2014 Abstracts of Legislation

Office of the State Courts Administrator

Compiled by the Office of Community and Intergovernmental Relations

September 25, 2014

The ***Abstracts of Legislation*** is an annual review of significant bills affecting, or of interest to, the State Courts System which the Legislature passed and the Governor signed into law or let become law without signature. For any given year, the ***Abstracts*** also reviews court-significant resolutions or memorials, which are not presented to the Governor for approval.

During the 2014 Regular Session, the Legislature enacted 255 general and local bills. Of those, the Governor approved 254 and vetoed one. The Legislature also passed two concurrent resolutions and six memorials. The ***2014 Abstracts of Legislation*** reviews more than 90 of these measures.

This report is organized into 18 subject matter categories: Budget and Judicial Administration; General Services and Finance Administration; Alternative Dispute Resolution; Civil; Constitutional; Criminal; Disabilities; Ethics and Elections; Family; Fees; Foreclosure; Guardianship; Information System Services; Mental Health and Substance Abuse; Personnel and Retirement; Public Records and Meetings; Real Property, Probate, and Trust Law; and Transportation and Traffic. For each reviewed measure, the report provides: the bill number, subject, and prime introducer or introducers; a summary of the substance of the measure; a brief description of the potential impact on the State Courts System; the statutory sections or chapter law affected; and the chapter law number, effective date, and date of approval by the Governor. A link to legislative history information and relevant documents is provided with each measure's number and subject. Further, a link to the actual language is provided with the respective chapter law number.

An additional section of the ***Abstracts*** includes a list of all enrolled bills from the 2014 session (measures passed by the House and Senate) with the last action on the measure and a link to the last version of the language. Also, the ***Abstracts*** includes indexes to help readers locate reviewed legislation by Senate number, House number, or chapter law number.

In preparing the "Summary" section of the ***Abstracts***, OSCA staff consulted and in some instances used portions of the final bill summaries published by the Senate and the House of Representatives or last bill analyses. These legislative documents are useful resources for additional information on all legislation enacted during the 2014 legislative session. In addition, the Legislature's Division of Legislative Information maintains a variety of bill information reports, including a listing of statutory sections amended by bills.

Finally, please note that the ***Abstracts*** is designed to highlight laws of interest to the State Courts System. It is important to review the language of each law to gain a thorough understanding of the law and its potential impact. The ***Abstracts*** does not constitute a judicial interpretation of these laws.

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Administration – Budget and Judicial

CS/SB 828 – Court System

By Senator Bradley

Summary:

This law repeals or amends various provisions relating to the courts, public defenders, the Conference of Circuit Judges, and the Judicial Qualifications Commission.

Most provisions of the law are the work product of the House Civil Justice Subcommittee, and, in part:

- Repeal provisions separately addressing judicial branch salaries and consolidate them as part of a single comprehensive salary provision in s. 29.23, F.S.
- Eliminate residency provisions requiring judges in three of the state's 20 judicial circuits to live in specified counties.
- Conform statutory language relating to membership on the Judicial Qualifications Commission with constitutional provisions.
- Repeal statutes that are duplications of provisions in Article V of the State Constitution.
- Amend or repeal provisions deemed outdated, such as a statute providing that books for the Supreme Court's library may be acquired by purchase or exchange.

The law also includes an issue on the 2014 judicial branch agenda – revision of the circuit judges conference statute (s. 26.55, F.S.) to ensure consistency with the judicial branch governance opinion of the Supreme Court and court rules provisions governing judicial conferences.

Impact on the State Courts System:

The law accomplishes the 2014 judicial branch agenda item to conform the circuit judges conference statute to court rules. Although the law makes a variety of changes to other court-related statutes, no significant effect on the State Courts System is anticipated from those changes.

Statutory Sections Affected:

Amends ss. 25.241, 26.021, 26.55, 35.22, 43.20, and 56.29, F.S.

Creates s. 29.23, F.S.

Repeals ss. 25.151, 25.191, 25.231, 25.281, 25.351, 26.01, 26.51, 27.55, 35.12, 35.13, 35.19, 35.21, 35.25, 35.27, 38.13, 57.101, and 92.15, F.S.

Chapter 2014-182, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 20, 2014

SB 2510 – Court-appointed Counsel

By Appropriations Committee

Summary:

This law makes a variety of changes relating to court-appointed counsel. Specifically, the law:

- Eliminates the current requirement for the State Courts System to pay for excess fees awarded to private conflict counsel after funds appropriated to the Justice Administrative Commission for that purpose are exhausted;
- Increases flat fees for certain criminal cases;
- Eliminates the limited registry for private counsel willing to accept a flat fee; and
- Creates a Cross-Circuit Conflict Representation Pilot Program to provide that certain conflict cases in the Tenth and Thirteenth Judicial Circuits will first go to the other circuit or to the regional counsel in the Fifth Region before private counsel is appointed.

Impact on the State Courts System:

The law transfers responsibility for payment of excess conflict counsel fees from the State Courts System to the Justice Administrative Commission. The law also eliminates the limited registry for private counsel willing to accept a flat fee and creates a pilot program involving the Tenth and Thirteenth Judicial Circuits.

Statutory Sections Affected:

Amends ss. 27.40 and 27.5304, F.S.

Creates s. 27.401, F.S.

Chapter 2014-49, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 2, 2014

HB 5001 – General Appropriations Act

By Appropriations Committee (Representative McKeel)

Summary:

This law is the General Appropriations Act (GAA), making appropriations for the state for fiscal year 2014-15. The total budget approved by the Legislature was approximately $77.1 billion, including $27.9 billion in general revenue, $49.2 billion in trust funds, and 114,444.57 positions. For the judicial branch, the Legislature appropriated approximately $502 million for fiscal year 2014-15, which includes funding for the Judicial Qualifications Commission and funding for entities that "passes through" the judicial branch budget (e.g., $3.5 million for state-run children's advocacy centers).

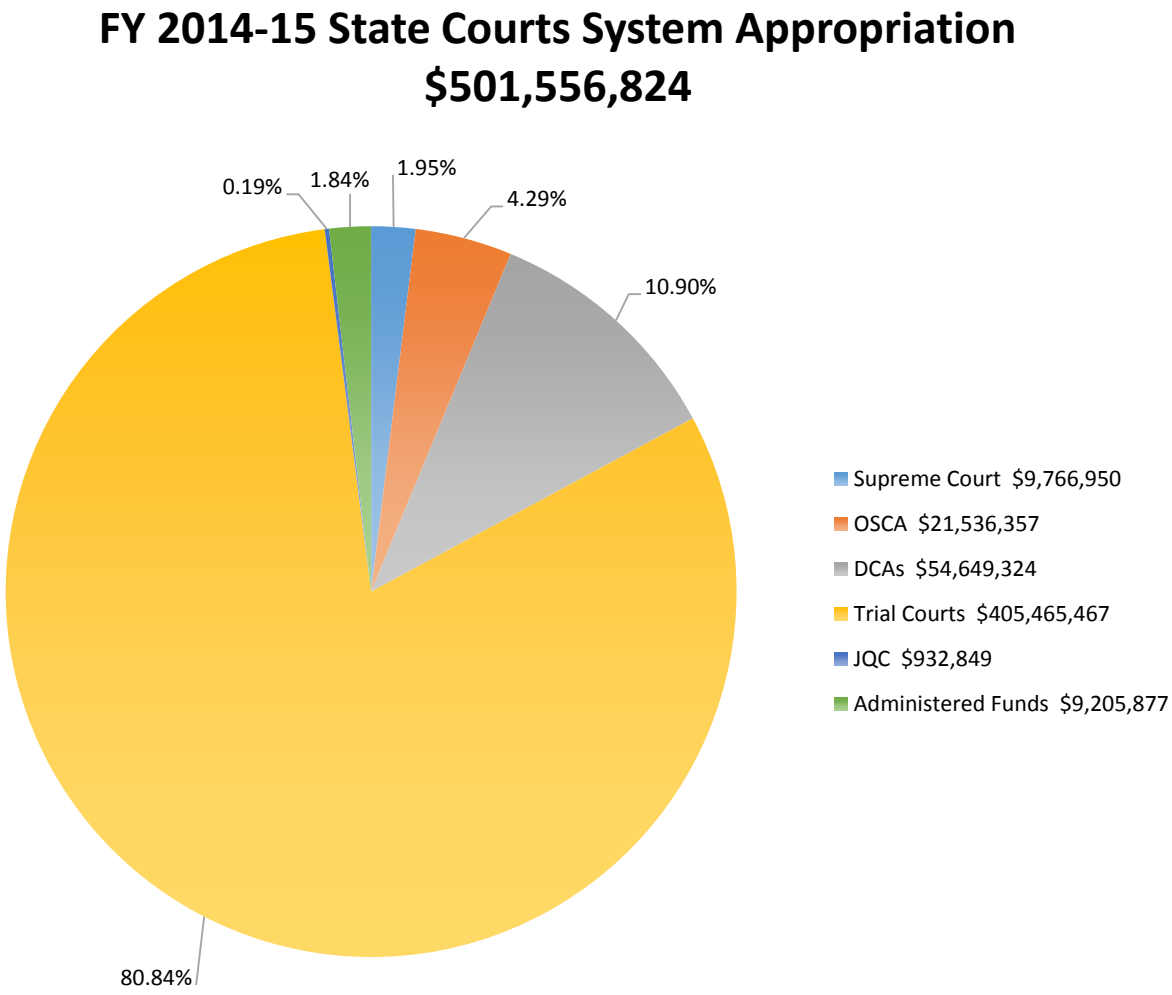
Governor Scott on June 2 signed the fiscal year 2014-15 GAA, but he vetoed approximately $68.9 million in spending items the Legislature included in the budget. Items vetoed in the judicial branch section of the budget (section 7) included $200,000 to the Calhoun County Courthouse and $200,000 to the Jefferson County Courthouse for repairs and renovations (Specific Appropriation 3168A). Neither project was included in the judicial branch's annual legislative budget request. The budget vetoes did not affect other issues in the judicial branch budget.

In a court-related action, the Governor vetoed $2 million in general revenue (Specific Appropriation 1327A) for the Florida Access to Civil Legal Assistance Act, which is intended "to promote the availability of civil legal assistance to the poor and improve access to justice." The Governor did not provide a veto message explaining the decision.

The appropriation for the judicial branch features:

FY 2014-15 Legislative Appropriation for Judicial Branch by Source (less Governor's vetoes)	
Total General Revenue	$389 million
Total Trust Funds	$112.6 million
Total Overall Budget	$501.6 million
Total Positions	4,329.50

Within the State Courts System, the funds are apportioned as follows:



The judicial branch appropriation represents approximately 0.65 percent of the overall state budget.

With respect to pay and benefit issues, the budget includes the majority of the amount requested for the judicial branch's top budget priority for fiscal year 2014-15, which is recurring salary dollars to address a wide range of salary issues affecting court staff. In total, $8.1 million of the requested $9.8 million was appropriated.

In addition, the budget:

- Limits state health insurance plan participant cost-sharing for covered in-network medical services pursuant to federal law;
- From existing resources, authorizes agencies to grant merit pay increases based on an employee's exemplary performance as evidenced by a performance evaluation;
- Authorizes agencies to pay dues for employees required to be members of The Florida Bar; and

- Provides that prescription drugs for participants in the Preferred Provider Organization plan may be covered at retail pharmacies for longer than 90 days if the Department of Management Services develops a program to allow retail pharmacies to provide 90-day prescriptions for such drugs, or unless a retail pharmacy agrees to provide 90-day prescriptions for such drugs for no more than the reimbursement paid for prescriptions fulfilled by mail order (including the dispensing fee).

The budget makes no changes to:

- Across-the-board employee and officer compensation;
- Employee retirement contributions or retirement benefits;
- State life insurance and disability insurance; or
- Employee-paid premiums for state health insurance benefits or state health insurance benefits.

The budget does not authorize bonuses.

Impact on the State Courts System:

For additional details, see section 7 of the GAA. In addition, a summary prepared by the OSCA's Office of Budget Services that identifies newly funded issues is available here.

Statutory Sections Affected:

No Statute Citations Found for HB 5001.

Chapter 2014-51, Laws of Florida Effective July 1, 2014 Approved by the Governor June 2, 2014

HB 5003 – Implementing 2014-2015 General Appropriations Act

By Appropriations Committee (Representative McKeel)

Summary:

This law is the "budget implementing bill" for the fiscal year 2014-15 General Appropriations Act (GAA). The annual implementing bill provides authority and statutory revisions necessary to effectuate the Legislature's funding decisions prescribed in the GAA. The provisions generally expire on July 1, 2015, and the statutes revert to the form they were in on dates specified by the law. The law addresses multiple agencies and issues within state government.

With respect to issues related to the State Courts System, the law:

- Exempts counties from the statutory requirement to increase expenditures by 1.5 percent for court-related functions. However, the law specifies that counties must maintain their expenditures for fiscal year 2014-15. This provision was also in effect during the last fiscal year.
- Authorizes the Chief Justice of the Supreme Court to request a trust fund loan(s) to ensure that the State Courts System has funds sufficient to meet its appropriations in the fiscal year 2014-15 GAA. Any such loan must be repaid by the end of the 2014-15 fiscal year. This provision was also in effect during the last fiscal year.
- Revises a provision authorizing the Chief Justice of the Supreme Court (and department heads) to transfer appropriations under specified conditions. Specifically, the law eliminates a provision limiting the scope of a review of the transfer by the Executive Office of the Governor and the chairs of the legislative appropriations committees to ensuring that the transfer is in compliance with the requirements of the statutes.
- Authorizes reassignment of an employee of a state agency if recommended by the Chief Justice of the Supreme Court (or the Governor) and approved by the chairs of the legislative appropriations committees. This provision was also in effect during the last fiscal year.

With respect to state employee health insurance, the law makes statutory changes to conform to the state employee health insurance provisions of the GAA.

Impact on the State Courts System:

No significant impact on the State Courts System is anticipated from this law, beyond the authority of the Chief Justice of the Supreme Court to request a trust fund loan to address any trust fund shortfalls.

Statutory Sections Affected:

Amends ss. 29.008, 112.24, 161.143, 215.18, 216.181, 216.262, 216.292, 255.25001, 259.032, 259.105, 282.709, 296.37, 335.065, 339.135, 341.302, 373.59, 375.041, 403.7095, 409.97, 932.7055, 1011.62, and 1013.64, F.S.

Reenacts and amends s. 110.12315, F.S.

Reenacts ss. 215.32(2)(b) and 624.502, F.S.

Chapter 2014-53, Laws of Florida Effective July 1, 2014 Approved by the Governor June 2, 2014

HB 5301 – Additional Judgeships

By Justice Appropriations Subcommittee (Representative McBurney)

Summary:

This law amends the statute specifying allocations of judgeships to reflect the three additional District Court of Appeal judgeships funded in the budget. The law stems from the Supreme Court's 2013 certification of need for additional judges, which certified a total need of 49 additional judges (although the issue was not included in the 2014 judicial branch agenda).

Impact on the State Courts System:

The law provides the State Courts System three additional appellate judgeships. Two of the judgeships are allocated to the Second District Court of Appeal; the third is allocated to the Fifth District Court of Appeal.

Statutory Sections Affected:

Amends s. 35.06, F.S.

Chapter 2014-58, Laws of Florida Effective July 1, 2014 Approved by the Governor June 2, 2014

HB 5303 – Counsel in Proceedings for Executive Clemency

By Justice Appropriations Subcommittee (Representative McBurney)

Summary:

This law revises provisions relating to counsel in proceedings for executive clemency to:

- Shift the responsibility for appointing counsel to represent indigent clients in executive clemency cases from the trial court to the Board of Executive Clemency, and requires the board to appoint a private attorney, rather than a state-employed attorney, as counsel;
- Increase the maximum amount of compensation that can be paid to an appointed attorney; and
- Specify that the statute permitting appointment of counsel in executive clemency proceedings does not create a right to counsel.

Impact on the State Courts System:

The law transfers the responsibility for appointing counsel to represent indigent clients in executive clemency cases from the trial court to the Board of Executive Clemency.

Statutory Sections Affected:

Amends ss. 27.40, 27.51, 27.511, 27.5303, and 27.5304, F.S.

Creates s. 940.031, F.S.

Chapter 2014-59, Laws of Florida Effective July 1, 2014 Approved by the Governor June 2, 2014

Administration – General Services and Finance

HB 953 – State Contracting

By Representative Peters

Summary:

This law requires state agencies to consider the prior relevant experience of a vendor when evaluating the responses to a request for proposal or an invitation to negotiate. Previously, state agencies were permitted to consider prior relevant experience but were not required by law to do so.

Impact on the State Courts System:

While the State Courts System is not defined as a "state agency" subject to the provisions of this law, the judicial branch may wish to be aware of the changes made to state contracting.

Statutory Sections Affected:

Amends s. 287.057, F.S.

Chapter 2014-135, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

Alternative Dispute Resolution

CS/CS/HB 633 – Division of Insurance Agents and Agency Services

By Regulatory Affairs Committee, Insurance and Banking Subcommittee, and Representative Ingram

Summary:

This law amends a variety of provisions in the insurance agency licensure law, which is administered by the Department of Financial Services (DFS). In part, the law revises certain provisions relating to alternative dispute resolution programs administered by the DFS for various types of insurance. Specifically, the law:

- Requires individuals seeking to act as DFS-approved mediators to be certified by the Florida Supreme Court as circuit court mediators or to have been active mediators for the DFS prior to July 1, 2014.
- Provides conditions for which the DFS shall deny an application, or suspend or revoke its approval, of a mediator if one or more conditions apply. Such conditions primarily involve the mediator committing fraud, violating laws or DFS orders, violating a rule governing mediators certified by the Florida Supreme Court, or not being qualified.
- Authorizes the DFS to investigate improper conduct of its program mediators under the provisions of the Insurance Code.

