



Dean Mead & Dunbar
215 S. Monroe Street, Suite 815
Tallahassee, Florida 32301

(850) 999-4100
(850) 577-0095 Fax
www.deanmead.com

Attorneys and Counselors at Law
Orlando
Fort Pierce
Viera
Gainesville
Tallahassee

PETER M. DUNBAR
MARTHA J. EDENFIELD
CARI L. ROTH
BRITTANY O. FINKBEINER
pdunbar@deanmead.com
medenfield@deanmead.com
croth@deanmead.com
bfinkbeiner@deanmead.com

MEMORANDUM

TO: Mary Scott Hardwick, Intergovernmental Liaison
Pinellas County Office of the County Administrator

FROM: Pete Dunbar, Martha Edenfield, Cari Roth and Brittany Finkbeiner

DATE: May 2, 2016

RE: Final 2016 Legislative Session Report

The Governor has now taken final action on all of the legislation passed during the 2016 Legislative Session and the final post-Session report follows below. Out of 1580 general bills filed for the 2016 Session, 245 passed the full legislature and were presented to the Governor. The Governor approved 242 general bills and vetoed 3 bills.

This report includes brief summaries of legislation of interest that passed, as well as a list of items that may be of particular interest that did not pass. Some bill descriptions have been condensed and updated to reflect the content of the bill as it passed the Legislature and the appropriate Session Law number and the effective date follows the summary of the bill.

For anyone wishing to review a bill in its entirety, read a staff analysis or review the recorded votes, all bills referenced below can be located on the Senate or House websites, both accessible through <http://www.leg.state.fl.us>.

Looking forward, the 2017 Organizational Session will convene on November 22, 2016. The 2017 Regular Session will convene on March 7, 2017, and last through May 5, 2017. Of note, SB 7076 was enacted this year to provide an early Session again in 2018, beginning on January 9, 2018.

Budget

The final budget includes \$400M in tax cuts, less than half of the Governor's request of \$1B in cuts. The budget also does not contain any money for economic incentives, another big priority of the Governor, who requested \$250M. The final budget totaled approximately \$82.3 billion and passed the House 119-1 and passed the Senate 40-0. The Governor withheld approval of approximately \$256.1 million in projects. **(Chapter 2016-66, Laws of Florida).**

Beach and Water Project Funding

The final budget includes a total funding of Beach Projects (line 1602) of \$32,069,924 and proviso implementing the DEP ranking list for these projects, including thru project 17, except for project 10 and adds project 27. This includes Long Key/Upham Beach Groin Replacement and the Sand Key Segment/Pinellas County Shore Protection Project. Water projects are funded at a total of \$81.8 million.

Affordable Housing

State Housing Trust Fund Appropriations for Affordable Housing Programs-Total \$76.6M:

- Includes \$10M for competitive grants to serve persons with developmental disabilities, which was recurring funds agreed to last fiscal year.
- Includes proviso that requires that at least 50% of funds from this appropriation be used for SAIL, which would be \$32.3M.
- Includes \$20M for statewide workforce housing to serve incomes up to 80% AMI, or for the Florida Keys area to serve incomes up to 140% AMI.

Local Government Housing Trust Fund for State Housing Initiatives Partnership (SHIP) Program- Total \$135.5 M:

- Proviso provides that at least 20% of funds used to serve person with special needs, with priority for those with developmental disabilities.
- Includes \$5.2M, of which \$4M are from recurring funds agreed to last year, transferred to DEO/DCF for homeless services
- Includes \$500K for the Catalyst Program.
- Includes proviso that local governments can pool resources, though regional partnerships, for homeless purposes.
- Pinellas County's estimated countywide allocation is \$5,975,463, of which the County should receive approximately \$3,142,495.

The HB 5001, the General Appropriations Act, included language that would expand the use of foreclosure counseling program funds and language that unobligated Guarantee Funds be used for SAIL. The Act also contained sweeps totaling to \$116,914,438.

Housing Assistance: CS/SB 1534 by Sen. Simmons provides more flexibility and accountability for homelessness and affordable housing programs (SHIP, SAIL, Challenge grants) and encourages the used of Rapid ReHousing model.

Specifically, the bill:

Amends the SAIL Program to:

- Change how funds are made available to better reflect projected needs and demand for affordable housing for the specified tenant groups and counties based on population; and
- Require rent controls on rental units financed through the SAIL program based on applicable income limitations established by the Florida Housing Finance Corporation.

Amends provisions relating to the State Office on Homelessness and the Challenge Grant Program that provides grants to lead agencies of homeless assistance continuums of care, to:

- Require that expenditures of leveraged funds or resources are permitted only for eligible activities committed on one project which have not been used as leverage or match for another project;
- Remove the requirement that award levels for Challenge Grants be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas;
- Require that Challenge Grant funds distributed to the lead agencies be based on overall performance and achievement of specified objectives, including the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment; and
- Clarify that the office may distribute appropriated funds to the 28 local homeless assistance continuums of care designated by the Department of Children and Families.

Expresses legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness for individuals and families who do not require the intense level of support provided in the permanent supportive housing model and requires Rapid ReHousing to be added to the components of a continuum of care plan.

