively prohibit, or inordinately burden one or more of these activities on a subject property; removes the ability for counties or municipalities to enforce existing zone ordinances passed before January 1, 2015, related to oil and gas exploration, development, production, processing, storage, and transportation if the ordinance is otherwise valid; requires applicants for permits to drill a gas or oil well to provide notice of the permit application to any municipality or county within which the permit would authorize drilling a gas or oil well and requires matters raised by a municipality or county in response to such permit which are timely submitted to the Division of Water Resource Management to be considered as criteria for the issuance of the permit; and, expands the scope of the study to include the economic benefits resulting from the use of high-pressure well stimulations, potential seismic activity associated with high-

pressure well stimulation and the deep-well disposal of oil and gas production wastewater, and the impact of waterless fracking technologies.

**SB 322 – “Term Limits for Appellate Courts”** (Hutson) – filed 9/18/15

Similar to HB 197

Referred to Judiciary, Ethics & Elections and Rules

**Died in Judiciary**

Joint Resolution proposing an amendment to the State Constitution to create term limits for Supreme Court justices and judges of the district courts of appeal.

**SB 334 – “Severe Injuries Caused by Dogs”** (Montford) – filed 9/22/15

Similar to HB 91

Favorable in Judiciary (8-0), 12/1/15

Favorable in Community Affairs (8-0), 1/11/16

Favorable in Rules (13-0), 1/20/16

Placed on calendar, 2d reading, 1/21/16

Placed on special order calendar, 2/2/16

Read 2d time, amendment adopted (286628), ordered engrossed

Placed on 3d reading, 02/10/16

Read 3d time, substituted for HB 91, laid on table, **refer to HB 91**, 2/11/16

**HB 91** read 3d time, **PASSED** in House (118-0)

Senate referred to Judiciary, Community Affairs, Rules, 2/3/16

Withdrawn from Judiciary, Community Affairs and Rules, 2/11/16

Placed on calendar, 2d reading, substituted for SB 334, read 2d time, 2/11/16

Read 3d time, **PASSED** Senate (40-0), 2/11/16

House ordered enrolled, 2/18/16

Enrolled text filed, 2/18/16

Signed by Officers and presented to Governor (must act by 3/8/16), 3/1/16

[HB 91](#) approved and signed by Governor, Chapter 2016-16, 3/8/16

Bill amends §767.13, F.S. by revising the procedures for a hearing officer to determine whether a dog that attacks and causes a severe injury to a human should be destroyed. The bill specifically addresses dogs that have not been previously classified as dangerous dogs. Florida law currently requires these dogs to be confiscated and destroyed by animal control authorities unless the owner of the dog prevails at a hearing. However, current law does not authorize affirmative defenses to be raised at a hearing to determine the destruction of the dog. The bill requires a hearing officer to consider the same mitigating factors used by an animal control authority in classifying a dog as dangerous in determining whether to destroy a dog that has caused severe injury to a human but has not been classified as dangerous. The factors do not apply to a situation in which the dog has caused the death of a human. If the hearing officer finds the existence of any of the mitigating factors, the court may order the dog to be returned to the owner, with or without imposing restrictions.

Effective date of July 1, 2016.

**SB 338 – “Fines & Forfeitures”** (Brandes) – filed 9/23/15

Referred to Community Affairs, Appropriations Subcommittee on Criminal and Civil Justice and Appropriations

**Died in Community Affairs**

Bill amends §316.66 and 932.7055, F.S. requiring a county or municipality that receives more than 5% of its total annual revenue for the prior fiscal year from fines and forfeitures collected from traffic citations to remit such excess revenue to the DOR for deposit into the Crimes Compensation Trust Fund; prohibiting certain proceeds deposited into a designated special law enforcement trust fund by a county or municipal agency from exceeding a specified percentage of the total annual revenue for the prior fiscal year of the county or municipality that oversees the agency, etc.

Proposed effective date of July 1, 2016.

**SB 346 – “Local Government Infrastructure Surtax”** (Altman) – filed 9/24/15

Favorable in Community Affairs (5-0), 12/1/15

Favorable in Finance & Tax (6-0), 1/25/16

Next in Appropriations

**Died in Appropriations**

Bill provides that a county may levy a discretionary sales surtax of 0.5 percent or 1 percent for the purpose of funding capital restoration of natural water bodies for public use, including tributaries, canals, stormwater conveyance systems, and channels connected to natural water bodies under §.

The proceeds and interest from the surtax, or from the bonds pledging the surtax, may be used only for dredging operations related to ecologically beneficial muck removal. The surtax must be enacted by ordinance and approved by a referendum.

**Committee substituted filed 1/26/16 (FT)** removes reference to § 212.055(2)(c), F.S., relating to the distribution of funds among local governments. The bill as filed would allow the county to retain all the surtax proceeds. The amendment maintains the current distribution procedures for surtax proceeds to be shared with municipalities. CS also removes the language that authorizes a county to levy a discretionary sales surtax. The authorization is provided in § 212.055(2)(a)1., F.S., under current law.