Impact on the State Courts System:

Because this law revises requirements for mediators participating in DFS's programs, is not expected to have a significant direct impact on the State Courts System. The law is included in this document for informational purposes.

Statutory Sections Affected:

Amends ss. 20.121, 624.310, 624.318, 624.501, 626.015, 626.0428, 626.112, 626.171, 626.172, 626.207, 626.241, 626.261, 626.311, 626.321, 626.382, 626.601, 626.611, 626.641, 626.733, 626.7355, 626.7845, 626.8411, 626.861, 626.862, 626.9272, 627.7015, 627.706, 627.7074, 627.745, 627.952, 648.43, 648.49, 943.0585, and 943.059, F.S.

Creates s. 627.4553, F.S.

Repeals s. 626.747, F.S.

Chapter 2014-123, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/CS/SB 708 – Insurance Claims

By Appropriations Committee, Banking and Insurance Committee, and Senator Bean

Summary:

The law creates a "Homeowner Claims Bill of Rights" (Bill of Rights) for personal lines residential property insurance policyholders. Starting October 1, 2014, insurers must provide a copy of the Bill of Rights to the policyholder within 14 days of the insurer's receipt of an initial communication on a claim from a policyholder. Failure of an insurer to deliver the Bill of Rights is subject to administrative enforcement by the Office of Insurance Regulation, but is not admissible in any civil action against the insurer. The Bill of Rights does not create a new civil cause of action.

If an insurer discovers a misrepresentation or omission on the insurance application after issuing the policy, it may deny coverage after a claim is made or cancel the policy. The law provides that if a residential property insurance policy or contract has been in effect for more than 90 days, a claim filed by the insured cannot be denied and the insurer may not cancel or terminate the policy or contract based on credit information available in public records.

Previous law did not address disqualification of an umpire used in appraisals of property insurance claim disputes. This law provides grounds for challenging the impartiality of an umpire for disqualification purposes.

This law provides conditions for which the Department of Financial Services (DFS) shall deny an application, or suspend or revoke its approval, of a mediator if one or more conditions apply. Such conditions primarily involve the mediator committing fraud, violating laws or DFS orders, violating a rule governing mediators certified by the Florida Supreme Court, or not being qualified.

Impact on the State Courts System:

Because this law revises requirements for mediators participating in DFS's programs, is not expected to have a significant direct impact on the State Courts System. The law is included in this document for informational purposes.

Statutory Sections Affected:

Amends ss. 627.3518, 627.409, 627.4133, 627.7015, 627.706, and 627.7074, F.S.

Creates ss. 627.70151 and 627.7142, F.S.

Chapter 2014-86, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

Civil

HB 23 – Canned or Perishable Food Distributed Free of Charge

By Representative Rogers

Summary:

The law exempts public schools from civil and criminal liability for damages caused by food donated to local food banks and other charitable organizations. The law adds public schools to the list of donors protected from civil and criminal liability if they donate food to charitable organizations and injury results from consumption of the food.

Impact on the State Courts System:

The State Courts System could see a reduction in the number of these civil liability cases (if any), to the extent the immunity from liability under the act applies.

Statutory Sections Affected:

Amends s. 768.136, F.S.

Chapter 2014-26, Laws of Florida Effective July 1, 2014 Approved by the Governor May 12, 2014

HB 97 – Access to Health Care for the Underserved

By Representatives Magar and Spano

Summary:

This law expands the circumstances under which a volunteer dentist or dental hygienist is not personally liable for negligence. Under previous law, the liability protections applied to free dental services provided to low-income patients pursuant to a government contract. Under the new law, the dentist or dental hygienist may accept voluntary contributions for the cost of laboratory work and retain the protections from personal liability.

The law does not change the liability of the government entity that contracts with the dentist or dental hygienist to provide the free dental services. The government entity remains liable, subject to the state's sovereign immunity limitations, for any negligent dental services.

Also, the law authorizes any volunteer health care provider—not just dentists or dental hygienists—to retain sovereign immunity and provide care for up to 30 days after a patient is determined not to meet the financial eligibility standard of the program to allow the patient time to find a new provider.

Last, the law extends the future repeal date of the health access dental license by 5 years to January 1, 2020. The Health Access Dental License authorizes out-of-state dentists to practice in facilities that provide care to low income patients in underserved areas.

Impact on the State Courts System:

The court could see a reduction in the number of these civil liability cases, to the extent the immunity from liability under the act applies.

Statutory Sections Affected:

Amends ss. 466.00673 and 766.1115, F.S.

Chapter 2014-108, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/CS/CS/SB 242 – Security of a Protected Consumer's Information

By Governmental Oversight and Accountability Committee, Judiciary Committee, Commerce and Tourism Committee, and Senator Detert

Summary:

This law, entitled the Keeping I.D. Safe (KIDS) Act, allows a guardian or other advocate for a protected consumer to place a security freeze on the protected consumer's consumer report. A protected consumer includes a child who is younger than 16 and others who are represented by a guardian or other advocate, often as the result of mental incapacity. A security freeze generally prohibits a consumer reporting agency from releasing information in a consumer report to a third party without express authorization. A security freeze may prevent an unauthorized person from opening lines of credit in a protected consumer's name and engaging in identity theft.

The law requires a guardian or advocate who seeks a security freeze to submit a request to the consumer reporting agency, along with proof of authority and identification and a fee of up to $10. The fee is waived if the guardian or advocate submits a copy of a valid police report about the unlawful use of the protected consumer's identifying information.

The Department of Agriculture and Consumer Services must investigate complaints concerning violations of these consumer information provisions, and may impose an administrative penalty of $500 for each violation. A person who obtains a consumer report or record under false pretenses or knowingly without a permissible purpose is liable for damages to the protected consumer and the credit

reporting agency for at least $1,000 each. Also, the law requires consumer reporting agencies to provide written notice of the availability of a security freeze for protected consumers.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in consumer protection cases, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Creates s. 501.0051, F.S.

Chapter 2014-66, Laws of Florida Effective September 1, 2014 Approved by the Governor June 13, 2014

CS/CS/HB 271 – Workers' Compensation

By Regulatory Affairs Committee, Government Operations Appropriations Subcommittee, and Representative Cummings

Summary:

The law amends provisions related to stop work orders (SWOs) and associated penalties relating to Florida's Workers' Compensation Law as follows:

- Extends the number of days for an employer to provide requested records to the Department of Financial Services (DFS) from five to 10 days before being subject to a SWO.
- Authorizes the DFS to issue an order of conditional release from a SWO to an employer that has secured appropriate coverage if the employer pays $1,000 as a down payment and agrees to pay the remainder of the penalty in periodic installments or in full.
- Authorizes an immediate reinstatement of the SWO if the employer does not pay the full penalty or enter into a payment agreement within 28 days after service of the SWO upon the employer.
- Credits the initial payment of the premium made by the employer to secure coverage against the assessed penalty for not having coverage if the employer has not previously been issued a SWO. The law provides a similar credit if coverage is secured through an employee leasing company. The law provides a minimum $1,000 penalty if the calculated penalty, after the application of the credit, is less than $1,000.
- Reduces the look-back period for failure to comply with coverage requirements from 3 to 2 years and increases the penalty multiplier from 1.5 to 2 times the amount of unpaid premiums.

Also, the law revises the assessment methodology for the Workers' Compensation Special Disability Trust Fund (trust fund). The trust fund reimburses employers (or their carriers) for the excess in workers compensation benefits they have provided to an employee with a pre-existing impairment who is subsequently injured in a compensable accident. The law requires the assessment to be calculated by the DFS based upon the net premiums written by carriers and self-insurers, the amount of premiums calculated by the DCF for self-insured employers, and the anticipated disbursements and expenses of the trust fund. This change in the assessment calculation will allow the DFS to draw down the trust fund balance to pay older, approved reimbursement requests without increasing the assessment rate. The bill requires all approved but unpaid reimbursement requests as of June 30, 2014, to be paid by October 31, 2014. In addition, the law reduces the maximum assessment rate from 4.52 percent to 2.50 percent.

Impact on the State Courts System:

The law codifies a recent court decision regarding the calculation of workers' compensation indemnity benefits to allow the payment of such benefits at either 66.67 percent or the current 66 2/3 percent of the employee's average weekly wage. This change has no fiscal impact because it reflects current procedures used by carriers.

Statutory Sections Affected:

Amends ss. 440.107, 440.15, 440.16, and 440.49, F.S.

Chapter 2014-109, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

SB 308 – Public Assistance Fraud

By Senator Brandes

Summary:

The law gives new authority to the Department of Financial Services (DFS) to obtain information to investigate and prosecute public assistance fraud. The DFS contests fraud in the major public assistance programs, such as Medicaid, the Supplemental Nutritional Assistance Program, and Temporary Assistance for Needy Families.

The law grants public assistance fraud investigators the authority to administer oaths and affirmations. Without this authority, investigators must pay to become a notary public to administer oaths, which increases the costs of the program.

In addition, the law gives public assistance fraud investigators the power to issue subpoenas. Previously, investigators could not issue subpoenas for business and education records needed for investigations. The law provides that an investigator must ask the local state attorney to issue the subpoena on his or

her behalf, and that the state attorney only has authority to issue subpoenas for criminal, and not civil, matters.

Impact on the State Courts System:

The law allows subpoenas to be served by representatives designated by the DFS. If a person fails to obey the subpoena, the court may issue an order requiring compliance with the subpoena. Failure to obey the court order may be punished by the court as civil or criminal contempt.

Statutory Sections Affected:

Amends s. 414.411, F.S.

Chapter 2014-69, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/CS/HB 405 – Trusts

By Judiciary Committee, Civil Justice Subcommittee, and Representative Peters

Summary:

A directing trustee is a cotrustee of a trust who has specific powers to the exclusion of other cotrustees, also known as excluded trustees. Under previous law, an excluded trustee could be liable for complying with a directive by the directing trustee, if an excluded trustee had actual knowledge of the willful misconduct of the directing cotrustee. Under this law, an institution or individual who serves as an excluded trustee is not liable for complying with a directive by a directing cotrustee unless the excluded trustee's conduct constitutes willful misconduct.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in trust cases, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends s. 736.0703, F.S.

Chapter 2014-115, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 13, 2014

CS/CS/CS/HB 489 – Subsurface Rights

By Judiciary Committee, Business and Professional Regulation Subcommittee, Civil Justice Subcommittee, and Representative Spano

Summary:

The law requires sellers of residential property to provide prospective purchasers with a disclosure summary at or before the execution of the contract for sale if any of the subsurface rights or right of entry are or will be severed or retained by the seller.

The law provides that the disclosure summary must be conspicuous, in boldface type, and in a form substantially similar to the language provided in the chapter law. If the disclosure summary is not included in the contract for sale, the contract must refer to and incorporate by reference the disclosure summary and must include, in prominent language, a statement that the potential purchaser should not execute the contract until he or she has read the disclosure summary.

The law defines "subsurface rights" as the rights to all minerals, mineral fuels, and other resources, including, but not limited to, oil, gas, coal, oil shale, uranium, metals, and phosphate, whether or not it may be mixed with any other substance, found or located beneath the surface of the earth.

Lastly, the law defines "seller" as a seller of real property which, at the time of sale, is zoned for residential use and where a new dwelling is being constructed, is to be constructed, or has been constructed since the last transfer of property.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in real property cases, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Creates s. 689.29, F.S.

Chapter 2014-34, Laws of Florida
Effective October 1, 2014
Approved by the Governor May 12, 2014

SB 490 – Motor Vehicle Liability Policy Requirements

By Senator Garcia

Summary:

The law extends the underwriting period for non-cancellable coverage required to reinstate driving privileges revoked or suspended for failure to maintain required security or for driving under the influence from 30 to 60 days. During the underwriting period, the policy is effective but the insurer may cancel the policy. In addition, the law allows the insured to change the coverage amounts without requiring the policy to be cancelled, so long as the minimum required coverage amounts are maintained.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in motor vehicle liability policy cases, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends s. 627.7275, F.S.

Chapter 2014-76, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

HB 627 – Service of Process

By Representative Pilon

Summary:

The law revises service of process laws to:

- Authorize a sheriff to charge a $40 fee for each summons served instead of a $40 fee for serving multiple summons at the same time;
- Provide that if a sheriff relies on an affidavit from a levying creditor, the sheriff is immune from liability for the wrongful levy or distribution of the proceeds of an execution sale;
- Transfers the duty to file the return-of-service form from the person issuing the process to the party requesting service of process or the process server;

- Creates a noncriminal violation punishable by a fine of up to $1,000 for an employer, employee, or a representative or agent of the employer who refuses to accommodate service on an employee in private; and
- Authorizes service of process on a corporation at any address where the registered agent, president, vice president, or other head of the corporation is located.

Impact on the State Courts System:

A significant impact to the State Courts System is not anticipated, with the exception of circumstances in which sheriffs seek instruction from the courts regarding proper distribution of proceeds from the sale of levied property.

Statutory Sections Affected:

Amends ss. 30.231, 48.031, 48.081, and 56.27, F.S.

Chapter 2014-207, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

CS/CS/SB 670 – Nursing Home Litigation

By Judiciary Committee, Health Policy Committee, and Senator Thrasher

Summary:

The law establishes an exclusive civil cause of action for damages by persons alleging direct or vicarious liability for personal injury or death arising out of negligence or violation of the rights of nursing home residents. Named defendants in these actions will ordinarily be limited to the nursing home licensee, a licensee's management or consulting company, the licensee's managing employees, and direct caregivers, whether employees or contractors. Passive investors will not be subject to liability. The law does, however, permit an action against persons or entities other than those identified above, but only after a hearing on a motion to amend the initial pleading. If such motions assert claims arising out of conduct, transactions, or occurrences initially pled, the proposed amendment will relate back to the original pleading. A cause of action might then be asserted against additional defendants if, at such hearing, the court or an arbitration panel determines there is sufficient evidence either in the record or proffered by a claimant to establish a reasonable showing that 1) the person or entity breached a duty of reasonable care owed to the resident, and 2) the breach is the legal cause of the resident's loss, injury, damages, or death.

In regards to punitive damages, the law requires the courts conduct an evidentiary hearing to determine whether sufficient admissible evidence submitted by the parties provides a reasonable basis to believe the claimant will be able, at trial, to demonstrate clear and convincing evidence warranting recovery under a claim for direct or vicarious liability. Upon such finding, punitive damages may be imposed only

if the trier of fact finds a specific person or corporate defendant 1) actively and knowingly participated in intentional misconduct, or 2) engaged in conduct constituting gross negligence and contributed to the claimant's loss, damages, or injury. An officer, director, or manager of an actual employer, corporation, or legal entity may be found vicariously liable for punitive damages if such person or entity condoned, ratified, or consented to specific conduct with respect to which punitive damages may otherwise be imposed.

The law further provides nursing home facilities acting in good faith and releasing copies of resident records upon proper written request will be indemnified by the requesting party for damages, will violate no criminal or civil law, and may not be held civilly liable to the resident, the resident's estate, or others for damages resulting from release of the records. This provision, however, does not limit any right to obtain records by subpoena or other court process.

Impact on the State Courts System:

The law could potentially increase judicial time and court workload due to language requiring the courts to conduct additional evidentiary hearings. In addition, the law may require an amendment to jury instructions relating to liability and punitive damages.

Statutory Sections Affected:

Amends ss. 400.023, 400.0237, and 400.145, F.S.

Creates s. 400.024, F.S.

Chapter 2014-83, Laws of Florida Effective June 13, 2014 Approved by the Governor June 13, 2014

CS/CS/HB 685 – Business Organizations

By Judiciary Committee, Civil Justice Subcommittee, and Representatives Rooney and Workman

Summary:

The law amends the Florida Business Corporation Act to allow for the creation of two new forms of corporate enterprise: the social purpose corporation and the benefit corporation. These new entities are intended to allow businesses to engage in societal benefit programs that may not involve or satisfy the traditional corporate norm of profit maximization. Key aspects of the social purpose corporation and the benefit corporation are:

- Benefit enforcement judicial proceedings may be brought by a shareholder or certain individuals for claims that the directors or officers have failed to satisfy their obligations in making

corporate decisions. Such proceedings are analogous to a shareholder derivative action and allow shareholders to hold a social purpose corporation or benefit corporation accountable to its required public benefit.

- Like directors and officers of all corporations, the new entities' directors and officers are immune from personal liability for failure to pursue or achieve the corporation's benefit goals, but they are subject to duty of care and fiduciary principles applicable to all corporate directors and officers.
- A social purpose corporation must pursue one or more narrowly identified public benefits.
- A benefit corporation must pursue a general public benefit, which is a broad purpose intended to encompass a broad range of social and environmental factors that are affected by the corporation.
- The corporation's directors and officers are required to consider the effects of any corporate action or inaction upon the benefit goals of the corporation.
- The corporation must provide an annual benefit report to all its shareholders describing and assessing the corporation's efforts during the year to achieve the corporation's benefit goals.

In addition, the law specifies which differences in the name of certain business entities are not considered distinguishable and thus are not sufficiently distinguishable from the names of other business entities. The law provides that the business name distinguishability requirement does not require business entity names to be distinguishable from the name of any general partnership registration or limited liability partnership statement filed with the Florida Department of State.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in corporate litigation, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends and creates numerous sections of the Florida Statutes. See the chapter law (link below) for a complete listing of statutory sections affected.

Chapter 2014-209, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

CS/CS/HB 757 – Estates

By Judiciary Committee, Civil Justice Subcommittee, and Representative Spano

Summary:

The law clarifies the effective date of legislation passed during the 2013 Regular Session which renders void any part of a written instrument making gifts to a lawyer or lawyer's relatives. As such, the law grandfathers gifts made in wills before October 1, 2013, the effective date of the 2013 legislation.