Amends the SHIP Program to:

- Provide exceptions to the restriction on counties and eligible municipalities related to expenditures of SHIP Program distributions for ongoing rent subsidies;
- Provide that up to 25 percent of the SHIP Program funds made available in a county or municipality may be reserved for rental housing;
- Clarify monitoring requirements when SHIP program funds are used for rental housing developments;
- Revise the composition of local Affordable Housing Advisory Committees;
- Extend the time period for the FHFC to review local housing assistance plans from 30 to 45 days;
- Require local governments to use a minimum of 20 percent of SHIP program distributions to serve persons with special needs, with first priority given to serving persons with developmental disabilities; and
- Authorize local governments to create regional partnerships and pool appropriated funds to address homeless housing needs identified in local housing assistance plans.

Authorizes the FHFC to:

- Forgive indebtedness for SAIL loans for small properties serving homeless persons in certain underserved counties or rural areas and make loans exceeding 25 percent of the cost for those projects; and
- Ban developers for misrepresentations or fraud related to a program application from participating in FHFC programs for any appropriate time period, including a permanent ban, rather than for only up to 2 years.

Requires the FHFC to reserve a minimum of 5 percent of the annual appropriation from the State Housing Trust Fund for housing projects designed and constructed to serve persons with a disabling condition, with first priority given to projects serving persons with a developmental disability.

Makes several changes to laws relating to housing authorities, which include:

- Prohibiting housing authorities, regardless of when they were created, from applying to the federal government to acquire through the exercise of the power of eminent domain any projects, units, or vouchers of another established housing authority;
- Exempting housing authorities from the provisions of s. 215.425, F.S., which addresses extra compensation, bonuses and severance pay; and
- Removing the requirement that housing authorities must submit a copy of the biennial financial reports submitted to the federal government to the governing body and the Auditor General.

The bill takes effect on July 1, 2016. (**Chapter 2016-210, Laws of Florida**).

Taxes

HB 7099 is a \$129.1 million package that provides for \$400 million savings by being teamed with about \$290 million that lawmakers are putting forward to hold down local property taxes that would otherwise go into the state's school-funding formula.

Highlights include:

- Permanent elimination of the manufacturing machinery and equipment sales and use tax for certain manufacturing and agricultural postharvest activities and metals recycling;
- a three-day "back-to-school" holiday for clothing, footwear, and school supplies;
- local government option for ad valorem tax exemption for data center equipment which may remain in effect up to 20 years;
- sales of food or drink by veteran's organizations
- reducing rates for tax on manufactured asphalt;
- aircraft sold in state, but registered in another jurisdiction
- reduced vendor credit for certain fuel excise taxes;
- For property taxes, the bill clarifies that for a limited period, economic development tax exemptions can be granted in areas which were designated enterprise zones as of December 30, 2015;

- Permits the use of tourist development taxes up to 10% to reimburse expenses incurred in providing public safety services, EMS, and law enforcement to address impacts related to increased tourism and visitors. These funds cannot be used to supplant normal operating expenses. To permit the use, there is a two stage approval process: recommendation from the TDC, then County Commission approval.

The effective date is July 1, 2016. (**Chapter 2016-220, Laws of Florida**).

Homestead Tax Exemption for Seniors (Amendment 5): CS/HJR 275 by Representative Avila proposes an amendment to the State Constitution to specify the calculation that county or municipality may use in determining just value for purposes of homestead tax exemption for certain persons age 65 or older with property of an assessed value of less than \$250,000 and with a household income of less than \$20,000 a year. **It has passed the Legislature and has been filed with the Secretary of State.**

Homestead Tax Exemption for Disabled First Responders (Amendment 3): CS/HJR 1009 by Rep. Metz proposes an amendment to the Florida Constitution to allow the Legislature, as provided by general law, to grant a full or partial property tax exemption on homestead property to first responders totally and permanently disabled as a result of an injury or injuries sustained in the line of duty. **It has passed the Legislature and has been filed with the Secretary of State.**

Renewable Energy Source Devices (Amendment 4): CS/HJR 193 by Rep. R. Rodrigues proposes an amendment to the Florida Constitution authorizing the Legislature to exempt from ad valorem taxation the assessed value of solar devices or renewable energy source devices that are subject to tangible personal property tax and to prohibit the consideration of the installation of such devices in determining the assessed value of residential and nonresidential real property for the purpose of ad valorem taxation. **The joint resolution passed the Legislature and has been filed with the Secretary of State.**

Pursuant to CS/HJR 195 by Rep. Rodrigues, the Constitutional amendment will be considered in a special election will to be held on August 30, 2016, concurrently with other statewide elections held on that date. This bill was effective upon becoming law. (**Chapter 2016-118, Laws of Florida**)

Ad Valorem Taxation: CS/CS/HB 499 by Representative Avila revises various provisions related to value adjustment board proceedings; revises provisions related to appointments and selection of special magistrates; and revises dates in computing required local effort for school districts. The effective date is July 1, 2016. (**Chapter 2016-128, Laws of Florida**)

Special Assessments on Agricultural Lands: CS/HB 773 by Rep. Albritton prohibits counties and cities from levying and collecting special assessments on agricultural lands for the provision of fire services unless the land contains a dwelling or nonresidential farm buildings, with the exception of open pole barns, provided the nonresidential farm building doesn't exceed a value of \$10,000. To qualify, pole barns must be have perimeter walls which are 70% permanently

open and allow free ingress and egress. The effective date is November 1, 2017. (**Chapter 2016-89, Laws of Florida**)