Proposed effective date of July 1, 2016.

**SB 416 – “Location of Utilities”** (Flores, Community Affairs) – filed 10/2/15, last amendment 10/19/15

Identical to HB 461

Favorable in Community Affairs (7-0), 10/20/15

Favorable in Transportation (5-1), 11/4/15

Favorable in Fiscal Policy (9-0), 11/19/15

Placed on calendar, 2d reading 11/20/15

Placed on special order calendar, 2/10/16

Read 2d time, placed on calendar 3d reading, 2/11/16

Read 3d time, **PASSED** Senate (34-4), 2/11/16

House placed on special order calendar, 2/19/16

Substituted for HB 461, read 2d time, placed on 3d reading, 2/24/16

Read 3d time **PASSED** in House (109-4), 2/24/16/

Ordered enrolled, 3/1/16

Enrolled Text filed, 3/1/16

Signed by Officers and presented to Governor (has until 03/10/16 to act), 3/3/16

[SB 416](#) approved and signed by Governor, Chapter 2016-44, 3/10/16

Bill amends certain provisions in §§125.42, 337.401, 337.403, F.S. which address responsibility for the cost of relocating utility facilities (e.g., water, sewage, gas, power, telephone, other public utilities, and television lines) in a public easement. Easements dedicated to the public for utilities are typically located along existing road or highway rights-of-way and are available for use by a variety of utility providers, subject to any conditions imposed by the public body with jurisdiction over the land dedicated to the public or to the terms of any agreement otherwise entered into between the public body and the utility owner. The Bill flips the responsibility to bear relocation costs from the utility owner to the state or local government requiring the facilities to be relocated, effectively shifting such costs currently borne by the utility and its users to taxpayers. Currently, a governmental entity must bear the cost of relocating utility infrastructure from a privately-owned easement when the infrastructure upon, under, over, or along the road or rail corridor interferes with the operation or improvement of a public road or railroad. When utility infrastructure is located within a public easement, the utility owner bears the costs when relocation is necessary. Under the Bill, a governmental entity's financial responsibility is expanded to include the cost of relocating utilities located within a public easement. The owner of a utility that must be relocated from a public easement will be liable for relocation costs only if their lines and facilities are across, on or "within" the right-of-way, rather than "along" any right-of-way.

Effective date upon becoming law.

**SB 534 – "Water and Wastewater"** (Hays) – filed 10/14/15

Similar to HB 491

Favorable in Environmental Preservation & Conservation (9-0), 11/18/15

Favorable in Communications, Energy & Public Utilities (8-0), 1/12/16

Favorable in Appropriations (19-0), 3/1/16

Placed on calendar 2d reading, 3/7/16

Placed on special order calendar, 3/7/16

Read 2d time, substituted for HB 491, laid on table, **refer to HB 491**, 3/9/16

**HB 491** Read 3d time, **PASSED** in House (100-16), 3/3/16

In messages

Senate referred to Environmental Preservation and Conservation, Communications, Energy and Public Utilities, Appropriations, 3/9/16

Withdrawn from Environmental Preservation and Conservation, Communications, Energy and Public Utilities, Appropriations, placed on calendar for 2d reading, read 2d time, amendments adopted (291762, 108966), placed calendar 3d reading, 3/9/16

Read 3d time, **PASSED** Senate (38-0), 3/10/16

In returning messages, refused to concur with amendment (291762), requested Senate recede; concurred with amendment (108966), **PASSED** in House (103-12), 3/11/16

In returning messages, Senate receded from amendment (291762) **PASSED** in Senate (40-0), 3/11/16

House ordered enrolled, 3/11/16

Signed by Officers and presented to Governor (Governor has until 04/14/16 to act on bill)

Bill creates § 159.8105, F.S. requiring the Division of Bond Finance of the State Board of Administration to review the allocation of private activity bonds to determine the availability of additional allocation and reallocation of bonds for water and wastewater infrastructure projects.

Amends the following statutes:

- § 212.08, F.S. extending specified tax exemptions to certain investor-owned water and wastewater utilities.
- § 367.022, F.S. exempting a person who resells water service to certain tenants or residents up to a specified percentage or cost from regulation by the PSC.
- § 367.081, F.S. authorizing PSC to create a utility reserve fund and adopt rules to govern the implementation, management, and use of the fund; establishing criteria for adjusted rates; specifying expense items that may be the basis for an automatic increase or decrease of a utility's rates; authorizing PSC to establish by rule additional specified expense items; restricting a utility from recovering more than a certain percentage of reasonable rate case expenses.
- § 367.0814, F.S. authorizing the PSC to award rate case expenses to recover attorney fees or fees of other outside consultants in certain circumstances; requiring the commission to adopt rules by a certain date.
- § 367.0816, F.S. prohibiting utility from recovering certain expenses for more than one rate case at a time.
- § 367.111, F.S. authorizing PSC to review water quality and wastewater service under certain circumstances.
- § 403.8532, F.S. authorizing DEP to require or request that the Florida Water Pollution Control Financing Corporation make loans, grants, and deposits to for-profit, privately owned, or investor-owned water systems; removing current restrictions on such activities.