The law clarifies that the party who is contesting the validity of a trust or seeking to revoke a trust bears the burden of establishing the grounds of the invalidity on all issues.

Additionally, the law specifies that death benefits, often in the form of life insurance, which are payable to a trust are not available to pay the expenses of administration of a settlor's estate or creditor's claims unless specific language and references are made.

Last, the law aligns the anti-lapse provisions of the Trust Code to mirror the same provisions of the Probate Code involving outright devises of gifts to certain relatives. Accordingly, an outright devise made by a trust to a deceased beneficiary will lapse unless the beneficiary was a grandparent, a lineal descendent of a grandparent of the settlor of a revocable trust, or the testator of a testamentary trust.

Several of these provisions in the law are designed to clarify existing law and are remedial in nature and apply retroactively, while others have prospective application.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases concerning estates, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 732.806, 733.107, 733.808, 736.0207, 736.05053, and 736.1106, F.S.

Chapter 2014-127, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/HB 781 – Legal Notices

By Civil Justice Subcommittee and Representative Powell

Summary:

The law revises provisions relating to the posting of legal notices.

Previously, legal notices published in a newspaper must have also been posted on the newspaper's website. This law provides that a newspaper's legal notices webpage must be clearly titled and that

legal notices must be the predominant feature of the webpage. In addition, newspapers will not be permitted to charge a fee or require registration by members of the public in order to view or search legal notices.

Also previously, legal notices posted on a newspaper's website must have also been posted on a statewide website maintained by the Florida Press Association. This law provides that the statewide website must make legal notices searchable by case name and number and each legal notice must be on-line for 90 days. Legal notices posted on the statewide website after October 1, 2014, must be searchable, free to the public, and on-line for 18 months.

The law repeals a section which provided that the printed version of a legal notice controlled if there were mistakes in the electronic versions. Previously, it provided that the requirements of legal notice were deemed met if the printed version of a legal notice was correct. Any mistakes which appeared in a legal notice posted on a newspaper's website or on the statewide website were considered harmless error.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, the judicial branch may wish to be aware of the changes made to posting of legal notices.

Statutory Sections Affected:

Amends ss. 50.0211 and 50.061, F.S.

Chapter 2014-210, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/CS/CS/HB 807 – Residential Properties

By Judiciary Committee, Business and Professional Regulation Subcommittee, Civil Justice Subcommittee, and Representative Moraitis

Summary:

The law revises statutes governing various forms of residential properties, including condominium associations, cooperative associations, homeowners' associations, and timeshare projects.

As it relates to condominium associations, the law revises provisions relating to abandoned units, insurance responsibility, quorums for meetings of board and committee members, delinquent properties, termination of condominiums, and the time period for classification as a bulk buyer or bulk assignee.

As it relates to cooperative associations, the law revises financial reporting requirements, prohibits certain persons from candidacy for board membership, and provides for removal from office of a director or officer charged with specified offenses.

As it relates to homeowners' associations, the law clarifies notice requirements under the Marketable Record Title Act, requires meetings of the board of directors and meetings of the association's membership to be held at locations accessible to physically handicapped persons, and provides that an association does not have to provide members with copies of an amendment to the governing documents if certain conditions are met.

As it relates to timeshare projects, the law defines the term "timeshare project," exempts timeshare projects from specified regulations, and removes timeshare plans from the definition of "vacation rental."

As it relates to condominium and cooperative associations, the law creates requirements for outgoing board or committee members and prohibits board members from voting by e-mail.

As it relates to cooperative and homeowners' associations, the law authorizes boards to exercise specified emergency powers in response to the declaration of a state of emergency.

As it relates to condominium, cooperative, and homeowners' associations, the bill authorizes unit owners to consent in writing to the disclosure of contact information which would otherwise be protected.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in residential property cases, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 509.013, 509.032, 509.221, 509.241, 509.242, 509.251, 712.05, 718.111, 718.112, 718.116, 718.117, 718.50151, 718.707, 719.104, 719.106, 720.303, and 720.306, F.S.

Creates ss. 719.128 and 720.316, F.S.

Chapter 2014-133, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/CS/SB 1012 – Financial Services

By Appropriations Committee, Banking and Insurance Committee, and Senator Richter

Summary:

The Office of Financial Regulation (OFR) regulates state-chartered financial institutions, loan originators, mortgage brokers, mortgage lenders, and other specified entities that provide financial services. As it relates to the State Courts System, the law provides the following changes relating to the regulation of such financial services:

- Authorization of the circuit courts to issue injunctions upon finding a violation of a formal enforcement action undertaken by the OFR.
- Authorization of the circuit courts to issue injunctions as necessary to protect depositor, member, creditor, stockholder, or public interests in the safety and soundness of the state's financial institutions and the proper conduct of fiduciary functions.
- Expansion of jurisdiction of the circuit courts to enforce administrative fines levied by the OFR to include not only the county of a person's residence or in which the institution maintains its principal office, but also any county in which an affiliate, subsidiary, service corporation, or contracting service entity is located or is doing business.
- A requirement that a court order for production of confidential records or information maintained by the OFR include a finding that the information is not reasonably available from other sources.
- A requirement that persons seeking to protect records containing trade secrets to file an action in circuit court within 30 days seeking a declaratory judgment and an order barring disclosure.
- Authorization of out-of-state financial institutions or business trusts to file suit in any Florida court to collect debts or foreclose on security interests.
- Authorization of the OFR to obtain orders from the circuit courts seeking annulment or dissolution of any business entities, other than duly chartered financial institutions, found violating prohibitions against banking business or use of identifying information of a financial institution by unauthorized persons.

Impact on the State Courts System:

The State Courts System workload and demand for judicial time will likely increase as a result of:

- New or expanded provisions for issuance of injunctions;
- New or expanded provisions for court determinations regarding public records requests, including actions for declaratory judgments in relation to trade secrets; and
- Language authorizing additional litigation by the OFR and out-of-state financial institutions and business trusts. While circuit courts will be most affected, county filings will likely also increase, as not all actions by out-of-state financial institutions and business trusts seeking collection of debts and foreclosure of security interests will exceed the $15,000 jurisdictional amount.

Statutory Sections Affected:

Amends, repeals, and creates numerous sections of the Florida Statutes. See the chapter law (link below) for a complete listing of statutory sections affected.

Chapter 2014-91, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 13, 2014

CS/SB 1238 – Family Trust Companies

By Banking and Insurance Committee and Senator Richter

Summary:

The law creates "family trust companies" in Florida. Trust companies are for-profit business organizations that are authorized to engage in a trust business and to act as a fiduciary for the general public. Some states allow families to form and operate private or family trust companies that provide trust services similar to those that can be provided by an individual trustee or a financial institution. However, family trust companies are owned exclusively by family members and may not provide fiduciary services to the public. These private, family trust companies are generally formed to manage the wealth of high net-worth families in lieu of traditional individual or institutional trustee arrangements for a variety of personal, investment, regulatory, and tax reasons. Previously, there were no Florida statutes authorizing the formation of family trust companies, licensed family trust companies, and foreign licensed family trust companies.

The law authorizes families to form and operate any of these three family trust companies in Florida, subject to various regulatory requirements, including a license or registration with the Office of Financial Regulation (OFR), maintenance of minimum capital accounts with a principal place of business in Florida, and certain reporting requirements. The law specifies the powers of family trust companies such as serving as a trustee of trusts held for the benefit of family members and providing fiduciary, investment advisory, and wealth management services to a family. A family trust company cannot perform these services for the general public.

The law authorizes the OFR to investigate applications for licensure or registration, requires annual renewals and other regulatory filings from licensees and registrants, and authorizes the OFR to conduct periodic examinations of family trust companies, licensed family trust companies, and foreign licensed family trust companies.

The Legislature also enacted a complementary public-records exemption. See discussion of SB 1320, ch. 2014-102, Laws of Fla., under the "Public Records and Meetings" section of this document.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases concerning trusts, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 120.80, 655.005, 736.0802, and 744.351, F.S.

Creates ss. 662.10, 662.102, 662.111, 662.112, 662.114, 662.115, 662.120, 662.121, 662.1215, 662.122, 662.1225, 662.123, 662.124, 662.125, 662.126, 662.127, 662.128, 662.129, 662.130, 662.131, 662.132, 662.133, 662.134, 662.135, 662.140, 662.141, 662.142, 662.143, 662.144, 662.145, 662.146, 662.147, 662.150, and 662.151, F.S.

Chapter 2014-97, Laws of Florida Effective October 1, 2015 Approved by the Governor June 13, 2014

CS/CS/SB 1308 – Insurer Solvency

By Judiciary Committee, Banking and Insurance Committee, and Senator Simmons

Summary:

The law revises provisions within the Insurance Code relating to solvency requirements and regulatory oversight of insurers by the Office of Insurance Regulation (OIR). The law incorporates provisions of model acts of the National Association of Insurance Commissioners (NAIC) necessary for accreditation purposes. A number of the NAIC provisions in the law are in response to the 2008 financial crisis and the globalization of the insurance market and are intended to enhance the regulation of insurers as well as their affiliated entities and to provide more tools for evaluating solvency risks within insurance groups.

The law:

- Authorizes the OIR to implement principle-based reserving for life insurers, which allows life insurers to calculate reserves that reflect current mortality rates, the life insurer's business model, and its particular risk profile.
- Requires persons that acquire controlling interests to disclose enterprise risk, and requires that ultimate controlling persons file an annual enterprise risk report with the OIR, which identifies material risk within the insurance company holding company system that could pose a risk or have a material adverse effect upon the insurer.

- Incorporates a risk-based capital trend test for life and health as well as property and casualty insurers and requires health maintenance organizations and prepaid limited health service organizations to file risk-based capital reports.
- Requires insurers to file actuarial opinion summaries and supporting work papers annually and creates an evidentiary privilege for memoranda supporting actuarial opinions on reserves, actuarial opinion summaries, and related information, and provides for confidentiality of enterprise risk reports, actuarial opinion summaries, and other information.
- Authorizes the OIR to impose sanctions for noncompliance with the annual enterprise risk and registration statement reporting requirements.
- Allows the OIR to participate in supervisory colleges with other regulators for the regulation of any domestic insurer that is part of an insurance holding company system having international operations.

The Legislature also enacted a complementary public-records exemption. See discussion of SB 1300, ch. 2014-101, Laws of Fla., under the "Public Records and Meetings" section of this document.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases concerning insurance, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 624.10, 624.319, 624.402, 624.4085, 624.424, 625.121, 627.476, 628.461, 628.801, 628.803, 636.045, 641.225, and 641.255, F.S.

Creates ss. 625.1212, 625.1214, 628.804, and 628.805, F.S.

Chapter 2014-101, Laws of Florida
Effective except as otherwise expressly provided in this act, this act shall take effect October 1, 2014
Approved by the Governor June 13, 2014

CS/CS/SB 1524 – Security of Confidential Personal Information

By Rules Committee, Commerce and Tourism Committee, and Senator Thrasher

Summary:

The law creates the "Florida Information Protection Act of 2014," which requires notice to be given to affected customers and the Department of Legal Affairs (DLA) when a breach of security of personal information occurs. The new law requires such notice to be given within 30 days of the discovery of the

breach or belief that a breach occurred, unless delayed at the request of law enforcement for investigative purposes or for other good cause shown. The law provides enforcement authority to the DLA under the Florida Deceptive and Unfair Trade Practices Act to civilly prosecute violations. A violator of the law's provisions may also be subject to civil penalties, similar to previous law, if breach notification is not timely provided. State governmental entities are required to provide notification of security breaches to the DLA, but are not liable for civil penalties for failure to timely report the security breaches. The law provides exceptions for those entities that comply with breach notifications as required by the appropriate federal regulator. In addition, the judicial branch, among other specified entities, is authorized to post the required notice information on its own website.

The law requires the DLA to submit an annual report to the Legislature, by February 1 of each year, detailing any reported breaches of security by governmental entities or their third-party agents for the preceding year, along with any recommendations for security improvement. The report must also identify any governmental entity that has violated the breach notification provisions.

The law requires customer records, both physical and electronic, to be disposed in a manner that protects personal information from being disclosed. This provision does not apply to governmental entities. In addition, the law repeals s. 817.5681, F.S., which previously contained the requirements for breach notification.

The Legislature also enacted a complementary public-records exemption. See discussion of SB 1526, ch. 2014-189, Laws of Fla., under the "Public Records and Meetings" section of this document.

Impact on the State Courts System:

Many of the law's requirements have been in effect since 2005; therefore, the law will have limited impact on the State Courts System. New statutory language authorizing the Department of Legal Affairs to civilly prosecute violations under the Florida Deceptive and Unfair Trade Practices Act may, however, result in some increase in civil filings.

Statutory Sections Affected:

Amends ss. 282.0041 and 282.318, F.S.

Creates s. 501.171, F.S.

Repeals s. 817.5681, F.S.

Chapter 2014-189, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 20, 2014

SB 1664 – Arbitration

By Judiciary Committee

Summary:

The law corrects a scrivener's error in the Revised Florida Arbitration Code, which was enacted by the Legislature during the 2013 Legislative Session.

The revised code lists a number of provisions or rights that the parties to an arbitration agreement may not waive. One of these is "the remedies provided under s. 682.12[, F.S]." The description "remedies" is inconsistent with the cross-reference to s. 682.12, F.S, which relates to the right of a party to have a court enter an order confirming the award. As corrected by the revised law, a party to an arbitration agreement may waive a remedy, not the right to the confirmation of the award by a court.

The law applies retroactively to July 1, 2013, which was the effective date of the legislation enacting the Revised Florida Arbitration Code.

Impact on the State Courts System:

A significant impact to the State Courts System is not anticipated, with the exception of instances in which parties may have impermissibly agreed to waive the right to confirm an award. In such circumstances, awards may be subject to motions to modify or correct same under s. 682.14, F.S. Additionally, appeals may be undertaken as provided by s. 682.20, F.S. The potential amount of any such motions or appeals is unknown.

Statutory Sections Affected:

Amends s. 682.014, F.S.

Chapter 2014-24, Laws of Florida
Effective May 12, 2014
Approved by the Governor May 12, 2014

CS/CS/SB 1672 – Property Insurance

By Rules Committee, Commerce and Tourism Committee, and Banking and Insurance Committee

Summary:

This law revises certain property insurance laws, primarily relating to Citizens Property Insurance Corporation (Citizens). Specifically, the law:

- Directs Citizens to offer new, separate commercial-residential wind-only and all-other perils policies in the Coastal Account instead of multi-peril policies. Current Citizens commercial-residential multi-peril policies in the Coastal Account will be allowed to be renewed going forward.
- Prohibits a public adjuster, a public adjuster apprentice, or any person acting on behalf of an adjuster or apprentice from accepting power of attorney on an adjusted property and choosing the repair contractor.
- Prohibits referral fees from being paid to an insurance agency, agent, adjuster, or agency employee related to a mitigation inspection or any property inspection used to calculate property insurance premiums.
- Prohibits a contractor, or a person acting on behalf of a contractor from knowingly or willfully and with intent to injure, defraud, or deceive, to pay, waive, or rebate all or part of an insurance deductible applicable to payment to the contractor, or a person acting on behalf of a contractor, for repairs to property covered by a property insurance policy. A violation is a third degree felony.
- Allows insurers and Citizens to use a quality assurance program related to the windstorm mitigation inspection form. It clarifies that an insurer is not required to independently verify a form if the inspector or inspection company has a quality assurance program approved by the insurer. Citizens may not re-inspect insured properties for 5 years if the initial windstorm mitigation inspection form was verified by a quality assurance program approved by Citizens prior to acceptance of the form.
- Allows procurement protests within Citizens to be resolved by the Department of Administrative Hearings at Citizens' expense.
- Requires Citizens to annually report to the legislature its estimated claims paying capacity. A duplicative legislative report from Citizens was repealed.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases concerning property insurance, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 626.621, 626.854, 627.351, 627.35191, 627.711, and 817.234, F.S.

Repeals s. 627.3519, F.S.

Chapter 2014-104, Laws of Florida Effective July 1, 2014 except as otherwise expressly provided in this act. Approved by the Governor June 13, 2014

CS/CS/HB 7037 – Residential Communities

By Judiciary Committee, Business and Professional Regulation Subcommittee, Civil Justice Subcommittee, and Representative Spano

Summary:

The law expands the services that may be performed by community association managers on behalf of condominiums, cooperatives, and homeowners' associations to:

- Determine the number of days required for statutory notices;
- Determine the amounts due the association;
- Collect amounts due to the association before filing a civil action;
- Calculate the votes required for a quorum or to approve a proposition or amendment;
- Complete forms related to the management of a community association that have been created by statute or by a state agency;
- Draft meeting notices and agendas;
- Calculate and prepare certificates of assessment and estoppel certificates;
- Respond to requests for certificates of assessment and estoppel certificates;
- Negotiate monetary or performance terms of a contract subject to approval by an association;
- Draft pre-arbitration demands;
- Coordinate or perform maintenance for real or personal property and other routine services involved in the operation of a community association; and
- Comply with the association's governing documents and the requirements of law as necessary to perform such practices.

The law provides a "notice of intent to file a claim of lien" form, "notice of contest of lien" form, and a "release of lien" form for condominium, cooperative, and homeowners' associations. In addition, it provides a "delinquent assessment" form for condominium and homeowners' associations and provides a "notice of contest of lien" form for cooperative associations.

The law provides professional standards for community association managers and firms. It provides for indemnification by the association and specifies the actions that cannot be indemnified.

The law provides that the claim of lien of a cooperative association is not effective one year after the claim of lien was recorded unless, within that time, an action to enforce the lien is commenced. It provides that the one-year period is automatically extended for any length of time during which the association is prevented from filing a foreclosure action by an automatic stay resulting from a bankruptcy petition filed by the parcel owner or any other person claiming an interest in the parcel. This conforms the requirements for a claim of lien by cooperative associations with the claim of lien requirements for condominium associations.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to court involvement in previous cases concerning community association managers, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 468.431, 718.116, 718.121, 719.108, and 720.3085, F.S.