Local Government Operations

Location of Utilities: CS/SB 416 by Senator Flores addresses the responsibility for the cost of relocating utility facilities in a public easement by codifying the customary practice that counties pay for the cost of moving utilities in public easements if a public works project requires relocation. The bill also provides that a governmental authority must bear the cost of utility work required to eliminate an unreasonable interference if the utility is located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the governmental authority, by dedication, transfer of fee, or otherwise. The bill does not require counties to pay for the costs of relocating utilities in county rights of way. The bill became law on March 10, 2016, and became effective upon that date. (**Chapter 2016-44, Laws of Florida**)

Public-private Partnerships: CS/SB 124 by Sen. Evers implements many recommendations of the statutorily created Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to create a uniform process for public entities to engage in public-private partnerships (P3s). Specifically, the bill:

- Clarifies that the P3 process must be construed as cumulative and supplemental, or alternative, to any other authority or power vested in the governing body of a county, municipality, special district, or municipal hospital or health care system;
- Revises the list of entities authorized to conduct P3s to include special districts and school districts;
- Provides increased flexibility to the responsible public entity by permitting a responsible public entity to deviate from the provided procurement timeframes if approved by majority vote of the entity's governing body;
- Requires that an unsolicited proposal be submitted concurrently with an initial application fee established by the responsible public entity;
- Authorizes a responsible public entity to request additional funds if the initial fee does not cover the costs to evaluate the unsolicited proposal; also requires the responsible public entity to return the initial application fee if the responsible public entity does not review the unsolicited proposal;
- Provides that if an unsolicited proposal involves architecture, engineering, or landscape engineering, the professional hired to evaluate or create the design criteria packaged must be retained until the entire project is completed; and
- Authorizes the Department of Management Services to accept and maintain copies of comprehensive agreements received from responsible public entities.

The effective date is July 1, 2016. (**Chapter 2016-153, Laws of Florida**)

Public Records and Public Meetings: CS/SB 126 by Senator Evers provides an exemption from Chapter 119 for unsolicited proposals received by a responsible public entity until such time as the entity provides a notice of intended decision. The bill also creates a public meeting exemption for any portion of a meeting during which the exempt unsolicited proposal is discussed. A recording must be made of the closed portion of the meeting. The recording, and

any records generated during the closed meeting, are exempt from public record requirements until such time as the underlying public record exemption expires. The effective date is July 1, 2016. **(Chapter 2016-154, Laws of Florida)**

Public Corruption: HB 7071 amends the laws relating to public corruption to expand the application of the official misconduct to officers and employees of a public entity created or authorized by law and to public contractors. The bill lowers the burden of proof for prosecution of public servants for public corruption from “corruptly” to “knowingly and intentionally” and allows for the prosecution of public contractors for bid tampering and official misconduct offenses. The effective date is October 1, 2016. **(Chapter 2016-151, Laws of Florida)**

Public Records/Private Contractors: CS/HB 273 by Reps. Beshears requires public agency contracts entered into after July 1, 2016, with a private contractor to include a statement related to the contractor’s duty with respect to public records and requires public records requests be made to the public agency. The bill also includes provisions related to the possession of public records at the end of a contract for services and to liability in public records lawsuits. These provisions were approved by the Governor and took effect on March 8, 2016. **(Chapter 2016-20, Laws of Florida)**

Local Government Environmental Financing: CS/CS/HB 447 by Representative Raschein, the “Florida Keys Stewardship Act,” revises projects that may be funded using specific surtaxes and bond proceeds; authorizes Everglades bonds for City of Key West Area of Critical State Concern; expands types of water management projects eligible for funding; specifies funds for Florida Keys Area of Critical State Concern protection program; revises procedures for disposing of certain lands; recognizes degradation of coral reefs; requires specific Florida Forever funds to be spent buying lands in Florida Keys Area of Critical State Concern; and authorizes land authority to contribute funds for certain land purchases. The effective date is July 1, 2016. **(Chapter 2016-225, Laws of Florida)**

Bans on Styrofoam Containers: CS/CS/HB 7007 is a package bill for the Department of Agriculture and Consumer Services that includes a prohibition on local government bans on Styrofoam containers. It requires Florida Department of Environmental Protection, which does not currently regulate polystyrene containers, to conduct a study about whether regulation of plastic bags and foam trays is needed. Until then, any new regulation would be prohibited. The bill provides that the preemption does not apply to local ordinances or provisions enacted before to January 1, 2016, and does not limit the authority of a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law. The effective date is July 1, 2016. **(Chapter 2016-61, Laws of Florida)**

Growth Management

Comprehensive Plans and Developments of Regional Impact: CS/CS/HB 1361 amends various provisions of state law related to growth management as follows:

- Provides that recommended orders submitted to the Department of Economic Opportunity (DEO) by an administrative law judge regarding a challenged comprehensive plan amendment become final within certain time periods without agency action or an agreement to extend the time;
- Authorizes developments of regional impact (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 if the development necessitates 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 previously developed lands acquired for development as part of an existing DRI are not subject to aggregation under certain circumstances;
- Decreases the minimum required acreage of sector plans from 15,000 acres to 5,000 acres;
- Authorizes enclaves up to 110 acres in size to be annexed on an expedited basis;
- Authorizes the governing body of a county to hold joint meetings with the governing body or bodies of one or more adjacent counties or municipalities to discuss matters of mutual interest; and
- Provides that a representative of a military installation is not required to file a statement of financial interest solely due to his or her service on a local land planning or zoning board.