**Committee substitute filed 11/18/15 (EPC)** removes a provision that limits a tax exemption for investor owned water and wastewater utilities to those that are owned or operated by a Florida corporation. This change allows the tax exemption to apply to investor owned water and wastewater utility, regardless of whether the utility is owned or operated by a Florida corporation. Amends provision that a tax exemption applies to utilities that are owned by a corporation. The amendment changes the word "corporation" to "utility." Changes the date the PSC must adopt certain rules from December 31, 2015 to December 31, 2016.

**Committee substitute filed 1/13/16 (CEPU)** adds language to clarify that investor-owned water or wastewater utilities holding a certificate of authorization under the jurisdiction of the commission are exempt from the sales and use tax; revises the new provision relating to exemptions to conform terms: the exemption applies to water service; authorizing the commission on its own motion or upon the request of a utility to require a utility to create a utility reserve fund for infrastructure repair or replacement; and, removes the cap of 50 percent on the amount of reasonable rate case expense that can be recovered by a utility. Instead, the commission is given criteria it must evaluate in determining reasonable rate case expense and disallow rate case expense it does not find reasonable. The commission may adopt additional criteria by rule and must make its findings for each criteria based upon competent, substantial evidence. Finally, the commission may allocate accordingly the benefits of the rate case expense between the customers and the shareholders, owners, or affiliates.

Requires a county that regulates water or wastewater services to comply with the requirements for abandoned water and wastewater systems.

Removes § 367.171, F.S., from the bill as the changes are made now in § 367.165, F.S.

**Committee substitute filed 3/1/16 (A)** removes a sales and use tax exemption for sales or leases to a water or wastewater investor-owned utility; allows the Public Service Commission (PSC) to disallow a rate case expense based upon certain criteria if the criteria are specifically raised in writing by the Public Counsel, an intervenor, or PSC staff; allows the PSC to disallow a rate case expense on the basis of the utility management's culpability in causing any deficiencies in the quality of service provided by the utility; provides for more than four years for the recovery of rate case expenses, if it is in the public interest; removes the provision in the bill that limited a utility to recovering rate case expenses for more than one rate case at a time; and, provides that a utility may not earn a return on the unamortized balance of rate case expense.

**Senate amendment (180966) filed 3/11/16** specifies that a utility, rather than a public utility, may not earn a rate of return on the unamortized balance of a rate case expense. The amendment revises language created in the bill to authorize, rather than require, the PSC to award rate case expenses for attorney fee or fees of other outside consultants for costs incurred after the protest or appeal in certain circumstances.

Effective date of July 1, 2016.

**SB 544 – “Nonresidential Farm Buildings”** (Dean) – filed 10/16/15

Similar to HB 841

Favorable in Community Affairs (5-0), 12/1/15

Next in Finance & Tax, Appropriations

**Died in Finance & Tax**

Bill amends §604.50, F.S., exempts nonresidential farm buildings, farm fences, and farm signs from county or municipal special assessments, including assessments by a dependent special district, except those arising from floodplain management regulations.

Proposed effective date of July 1, 2016.

**SB 550 – “Volunteer Rural Firefighting”** (Dean) – filed 10/16/15

Similar to HB 255

Favorable in Banking & Insurance (11-0), 2/1/16

Favorable in Community Affairs (7-0), 2/9/16

Favorable in Fiscal Policy (11-0), 2/17/16

Placed on calendar 2d reading, 2/18/16

**Died on Calendar**

Bill amends §§633.102, 633.406, 633.408, 633.414, 633.416, F.S. authorizing the Division of State Fire Marshal within the Department of Financial Services to award a Volunteer Rural Firefighter Certificate of Completion; requiring the division to establish by rule courses and course examinations to provide training required to obtain the certificate; revising the circumstances under which a fire service provider may retain the services of a volunteer firefighter, etc.



Proposed effective date of July 1, 2016.