Creates s. 468.4334, F.S.

Chapter 2014-146, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/CS/HB 7051 – Department of Agriculture and Consumer Services

By Regulatory Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee, Business and Professional Regulation Subcommittee, and Representative La Rosa

Summary:

The law modifies a variety of regulatory programs and activities under the jurisdiction of the Department of Agriculture and Consumer Services (DACS).

As it relates to the State Courts System, the law authorizes the DACS to file an action in circuit court under specified circumstances. Specifically, the law authorizes the DACS to file an action in circuit court to recover payment on behalf of a consumer injured by a violation of health studio regulations, after a specified process is fulfilled.

Impact on the State Courts System:

The impact on judicial workload from the law's authorization of additional circuit court filings is not likely to be significant.

Statutory Sections Affected:

Amends ss. 472.027, 493.6113, 493.6115, 493.6305, 501.016, 501.059, 501.143, 501.603, 501.611, 501.616, 501.913, 525.16, 526.50, 526.51, 539.001, 559.929, 943.059, 205.1969, 472.025, 501.015, 627.7842, and 718.104, F.S.

Creates s. 526.015, F.S.

Chapter 2014-147, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/HB 7091 – Department of Agriculture and Consumer Services

By State Affairs Committee, Agriculture and Natural Resources Subcommittee, and Representative Pigman

Summary:

The law addresses a number of issues relating to the powers and duties of the Department of Agriculture and Consumer Services (department). The law primarily reorganizes the department's general authorizing statute, chapter 570, F.S., into five separate "parts," creating a new part V that consolidates all of the provisions establishing fines enforced by the department that are currently spread throughout several different chapters. The law does not increase, and in some cases decreases, fines currently in law. The law authorizes the department to impose civil penalties for violations relating to private security, investigative, and repossession services.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends, repeals, and creates numerous sections of the Florida Statutes. See the chapter law (link below) for a complete listing of statutory sections affected.

Chapter 2014-150, Laws of Florida Effective June 13, 2014 Approved by the Governor June 13, 2014

CS/CS/HB 7141 – Human Trafficking

By Health and Human Services Committee, Health Care Appropriations Subcommittee, Healthy Families Subcommittee, and Representative Harrell

Summary:

The law amends statutory requirements for sexually exploited children, safe houses, and foster homes. New provisions include, but are not limited to:

- Standards for residential treatment of sexually exploited children, authorization of safe foster homes, and certification safe houses and safe foster homes.
- Requirements for the Department of Children and Families (DCF) and community-based care agencies (CBCs) related to sexually exploited children.
- A requirement that the DCF and CBCs create response protocols for serving sexually exploited children.
- A requirement that residential treatment centers and hospitals providing residential mental health treatment provide specialized treatment for sexually exploited children in the custody of the DCF.
- Creation of a statewide council on human trafficking within the Department of Legal Affairs.
- A requirement that the DCF contract with a specified entity to prepare a plan for the development and implementation of a comprehensive, results-oriented accountability program.
- A requirement that the Office of Program Policy Analysis and Government Accountability conduct a study on commercial sexual exploitation of children in Florida, including specified topics.

As it relates to the State Courts System, the law:

- Requires the DCF to develop and adopt initial screening and assessment instruments to identify, determine the needs of, plan services for, and determine the appropriate placement for sexually exploited children. The results of such assessment and actions taken as a result of the assessment must be included in the next judicial review of the child.
- Requires an annual performance report on the results-oriented accountability program to be provided to interested parties, including the dependency judge or judges in the community-based care service area.

Impact on the State Courts System:

The law's requirement that an assessment of a sexually exploited child and actions taken as a result of the assessment be included in a judicial review may result in slightly longer hearing times for such reviews.

Statutory Sections Affected:

Amends ss. 39.401, 39.524, 394.495, 409.1678, 796.07, and 985.115, F.S.

Creates ss. 16.617, 409.1754, and 409.997, F.S.

Chapter 2014-161, Laws of Florida

Effective July 1, 2014

Approved by the Governor June 17, 2014

Constitutional

CS/SJR 1188 – Prospective Appointment of Judicial Vacancies

By Rules Committee and Senator Lee

Summary:

The joint resolution proposes an amendment to the State Constitution to require the Governor to prospectively fill vacancies on the Florida Supreme Court or a district court of appeal that will occur under certain circumstances. The Governor must prospectively fill a vacancy that will occur due to a justice or judge reaching the mandatory retirement age or failing to qualify for a retention election. In addition, the amendment allows the Governor to prospectively fill a vacancy that will occur because a justice or judge fails to be retained in office at a retention election.

Currently, the Governor's authority to appoint a Supreme Court Justice or district court of appeal judge does not manifest itself until the expiration of the sitting justice's or judge's term. Also, under the existing timeframes for filling a judicial vacancy, the potential exists for a judicial office to be vacant for 120 days after a vacancy occurs. Under the amendment, the existing timeframes for a judicial nominating commission to nominate individuals to fill a prospective vacancy begin at the conclusion of the qualifying period for retention or immediately following the general election in which the voters do not retain a judge or justice.

If approved by a vote of at least 60 percent of the voters voting on the measure at the 2014 General Election, these provisions will take effect on January 6, 2015.

Impact on the State Courts System:

While the proposed constitutional amendment does not impact the State Courts System's workload, the judicial branch should be aware of the proposed changes to the State Constitution concerning the appointment of judicial vacancies.

Statutory Sections Affected:

No statutory sections are affected.

The proposed amendment would amend ss. 10 and 11, Art. V of the State Constitution.

Signed by Officers and filed with Secretary of State May 9, 2014

Criminal

CS/HB 47 – Spiny Lobster

By Agriculture and Natural Resources Subcommittee and Representative Raschein

Summary:

The law creates a series of criminal penalties for possession of spiny lobster during closed season or possession of wrung spiny lobster tails while on state waters. The specified penalty is dependent upon number of prior offenses and number of lobster involved. Specifically:

- A first violation is a second degree misdemeanor, unless the violation involves 25 or more lobster, in which case the violation is a first degree misdemeanor.
- A second violation is a first degree misdemeanor.
- A third violation is a first degree misdemeanor, with a mandatory minimum term of imprisonment of 6 months. A civil penalty of up to $2,500 may also be imposed.
- A fourth or subsequent violation is a third degree felony, with a mandatory minimum term of imprisonment of 1 year, and a required civil penalty of $5,000.

Impact on the State Courts System:

The new criminal penalties may result in an increase in judicial workload due to an increased number of prosecutions. Any such increase is expected to be manageable within existing resources.

Statutory Sections Affected:

Amends ss. 379.401 and 379.407, F.S.

Chapter 2014-107, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/HB 59 – Offenses Against Unborn Children

By Criminal Justice Subcommittee and Representative Ahern

Summary:

The law creates a new criminal offense for conduct that violates any provision of the Florida Criminal Code or of any other criminal offense defined in statute and that causes the death of, or bodily injury to, an unborn child.

A person found guilty of such an offense is subject to the same punishment as if the conduct had caused the injury or death of the mother of the child. The new criminal offense does not require proof that the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant, or intended to cause the death of, or bodily injury to, the unborn child.

Impact on the State Courts System:

The new criminal penalties may result in an increase in judicial workload due to an increased number of prosecutions. Any such increase is expected to be manageable within existing resources.

In addition, the law may require an amendment to jury instructions relating to DUI manslaughter and vehicular homicide for the new term "unborn child."

Statutory Sections Affected:

Amends ss. 316.193, 435.04, 775.021, 782.071, 782.09, and 921.0022, F.S.

Chapter 2014-194, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/CS/HB 89 – Threatened Use of Force

By Judiciary Committee, Criminal Justice Subcommittee, and Representatives Combee and Edwards

Summary:

As described in the final bill analysis by the House of Representatives, this law amends Florida's self-defense laws and the 10-20-life sentencing law.

State law provides that a person is immune from civil actions and criminal prosecution for the lawful use of force in self-defense. This law expressly authorizes a person to threaten the use of force in all situations in which the person may lawfully use actual force in self-defense, and extends immunity protections already in law for the lawful use of force, if the person using self-defense is not at the time engaged in a criminal activity. The law clarifies that immunity from criminal prosecution applies only when a person has used lawful self-defense, and provides that immunity from civil suit applies only when a civil action is brought by the person against whom the lawful forces was used or threatened to be used, a personal representative, or heirs of that person.

The law provides a process by which a person charged with a criminal offense but found to have acted in lawful self-defense may apply to the court to expunge the record.

The law also provides an exception for sentencing aggravated assault cases outside the 10-20-life minimum mandatory terms of imprisonment if the court makes specified written findings.

Impact on the State Courts System:

This law may impact the State Courts System in the following ways:

- To the extent persons are being prosecuted for threatening to use force in legitimate self-defense, the law will reduce judicial workload. However, as it is unlikely that there are many such cases, any such reduction in judicial workload is likely to be minimal.
- In cases that involve both the aggravated assault and the 10-20-life statutes, it is likely that a conviction will require a lengthier hearing so that the judge may consider reasons to deviate from the minimum mandatory terms of imprisonment, thus requiring additional judicial time and workload. The potential number of such cases is unknown.
- Persons charged with a criminal offense but found to have acted in lawful self-defense may apply to the court for record expunction, thereby increasing court workload. The potential number of such cases is unknown.

In addition, the law will likely require conforming changes to self-defense jury instructions.

Statutory Sections Affected:

Amends ss. 775.087, 776.012, 776.013, 776.031, 776.032, 776.041, 776.051, 776.06, and 943.0585, F.S.

Creates s. 776.09, F.S.

Chapter 2014-195, Laws of Florida Effective June 20, 2014 Approved by the Governor June 20, 2014

CS/CS/SB 224 – Tobacco and Nicotine Product Regulation

By Appropriations Committee, Regulated Industries Committee, and Senator Benacquisto

Summary:

The law extends statutory prohibitions related to tobacco products to prohibit the sale, gifting, possession, or use of nicotine dispensing devices and nicotine products, including electronic cigarettes,

to and by persons under the age of 18. The law provides definitions for "nicotine dispensing devices" and "nicotine product."

The law provides that the sale or giving of nicotine dispensing devices or nicotine products to minors constitutes a second degree misdemeanor. The law also creates a noncriminal violation for minors who possess, purchase, or misrepresent their age to obtain nicotine dispensing devices or nicotine products.

The law prohibits the sale or delivery of nicotine products or nicotine dispensing devices by means of self-service merchandising, except when such products are under the direct control or in line of sight where effective control may be reasonably maintained by the retailer or their agent or employee.

Impact on the State Courts System:

By adding "nicotine dispensing devices" to statutory provisions relating to tobacco products, the law expands criminal and civil prohibitions against nicotine-related activities. This expansion is likely to result in more civil and criminal prosecutions, but any increase is likely to be manageable within existing resources.

Statutory Sections Affected:

Amends ss. 322.056 and 569.14, F.S.

Creates s. 877.112, F.S.

Chapter 2014-65, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/HB 227 – Victims of Wrongful Incarceration

By Criminal Justice Subcommittee and Representative Kerner

Summary:

As described in the final bill analysis by the Senate, the effect of the law is as follows.

The previously existing Victims of Wrongful Incarceration Act ("Act") provides an administrative process for persons found to have been wrongfully incarcerated to qualify for and receive compensation. An applicant must provide a copy of a court order vacating his or her conviction and sentence.

This law provides a limited expansion of the Act for those persons who cannot obtain the court order. Under this law, a person who has been wrongfully incarcerated can qualify for compensation if:

- The person was convicted and sentenced to death on or before December 31, 1979;
- A governor issues an executive order appointing a special prosecutor to review the conviction;
- The special prosecutor entered a nolle prosequi, or a dismissal of the charges for which the defendant was convicted and sentenced to death; and
- The wrongfully incarcerated person applies for compensation by July 1, 2016.

An applicant for compensation must comply with all other requirements of the Act.

Impact on the State Courts System:

The law eliminates the role of the court in compensation applications for wrongfully incarcerated persons who meet the criteria specified above, which could slightly reduce court workload, and creates a new misdemeanor, which could slightly increase court workload. However, the net effect of the law on court workload is expected to be insignificant, as the number of persons meeting the criteria set forth in the bill is negligible.

Statutory Sections Affected:

Amends s. 961.06, F.S.

Creates ss. 961.055 and 961.056, F.S.

Chapter 2014-198, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 20, 2014

SB 320 – Commercial and Recreational Water Activities

By Senator Sachs

Summary:

The law creates regulations relating to the recreational water activities of commercial parasailing, kite surfing, and moored ballooning. The law further provides that any commercial parasailing operator who violates the regulations commits a misdemeanor of the second degree.

Impact on the State Courts System:

The law may result in a slight increase in court workload due to potential prosecutions of the new crime, but any such increase is expected to be manageable within existing resources.

Statutory Sections Affected:

Amends ss. 320.08, 327.02, 327.37, 327.391, 328.17, 342.07, 713.78, and 715.07, F.S.

Creates s. 327.375, F.S.

Chapter 2014-70, Laws of Florida Effective October 1, 2014 Approved by the Governor June 13, 2014

CS/SB 360 – Sentencing for Controlled Substance Violations

By Appropriations Committee and Senators Bradley and Evers

Summary:

The law increases the minimum weight threshold for trafficking in oxycodone and hydrocodone. Therefore, additional people who are in possession of relatively small quantities of the drugs will no longer be charged with drug trafficking. Such persons may still be charged for other unlawful acts involving controlled substances.

Impact on the State Courts System:

There may be less criminal drug trafficking cases and more criminal cases involving other controlled substance violations as a result of the increased weight thresholds. In addition, an amendment to jury instructions relating to drug trafficking may be required.

Statutory Sections Affected:

Amends ss. 893.135 and 921.0022, F.S.

Reenacts ss. 775.087(2)(a) and (3)(a) and 782.04(1)(a), (3), and (4), F.S.

Chapter 2014-176, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

CS/CS/HB 409 – Offenses Against Vulnerable Persons

By Judiciary Committee, Criminal Justice Subcommittee, and Representative Passidomo

Summary:

State law criminalizes "exploitation of an elderly person or disabled adult" as it relates to personal identification (PII) fraud. This law deletes the requirement that a person use deception or intimidation in order to be guilty of such exploitation, and creates additional instances that constitute such exploitation.

This law also expands the categories of persons against whom PII fraud carries a second degree felony penalty to include persons 60 years of age or older, disabled adults, veterans, first responders, or state or federal government employees.

The law creates a grant program to support local law enforcement agencies in the investigation and enforcement of PII fraud and requires courts to impose a surcharge of $1,001 against a person who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, PII fraud against a vulnerable adult.

Impact on the State Courts System:

The law's lessening of required culpability in order to qualify for criminal prosecution may result in more criminal prosecutions. Any such increase, however, is expected to be manageable within existing resources. In addition, the law may require amending jury instructions relating to criminal use of personal identification information and exploitation of the elderly or disabled.

Statutory Sections Affected:

Amends ss. 90.803, 775.0844, 817.568, 825.101, 825.103, and 921.0022, F.S.

Creates s. 943.0412, F.S.

Reenacts s. 772.11(1), F.S.

Chapter 2014-200, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

HB 427 – Traveling Across County Lines to Commit Felony Offenses

By Representative McBurney

Summary:

This law reclassifies certain burglaries to the next higher degree. Specifically, if a person who commits a burglary travels any distance with the intent to commit the burglary in a Florida county other than the person's county of residence, with the purpose of thwarting law enforcement attempts to track the items stolen in a burglary, then the degree of the burglary will be reclassified to the next higher degree.

In addition, this law provides that for purposes of sentencing and determining incentive gain-time eligibility, such a reclassified burglary is ranked one level above the rankings specified in statute.

Finally, this law adds persons charged with such reclassified burglaries to the list of persons who are ineligible for bail until first appearance.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases concerning inter-county burglaries, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends s. 903.046, F.S.

Creates s. 843.22, F.S.

Chapter 2014-201, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/HB 485 – Sexual Offenses Against Students by Authority Figures

By Criminal Justice Subcommittee and Representative Raburn

Summary:

This law reclassifies certain sexual offenses to the next higher degree. Specifically, if an authority figure of a school commits a specified offense that requires sexual offender registration against a student, then the offense will be reclassified to the next higher degree.

In addition, this law provides that for purposes of sentencing and determining incentive gain-time eligibility, such a reclassified offense is ranked one level above the general rankings specified in statute.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases concerning sexual offenses against students by authority figures, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends s. 921.0022, F.S.

Creates s. 775.0862, F.S.

Chapter 2014-202, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/HB 515 – Public Assistance Fraud

By Appropriations Committee and Representative Smith

Summary:

This law amends the criminal penalty for public assistance fraud of $200 or more to create different levels of severity dependent upon the total value of the public assistance fraudulently sought or received. Specifically, the law provides that a person who commits public assistance fraud of an aggregate value of:

- $200 or more but less than $20,000 in any 12 consecutive months commits a third degree felony.
- $20,000 or more but less than $100,000 in any 12 consecutive months commits a second degree felony.
- $100,000 or more in any 12 consecutive months commits a first degree felony.

In addition, the law:

- Creates a reward program for persons who report specified information relating to public assistance fraud.
- Restricts out-of-state use of temporary cash assistance benefits to 30 consecutive days.
- Requires a parent or caretaker relative who has been disqualified due to fraud to have a protective payee designated to receive temporary cash assistance benefits for an eligible child.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases concerning public assistance fraud, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 414.095 and 414.39, F.S.