The effective date is July 1, 2016. (**Chapter 2016-148, Laws of Florida**)

Water

Water Policy: CS/CS/SB 552 by Senator Dean creates a comprehensive revision to the state’s policies concerning water quality, water supply and water conservation programs. Statewide, the bill sets deadlines for adoption of minimum flows and levels and modifies the current annual reporting requirements of all water management districts to expand the requirements of the current 5-year planning process to include all projects to implement a BMAP, a “grade” for each impaired waterbody, and a priority listing for water resource projects to be funded through the state’s water resources development work program. Consumptive use permitting (CUP) is modified to protect water allocations if water use has dropped due to implementation of conservation measures or agriculture conditions have resulted in less water use. In the event of competing new CUP permits, the applicant closest to the source is granted a preferred status. Water usage monitoring is required for all new and renewed CUPs that authorize groundwater withdrawals of 100,000 gallons or more per day from a well with an inside diameter of 8 inches or more.

Significant to Central Florida, the bill creates the Florida Springs and Aquifer Protection Act to protect designated Outstanding Florida Springs (OFSs); provides deadlines for restoration of OFSs through a Basin Management Action Plan (BMAP), requires septic tank remediation plans, prohibits certain activities in the springsheds of OFSs and requires DEP to develop rules for

groundwater withdrawals. The bill also codifies the Central Florida Water Initiative 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.

To help track progress, the legislation mandates a new data base of conservation lands and a consolidated annual report on water quality and quantity, and requires DEP to establish statewide standards for collection and analysis of water quality and quantity data. The bill will become effective on July 1, 2016. (**Chapter 2016-1, Laws of Florida**)

Water Project Funding/Legacy Florida: HB 989 by Representative Harrell is the implementation of the Water and Land Conservation Constitutional Amendment and requires the following minimum distributions from the Land Acquisition Trust Fund to be appropriated annually:

- The minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million for Everglades projects;
- The minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million for spring restoration, protection, and management projects; and
- Five million dollars through the 2025-2026 fiscal year for projects dedicated to the restoration of Lake Apopka.

The effective date is July 1, 2106. (**Chapter 2016-201, Laws of Florida**)

Environmental Control: CS/CS/HB 589 by Representative Pigman makes the following changes to chs. 373 and 403, F.S., regarding environmental control:

- Repeals s. 373.245, F.S., which provides supplemental liability for violations of consumptive use permit conditions that damage abutting permitholders;
- Revises licensure requirements for water well contractors to require an applicant to demonstrate experience by either a letter from a water well contractor or water well inspector, but not both;
- Provides that when the beneficial use of a constructed clay settling area (CSA) of a phosphate mine is extended, the rate of reclamation requirements and the financial responsibility requirements apply to the CSA when the beneficial use of the CSA is complete;
- Allows the use of land set-asides and land use modifications not otherwise required by state law or permit, including constructed wetlands or other water quality improvement projects, that reduce nutrient loads into nutrient impaired surface waters to generate water quality credits for trading;
- Provides that the limitation on the granting of a variance does not prohibit the issuance of moderating provisions or requirements under state law, subject to any necessary approval by the United States Environmental Protection Agency;
- Expands the use of funds in the solid waste landfill closure account, removes the repeal date for the account, and allows the use of the Solid Waste Management Trust Fund to pay or reimburse additional expenses needed for performing or completing approved facility closure or long-term care under certain circumstances; and

- Requires a Florida registered professional to certify that a stormwater management system will meet additional requirements for a general permit, and requires the certification be submitted to the Department of Environmental Protection or a water management district before, rather than after, construction of the stormwater management system begins

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

Property Rights

Boat Mooring: HB 1051 by Rep. Caldwell prohibits overnight anchoring or mooring of vessels in specified recreational boating areas in Broward and Miami-Dade Counties. The provisions expire upon the Legislature's adoption of the Fish and Wildlife Conservation Commission's recommendations regarding the Anchoring and Mooring Pilot Program. The bill becomes effective July 1, 2016. (**Chapter 2016-96, Laws of Florida**)

Agritourism: HB 59 by Representative Combee prohibits local governments from enforcing any local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under Florida's greenbelt law. However, the bill provides that local governments may exercise their powers and duties to address substantial off-site impacts of agritourism activities. The bill adds "civic," "ceremonial," and "training and exhibition" activities to the enumerated list of agritourism activities. It also adds "livestock operation" to the list of places where an agritourism activity can occur. The bill amends clarifies that using agricultural land for agritourism does not limit the land's greenbelt status as long as the land remains used primarily for bona fide agricultural purposes. The effective date is July 1, 2016. (**Chapter 2016-14, Laws of Florida**)