**SB 552 – “Environmental Resources”** (Dead, Appropriations, Environmental Preservation and Conservation) – filed 10/16/15

Identical to HB 7005

Referred to Environmental Preservation and Conservation, Appropriations

Favorable in Environmental Preservation and Conservation (9-0), 11/4/15

Favorable in Appropriations (15-0), 11/19/15

Placed on calendar 2d reading, 11/23/15

Placed on special order calendar, 1/11/16

Read 2d time, **PASSED** in Senate (37-0), 1/13/16

Certified, 1/13/16

Placed on special calendar, 1/14/16

Substituted for HB 7005, read 2d time, read 3d time, **PASSED** in House (110-2), 1/14/16

Senate ordered enrolled, 1/14/16

Enrolled text filed, 1/14/16

Signed by Officers and presented to Governor (must act by 1/21/16)

[SB 552](#) approved and signed by Governor, Chapter 2016-1, 1/21/16

Bill creates the Florida Springs and Aquifer Protection Act to: provide for the protection and restoration of Outstanding Florida Springs (OFSs); provide timelines and deadlines for the restoration of OFSs through the Basin Management Action Plan (BMAP) process; require the development of Onsite Sewage Treatment and Disposal System (OSTDS) remediation plans when OSTDSs contribute significantly to pollution of an OFS; prohibit certain activities within a priority focus area for an OFS; require the Department of Environmental Protection (DEP) to develop rules relating to groundwater withdrawals including the creation of a uniform definition for “harmful to the water resources” for OFSs (water management districts may adopt a more restrictive definition).

The Bill updates and restructures the Northern Everglades and Estuaries Protection Program to reflect and build upon DEP’s implementation of BMAPs for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAPs will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will include 5, 10, and 15-year measureable milestones towards achieving the total maximum daily loads for those water basins within 20 years.

The Bill revises provisions relating to Consumptive Use Permits (CUPs) to: require monitoring and reporting for certain sized wells and authorizes water management districts (WMDs) to have more stringent monitoring requirements; clarify that permitted allocations may not be decreased because of: additional conservation measures implemented by the permit holder and changes in certain agricultural conditions or practices that result in actual water use being less than permitted water use; require the WMDs to adopt rules to incentivize water conservation; create a preference for new CUP applicants that are nearest to a water source when two or more applications otherwise qualify equally. The Bill sets deadlines for the WMDs to adopt minimum flows and levels (MFLs) for waterways within their jurisdiction. The bill requires the WMDs to concurrently adopt recovery or prevention strategies for any waterway that is not meeting an MFL or that will fall below an MFL within 20 years.

The Bill clarifies that BMAPs are enforceable pursuant to §§ 403.067, 403.121, 403.141, and 403.161, F.S. The Bill requires DEP and the Department of Agriculture and Consumer Services (DACs) to adopt

rules to verify implementation of BMPs or other measures. The rules must include enforcement procedures.

The Bill requires the following to help track and monitor progress toward conservation and restoration goals: the Office of Economic and Demographic Research must conduct an annual assessment of water resources and conservation lands; DEP must publish an online, publicly accessible database of conservation lands where public access is compatible with conservation and recreational purposes; DEP will conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies that provides information on the status of each waterbody with respect to minimum flows and levels and nutrient impairment; DEP, in coordination with other entities, must establish statewide standards for the collection and analysis of water quantity, water quality, and related data; DEP, DACS, and the WMDs are subject to a number of new planning and reporting requirements relating to water quantity and quality.

The Bill also: requires the DEP to adopt by rule a specific surface water classification for surface waters used for treated potable water supply; revises membership requirements for the Harris Chain of Lakes Restoration Council; creates a pilot program for alternative water supply development in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation; codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs in the area encompassed by the CFWI; encourages public-private partnerships with agricultural land owners who provide certain environmental benefits; encourages DEP and WMDs to provide technical assistance to water self-suppliers.

These provisions take effect July 1, 2016.

**SB 582 – “Public Corruption”** (Gaetz (D)) – filed 10/20/15

Unfavorable in Governmental Oversight & Accountability (1-4), 1/11/16

Reconsidered and favorable in Governmental Oversight & Accountability (4-0), 1/19/16

Favorable in Criminal Justice (5-0), 2/1/16

Favorable in Rules (11-0), 2/10/16

Placed on calendar 2d reading, 2/10/16

Placed on special order calendar, 3/4/16

Read 2d time, substituted for HB 7071, laid on table, **refer to HB 7071**

**HB 7071** read 3d time, **PASSED** House (118-0), 1/27/16

Senate referred to Governmental Oversight & Accountability, Criminal Justice, Rules, 2/3/16

Withdrawn from Governmental Oversight & Accountability, Criminal Justice, Rules, 3/8/16

Placed on calendar 2d reading, substituted for SB 582, read 2d time, placed on 3d reading, 3/8/16

Read 3d time, **PASSED** in Senate (39-0), 3/9/16

House ordered enrolled, 3/9/16

Signed by Officers and presented to Governor (must act by 3/26/16), 3/11/16 (*See HB 7071*)

Bill amends certain provisions of §§817.568, 838.014, 838.015, 838.016, 838.022 and 838.22, F.S. deleting the definition of the term “corruptly” or “with corrupt intent”; redefining the term “bribery” to include knowing and intentional, rather than corrupt, acts; revising the prohibition against unlawful compensation or reward for official behavior to conform to changes made by the act; revising the prohibition against official misconduct to conform to changes made by the act; revising the prohibition against bid tampering to conform to changes made by the act, etc.