Chapter 2014-119, Laws of Florida Effective October 1, 2014 Approved by the Governor June 13, 2014

CS/HB 517 – Fraudulent Controlled Substance Prescriptions

By Criminal Justice Subcommittee and Representative Hooper

Summary:

As described by the final bill analysis by the House of Representatives, this law revises an offense relating to unauthorized possession of a prescription form to prohibit a person from possessing a prescription form unless the form has been signed by the practitioner whose name appears printed on the form and the form is completed. This prohibition does not apply if the person in possession of the form is the practitioner, an agent or employee of the practitioner, a pharmacist, or a supplier of prescription forms who is authorized by the practitioner to possess those forms.

The bill increases the degree of the offense from a first degree misdemeanor to a third degree felony.

Impact on the State Courts System:

The new provisions relating to unauthorized possession of a prescription form may lead to additional prosecutions and thus increased judicial workload. However, any such increase is expected to be manageable within existing resources.

In addition, the law may require new jury instructions for crimes in s. 893.13(7)(a), F.S. (relating to prohibited distribution, obtainment, and possession of controlled substances).

Statutory Sections Affected:

Amends s. 893.13, F.S.

Chapter 2014-204, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/CS/SB 522 – Involuntary Civil Commitment of Sexually Violent Predators

By Appropriations Committee, Children, Families, & Elder Affairs Committee, and Senator Grimsley

Summary:

The law creates and revises a variety of provisions relating to the involuntary civil commitment of sexually violent predators. As it may impact the State Courts System, the law:

- Expands the categories of persons who may be considered for civil commitment to include those who are serving a jail sentence and have a criminal history of a sexually violent offense.
- Authorizes a prosecutor to file a petition to take a person who was sentenced to jail but not "totally confined" because he or she earned credit for time served into custody of the Department of Children and Families (DCF) for civil commitment screening. Such a petition must be filed within 120 hours of the person's sentencing.
- Authorizes a prosecutor to file a petition to take a person released from the Department of Corrections or the Department of Juvenile Justice who should have been screened for civil commitment but was not into custody of the DCF for civil commitment screening. Such a petition must be filed within 120 hours of the person's release.
- Authorizes a judge to hear evidence from the state about a detainee's dangerousness in a post-commitment probable cause hearing.

Impact on the State Courts System:

The most significant result of this law on judicial workload is that it will expand the categories of persons who may be subject to civil commitment, thereby likely resulting in additional "Jimmy Ryce" civil commitment hearings. In addition, the law's authorization for the state to provide evidence at a post-commitment probable cause hearing may result in additional judicial time to hear such evidence.

Statutory Sections Affected:

Amends ss. 394.912, 394.913, 394.9135, 394.914, 394.918, 394.926, 394.931, and 943.053, F.S.

Creates s. 394.9125, F.S.

Chapter 2014-2, Laws of Florida Effective July 1, 2014 Approved by the Governor April 1, 2014

CS/CS/HB 523 – Licensure to Carry a Concealed Weapon or Firearm

By Agriculture and Natural Resources Appropriations Subcommittee, Business and Professional Regulation Subcommittee, and Representatives Grant and Steube

Summary:

This law authorizes county tax collectors appointed by the Department of Agriculture and Consumer Services (DACS) to accept applications for new or renewal concealed weapons licenses on behalf of the Division of Licensing of the DACS, and specifies implementing provisions relating to the new authority.

As it relates to the State Courts System, the law provides:

- A duly appointed county tax collector who maintains a list or record of persons who apply for or are granted a new or renewal concealed weapons license commits a third degree felony.
- A person who willfully violates any provision in the newly created implementing provisions commits a second degree misdemeanor.

The Legislature also enacted a complementary public-records exemption. See discussion of HB 525, ch. 2014-206, Laws of Fla., under the "Public Records and Meetings" section of this document.

Impact on the State Courts System:

The expanded categories of persons who may commit a crime may result in additional judicial workload due to prosecution of such crimes; however, any such increase in judicial workload is expected to be manageable within existing resources.

Statutory Sections Affected:

Amends s. 790.06, F.S.

Creates s. 790.0625, F.S.

Chapter 2014-205, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

CS/CS/CS/SB 526 – Sexual Offenses

By Appropriations Committee, Judiciary Committee, Criminal Justice Committee, and Senator Bradley

Summary:

The law significantly increases punishment and monitoring of sex offenders. Specifically, the law:

- Authorizes the court to enter orders protecting persons who were under the age of 16 when they were the victim of or a witness to a sexual offense from severe emotional or mental harm while testifying;
- Authorizes a court to set other conditions appropriate to taking the testimony of a sex offense victim or witness, including testifying with the assistance of a registered service or therapy animal;
- Eliminates the statute of limitations for violations of lewd or lascivious battery or molestation involving a victim under the age of 16 at the time of the offense;
- Increases the minimum mandatory sentence for dangerous sexual felony offenders to 50 years;
- Broadens the definition of the term "sexual activity" for purposes of s. 794.05, F.S., (prohibiting a person 24 years of age or older from engaging in sexual activity with a person 16 or 17 years of age);
- Broadens the voyeurism statute to specify that voyeurism may occur when a person, with lewd or lascivious intent, secretly observes another person's intimate areas in which the person has a reasonable expectation of privacy when the other person is located a in public or private dwelling, structure, or conveyance;
- Creates a new sentencing multiplier for specified adult-on-minor sexual offenses;
- Prohibits the Department of Corrections from granting incentive gain-time to inmates sentenced for specified sexual offenses;
- Requires the court to impose a split sentence in which an offender convicted of specified sexual offenses is sentenced to 2 years of community supervision after serving his or her term of imprisonment;
- Tolls the community supervision period of offenders sentenced to a split sentence who are transferred to custody of the Department of Children and Families (DCF) pursuant to the Ryce Act (the supervision period is tolled until the offender is no longer in the DCF's custody);
- Prohibits persons subject to sex offender supervision from possessing obscene, pornographic, or sexually stimulating material; and
- Authorizes a court to require a sex offender who is on probation of community control to undergo an evaluation by a qualified practitioner, at the sex offender's expense, to determine whether the offender needs sex offender treatment.

Impact on the State Courts System:

Most of the law's provisions have the potential to increase judicial workload by some indeterminate amount. However, the increases in potential sentences for sex offenders may encourage defendants to plea bargain, which could result in fewer trials and reduced judicial workload. The net effect of the law on judicial workload is speculative, but any increase in judicial workload is expected to be manageable within existing resources.

The law may require amendment to jury instructions relating to sexual offenses.

Statutory Sections Affected:

Amends ss. 92.55, 775.15, 794.011, 794.0115, 794.05, 800.04, 810.14, 921.0022, 921.0024, 943.0435, 944.275, 944.607, 947.1405, 948.012, 948.30, and 948.31, F.S.

Chapter 2014-4, Laws of Florida
Effective October 1, 2014
Approved by the Governor April 1, 2014

CS/CS/SB 528 – Sex Offenses

By Appropriations Committee, Judiciary Committee, and Senator Evers

Summary:

The law amends a variety of statutes related to sexual predators and offenders to bring them further in line with the federal Adam Walsh Act.

Specifically, the law adds the following offenses to the list of those that qualify a person as a sexual predator and sexual offender:

- Sexual misconduct with an individual with a developmental disability;
- Sexual misconduct with a patient; and
- Sexual misconduct with a forensic client.

The law also:

- Requires a person petitioning for a name change to indicate whether he or she has ever been required to register as a sexual predator or offender;
- Requires the clerk to electronically notify the Florida Department of Law Enforcement (FDLE) within 2 business days after the filing of a final name change judgment if the petitioner is required to register as a sexual predator or offender;

- Requires sexual predators and offenders to provide the sheriff and the FDLE any internet identifier the offender uses and defines the term "internet identifier;"
- Requires sexual predators and offenders to provide information about their passport, immigration status, vehicles, professional licenses, and other specified information to the sheriff as part of the registration process;
- Requires sexual predators and offenders to report to the sheriff within 48 hours of any change in their transient residence, and every 30 days thereafter;
- Adds to the list of places in which a person may be prosecuted for failing to comply with registration requirements;
- Specifies that the registration period of a sexual offender sentenced to a term of incarceration or committed to a residential program begins upon release for the most recent conviction that required the offender to register;
- Specifies that a sexual offender's registration period is tolled during any period in which the offender is incarcerated, civilly committed, detained pursuant to ch. 985, F.S., or committed to a residential program; and
- Makes corrections to the offense severity ranking chart.

Impact on the State Courts System:

Judicial workload is likely to be increased by the addition of qualifying crimes for registration, more registration requirements, and the revision of criteria by which sex offenders may be removed from registration requirements. However, any such increase is likely to be manageable within existing resources.

The law may require amendment to jury instructions relating to sexual offenses.

Statutory Sections Affected:

Amends ss. 68.07, 775.21, 775.25, 921.0022, 943.043, 943.0435, 943.04354, 943.0437, 944.606, 944.607, 985.481, and 985.4815, F.S.

Chapter 2014-5, Laws of Florida Effective October 1, 2014 Approved by the Governor April 1, 2014

CS/CS/SB 590 – Money Services Businesses

By Criminal Justice Committee, Banking and Insurance Committee, and Senator Richter

Summary:

The law amends the Money Services Businesses Act, which is administered by the Office of Financial Regulation (OFR). As it relates to the State Courts System, the law makes it a third degree felony to knowingly and willfully violate OFR database reporting requirements applicable to check cashers.

Impact on the State Courts System:

Judicial workload may increase due to prosecutions of the new crime; however, any such increase is expected to be manageable within existing resources.

Statutory Sections Affected:

Amends ss. 560.111, 560.114, 560.1235, 560.125, 560.1401, 560.141, and 560.309, F.S.

Chapter 2014-81, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/CS/CS/HB 641 – Computer Crimes

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee, and Representative La Rosa

Summary:

This law is intended to address the increase in computer crimes that has resulted from advancements in technology and expands applications of various existing statutes addressing computer-related crimes to include electronic devices. The law defines "electronic device" to mean "a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a cellular telephone, tablet, or other portable device designed for and capable of communicating with or across a computer network and that is actually used for such purpose."

The law also adds a new third degree felony – engaging in audio or video surveillance of an individual by accessing any inherent feature or component of a computer, computer system, computer network, or electronic device, including accessing the data or information of a computer, computer system, computer network, or electronic device that is stored by a third party. The law adds two new acts to the list of acts that constitute a second degree felony if committed in conjunction with one of the third degree felonies:

- Endangerment of human life; or
- Disruption of a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person.

The law also creates two criminal offenses against public utilities:

- A third degree felony to willfully, knowingly, and without authorization gain access to a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility.
- A second degree felony to physically tamper with, insert a computer contaminant into, or otherwise transmit commands or electronic communications to a computer, computer system, computer network, or electronic device that causes a disruption in any service delivered by a public utility.

The law expands the entities that can bring a civil action against persons convicted of computer-related offenses to include owners and lessees of electronic devices.

Impact on the State Courts System:

The expansion of crimes and civil actions may result in more trials, thereby increasing judicial workload. However, any such increase is expected to be manageable within existing resources.

The law may require new jury instructions for the new crimes.

Statutory Sections Affected:

Amends ss. 721.071, 815.02, 815.03, 815.04, 815.06, and 921.0022, F.S.

Creates s. 815.061, F.S.

Chapter 2014-208, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/CS/SB 674 – Background Screening

By Criminal Justice Committee, Health Policy Committee, and Senator Bean

Summary:

The law addresses provisions related to who is subject to screening, screening procedures, and interagency information sharing in regards to the 2012 legislatively created Care Provider Background Screening Clearinghouse (clearinghouse). The law:

- Clarifies that employers must register with and initiate all criminal history checks through the clearinghouse before referring a potential employee for electronic fingerprint submission;

- Requires vendors who submit fingerprints on behalf of employers to include a photograph of the person taken at the time fingerprints are submitted;
- Allows the Department of Highway Safety and Motor Vehicles to share driver license photographs through interagency agreements with the Department of Health for the purpose of accessing digital images for the reproduction of licenses and with AHCA, so authorized agencies may verify photographs in the clearinghouse;
- Specifies demographic information that must be submitted with a request for a criminal background check as required for a federal check; and
- Revises applicability of background screening requirements for certain service providers who must register with the Division of Vocational Rehabilitation.

The law also amends provisions related to disqualifying offenses. Specifically, the law:

- Provides that the three-year waiting period to apply for an exemption from disqualification for a criminal offense does not apply to monetary sanctions for a felony disqualifying offense, so long as all sanctions are paid or completed prior to an exemption being granted;
- Updates the disqualifying offenses in s. 408.809, F.S., and ch. 435, F.S., to include criminal offenses involving theft that are similar to existing disqualifying offenses and to include the attempt, solicitation, or conspiracy to commit a disqualifying offense; and
- Provides an exemption from rescreening if the person has already been screened and qualified but is later determined to have one of the disqualifying offenses added by this law.

Impact on the State Courts System:

The law states that a person applying for an exemption who was ordered to pay any amount for any fee, fine, fund, lien, civil judgment, application, costs of prosecution, trust, or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor must pay the court-ordered amount in full before he or she is eligible for the exemption.

Statutory Sections Affected:

Amends ss. 322.142, 408.806, 408.809, 413.208, 435.04, 435.05, 435.07, and 435.12 F.S.

Repeals s. 7 of ch. 2012-73, Laws of Fla.

Chapter 2014-84, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/HB 697 – Controlled Substances

By Criminal Justice Subcommittee and Representative Ingram

Summary:

The law adds four new synthetic cannabinoids and two new phenethylamines to Schedule I of Florida controlled substance schedules. As a result, the criminal penalties relating to the possession, sale, manufacture, delivery, etc., of controlled substances now apply to these synthetic substances.

The law also adds three new phenethylamines to the list of substances included in the "trafficking in phenethylamines" statute.

Impact on the State Courts System:

The newly added illegal synthetic substances may result in more prosecutions, thereby increasing judicial workload. However, any such increase is expected to be manageable within existing resources.

This law may require amendment to jury instructions relating to possession of a controlled substance.

Statutory Sections Affected:

Amends ss. 893.03, 893.13(1) – (6), and 893.135, F.S.

Reenacts ss. 921.0022(3)(b), (c), (e), and (g) – (i), F.S.

Chapter 2014-159, Laws of Florida Effective July 1, 2014 Approved by the Governor June 16, 2014

CS/CS/SB 836 – Medical Gas

By Health Policy Committee, Regulated Industries Committee, and Senator Bean

Summary:

The law creates part III of ch. 499, F.S., which separates the regulation, including permit requirements, of manufacturers and wholesale distributors of medical gases, as well as medical oxygen retail establishments, from the provisions of part I and part II of the chapter, which regulate the manufacturers and distributors of other drugs, devices, and cosmetics. The law includes many provisions governing medical gases that are substantially similar to existing provisions in part I, but revises those provisions for applicability to medical gases. The provisions of new part III require:

- Permits for medical gas manufacturers and wholesale distributors and medical oxygen retail establishments;
- Minimum qualifications for obtaining a permit to deal in medical gases;
- Certain procedures to change a permit;

- Security and storage of medical gases;
- Returned, damaged, and outdated medical gases to be handled in a certain manner; and
- Inspections of facilities that manufacture medical gases.

Impact on the State Courts System:

The law requires penalties for committing prohibited and criminal acts associated with medical gases, but is not expected to have a substantial impact on court workload.

Statutory Sections Affected:

Amends ss. 409.9201, 460.403, 465.0265, 499.001, 499.003, 499.01, 499.0121, 499.01211, 499.01212, 499.015, 499.024, 499.041, 499.05, 499.051, 499.066, 499.0661, and 499.067, F.S.

Creates ss. 499.81, 499.82, 499.83, 499.831, 499.832, 499.833, 499.834, 499.84, 499.85, 499.86, 499.87, 499.88, 499.89, 499.90, 499.91, 499.92, 499.93, 499.931, and 499.94, F.S.

Chapter 2014-89, Laws of Florida
Effective October 1, 2014
Approved by the Governor June 13, 2014

CS/CS/CS/HB 989 – Human Trafficking

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee, and Representative Trujillo

Summary:

The law amends a variety of statutes relating to human trafficking in order to protect and assist victims, enhance penalties, and prevent future human trafficking. Specifically, the law:

- Amends the definition of "sexual abuse of a child" used in dependency proceedings to include "offering to engage in or engaging in" human trafficking;
- Protects court records involving human trafficking of a minor for labor or human trafficking for commercial sexual activity;
- Specifies that victim compensation claims filed by persons engaged in an unlawful activity at the time of the crime upon which the claim is based are not eligible for an award unless the victim was engaged in prostitution as a result of being a victim of human trafficking for commercial sexual activity;
- Specifies that victims of human trafficking of a minor for labor or human trafficking for commercial sexual activity are eligible for victim relocation assistance;
- Prohibits minors from working in an adult theater;

- Requires an adult theater to verify the age of each of its employees or independent contractors, and maintain such records;
- Removes the statute of limitations for human trafficking violations;
- Increases certain penalties relating to the trafficking of children;
- Creates a new penalty if a trafficker permanently brands their victim;
- Provides legislative intent that adults who involve children in any prostitution-related act should not be prosecuted under ch. 796, F.S., but should rather be prosecuted under other criminal laws;
- Increases penalties for those who derive support from the proceeds of prostitution; and
- Expands provisions relating to the expunction of criminal history records for victims of human trafficking.

Impact on the State Courts System:

The enhanced criminal penalties and new provisions relating to protection of court record information and court record expunction may result in increased judicial workload. However, any such increase is expected to be manageable within existing resources.

The law may require amendment to jury instructions relating to human trafficking.

Statutory Sections Affected:

Amends ss. 39.01, 90.404, 92.56, 450.021, 450.045, 772.102, 775.082, 775.0877, 775.15, 775.21, 787.01, 787.02, 787.06, 794.056, 796.05, 856.022, 895.02, 921.0022, 938.085, 938.10, 943.0435, 943.0583, 943.0585, 943.059, 944.606, 944.607, 948.013, 948.32, 960.065, and 960.199, F.S.