Florida Retirement System

Death Benefits Under the Florida Retirement System: SB 7012 by the Governmental Oversight and Accountability Committee authorizes payment of death benefits to the surviving spouse or children of a Special Risk Class member killed in the line of duty on or after July 1, 2013 under specified circumstances. The bill provides a process for calculating the retroactive benefit. The effective date of the bill is July 1, 2016. Payment of these new benefits will begin on July 1, 2106. (**Chapter 2016-213, Laws of Florida**)

Healthcare, Medicaid and Low Income Pool

Mental Health Treatment: HB 769 by Rep. Peters provides for continuation of psychotropic medication by forensic and civil facilities for individuals receiving such medication before admission and provides timeframes within which competency and commitment hearings must be held. It also revises time for dismissal of certain charges for defendants who remain incompetent to proceed to trial, provides a timeframe within which commitment hearings must be held, and requires that defendants be transported for such hearings. The effective date is July 1, 2016. (**Chapter 2016-135, Laws of Florida**)

Mental Health and Substance Abuse: CS/SB 12 by Senator Garcia includes services provided to treatment-based mental health programs within case management funded from state revenues as an element of the state courts system; requires assessment findings to be provided to the plan that is financially responsible for a child's care in residential treatment. The bill also specifies persons who are prohibited from being appointed as a person's guardian advocate and authorizes a court to make a determination of involuntary outpatient services. The effective date is July 1, 2016. (**Chapter 2016-241, Laws of Florida**)

Prescription Drug Monitoring Program: SB 964 by Sen. Grimsley exempts a rehabilitative hospital, assisted living facility, or nursing home that dispenses a dosage of a controlled substance to a patient from reporting that act of dispensing to the prescription drug monitoring program database. The effective date is July 1, 2016. (**Chapter 2016-177, Laws of Florida**)

Health Care Services/Balance Billing: CS/CS/HB 221 by Representative Trujillo prohibits out-of-network providers from balance billing members of a PPO or EPO for emergency services or for nonemergency services when the nonemergency services are provided in a network hospital and the patient had no ability and opportunity to choose a network provider. The bill does not apply to transportation and ambulance services. The bill establishes standards for determining reimbursement to the providers and authorizes providers and insurers to settle disputed claims under the statewide provider and health plan claim dispute resolution program. The effective date is July 1, 2016. (**Chapter 2016-222, Laws of Florida**)

Criminal Justice and Gun Rights

Sentencing for Capital Felonies: HB 7101 by the Criminal Justice Subcommittee amends Florida's capital sentencing scheme to comply with the United States Supreme Court's ruling. Under the new sentencing scheme, the jury will continue to determine whether an aggravating factor exists, but will be required to make that determination unanimously. If the jury:

- Does not unanimously find at least one aggravating factor, the jury may only recommend a sentence of life imprisonment without the possibility of parole; or
- Unanimously finds one or more aggravating factors outweigh the mitigating circumstances, the jury may recommend a sentence of death or life imprisonment without the possibility of parole.

If the jury recommends life imprisonment without the possibility of parole, the judge must impose the recommended sentence. If the jury recommends a sentence of death, the judge may impose a sentence of death or a sentence of life imprisonment without the possibility of parole after considering each aggravating factor found by the jury and all mitigating circumstances. The judge may only consider an aggravating factor that was unanimously found by the jury.

The effective date was March 7, 2016. (**Chapter 2016-13, Laws of Florida**)

Civil Asset Forfeiture: SB 1044 by Senator Brandes requires the seizing agency to apply for an order, within a certain timeframe, making a probable cause determination after the agency seizes property. The bill also increases the evidentiary standard from clear and convincing evidence to

proof beyond a reasonable doubt that a contraband article was being used in violation of the Florida Contraband Forfeiture Act for a court to order the forfeiture of the seized property. The effective date is July 1, 2016. (**Chapter 2016-179, Laws of Florida**)

Juvenile Detention Costs: CS/SB 1322 by Sen. Latvala finally resolves the longstanding battle over payments for the costs of juvenile detention care that is provided by the Department of Juvenile Justice. The bill revises the method for calculating the share of detention care costs that must be paid by each non-fiscally constrained county that does not provide its own detention care for juveniles. The new method applies to any county that: (1) dismisses all actions against the state that are related to detention costs; and (2) releases and waives any existing or future claim arising from detention cost share prior to Fiscal Year 2016-2017. Any county that does not fulfill the conditions will be billed according to the existing method set out in s. 985.686, F.S.

The share of detention costs for each county that meets the conditions of the new statute will be based on the percentage of detention days used for that county's juveniles in the most recently completed 12-month period compared to detention days used for all counties that are not fiscally constrained during the same period. For Fiscal Year 2016-2017, each such county's payment will be calculated by multiplying the county's percentage of detention day use by \$42.5 million. For Fiscal Year 2017-2018 and thereafter, each such county's payment will be calculated by multiplying the county's percentage of detention day use by 50 percent of total detention care costs in the prior fiscal year for all counties that are not a fiscally constrained county. The DJJ is responsible for paying the remainder of detention costs.

The bill includes an appropriation of \$7.3 million in recurring funds and \$3.5 million in nonrecurring funds from the General Revenue Fund for Fiscal Year 2016-2017. This appropriation is a supplement to funds appropriated to the DJJ in the 2016-2017 General Appropriations Act for the purpose of paying the state's share of costs for juvenile detention. It is estimated to provide \$12 million in savings to counties in FY16-17.