**Committee substitute filed 1/20/16 (GOA)** revises the definition of “governmental entity;” creates a definition of “public contractor;” deletes the provisions of the original bill regarding a nongovernmental entity acting on behalf of a governmental entity; provides that public contractors are subject to the offenses of official misconduct and bid tampering in §§ 838.022 and 838.22, F.S.; deletes the term “improper” in the offenses of official misconduct and bid tampering; provides an exception, as authorized by law or contract, for concealing, covering up, destroying, mutilating, or altering any official record or document in the official misconduct offense; and expands the offense of bid tampering to prohibit the disclosure of material information in the competitive solicitation process, including a vendor’s response and evaluation results, and provides an exception for disclosing such information when otherwise authorized by law.

Proposed effective date of October 1, 2016.

**SB 584 – “Peril of Flood”** (Brandes) – filed 10/20/15

Similar to HB 929

Favorable in Community Affairs (5-0), 12/1/15

Favorable in Appropriations Subcommittee on Transportation (9-0), 1/13/16

Favorable in Tourism & Economic Development (9-0), 1/19/16

Next in Appropriations

**Died in Appropriations**

Bill creates §252.64, F.S., authorizing the Division of Emergency Management to administer a matching grant program to provide up to \$50 million in technical and financial assistance to local governments to implement certain flood risk reduction policies and projects.

Amends certain provisions of §§380.507, 380.508, 380.51, 472.0366 and 627.715, F.S. authorizing the Florida Communities Trust to undertake, coordinate, or fund flood mitigation projects and to acquire and dispose of real and personal property or specified interest when necessary or appropriate to reduce flood hazards, etc.

**Committee substitute filed 12/1/15 (CA)** clarifies that the \$50 million matching grant program cap is annual, subject to appropriation; extends the 8 percent administration expense cap to the Division, where it was previously only extended to the localities receiving grant monies.

Proposed effective date of July 1, 2016.

**SB 648 – “County Officers”** (Hutson, Community Affairs) – filed 10/26/15

Similar to HB 165

Favorable in Community Affairs (4-1), 12/1/15

Temporarily postponed in Ethics & Elections, Rules

**Died on Calendar**

Joint Resolution proposes to amend the Florida Constitution by limiting the authority to alter the manner of selecting certain county officers or to abolish a county office and transfer all duties prescribed by general law to another office, either by charter counties or by special law approved by the county electors. As a result, the offices of sheriff, property appraiser, supervisor of elections, tax collector, and clerk of the circuit court would be filled only by vote of the county electors and for terms

of 4 years. As proposed in the joint resolution, the clerk of the circuit court would be the ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds unless otherwise provided by special law approved by the county voters.

**Each house of the Legislature must pass a joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot.**

**SB 686 “Government Accountability”** (Gaetz (D)) – filed

Favorable in Ethics and Elections (7-3), 1/12/16

Favorable in Governmental Oversight & Accountability (5-0), 2/9/16

Favorable in Community Affairs (8-0), 2/16/16

Next in Appropriations

Not considered by Appropriations, 3/3/16

**Died in Appropriations**

Citing this act as the "Florida Anti-Corruption Act of 2016"; specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity’s failure to comply with certain auditing and financial reporting requirements; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to officers and board members of corporate entities associated with the Department of Economic Opportunity, etc.

**Committee substitute filed 2/11/16 (GOA)** deletes provisions regarding previous title of bill, legislative branch lobbying, executive branch lobbying, and investigations by the Commission on Ethics; deletes provision regarding electronic filing of compensation reports and other information; revises provisions regarding employment of members of the Legislature; revises the definition of “public contractor;” deletes the provisions expanding the offenses of bribery and unlawful compensation or reward for official behavior to include public contractors; deletes provision renaming bid tampering offense as unlawful influence of the competitive solicitation process; deletes provision regarding compliance with best practices for state agencies and judicial branch for internal controls to prevent fraud, waste, and abuse; authorizes district school board members to visit schools, observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school; revises the definition of “public funds” for extra compensation claims; deletes various provisions regarding rewards and prosecution of extra compensation payments; revises notification and consideration requirements for employees who meet criteria for a bonus scheme; requires a unit of government or state university to consider various factors in determining amount of severance pay and provides existence of contract does not limit application of this provision; deletes provisions regarding false claims against the state and civil actions for false claims; amends §§ 112.534 and 117.01, F.S., relating to failure to comply; official misconduct, and regulation of notary publics, respectively, to incorporate by reference revisions made by this act; reenacts § 921.022(3)(d), F.S., relating to criminal punishment code; offense severity chart, to incorporate by reference revisions made by this act; authorizes the Commission on Ethics to render advisory opinions to any public officer, candidate for public office, or public employee.