Creates s. 796.001, F.S.

Repeals ss. 796.03, 796.035 and 796.036, F.S.

Chapter 2014-160, Laws of Florida Effective October 1, 2014 Approved by the Governor June 17, 2014

CS/CS/SB 1030 – Cannabis

By Appropriations Committee, Health Policy Committee, and Senators Bradley, Bean, and Brandes

Summary:

This law creates the Compassionate Medical Cannabis Act of 2014. The act authorizes the order of low-THC cannabis for medical use pursuant to specified conditions. Specifically, a licensed Florida physician who meets specified educational requirements may order low-THC cannabis for patients who:

- Are Florida residents;
- Suffer from cancer or a physical medical condition that chronically produces seizures or severe and persistent muscle spasms; and
- Have no acceptable alternative treatment options available to them.

A physician who orders low-THC cannabis for a patient without a reasonable belief that the patient suffers from the required conditions or symptoms commits a first degree misdemeanor, as does a person who fraudulently represents that he or she has such symptoms.

The law further authorizes:

- Qualified patients and their legal representatives to possess and purchase low-THC cannabis.
- Owners, managers, and employees of a dispensing organization to manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of low-THC cannabis.
- Recognized medical centers to conduct research on cannabidiol (a compound in cannabis that may have medical effects but does not create a high) and low-THC cannabis.
- State universities that have both medical and agricultural research programs to conduct research on cannabidiol and low-THC cannabis.

The law grants rulemaking authority to the Department of Health (DOH) to implement the law. The DOH must:

- Create a compassionate use registry for the registration of physicians and patients who order or are ordered, respectively, low-THC cannabis.
- Authorize the establishment of five dispensing organizations to cultivate, process, and dispense low-THC cannabis. The law specifies requirements and qualifications for such dispensing organizations.
- Establish an Office of Compassionate Use to enhance access to investigational new drugs and take other authorized actions to facilitate research and enhance access to use of low-THC cannabis for Florida patients.

Impact on the State Courts System:

The State Courts System may wish to be aware of the Legislature's authorization of the use of low-THC cannabis for limited medicinal purposes. In addition, the new crimes may result in more prosecutions, thereby increasing judicial workload. However, any such increase is expected to be manageable within existing resources.

Statutory Sections Affected:

Amends s. 893.02, F.S.

Creates ss. 381.986, 385.211, 385.212, and 1004.441, F.S.

Chapter 2014-157, Laws of Florida Effective June 16, 2014 Approved by the Governor June 16, 2014

CS/HB 1047 – Termination of Pregnancies

By Health and Human Services Committee and Representative Adkins

Summary:

The law revises abortion prohibitions to prohibit abortion if the fetus has achieved viability (defined in the law as the stage of fetal development when the life of a fetus is sustainable outside the womb through standard medical measures), rather than after 24 weeks (once the pregnant woman reaches the third trimester), the previous limit. This ban is in addition to the current prohibition against abortions in the third trimester. The law restricts previously existing exceptions to the prohibition against third-trimester abortions to allow an abortion only if:

- Two physicians certify in writing that, in reasonable medical judgment, the abortion is medically necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman, other than a psychological condition; or
- One physician certifies in writing that, in reasonable medical judgment, legitimate emergency medical procedures for an abortion are medically necessary to save the pregnant woman's life or avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the pregnant woman, other than a psychological condition, and another physician is not available for consultation.

The law provides identical exceptions to the prohibition against abortions during viability, and requires a physician to determine if a fetus is viable before performing an abortion, pursuant to specified criteria.

Impact on the State Courts System:

The law provides for administrative and criminal penalties against any person who performs, or actively participates in an abortion during viability, and amends s. 797.03, F.S., to prohibit any person from performing or assisting in an abortion during viability other than in a hospital. However, any increase in judicial workload that stems from such provisions is expected to be manageable within existing resources.

Statutory Sections Affected:

Amends ss. 390.011, 390.0111, and 797.03, F.S.

Creates s. 390.01112, F.S.

Chapter 201-137, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/HB 1065 – Licensed Massage Therapists

By Health Quality Subcommittee and Representative Kerner

Summary:

This law is part of a greater legislative package to reduce human trafficking and human rights violations. It requires applicants for licensure as massage therapists and individuals with ownership in or management responsibilities for a massage establishment to submit fingerprints for background screening. The law also requires massage therapists and individuals with ownership in or management responsibilities for a massage establishment who were licensed prior to July 1, 2014, to submit to the background screening requirements by January 31, 2015.

The law requires the Board of Massage Therapy to deny applications for initial licensure and licensure renewal of any individual screened and determined to have been convicted or found guilty of or entered a plea of guilty or nolo contendere to specified criminal acts. The law requires the Department of Health to issue an emergency order suspending the license of a massage therapist or massage establishment upon receipt of information that the individual has been convicted or found guilty of or entered a plea of guilty or nolo contendere to specified criminal acts.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in cases relating to human trafficking, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends ss. 456.0135, 456.074, 480.041, 480.043, and 480.0465, F.S.

Chapter 2014-139, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

SB 1636 – Renaming the Parole Commission

By Criminal Justice Committee

Summary:

The law changes the name of the "Parole Commission" to the "Florida Commission on Offender Review" in order to more accurately reflect the current roles of the commission. The law also changes the name of the committee that selects parole commissioners from the "parole qualifications committee" to the "commissioner qualifications committee."

Impact on the State Courts System:

The State Courts System may wish to be aware of the renaming of the former Parole Commission.

Statutory Sections Affected:

Amends ss. 20.315, 20.32, 23.21, 98.093, 186.005, 255.502, 322.16, 394.926, 394.927, 633.304, 775.089, 775.16, 784.07, 784.078, 800.09, 843.01, 843.02, 843.08, 893.11, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 940.061, 941.23, 943.0311, 943.06, 944.012, 944.02, 944.171, 944.4731, 945.091, 945.10, 945.47, 945.73, 947.005, 947.01, 947.02, 947.021, 947.045, 947.141, 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05, 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.045, F.S.

Chapter 2014-191, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 20, 2014

CS/HB 7035 – Juvenile Sentencing

By Judiciary Committee and Criminal Justice Subcommittee (Representative Grant)

Summary:

This law addresses the effects on Florida law from two U.S. Supreme Court cases relating to juvenile sentencing and the federal constitutional protection against cruel and unusual punishment. In *Graham v. Florida* (130 S.Ct. 2011 (2010)), the U.S. Supreme Court held that the 8th Amendment of the U.S. Constitution prohibits states from sentencing juvenile nonhomicide offenders to a life sentence without providing a meaningful opportunity to obtain release. Two years later, the U.S. Supreme Court ruled that the 8th Amendment of the U.S. Constitution prohibits a sentencing scheme that *mandates* life in prison without the possibility of parole for juvenile offenders (*Miller v. Alabama*, 132 S.Ct. 2455 (2012)). Those two cases have created uncertainty about how to handle juvenile sentences because previous

Florida laws allowed for a mandatory life sentence for capital crimes and life sentences without parole for juveniles prosecuted as adults for certain homicide and nonhomicide offenses.

As described by the final bill analysis prepared by the House of Representatives, this law is intended to bring state law into line with the *Graham* and *Miller* decisions as follows.

The law provides that any offender who is convicted of murder that was committed before he or she was 18 years old may be sentenced to life imprisonment only after a mandatory hearing at which the judge considers certain factors relative to the offender's age and attendant circumstances. For capital offenses, the judge must impose a minimum sentence of at least 40 years if the juvenile offender actually killed, intended to kill, or attempted to kill the victim.

The law also provides for a judicial hearing to review the sentences of such juvenile offenders. A juvenile offender who is convicted of capital murder is entitled to a sentencing review after 25 years if he or she actually killed, intended to kill, or attempted to kill the victim, except when the offender has a prior conviction for an enumerated violent crime. A juvenile offender who is convicted of capital murder but who did not actually kill, intend to kill, or attempt to kill the victim is entitled to a sentencing review after 15 years.

A juvenile offender who is convicted of murder that is a life felony or a first degree felony punishable by life imprisonment is also entitled to a sentencing review after 25 years if he or she actually killed, intended to kill, or attempted to kill the victim. If the offender did not actually kill, intend to kill, or attempt to kill the victim, then he or she is entitled to a sentencing review after 15 years.

A juvenile offender who is sentenced to more than 20 years for a nonhomicide offense is entitled to a sentence review hearing after 20 years and is entitled to another hearing after 30 years if not released sooner.

If the court that conducts any sentence review hearing determines that the offender has been rehabilitated and is fit to reenter society, the offender must be released with a modified sentence that requires serving a minimum term of 5 years of probation. Otherwise, the court must enter a written order stating the reasons for not modifying the sentence.

Impact on the State Courts System:

The law will affect current and future litigation relating to juvenile sentencing in which Florida courts are involved.

In addition, the law will likely increase judicial workload due to:

- The mandatory initial sentencing hearings and subsequent review hearings.

- The possibility that some offenders who are deemed fit to re-enter society will subsequently violate their probation, thereby requiring more violation

The significance of the increase judicial workload will largely depend on the number of juveniles that are convicted as adults for murder and other serious crimes.

The law may require amendment to the Florida Rules of Criminal Procedure for consistency with the amended statutes.

Statutory Sections Affected:

Amends ss. 316.3026, 373.430, 403.161, 648.571, and 775.082, F.S.

Creates ss. 921.1401 and 921.1402, F.S.

Chapter 2014-220, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

Disabilities

No measures are reviewed under this category for the 2014 legislative session.

Ethics and Elections

CS/CS/CS/SB 846 – Governmental Ethics

By Appropriations Committee, Community Affairs Committee, Ethics and Elections Committee, and Senator Latvala

Summary:

This law, among other provisions, requires certain persons affiliated with the following quasi-governmental entities to comply with provisions of the state Code of Ethics: the Florida Clerks of Court Operations Corporation; Enterprise Florida, Inc.; the divisions of Enterprise Florida, Inc.; the Florida Development Finance Corporation; and Citizens Property Insurance Corporation.

The law requires elected municipal officers to complete four hours of annual ethics, public records, and open meetings training; mandates all individuals required to complete the training to certify completion of the training on annual financial disclosures; and specifies that failure to certify completion of training does not constitute an immaterial, inconsequential, or de minimis error or omission.

The law requires the Commission on Ethics ("commission") to initiate proceedings, without a complaint, against a person who has failed or refused to file an annual financial disclosure and has accrued the maximum automatic fine. If the commission initiates a proceeding, it must determine whether the failure to file was willful and, if so, recommend removal from office of certain persons.

The law requires each citizen-support and direct-support organization to adopt a code of ethics and specifies that certain provisions must be included.

The law also requires persons who lobby water management districts to annually register with the district as a lobbyist. The law authorizes the commission to investigate complaints alleging a violation of the registration requirements.

Impact on the State Courts System:

This law does not apply to the State Courts System and is included in this document for informational purposes.

Statutory Sections Affected:

Amends ss. 28.35, 112.3142, 112.3144, 112.3145, 286.012, 288.901, 288.92, 288.9604, 348.0003, and 627.351, F.S.

Creates ss. 112.3251 and 112.3261, F.S.

Chapter 2014-183, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 20, 2014

Family

CS/SB 260 – Unaccompanied Homeless Youths

By Judiciary Committee and Senator Latvala

Summary:

The law authorizes an unaccompanied certified homeless youth 16 years of age or older to consent to medical treatment for himself or herself and for his or her child under specified circumstances, without the previously required necessity of obtaining a court order. Such treatment includes medical, dental, psychological, substance abuse, and surgical diagnosis and treatment.

The law does not affect the requirements of the Parental Notice of Abortion Act.

Impact on the State Courts System:

The law will reduce judicial workload relating to homeless youths' pursuit of court orders for medical treatment.

Statutory Sections Affected:

Amends s. 743.067, F.S.

Chapter 2014-173, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

SB 386 – Application of Foreign Law in Courts

By Senator Hays

Summary:

As described by the final bill analysis prepared by the Senate, this law:

- Is intended to ensure that Floridians will be protected from the application of unfair and unjust laws of foreign nations during the litigation of family law and child custody matters.
- Codifies existing case law from state appellate and Supreme Court opinions.
- As they relate to family law or child custody matters, prohibits courts from enforcing:
    - A foreign law that violates the strong public policy of this state or that is unjust or unreasonable.
    - A choice of law clause selecting a foreign law to govern a contract if the foreign law contravenes the strong public policy of the state or is unjust or unreasonable.

    - A forum selection clause that selects a foreign court to resolve disputes arising under a contract if the clause is unreasonable or unjust or if strong public policy would prohibit the enforceability of the clause.
- Limits the authority of courts to enforce foreign judgments or dismiss a case for filing in another country. Under the bill, a court may not enforce a judgment or order of a foreign court or tribunal if the parties were not afforded due process rights or if the foreign court or tribunal did not have jurisdiction over the matter. Additionally, a court must find that an adequate alternative forum exists before the court dismisses an action on the basis that a satisfactory remedy may be more conveniently sought in another country.

Impact on the State Courts System:

This law may increase judicial workload in family law and child custody proceedings by requiring determinations relating to whether a foreign law violates "strong public policy" or is unjust or unreasonable, whether due process rights were provided in a foreign court or tribunal, and whether an "adequate alternative forum" exists. Although the law is intended to codify existing state case law, the law's provisions may result in additionally required research into foreign laws, due process rights afforded under foreign laws, foreign court or tribunal jurisdiction, and "adequate alternative forum(s)".

Statutory Sections Affected:

Creates s. 61.040, F.S.

Chapter 2014-10, Laws of Florida Effective October 1, 2014 Approved by the Governor May 12, 2014

CS/SB 524 – Sexually Violent Predators

By Appropriations Committee and Senator Sobel

Summary:

The law creates the "Protecting Our Children and Adults from Sexual Predators Act." Its purpose is to improve the assessment of sex offenders for possible civil commitment as sexually violent predators and to improve public notification of the location of sexual offenders and predators.

The law revises the operations of the five-member multidisciplinary team within the Department of Children and Families (department) that determines whether the sex offender meets the definition of a sexually violent predator. Specifically, the law requires the department to train team members, provide feedback to team members, and create a process for measuring the performance of team members.

To develop the clinical assessments for consideration by the multidisciplinary team, the department contracts with psychiatrists and psychologists. The law limits such contracts to one-year terms, but allows the contracts to be renewed. In addition, the law requires the department to evaluate the contractors based on performance each year. This will allow the department to replace contractors who are performing poorly.

The law requires the department to recommend that the state attorney file a petition for civil commitment when two or more members of the multidisciplinary team determine that the person meets the definition of a sexually violent predator. Previously, the multidisciplinary team made recommendations based on a consensus among the team members.

The Florida Department of Law Enforcement maintains a web site and toll-free telephone number to provide information to the public on the location and offenses of sex offenders and predators. The law requires public and private colleges and universities to inform students and employees about the website and the toll-free number to improve public safety on higher education campuses.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, due to potential court involvement in civil commitment cases, the judicial branch may wish to be aware of the changes made.

Statutory Sections Affected:

Amends s. 394.913, F.S.

Creates ss. 1005.10 and 1006.695, F.S.

Chapter 2014-3, Laws of Florida Effective July 1, 2014 Approved by the Governor April 1, 2014

CS/CS/HB 561 – Attorneys for Dependent Children with Special Needs

By Judiciary Committee, Civil Justice Subcommittee, and Representative Fresen

Summary:

The law requires the appointment of an attorney in dependency proceedings for any dependent child who has a specified special need. Such specified special needs include:

- The child resides in or is being considered for placement in a nursing facility;
- The child is prescribed but refusing a psychotropic medication;

- The child has a diagnosis of a developmental disability;
- The child is placed or considered for placement in a residential treatment center; or
- The child is a victim of human trafficking.

The 2014-2015 General Appropriations Act provides $4.2 million in general revenue to the Justice Administrative Commission to contract for such attorneys for dependent children with special needs.

The law requires the court to request a recommendation from the Statewide Guardian Ad Litem Office before appointing a pro bono attorney to represent a child. If the Statewide Guardian Ad Litem Office cannot recommend a pro bono attorney, the court may appoint an attorney to be compensated by the Justice Administrative Commission.

The law directs that the attorney representing the dependent child provide the complete range of legal services from removal from the home through all appellate proceedings. It authorizes the attorney, with court permission, to arrange for separate counsel for appeals.

The law requires that, except for attorneys working without compensation, attorneys representing dependent children with disabilities be compensated and provided funding for expert witnesses, depositions, and other costs of litigation. It provides that payment of attorneys under this law is subject to appropriations. Fees are capped at $1,000 per child per year.

The law directs the Department of Children and Families to develop procedures to identify a dependent child who has a special need and will need a court to appoint an attorney. The bill preserves the power of the court to appoint an attorney for any dependent child under ch. 39, F.S. (Proceedings Relating to Children).

Impact on the State Courts System:

The law requires courts in dependency cases to appoint counsel for children who meet the law's eligibility requirements, pursuant to the specified process. The law allows for supplemental or separate counsel for appellate proceedings, for which the court will need to grant permission. The attorneys will have access to funding for expert witnesses, depositions, and other costs of litigation. All appointment orders must be in writing.

In addition, the law may require either an amendment to Florida Rule of Juvenile Procedure 8.217 (Attorney Ad Litem) or creation of a new rule relating to attorneys for dependent children with special needs.

Statutory Sections Affected:

Amends s. 39.01305, F.S.

CS/CS/HB 755 – Courts

By Judiciary Committee, Civil Justice Subcommittee, and Representative Steube

Summary:

The law revises or creates provisions relating to child support, judicial notice, and admission of unlawfully present persons to The Florida Bar.