The bill became law on March 29, 2016, and became effective upon that date. (**Chapter 2016-152, Laws of Florida**)

Discharge of Firearms on Residential Property: CS/CS/SB 130 by Senator Richter prohibits the recreational discharge of a firearm in areas that are primarily residential. The bill became effective on February 24, 2016. (**Chapter 2016-12, Laws of Florida**)

Expunging and Sealing Criminal History Records of Minors: CS/SB 386 by Senator Detert provides for non-judicial expunction of criminal history of an offense for a minor who is not a serious or habitual juvenile offender after the offender turns 21, and provides that a minor who is eligible for automatic expunction may apply for expunction any time after reaching 18. The effective date is July 1, 2016. (**Chapter 2016-42, Laws of Florida**)

Mental Health Services in Criminal Justice System: To address mental health issues in the criminal justice system, Florida has multiple programs, some of which operate on a statewide basis, e.g., state-administered forensic and civil mental health programs, and others which are

only available in certain counties or circuits, e.g., mental health courts and veterans' courts. HB 439 by Rep. McBurney amends statute governing these programs by:

- Creating the Forensic Hospital Diversion Pilot Program in Duval, Broward, and Miami-Dade Counties, which is to be modeled after the Miami-Dade Forensic Alternative Center.
- Authorizing county court judges to conditionally release misdemeanor defendants for the purpose of providing outpatient care and treatment.
- Creating statutory authority for each county to establish a mental health court program (MHCP) that provides pretrial intervention and post-adjudicatory treatment-based programs.
- Authorizing courts to order adult offenders with mental illnesses to participate in pretrial intervention and post-adjudicatory treatment-based programs and to admit juvenile offenders with mental illnesses into delinquency pretrial MHCPs.
- Expanding the definition of "veteran," for the purpose of eligibility for veterans' court, to include veterans who were discharged or released under a general discharge.
- Expanding the statutory authorization for certain offenders to transfer to a "problem-solving court" in another county to also include transfer to delinquency pretrial intervention programs.

The effective date is July 1, 2016. (**Chapter 2016-127, Laws of Florida**)

Vessels: CS/HB 703 by Representative Workman revises the offense of careless operation of a vessel to pertain to operating a vessel so as not to endanger the life, limb, or property of another person outside the vessel or endanger the life, limb, or property of another person due to vessel overloading or excessive speed. A person in violation commits a noncriminal violation. The bill also provides that the operator of a vessel, upon demonstrated compliance with safety equipment carriage and use requirements during a safety inspection initiated by a law enforcement officer, shall be issued a safety inspection decal signifying such compliance. Under the bill, a law enforcement officer may not stop a vessel solely to inspect safety equipment carriage requirements when the vessel properly displays a valid safety inspection decal, except when there is reasonable suspicion that a violation has occurred or is occurring. Nothing in the bill is intended to restrict vessel stops for any other lawful purpose. The effective date is July 1, 2016. (**Chapter 2016-134, Laws of Florida**)

Military Affairs

Ad Valorem Tax Exemption for Deployed Service members: HB 7023 by Rep. Trumbull expands the military operations that qualify a service member deployed in support of such an operation in the previous calendar year for an additional ad valorem tax exemption. It also provides an extended deadline for filing an application for such tax exemption for a qualifying deployment during the 2014 calendar year. The effective date was March 8, 2016. (**Chapter 2016-26 Laws of Florida**)

Regulated Services Providers: SB 772 by Senator Richter revises a number of duties within the Department of Agriculture and Consumer Services. The bill includes a provision to waive specified license and registration fees for honorably discharged veterans, their spouses, or

business entities that have majority ownership held by such veterans or their spouses. The effective date is July 1, 2016. (**Chapter 2016-166, Laws of Florida**)

Licensure of Health Care Professionals: HB 941 by Rep. Gonzalez provides alternative eligibility criteria for military members and their spouses seeking licensure as health care practitioners, except as dentists, in Florida. The bill allows military health care practitioners, practicing under a military platform (a training agreement with a nonmilitary provider), to be issued a temporary certificate to practice in this state. The effective date is July 1, 2016. (**Chapter 2016-230, Laws of Florida**)

Out-of-state Fee Waivers for Active Duty Service Members: HB 799 by Representative Avila requires state universities, Florida College System institutions, and certain centers to waive out-of-state fees for active duty members of the United States Armed Forces residing or stationed outside of this state and prohibiting tuition and fees charged to such students from exceeding a specified amount. The effective date is July 1, 2016. (**Chapter 2016-136, Laws of Florida**)

Other Legislation of Interest

People or Animals Unattended in Cars: CS/HB 131 by Representative Young amends the “Good Samaritan Act” to extend immunity to liability for damage caused by the forcible entry of a motor vehicle to remove an endangered individual or animal under certain circumstances. The effective date was March 8, 2016. (**Chapter 2016-18, Laws of Florida**)