**Committee substitute filed 1/12/16 (EE)** CS substitute differs from the original bill in that it: requires legislative branch lobbyists to file a monthly report detailing which bills or appropriations that they have attempted to support, oppose, or influence; authorizes fines of \$50 per day up to a maximum of \$5,000 for failing to timely file the monthly reports and provides grounds for waiving the fines; prohibits

lobbying the Department of Economic Opportunity and its various divisions, units and corporations (including the Florida Development Finance Corporation) for a period of 2 years instead of 6 years; prohibits legislators from accepting certain employment while in office; authorizes the Commission on Ethics to initiate investigations under certain circumstances by a super-majority vote; clarifies which sources of funds are permissible to use to pay additional compensation or severance pay in excess of those authorized by statute to public employees; defines “public contractor” and removes the definition of “nongovernmental entity” from the bill in § 838.014, F.S.; and applies the offenses of bribery, unlawful compensation or reward for official behavior, official misconduct, and unlawful influence in the competitive solicitation process to “public contractors.”

Proposed effective date of October 1, 2016.

**SB 1222 “Millage Rates”** (Flores) – filed 12/21/15

Identical to HB 1015

Favorable in Community Affairs (7-0), 2/1/16

Favorable in Finance & Tax (6-1), 2/16/16

Next in Appropriations

**Died in Appropriations**

Bill amends §200.065, F.S., revising a provision for the maximum millage rate levied by a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district, etc.

**Committee substitute filed 2/1/16 (CA)** authorizes a county, municipality, dependent special district, municipal service taxing unit, or independent special district to levy the rolled back rate based on the amount of taxes actually levied in the prior year, without adjusting for a change in Florida per capita personal income, if the change in Florida per capita personal income is negative. A conforming change is also made.

**Committee substitute filed 2/16/16 (FT)** changes the maximum millage rate that counties, municipalities, special districts, or municipal service taxing units may levy without a supermajority or unanimous vote of the governing board to the millage levied in the prior year, to the rate levied in the prior year, adjusted for change if per capita Florida personal income, unless the change is negative.

Proposed effective date of July 1, 2016.

**SB 1322 “Juvenile Detention Costs”** (Latvala, Appropriations)

Similar to HB 1279

Favorable in Appropriations (16-0), 2/25/16

Favorable in Rules (11-0), 2/29/16

Placed on calendar 2d reading, 3/1/16

Placed on special order calendar, 3/4/16

Read 2d time, amendments adopted, ordered engrossed, placed on calendar 3d reading, 3/4/16

Read 3d time, amendment adopted, **PASSED** Senate (38-0), 3/7/16

In messages

Referred to calendar, 3/7/16

Placed on special order calendar, 3/7/16

Read 2d time, placed on 3d reading, 3/8/16

Read 3d time, **PASSED** House (117-0), 3/9/16

Senate ordered enrolled

Signed by Officers and presented to Governor (Governor has until 04/09/16 to act on this bill), 3/25/16

[SB 1322](#) approved and signed by Governor, Chapter No. 2016-152, 3/29/16

Bill creates a new cost sharing methodology for calculating the shared county and state financial obligations for juvenile detention that reduces the amount that will be paid by counties that are not fiscally constrained (non-fiscally constrained counties) compared to current law. The bill requires non-fiscally constrained counties to pay a total of \$42.5 million for detention care costs in Fiscal Year 2016-2017, and requires the state to pay the remaining costs. In subsequent years, the bill requires each non-fiscally constrained county and the state to each pay 50 percent of the total costs of providing detention care in the county. The bill continues current law requiring the state to pay all costs for providing detention care for fiscally constrained counties and juveniles residing out of state. The bill eliminates “final court disposition” as the demarcation between county and state financial obligations for juvenile detention, replacing it with a cost sharing relationship based on actual costs and county utilization.

The Department of Juvenile Justice (DJJ) indicates that the total required payments for nonfiscally constrained counties in Fiscal Year 2015-2016 is \$54.3 million. The bill’s provision for non-fiscally constrained counties to pay a total of \$42.5 million in shared detention costs for Fiscal Year 2016-2017 will make the counties responsible for paying \$11.8 million less than in Fiscal Year 2015-2016. The DJJ estimates that it will need an appropriation of \$10.5 million in general revenue funds above the amount appropriated for juvenile detention care in Senate, the Senate proposed 2016-2017 General Appropriations Bill, to offset the bill’s reduction in the counties’ payments for Fiscal Year 2016-2017. For Fiscal Year 2017-2018, when the total costs for detention care for non-fiscally constrained counties will be split equally between the state and those counties, the DJJ estimates that it will need an appropriation of \$7.9 million more in general revenue funds above the amount appropriated for juvenile detention care in SB 2500. The amount for subsequent years should be similar, with adjustments for variances in costs.