Impact on the State Courts System:

As it relates to child support, the law allows a court to deviate from the minimum amount of child support required under child support guidelines based on a time-sharing agreement exercised by agreement of the parties, even when it hasn't been reduced to writing, included in a written parenting plan, or formalized by a court. The law also provides that a parent's failure to regularly exercise the time-sharing schedule set forth in the parenting plan or a particular time-sharing arrangement exercised by agreement of the parties that is not caused by the other parent shall be deemed a substantial change of circumstances for purposes of modifying the child support award.

As it relates to judicial notice, the law authorizes judges to take judicial notice in family law cases when there is imminent danger to persons or property and it is impractical to give prior notice. The exigency of the situation waives the requirement that the court provide advance notice to the parties and an opportunity for a hearing. Notice must instead be provided within 2 business days after the court takes judicial notice. This change in the law was recommended by the Supreme Court Steering Committee on Families and Children in the Court and approved as part of the 2014 judicial branch legislative agenda.

Federal law precludes persons who are not lawfully present in the United States from receiving certain public benefits, including a professional license, unless the benefit is authorized by a state statute. This law authorizes the Florida Supreme Court to admit an unauthorized immigrant into The Florida Bar if the applicant:

- Was brought to the United States as a minor;
- Has been present in the United States for more than 10 years;
- Has fulfilled all requirements for admission to practice law;
- Has written authorization for employment from the United States Citizenship and Immigration Services;
- Has a social security number; and
- Has registered with the Selective Service System, if the applicant is male.

Statutory Sections Affected:

Amends ss. 61.30, 90.204, 454.021, 741.30, 784.046, and 784.0485, F.S.

Chapter 2014-35, Laws of Florida
Effective May 12, 2014
Approved by the Governor May 12, 2014

CS/CS/SB 850 – Education

By Appropriations Committee, Education Committee, and Senator Legg

Summary:

This law amends a variety of provisions relating to education. Among other provisions, the law revises laws relating to:

- Middle grades education;
- Career and professional education;
- Student access to collegiate high school programs;
- Juvenile justice programs;
- Student eligibility and program accountability requirements for the Florida Tax Credit Scholarship Program;
- Interventions for students with reading deficiencies; and
- Duties of the Prepaid College Board.

Impact on the State Courts System:

As it relates to the State Courts System, the law authorizes additional judicial sanctions for students found guilty of hazing. Specifically, the court may require the defendant to:

- Make a public apology to victims and students at the school; and
- Participate in a school-sponsored antihazing campaign to raise awareness of what constitutes hazing and the penalties for hazing.

Statutory Sections Affected:

Amends ss. 11.45, 120.81, 409.1451, 985.622, 1001.31, 1001.42, 1002.395, 1003.02, 1003.42 1003.4203, 1003.4281, 1003.4282, 1003.492, 1003.4935, 1003.51, 1003.52, 1003.53, 1003.572, 1006.135, 1007.263, 1008.25, 1008.345, 1008.44, 1011.62, and 1012.98, F.S.

Creates ss. 1002.385, 1003.4995, 1003.5716, and 1007.273, F.S.

Repeals s. 1003.438, F.S.

Chapter 2014-184, Laws of Florida
Effective June 20, 2014
Approved by the Governor June 20, 2014

CS/HB 977 – Motor Vehicle Insurance & Driver Education for Children in Care

By Health Care Appropriations Subcommittee and Representative Albritton

Summary:

The law establishes a three-year pilot program within the Department of Children and Families (department) to pay the cost of driver education, licensure, and motor vehicle insurance for young adults in foster care. The law provides $800,000 in general revenue to the department to implement the pilot program.

The law requires school districts to provide foster children with preferential enrollment in driver education courses. It removes the disability of nonage of minors for foster children for the purpose of obtaining motor vehicle insurance. (A disability for nonage is an incapacity due to the person's age.) The law also removes the disability of nonage for motor vehicle insurance for foster children who are 16 years of age or older, reside in an out-of-home placement, and have completed a driver education course.

Impact on the State Courts System:

As it relates to the State Courts System, the law authorizes a court to issue an order removing the disability of nonage and authorizing a child to make and execute all contracts or agreements necessary for obtaining insurance as if the child were otherwise competent to make and execute contracts. When engaging in contracts or agreements necessary for obtaining insurance, the child must present to the other contracting party the court order removing the disability of nonage.

The law may require an amendment to Florida Rule of Juvenile Procedure 8.415 (Judicial Review of Dependency Cases). In addition, it may require a new form for the new ground for removal of disability of nonage (such as existing Florida Rules of Juvenile Procedure Forms 8.978 and 8.978 (A)).

Statutory Sections Affected:

Amends ss. 39.701, and 1003.48, F.S.

Creates ss. 409.1454 and 743.047, F.S.

Chapter 2014-166, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 19, 2014

CS/SB 1666 – Child Welfare

By Appropriations Committee and Children, Families, and Elder Affairs Committee

Summary:

The law makes a number of changes to previously existing laws and programs intended to protect children from abuse and neglect. It modifies requirements for child abuse investigation services provided by the Department of Children and Families (DCF) and, in some counties, the sheriff's office. Also, the law amends provisions establishing the state's privatized child welfare services through the community-based care agencies. Specifically, the law:

- Amends the purposes of ch. 39, F.S., relating to child protection and the foster care system to emphasize that the safety of children is the paramount concern in the dependency process.
- Establishes a new Assistant Secretary for Child Welfare in the DCF to provide direction and expertise in child welfare.
- Establishes a "Critical Incident Rapid Response Team" to quickly investigate child abuse deaths where the child was known to the child welfare system. The investigation is to determine the root causes and determine how the child welfare system failed to protect the child.
- Requires the DCF to publish on its website basic information about all child abuse deaths.
- Strengthens provisions relating to safety plans for children who have been abused, neglected, or abandoned by their caregivers. Safety plans are used by the DCF, and, in some counties, the sheriff's office, to set conditions whereby the child can safely remain in the home.
- Clarifies the relationship between the DCF and community-based care agencies in dependency proceedings. The law states that attorneys in the dependency process represent the DCF, but must also consider the recommendations of the community-based care agency case managers.
- Defines "medically complex children" and "medical neglect" and requires the DCF to have the medical expertise to investigate such cases.
- Directs that the DCF investigate all calls of child-on-child sexual abuse among dependent children that are reported to the abuse hotline.
- Strengthens the requirement for the DCF to keep siblings together when they are removed from their homes.
- Extends the requirement of the Rilya Wilson Act that children in the child welfare system attend preschool to those children under three years of age.
- Expands the previous relative caregiver provisions to provide compensation to qualified non-relatives who provide homes for dependent children.
- Expands the scope of the work of the Child Abuse Death Review Committees in the Department of Health, requiring that the committees investigate all child deaths reported to the abuse hotline, rather than just those deaths that were the result of verified child abuse or neglect.
- Establishes a preference for hiring social workers as child protective investigators. The law sets a goal for half of all DCF investigators to be social workers by 2019 and allows other qualified

workers to be hired, but directs the DCF to provide them with specialized training within a specified amount of time on the job.

- Creates a tuition exemption and loan forgiveness program to attract social workers to work in child welfare. The law authorizes payments of up to $3,000 per year to pay student loans of child welfare personnel with a social work degree.
- Creates a new part V of ch. 409, F.S., to be entitled "Community-Based Child Welfare." In this new part, previously existing law relating to community-based care is reorganized, obsolete provisions are removed, and some provisions are clarified.
- Establishes a new criminal offense for so called "re-homing," in which an adopted child is given up illegally to another family.
- Establishes the Florida Institute for Child Welfare, comprised of the state's public and private university schools of social work, to advise the state on child welfare policy, social work education, and child welfare worker training.

Impact on the State Courts System:

The law's new requirements in ss. 39.402(8)(h)(6) and 39.402(9)(b), F.S., require judges to make additional findings of fact.

New subsection 39.5085(2)(a)3, F.S., requires that the court find that a proposed placement is in the best interest of the child.

The law's amendment to s. 39.701(2)(c), F.S., requires that at a judicial review hearing, the court determines the frequency, kind, and duration of contacts among siblings who have been separated during placement, as well as any efforts undertaken to reunite separated siblings if doing so is in the best interest of the child. The law's amendment to s. 39.701(3)(a), F.S., requires the court to issue an order on the removal of disability of nonage pursuant to ss. 743.044, 743.045, and 743.046, F.S., for any of those disabilities that the court finds it is in the child's best interest to remove.

The law amends three existing grounds for termination of parental rights (TPR), which will change the findings of fact that must be made by judges when cases are brought under the applicable grounds. The law creates a new TPR in s. 39.806(1)(e)3, F.S., when the child has been in care for any 12 of the last 22 months and the parents have not substantially complied with the case plan so as to permit reunification under s. 39.522(2), F.S., unless the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the DCF to make reasonable efforts to reunify the parent and child. The TPR ground in s. 39.806(1)(f), F.S., is amended so that proof of a nexus between egregious conduct to a child and the potential harm to the child's sibling is not required. Similarly, the TPR ground in s. 39.806(1)(h), F.S., is amended so that proof of a nexus between the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child, or a felony battery to a child and the potential harm to a child or another child, is not required.

The law also creates the new TPR ground, s. 39.806(1)(n), F.S., to allow termination if a parent is convicted of an offense that requires the parent to register as a sexual predator under s. 775.21, F.S. The addition of the new ground may result in additional TPR petitions being filed.

New s. 409.996(18)(a), F.S., requires the DCF to consult with dependency judges in the circuit or circuits served by the lead agency on the performance of the lead agency.

Although the law creates new s. 409.997(7), F.S. (requiring the DCF to consult with the community alliance and the chief judge or judges in the community-based care service area to prepare a yearly report to the Governor, Senate President, and House Speaker), under the terms of section 11 of HB 7141 (ch. 2014-161, Laws of Fla.), the provisions of that act which create s. 409.997, F.S., supersede the provisions in this law.

The law enacts s. 827.10, F.S., creating a new offense of unlawful desertion of a child, which may result in new criminal cases. In addition, the law may require a new jury instruction for the crime of unlawful desertion of a child.

Statutory Sections Affected:

Amends, repeals, and creates numerous sections of the Florida Statutes. See the chapter law (link below) for a complete listing of statutory sections affected.

Chapter 2014-224, Laws of Florida Effective July 1, 2014 except as otherwise expressly provided in this act. Approved by the Governor June 23, 2014

CS/CS/HB 7055 – Juvenile Justice

By Judiciary Committee, Justice Appropriations Subcommittee, and Criminal Justice Subcommittee (Representative Pilon)

Summary:

The law revises the framework for the juvenile justice system in Florida and delineates duties and responsibilities of the Department of Juvenile Justice (DJJ). The law enhances the state's focus on serious juvenile offenders, adopts measures to reduce recidivism, and increases care of juvenile offenders in the DJJ's custody.

To provide an increased focus on serious cases and public safety, the law:

- Requires the DJJ to notify a law enforcement agency and the victim of a juvenile offender who has escaped or absconded while in custody during commitment;
- Grants the court jurisdiction over a juvenile sex offender under the DJJ's supervision until he or she is 21 years old;
- Encourages the DJJ to develop evening-reporting centers to better support children in nonsecure detention;
- Authorizes the court to order juvenile offenders who commit technical violations of probation into an alternative consequence program; and

- Waives fingerprinting requirements for children committing offenses that may only result in a civil citation.

To reduce recidivism through recognizing the special needs of children and the need for transitional services, the law:

- Authorizes intake personnel to incorporate mental health, substance abuse, and psychosexual evaluations as part of the intake process;
- Establishes trauma-informed care as part of the DJJ model;
- Encourages placement of children in their home communities to facilitate family and community support;
- Enhances the transition-to-adult services offered and lifts the age restriction of youth clients eligible for service; and
- Requires the DJJ to focus on prevention services through providing academic and community support for at-risk youth.

To improve care to juveniles in the residential custody of the DJJ, the law:

- Combines the commitment levels of low-risk and moderate-risk residential commitments into the newly-designated nonsecure residential commitment level and caps the number of beds authorized per facility at 90 beds, rather than the current cap of 165 beds;
- Creates a criminal offense of willful and malicious neglect, punishable as a third degree felony if the employee's lack of care does not result in harm to the juvenile offender in DJJ custody and as a second degree felony if great bodily harm results; and
- Allows for prosecution under the new criminal offense for any victim in commitment care, not just children under the age of 18.

To increase performance accountability, the law requires the DJJ to adopt a system to measure performance based on recidivism rates of providers and programs, and to annually report findings to the Legislature.

The law codifies a provision found in the 2013-2014 Implementing Bill for the General Appropriations Act which caps the allowable rate for hospital health services provided to juveniles at 110 percent of the Medicare allowable rate, with a cap of 125 percent in limited cases.

This law grants the DJJ greater flexibility in the assessment process by allowing a DJJ employee other than a juvenile probation officer to participate in intake, screenings, and assessments.

Impact on the State Courts System:

The law makes many changes to ch. 985, F.S., affecting the DJJ and the juvenile justice system. Some of the many changes that indirectly and directly impact the State Courts System are as follow:

<u>Restrictiveness Level</u>
The definition of "restrictiveness level" in s. 985.03, F.S., was amended to combine low-risk residential (level 4) and moderate-risk residential (level 6) into one group called "nonsecure residential." The

courts must be aware of these changes because selecting an appropriate restrictiveness level is part of their commitment decision. Section 985.433, F.S., was amended to provide that the DJJ shall recommend the most appropriate restrictiveness level only if commitment is recommended by the court. This change clarifies that the decision whether to commit the child is solely within the province of the courts.

Commitments

Section 985.441, F.S., was amended to provide that a child on probation for a misdemeanor may not be committed to a restrictiveness level other than minimum-risk nonresidential for a misdemeanor offense or technical probation violation. However, the child could be committed to a nonsecure residential placement if the child had previously been adjudicated or had adjudication withheld for a felony or if the child had previously been adjudicated or had adjudication withheld for three or more misdemeanors within the preceding 18 months.

Detention

The definition of detention care in s. 985.03, F.S., was amended to provide for only two types of detention: secure detention and nonsecure detention. Home detention was subsumed into the definition of "nonsecure detention." "Nonsecured detention" is defined to include home detention, electronic monitoring, day reporting centers, newly authorized evening reporting centers, and nonsecure shelters. Nonsecure detention may also include other requirements imposed by the courts. The courts must be aware of these changes when making their detention decisions. Sections 985.24 and 985.255, F.S., were amended to add illegal possession of a firearm as a basis for ordering detention or continued detention. Section 985.24, F.S., was also amended to authorize the DJJ to develop evening reporting centers. Evening reporting centers were added to the definition of "nonsecure detention" and can serve as an alternative to the court placing a child in secure detention. Section 985.25, F.S., was amended to require that any child who has been taken into custody on three or more separate occasions within a 60-day period shall be placed into secure detention until their detention hearing. Section 985.255, F.S., was amended to clarify that a child charged with an act of domestic violence can be held in secure detention, regardless of the risk assessment instrument, if the court makes specific written findings that respite care is not available and secure detention is necessary in order to protect the victim from injury. Section 985.255, F.S., was also amended to provide that if the court orders detention but does not include a release date in the order, the DJJ must request the court set one on the same date the child is placed into detention care. If subsequent hearings are needed for safety planning, the initial order shall reflect that the next review hearing shall be held within three days after the initial detention placement.

Post-disposition

Section 985.27, F.S., was amended to require, rather than permit, that children committed to high-risk or maximum risk placements be held in secure detention until placement has been accomplished. As discussed, low-risk residential and moderate-risk residential were combined into one group called "nonsecure residential." Children awaiting placement into nonsecure residential are subject to the same detention as previously provided for children awaiting moderate-risk residential.

Probation/Technical Violations

Section 985.435, F.S., was amended to authorize probation programs to include a new alternative consequence component to address technical violations of probation. If the probation program is to include an alternative consequence component, the court must state in the disposition order the

consequences that will apply to specific violations. Section 985.439, F.S., was amended to authorize the court to place children in alternative consequence programs for a technical violation of probation. Upon placing a child in such a program, the court must approve specific consequences for specific future violations of the conditions of probation.

Juvenile Court Jurisdiction

Section 985.0301, F.S., was amended to authorize, rather than require, the court to transfer a detained child to a detention center in the circuit in which the child resides or will reside at the time of detention. The change restricts such transfers to only these two circumstances, which means the receiving court will no longer be able to direct where the detained child may be placed when a case is being transferred. Section 985.0301, F.S., was also amended to simplify and clarify the jurisdictional age restrictions for children in the juvenile justice system. The court has jurisdiction over a child until 19 years of age in order for the court to "dispose of the case" or where the child is on juvenile probation; until 21 years of age where the child is committed by the court to the DJJ, specifically to complete the commitment program; until 21 years of age for a sex offender in order for him or her to complete the program; or until a separate restitution order is satisfied.

Contempt of Court

Section 985.037, F.S., was amended to provide for the placement of a child in a secure detention facility for contempt of court and to revise the procedure. The law requires the court to hold a hearing if a child is charged with direct contempt and to afford the child due process at such hearing. Under existing laws, there was no specific provision for a hearing or due process for direct contempt. The bill also clarifies that if a judge places a child into a secure facility for contempt, such facility must be a *detention* facility. In such instances, the court need only review the appropriateness of the placement upon motion by the defense attorney or state attorney (rather than every 72 hours).

New Offense for Abuse

Section 985.702, F.S., was created to provide definitions and provide for the imposition of criminal penalties against specified DJJ employees who inflict willful and malicious neglect upon juvenile offenders.

Scared Straight Programs

Section 945.75, F.S., was repealed. Judges may no longer order juveniles who have committed delinquent acts to tour state correctional facilities as part of what is commonly referred to as "scared straight programs."