Transportation: HB 7061 includes the Pinellas Bayway system language. The bill provides that a nonemergency medical transportation service may not be required to use a vehicle that is larger than needed to transport the number of persons being served. The transportation provider will still have to comply with other county requirements such as licensing, background checks, insurance, and other standards imposed by the county’s ordinance. The effective date is July 1, 2016. (**Chapter 2016-239, Laws of Florida**)

Public Records and Trade Secrets: CS/SB 182 by Senator Richter reenacts several public records exemptions protecting trade secret information to incorporate the new definition of trade secret created in SB 180, which expressly includes financial information. The effective date of both bills is October 1, 2016. (**Chapters 2016-5 and 2016-6, Laws of Florida**)

Severe Injuries Caused by Dogs: CS/HB 91 by Representative Steube requires that affirmative defenses be considered in any hearing regarding the destruction of a previously unclassified dog that causes severe injuries to a human. If affirmative defenses apply, the dog may not be euthanized, but instead may be classified as “dangerous” and subject to certain safety restrictions or the dog may be returned to its owner with no restrictions. The bill has passed the full House and is in Senate messages. It was amended to broaden the authority of local governments to adopt ordinances to address safety and welfare concerns caused by attacks on people and domestic animals. The effective date was March 8, 2016. (**Chapter 2016-6, Laws of Florida**)

Salaries for Supervisors of Elections: SB 512 increases the base salary and group rate for Supervisors of Elections all of which are based on population. It makes these rates consistent

with those used to calculate the salaries of other local constitutional officers. The effective date is October 1, 2016. (**Chapter 2016-157**)

Fire Safety: HB 431 by Representative Raburn exempts nonresidential farm buildings and agricultural pole barns from the Florida Fire Prevention Code; provides that structures used for agritourism activity are subject to annual inspection for classification; directs State Fire Marshal to adopt rules administering the section; and authorizes local fire official to consider specified publication when identifying alternative to firesafety code. The effective date is July 1, 2016. (**Chapter 2016-83, Laws of Florida**)

Body Cameras: HB 93 by Representative Jones requires law enforcement agencies that permit law enforcement officers to wear body cameras to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies and procedures must include:

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

The bill requires law enforcement agencies to provide policies and procedures training to all personnel who use, maintain, store, or release body camera recording data, and to retain body camera recording data in compliance with s. 119.021, F.S. Agencies must perform periodic reviews of agency practices to ensure compliance with agency policies and procedures. The bill also exempts body camera recordings from the requirements of ch. 934, F.S. This allows law enforcement officers to wear body cameras during their patrol duties without having to inform each individual they make contact with that they are being recorded. The effective date was March 24, 2016. (**Chapter 2016-76, Laws of Florida**)

Agriculture: CS/CS/HB 749 by Representative Raburn revises the period during which certain agricultural lands in eradication or quarantine programs continue to be classified as such; exempts certain farm vehicles from registration requirements under certain circumstances; preempts regulatory authority over commercial feed and feedstuff to the Department of Agriculture and Consumer Services; and provides for conservation easement agreements to include provisions which allow agricultural activities under certain conditions. The effective date is July 1, 2016. (**Chapter 2016-88, Laws of Florida**)

Legislation of Interest that Did Not Pass

Ad Valorem Taxation: HB 7015 by the House Finance and Tax Committee was a joint resolution proposing a constitutional amendment to allow the Legislature to add an additional limit to the rate of growth for the assessed value of homestead property and certain non-homestead property in any year where the market value of the property decreased. The bill has passed the House. SB 1074 by Sen. Gaetz died in committee.

Certificates of Public Convenience and Necessity for Life Support or Air Ambulance Services (COPCNs): CS/CS/SB 742 and CS/CS/HB 517 would have required counties to adopt new ordinances or amend existing one to provide a quasi-judicial process for the issuance or denials of an application for a COPCN and provide a right of appeal fire rescue providers. The House bill was amended to apply only to COPCN services in Collier, Lee, Manatee, Walton, Okaloosa and Santa Rosa Counties and passed all committees of reference. The Senate bill passed three committees and died in the Rules Committee. The House bill passed all committees and died on the Calendar.

Commercial Property Taxes: SB 116 by Senator Hukill would have reduced the tax rate imposed on the rent or license fee charged for the use of commercial property from six percent to five percent. The House companion, HB 247 by Representative Fitzenhagen was not heard by committee. SB 116 died in the Senate Appropriations Committee.

Economic Development and Film Incentives: SB 1646 by Sen. Latvala would have funded the Governor's proposed Enterprise Fund at \$250 million and restored funding for Florida's Film & Entertainment Incentive Program. HB 1325 by Rep. Boyd included several incentives and passed the full House. However, budget negotiations were completely shut down over economic development funding and these bills did not pass.

Election Dates for Municipal Office: HB 7059 by Rep. Caldwell preempted to the state the authority to establish the dates of elections of municipal officers. The bill passed the House 70 – 47 but died in the Senate.

Flood Insurance: CS/SB 584 by Sen. Brandes and CS/HB 929 by Rep. Ahern would have authorized the Division of Emergency Management to administer a matching grant program to provide up to \$50 million annually for technical and financial assistance to local governments for flood risk reduction and authorized the Florida Communities Trust to acquire and dispose of property to reduce flood hazards. The Senate bill died in the Appropriations Committee and the House bill died on the calendar.