**Committee substitute filed 2/25/16 (App)** provides that non-fiscally constrained counties will pay a proportionate share of total shared detention costs for the prior fiscal year, rather than the prior calendar year; provides that the percentage share of detention days will be based on the most recently completed 12-month period, rather than the prior calendar year; adds conforming amendments to §§ 985.6015 and 985.688, F.S.

**Amendment adopted during 3d reading (227052) 3/7/16** creates § 985.6865, Florida Statutes:

Juvenile detention.—

(1) The Legislature finds that various counties and the Department of Juvenile Justice have engaged in a multitude of legal proceedings regarding detention cost sharing for juveniles. Such litigation has largely focused on how the Department of Juvenile Justice calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Additionally, litigation pending in 2016 is a financial burden on the taxpayers of this state.

(2) It is the intent of the Legislature that all counties that are not fiscally constrained counties and that have pending administrative or judicial claims or challenges file a notice of voluntary dismissal with prejudice to dismiss all actions pending on or before February 1, 2016, against the state or any state agency related to juvenile detention cost sharing. Furthermore, all counties that are not fiscally constrained shall execute a release and waiver of any existing or

future claims and actions arising from detention cost share prior to the 2016-2017 fiscal year. The department may not seek reimbursement from counties complying with this subsection for any underpayment for any cost-sharing requirements before the 2016-2017 fiscal year.

(3) As used in this section, the term:

(a) "Detention care" means secure detention and respite beds for juveniles charged with a domestic violence crime.

(b) "Fiscally constrained county" means a county within a rural area of opportunity as designated by the Governor pursuant to § 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to §1011.62(4)(a)1.a., from the previous July 1.

(c) "Total shared detention costs" means the amount of funds expended by the department for the costs of detention care for the prior fiscal year. This amount includes the most recent actual certify forward amounts minus any funds it expends on detention care for juveniles residing in fiscally constrained counties or out of state.

(4)(a) Notwithstanding § 985.686 and for the 2016-2017 state fiscal year, each county that is not a fiscally constrained county that has taken the action fulfilling the intent of this legislation as described in subsection (2) shall pay to the department its annual percentage share of \$42.5 million. By June 1, 2016, the department shall calculate and provide to each county that is not a fiscally constrained county its annual percentage share by dividing the total number of detention days for juveniles residing in that county for the most recently completed 12-month period by the total number of detention days for juveniles in all counties that are not fiscally constrained counties during the same period. Beginning July 1, 2016, each such county shall pay to the department its annual percentage share of \$42.5 million, which shall be paid in 12 equal payments due on the first day of each month. The state shall pay the remaining actual costs of detention care. This paragraph expires June 30, 2017.

(b) Notwithstanding § 985.686, for the 2017-2018 fiscal year, and each fiscal year thereafter, each county that is not a fiscally constrained county and that has taken the action fulfilling the intent of this section as described in subsection (2) shall pay its annual percentage share of 50 percent of the total shared detention costs. By July 15, 2017, and each year thereafter, the department shall calculate and provide to each county that is not a fiscally constrained county its annual percentage share by dividing the total number of detention days for juveniles residing in the county for the most recently completed 12-month period by the total number of detention days for juveniles in all counties that are not fiscally constrained counties during the same period. The annual percentage share of each county that is not a fiscally constrained county must be multiplied by 50 percent of the total shared detention costs to determine that county's share of detention costs. Beginning August 1, each such county shall pay to the department its share of detention costs, which shall be paid in 12 equal payments due on the first day of each month. The state shall pay the remaining actual costs of detention care.

(5) The state shall pay all costs of detention care for juveniles residing in a fiscally constrained county and for juveniles residing out of state. The state shall pay all costs of detention care for juveniles housed in state detention centers from counties that provide their own detention care for juveniles.

(6) Each county that is not a fiscally constrained county and that has taken the action fulfilling the intent of this section as described in subsection (2) shall incorporate into its annual

county budget sufficient funds to pay its annual percentage share of the total shared detention costs required by subsection (4).

(7) Funds paid by the counties to the department pursuant to this section must be deposited into the Shared County/State Juvenile Detention Trust Fund.

(8) The department shall determine each quarter whether the counties are remitting funds as required by this section.

(9) Funds received from counties pursuant to this section are not subject to the service charges provided in § 215.20.

(10) The department may adopt rules to administer this section.

Amendment also removed “predisposition” and “preadjudication” under §985.6015, F.S.

Amendment added Section 4 under §985.6015, F.S.:

Section 4. Effective July 1, 2016, for the 2016-2017 fiscal year, the sum of \$7.3 million in recurring funds and the sum of \$3.5 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Juvenile Justice for the purpose of implementing s. 985.6865, Florida Statutes, as created by this act. These funds supplement the funds appropriated to the department in the 2016-2017 General Appropriations Act to pay the state’s costs for juvenile detention.

Bill takes effect upon becoming a law.

**SB 1324 “Taxation”** (Altman) – filed 1/5/16

Similar to HB 1201

Favorable in Community Affairs (7-0), 2/1/16

Next in Finance & Tax, Fiscal Policy

**Died in Finance & Tax**

Bill amends certain provisions of Chapter 196 and § 213.3, F.S., authorizing a property appraiser to contract for services to examine or audit claimed homestead tax exemptions; requiring the property appraiser to initiate specified proceedings if he or she determines a person is not entitled to an exemption; requiring a property appraiser to file a tax lien against certain property for certain unpaid taxes, penalties, and interest after a specified time; requiring a tax lien to remain on the property until such amounts are paid in full, etc.

**Committee substitute filed 2/1/16 (CA)** provides the owner of nonhomestead property a period of 30 days after the receipt of notice to pay the unpaid taxes and any applicable penalties and interest if the property owner received a property assessment limitation that the owner was not entitled to receive. The property appraiser is prohibited from filing the tax lien before the conclusion of the 30 day period. In addition, the property owner improperly receiving the nonhomestead property assessment limitation may not be assessed penalties or interest if the property assessment limitation is improperly granted as a result of a clerical mistake or an omission by the property appraiser.

Proposed effective date of July 1, 2016.

**SB 1426 “Membership Associations”** (Stargel, Gaetz (D), Community Affairs) – filed 1/6/16

Similar to HB 1155

Favorable in Community Affairs (6-2), 1/26/16

Favorable in Education Pre-K-12 (5-4), 2/2/16



Favorable in Appropriations (14-1), 2/17/16  
Placed on calendar 2d reading, 2/19/16  
Placed on special order calendar, 3/4/16  
Read 2d time, substituted for HB 1155, laid on table, **refer to HB 1155**  
**HB 1155 Died on Calendar**

Requiring membership associations to file an annual report with the Legislature; prohibiting a membership association from using public funds for certain litigation; requiring the Auditor General to conduct certain audits annually, etc.

Proposed effective date upon becoming a law.

**SB 1192 “Waste Management”** (Hays) – filed 12/21/15  
Identical to HB 1387  
Favorable to Environmental Preservation and Conversation (8-0), 2/9/16  
Favorable in Appropriations Subcommittee on General Government and Fiscal Policy (5-0), 2/24/16  
Favorable in Fiscal Policy (7-0), 2/29/16  
Committee substitute text filed, 3/1/16  
**Died on Calendar**

Bill amends certain provisions of §§316.535, F.S. providing for weight limits for certain solid waste or recyclable collection vehicles are suspended under certain; creating § 403.70491, F.S. requiring local governments providing certain solid waste collection, disposal, or recycling services outside their jurisdiction to remit certain fees and taxes to the Solid Waste Management Trust Fund; amending §403.70605, F.S. by requiring local governments to file a report by a specified date with the Division of Waste Management in the Department of Environmental Protection; and, creating § and 812.0141 F.S., defining certain terms and establishing the crime of theft of recyclable property and providing penalties and civil remedy.

**Committee substitute filed 2/11/16 (EPC)** removes provision concerning conditions under which commercial vehicle weight limits may be suspended; removes requirement for certain information to be included on invoices for solid waste disposal, collection, and recycling services; adds a provision prohibiting a local government from preventing a private company from listing certain information on a company's invoice for solid waste collection, disposal, or recycling; limits the condition under which a local government may avoid being enjoined by a private company to actions related to the immediate health, safety, or welfare of its citizens; removes the word "immediate," leaving the original language; restores a provision that was struck in the bill that provided that a local government that exclusively provides solid waste collection services or pursuant to an exclusive franchise was not subject to the provisions of 403.70605(1), F.S., concerning competition with private companies over solid waste collection, disposal, or recycling services; removes the following provisions from the bill related to solid waste collection services outside a local governments jurisdiction: o Local governments that compete with private companies must remit certain funds to the Solid Waste Management Trust Fund and reporting requirements; removes changes made by the bill to §403.70605(2) and (3), F.S., regarding Solid Waste Collection Services Outside Jurisdiction and Displacement of Private Waste Companies so that instead of applying to solid waste collection, disposal, or recycling services, the original language is retained so that both subsections apply solely to solid waste collection services; and makes conforming changes to the definitions of "'in competition' or 'in direct competition'" and "private company."

**Committee substitute filed 2/29/16 (FP)** removes state agencies as entities that private companies may bring an action against. It also removes provisions limiting the application of the amended definitions of "in competition," "in direct competition," and "private company" to subsection (1) of § 403.70605, F.S., and instead amends the terms to apply to the entire statute.

Proposed effective date of July 1, 2016.