Gun Legislation: HB 163 by Rep. M. Gaetz allowing individuals with concealed carry permits to "open carry" passed the House 80-38. Additionally, HB 163 was amended by Representative Wood to allow those with concealed carry permits, to take concealed weapons into the legislative chambers. The vote was 72 – 43 on this specific amendment language. Amendments were passed that would allow public hospitals to prohibit open carry, and that would allow those with concealed carry permits to take guns on university and college campuses. Senator Gaetz filed the open carry bill as a floor amendment SB 612, a bill that revises the definition of the term "concealed weapon" to delete its inclusion of a "slungshot." However, the amendment was withdrawn and the open carry bill did not pass.

Local Tax Referenda: CS/HB 791 by Rep. Ingoglia would have required local government discretionary sales surtax referenda to be held on the day of a general election; requires approval of specified percentage of electors voting in referendum to adopt or amend such surtax; and prohibits use of certain funds and materials to advertise proposed surtax referenda for certain discretionary sales surtaxes. The bill passed the House but died in the Senate. The Senate

companion, CS/SB 1100 by Senator Brandes passed its first committee but died in the Finance & Tax Committee and the Fiscal Policy Committee.

Medical Examiners: HB 315 by Rep. Roberson would have prohibited a medical examiner or a county from charging a member of the public a fee for an examination, investigation, or autopsy performed by a medical examiner. SB 620 by Sen. Grimsley provided that a county could charge a fee for the medical examiner's approval of cremation, burial at sea, or dissection of a body of \$50 if adopted by resolution or ordinance, or an amount established by resolution or ordinance on or before February 17, 2016, if the county has issued 3,000 or more medical examiner approvals in the past calendar year. SB 620 died in messages.

Public Employees: CS/HB 7107 by Rep. Caldwell would have made the investment plan the default option for workers joining the state workforce, incorporated some of the death benefit changes and made fixes to unintended consequences of legislation passed several years ago meant to cut down on "double dipping" by members of the retirement system — another priority of some senators. The House bill passed the full House 72-38 and was referred to 3 Senate committees. The House bill died in Senate Committee.

Public Works Projects: HB 181 by Representative Van Zant would have established a prohibition on certain governmental requirements on contracts with the government. Under the bill, government would not be able to impose its own wage and benefit, staffing, or certain recruiting and training requirements in excess of state or federal law. The bill passed all committees and died on the House Calendar. The Senate companion, SB 598 died in committee.

Regulation of Oil and Gas/Fracking: HB 191 by Rep. Rodrigues passed the House 73 – 45. The Senate companion, SB 318 by Sen. Richter but failed to pass the Senate Appropriations Committee by a vote of 9 – 10 was never reconsidered.

Sanctuary Cities/Federal Immigration Enforcement: HB 675 by Rep. Metz and SB 872 by Sen. Bean would have created the "Rule of Law Adherence Act" prohibiting state or local governments, or law enforcement agencies, from having any law, policy or practice, which would impede immigration enforcement, and it would require state and local governmental entities and law enforcement agencies to comply with and support immigration policy. HB 675 passed the full House with a vote of 80 – 38. SB 872 was not heard in the Senate.

Selection and Duties of County Officers: HJR 165 by Representative Artiles proposed an amendment to the State Constitution removing the authority of a county charter to require choosing certain county officers by a method other than election; permitting abolishing any county office and transferring its duties only by special law approved by county voters; and removing authority for a county charter to transfer certain ex officio duties of the clerk of the circuit court. HJF 165 died on the House Calendar. The Senate companion, SJR 648 died in committee.

Solid Waste: CS/CS/SB 1192 by Sen. Hays would have precluded a local government from preventing a private company from listing separately on the company's invoice for solid waste collection, disposal, or recycling any governmental taxes or fees and amended provisions

regulating local government competition with solid waste collection companies to include disposal and recycling. The bill passed all committees and died on the Senate Calendar. HB 1387 by Rep. Santiago was never heard.

Traffic Infraction Detectors (Red Light Cameras): SB 168 by Sen. Brandes and HB 4027 by Rep. Artiles would have repealed the use of red light cameras, with an effective date to July 1, 2019, in order to allow for current contracts with municipalities to expire. In the Senate, the bill passed the Senate Transportation committee by vote of 4 – 3 but never receive another hearing. HB 4027 passed the House, with a vote of 83 – 33, but was not heard in the Senate.

Transportation Network Companies (Uber, Lyft ride sharing services): CS/CS/HB 509 by Rep. M.Gaetz would have prohibited local governments from imposing taxes or licenses on TNCs relating to the provision of TNC service. The bill passed the House 108 – 10 but died in the Senate. SB 1118 by Sen. Simmons addressed insurance required of the company and drivers and preempts any local ordinances imposing insurance requirements on transportation network companies. The bill was never brought up for a full hearing in the Senate and no language passed regarding Transportation Network Companies.

Vacation Rentals: SB 348 by Senator Altman would have revised the state preemption of vacation rental properties and provides that a local ordinance may not set a minimum stay requirement of more than 7 days for vacation rentals. SB 1598 by Senator Margolis and HB 4045 by Representative Richardson were companion bills that would have repealed the state preemption of vacation rentals and would permit regulation by local ordinances. All bills addressing vacation rentals failed passage.