The law may require an amendment to Florida Rules of Juvenile Procedure 8.013(c) (Detention Orders) and 8.150(a) (Direct Contempt).

Statutory Sections Affected:

Amends, repeals, and creates numerous sections of the Florida Statutes. See the chapter law (link below) for a complete listing of statutory sections affected.

Chapter 2014-162, Laws of Florida

Effective July 1, 2014

Approved by the Governor June 17, 2014

Fees

No measures are reviewed under this category for the 2014 legislative session.

Foreclosure

No measures are reviewed under this category for the 2014 legislative session.

Guardianship

CS/HB 635 – Guardianship

By Civil Justice Subcommittee and Representative Passidomo

Summary:

The law makes improvements to Florida's guardianship law as it relates to review and audit by clerks of court, requires credit history investigations and Level 2 background checks for all guardians other than corporate guardians, and adds guardians to the list of persons that would be precluded from denying or failing to acknowledge arrests covered by an expunged or sealed record.

The law defines a guardian as a person who has been appointed by the court to act on behalf of a ward's person, property, or both. Guardians are appointed according to statutory criteria, and are deemed to be professional guardians if they manage the property of more than three wards. Professional guardians must submit to a criminal background check and a credit history investigation. Every guardian of the property must file an annual guardianship report with the court, which includes the annual accounting. The accounting is subject to review by the clerk of the court and the court.

The law requires all guardians other than a corporate guardian to submit to a credit history investigation and Level 2 background screening. At the request of an interested party or on the court's own motion, the court may waive the requirement of a credit history investigation or a Level 2 background screening, or both. A nonprofessional guardian may petition the court for reimbursement for background screening costs.

The clerk of the court may request and review records and documents that reasonably impact guardianship assets. The law makes additional procedures available to the clerk of the court to obtain documents through the use of a non-party subpoena.

Persons seeking appointment as a guardian are added to the list of persons that may not lawfully deny or fail to acknowledge arrests covered by an expunged or sealed record.

Impact on the State Courts System:

A significant impact to the State Courts System is not anticipated, though new requirements may require a nominal claim on judicial time.

Statutory Sections Affected:

Amends ss. 744.102, 744.3135, 744.368, 744.3685, and 744.474, F.S.

Reenacts ss. 943.0585 and 943.059, F.S.

Chapter 2014-124, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 13, 2014

Information System Services

HB 7073 – Information Technology Governance

By Appropriations Committee (Representative McKeel)

Summary:

The law establishes an enterprise information technology (IT) governance structure within the executive branch. Specifically, the law:

- Creates the Agency for State Technology (AST) within the Department of Management Services (DMS) and establishes an executive director of the agency who serves as the state's chief information officer and is appointed by the Governor and confirmed by the Senate;
- Establishes 11 other positions within the AST to include a deputy executive director, a chief planning officer, 6 strategic planning coordinators, a chief operations officer, a chief information security officer, and a chief technology officer;
- Authorizes a type two transfer of all records, property, unexpended balances of appropriations, administrative authority, administrative rules in chapters 71A-1 and 71A-2, F.A.C., pending issues, and existing contracts of the Agency for Enterprise Information Technology (AEIT) to the AST;
- Authorizes a type two transfer of the Northwood and Southwood Shared Resource Centers from the DMS to the AST and creates the state data center;
- Defines the duties and responsibilities of the AST to include:
  - developing and implementing IT architecture standards,
  - establishing project management and oversight standards,
  - performing project oversight on IT projects with total costs of $10 million or more,
  - performing project oversight on any cabinet agency IT project with total costs of $50 million or more,
  - providing operational management and oversight of the state data center, and
  - identifying opportunities for standardization and consolidation of IT services that support common business functions;
- Establishes the Technology Advisory Council within the AST for purposes of making recommendations to the executive director and defines the council's membership;
- Clarifies the IT security duties of the AST, individual agencies, and the Florida Department of Law Enforcement's Cybercrime Office;
- Requires the AST to conduct a feasibility study and to provide recommendations for managing state government data;
- Requires the AST to contract for the completion of a risk assessment of IT security on the state data center and its state agency customers;
- Repeals sections of law relating to the AEIT, the Northwood and Southwood Shared Resource Centers, energy efficient standards for the state centers, and statewide e-mail service; and
- Appropriates a total of $4,810,994 million and 27 full-time equivalent positions for Fiscal Year 2014-2015.

Impact on the State Courts System:

This law does not apply to the judicial branch and is included for informational purposes.

Statutory Sections Affected:

Amends ss. 17.0315, 20.055, 110.205, 215.322, 215.96, 216.023, 282.0041, 282.201, 282.318, 287.057, 327.301, 445.011, 445.045, 668.50, 943.0415, and 1004.649, F.S.

Creates ss. 20.61, 282.0051, 282.00515, and 287.0591, F.S.

Repeals ss. 14.204, 282.0055, 282.0056, 282.203, 282.204, 282.205, 282.33, and 282.34, F.S.; and s. 48 of ch. 2013-41, Laws of Fla.

Chapter 2014-221, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

Mental Health and Substance Abuse

CS/SB 256 – Public Records/Forensic Behavioral Health Evaluation

By Governmental Oversight and Accountability Committee and Senator Garcia

Summary:

The law makes forensic behavioral health evaluations filed with the court pursuant to ch. 916, F.S., (Mentally Deficient and Mentally Ill Defendants) confidential and exempt from public records requirements.

The term "forensic behavioral health evaluation" is defined as meaning any record, including supporting documentation, derived from a competency, substance abuse, psychosexual, psychological, psychiatric, psychosocial, cognitive impairment, sanity, or other mental health evaluation of an individual.

The public-records exemption applies retroactively. As required by the State Constitution, the law provides a statement of public necessity for the exemption.

Impact on the State Courts System:

The issue addressed by this law was part of the 2014 judicial branch agenda.

Forensic behavioral health evaluations contained in court files have not been among the 20 categories of records that are automatically exempt from public disclosure under Rule 2.420(d)(1)(B), Florida Rules of Judicial Administration. In order to treat records that are not automatically exempt as confidential, a motion must be filed, a hearing held, and an order issued. As a result, the defense bar has been filing thousands of motions each year to make forensic behavioral health evaluations confidential. The vast majority of these motions have been granted.

The Florida Courts Technology Commission's Subcommittee on Access to Court Records (Access Subcommittee) opinion, which was adopted by the Florida Supreme in *In re Amendments to Florida Rule of Judicial Administration 2.420*, 68 So. 3d 228 (Fla. 2011), was that any records not expressly exempt from public access by laws in effect on July 1, 1993, or court rules in effect as of September 1992, were not appropriate for inclusion as an automatic exemption. Therefore, in order for forensic behavioral health evaluations to qualify as an automatic exemption, the Florida Legislature would have to expressly make such records filed with the court exempt from public records requirements. This law provides the legal authority to amend Rule 2.420(d)(1)(B), Florida Rules of Judicial Administration, to add forensic behavioral health evaluations filed with the court to the list of court records that are automatically exempt from public records requirements. If the rule is amended, this will save judicial resources by eliminating the need for motions, hearings, and orders to protect these records from disclosure.

Statutory Sections Affected:

Creates s. 916.1065, F.S.

Chapter 2014-67, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 13, 2014

CS/CS/SB 280 – Public Records/Participants in Treatment-based Drug Court Programs

By Rules Committee, Governmental Oversight and Accountability Committee, and Senator Garcia

Summary:

The law provides that specified information relating to a participant or a person considered for participation in a treatment-based drug court program which is contained in the records for screenings for participation in the program, substance abuse screenings, behavioral health evaluations, or subsequent treatment status reports is confidential and exempt from public records requirements.

The law provides that the protected information may be released:

- Pursuant to written request of the participant or person considered for participation, or his or her legal representative; or
- To another governmental entity in the furtherance of its responsibilities associated with the screening of a person considered for participation in or the provision of treatment to a person in a treatment-based drug court program.

The law provides that the exemption is subject to legislative review and repeal under the Open Government Sunset Review Act and provides a statement of public necessity as required by the State Constitution.

Impact on the State Courts System:

The issue addressed by this law was part of the 2014 judicial branch agenda.

Information relating to a participant or person considered for participation in a drug court program that is contained in program records ("drug court participant information") has not been among the 20 categories of records that are automatically exempt from public disclosure under Rule 2.420(d)(1)(B), Florida Rules of Judicial Administration. In order to treat records that are not automatically exempt as confidential, a motion must be filed, a hearing held, and an order issued.

The Florida Courts Technology Commission's Subcommittee on Access to Court Records (Access Subcommittee) opinion, which was adopted by the Florida Supreme in In re Amendments to Florida Rule of Judicial Administration 2.420, 68 So. 3d 228 (Fla. 2011), was that any records not expressly exempt from public access by laws in effect on July 1, 1993, or court rules in effect as of September 1992, were

not appropriate for inclusion as an automatic exemption. Therefore, in order for drug court participant information to qualify as an automatic exemption, the Florida Legislature would have to expressly make such records filed with the court exempt from public records requirements. This law provides the legal authority to amend Rule 2.420(d)(1)(B), Florida Rules of Judicial Administration, to add drug court participant information to the list of records that are automatically exempt from public records requirements. If the rule is amended, this will save judicial resources by eliminating the need for motions, hearings, and orders to protect these records from disclosure.

Statutory Sections Affected:

Amends s. 397.334, F.S.

Chapter 2014-174, Laws of Florida Effective June 20, 2014 Approved by the Governor June 20, 2014

Personnel and Retirement

CS/SB 106 – County Employees

By Governmental Oversight and Accountability Committee and Senator Dean

Summary:

As described by the final bill analysis by the Senate, this law clarifies the authority of counties related to employee benefits. The law specifies that a county's power to employ personnel includes, but is not limited to, the authority to determine the benefits available to different types of personnel. It also specifies that the Florida Retirement System Act governs the participation of county employees in the Florida Retirement System.

Impact on the State Courts System:

This law does not appear to change previously existing county authority and is included in this document for informational purposes.

Statutory Sections Affected:

Amends s. 125.01, F.S.

Chapter 2014-7, Laws of Florida Effective July 1, 2014 Approved by the Governor May 12, 2014

HB 5005 – State Administered Retirement Systems

By Appropriations Committee (Representative McKeel)

Summary:

The law increases the employer contribution for the Retiree Health Insurance Subsidy (HIS) from 1.20 to 1.26 percent of employees' salaries and adjusts the employer-paid contribution rates for normal cost and unfunded actuarial liability for the Florida Retirement System (FRS), based on the 2013 Actuarial Valuation.

Impact on the State Courts System:

The law applies to all employers who contribute to the FRS.

Statutory Sections Affected:

Amends ss. 112.363, 121.052, 121.055, 121.071, 121.71, and 121.74, F.S.

Chapter 2014-54, Laws of Florida Effective July 1, 2014 Approved by the Governor June 2, 2014

Public Records and Meetings

CS/CS/SB 238 – Public Records/Names of Spouses and Children of Public Defenders and Criminal Conflict and Civil Regional Counsel

By Governmental Oversight and Accountability Committee, Criminal Justice Committee, and Senator Joyner

Summary:

State law provides a public-records exemption for certain identification and location information of current and former public defenders, of current and former criminal conflict and civil regional counsel, and of the spouses and children of such defenders and counsel.

This law expands that public-records exemption to also protect the names of such spouses and children.

The law provides that the exemption is subject to legislative review and repeal under the Open Government Sunset Review Act and provides a statement of public necessity as required by the State Constitution.

Impact on the State Courts System:

The law may require amendment to Florida Rule of Judicial Administration 2.420(d)(1)(B), to add the newly protected information to the list of automatic exemptions.

Statutory Sections Affected:

Amends s. 119.071, F.S.

Chapter 2014-172, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/CS/HB 415 – Public Records/Investigations and Examinations by Office of Financial Regulation

By Government Operations Subcommittee, Insurance and Banking Subcommittee, and Representative Santiago

Summary:

This law is linked to HB 413, which expands the Office of Financial Regulation's (OFR) registration and enforcement authority other consumer collection agencies (CCA) under the Florida Consumer Collection Practices Act (the Act). In part, HB 413 authorizes the OFR to make unannounced examinations and investigations to determine whether a person has violated the Act or related rules, regardless of

whether a consumer complaint has been filed. HB 413 also authorizes the OFR to conduct joint or concurrent examinations with other state or federal regulatory agencies and to share examination materials. (See HB 413, ch. 2014-116, Laws of Fla.)

Previously, the OFR did not have authority to withhold from public disclosure any information relating to consumer complaints, investigations, examinations, and registrations. Therefore, this law provides that information relating to an investigation or examination by the OFR is confidential and exempt from public records requirements as long as the investigation or examination is active. Once the investigation or examination is no longer active, information made confidential and exempt by this law is no longer confidential and exempt unless disclosure would:

- Jeopardize another active investigation or examination;
- Reveal the personal identifying information of a consumer;
- Reveal the identity of a confidential source;
- Reveal investigative techniques or procedures; or
- Reveal trade secrets.

The law provides that the exemption is subject to legislative review and repeal under the Open Government Sunset Review Act and provides a statement of public necessity as required by the State Constitution.

Impact on the State Courts System:

This law is not expected to have a significant impact on the State Courts System and is included in this document for informational purposes.

Statutory Sections Affected:

Creates s. 559.5558, F.S.

Chapter 2014-117, Laws of Florida Effective October 1, 2014 Approved by the Governor June 13, 2014

SB 520 – Public Records/Dental Workforce Surveys

By Senator Richter

Summary:

This law provides that personal identifying information provided by a dentist or dental hygienist in response to a dental workforce survey and held by the Department of Health (DOH) is confidential and exempt from public records requirements.

The law provides that the public-records exemption is subject to legislative review and repeal under the Open Government Sunset Review Act and provides a statement of public necessity as required by the State Constitution.

Impact on the State Courts System:

The law authorizes disclosure of the protected information under certain circumstances, including pursuant to a court order upon a showing of good cause.

Statutory Sections Affected:

Creates s. 466.051, F.S.

Chapter 2014-78, Laws of Florida Effective June 13, 2014 Approved by the Governor June 13, 2014

CS/HB 525 – Public Records/Personal Identifying Information/Licensure to Carry Concealed Weapon or Firearm

By Business and Professional Regulation Subcommittee and Representatives Grant and Steube

Summary:

This law is linked to HB 523, which authorizes the Division of Licensing of the Department of Agriculture and Consumer Services (division) to appoint tax collectors to accept applications on behalf of the division for concealed weapon or firearm licenses. (See discussion of HB 523, ch. 2014-205, Laws of Fla., under the "Criminal" section of this document.)

This law expands an existing public-records exemption for personal identifying information of an individual who has applied for or received a license to carry a concealed weapon or firearm held by the division to also protect such information when held by an appointed tax collector. The law provides for retroactive application of the public-records exemption.

The law further provides that the exemption is subject to legislative review and repeal under the Open Government Sunset Review Act and provides a statement of public necessity, as required by the State Constitution.

Impact on the State Courts System:

The existing public-records exemption authorized disclosure of the protected information pursuant to court order upon a showing of good cause. The newly protected information is also subject to the disclosure provisions.

Statutory Sections Affected:

Amends s. 790.0601, F.S.

Chapter 2014-206, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

CS/HB 650 – Open Government Sunset Review/ Inventory of an Estate or Elective Estate

By Governmental Oversight and Accountability Committee and Judiciary Committee

Summary:

The Open Government Sunset Review Act requires all newly created or expanded public-records or public-meetings exemptions applicable to the executive branch and local governmental agencies to be repealed on October 2 of the fifth year after the exemption's enactment, unless reviewed and saved from repeal by the Legislature.

This law saves from repeal the public-records exemption for an inventory of an estate or elective estate, or an accounting filed in an estate proceeding.

Impact on the State Courts System:

This law does not change existing law and is included in this document for informational purposes.

Statutory Sections Affected:

Amends s. 733.604, F.S.

Chapter 2014-82, Laws of Florida Effective July 1, 2014 Approved by the Governor June 13, 2014

CS/CS/HB 711 – Public Meetings and Public Records/Alzheimer's Disease Research Grant Advisory Board

By Governmental Operations Subcommittee, Health Quality Subcommittee, and Representative Hudson

Summary:

The law creates a public-records exemption for applications provided to the Alzheimer's Disease Research Grant Advisory Board (board) under the newly created Ed and Ethel Moore Alzheimer's Disease Research Program. Any records generated by the board relating to the review of research grant applications, except final recommendations, are confidential and exempt.

The law also creates a public-meetings exemption for those portions of a board meeting during which such applications are discussed. The closed portion of the meeting must be recorded, and the recording must be maintained by the board.

Thie law provides that the exemption is subject to legislative review and repeal under the Open Government Sunset Review Act and provides a statement of public necessity as required by the State Constitution.

Impact on the State Courts System:

The law provides that the confidential and exempt records, including recordings of meetings, may be disclosed by a court order upon a showing of good cause.

Statutory Sections Affected:

Amends s. 381.82, F.S.

Chapter 2014-164, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 18, 2014

CS/SB 858 – Open Government Sunset Review/Florida Defense Task Force

By Governmental Oversight and Accountability Committee and Military and Veterans Affairs, Space, and Domestic Security Committee

Summary:

The Open Government Sunset Review Act requires all newly created or expanded public-records or public-meetings exemptions applicable to the executive branch and local governmental agencies to be repealed on October 2 of the fifth year after the exemption's enactment, unless reviewed and saved from repeal by the Legislature.

This law saves from repeal the public-records and public-meetings exemptions for the Florida Defense Support Task Force regarding the United States base realignment and closure process. The law also deletes a criminal penalty for the willful and knowing violation of the exemptions' provisions.

Impact on the State Courts System:

The removal of the criminal penalty is not expected to have a substantial impact on court workload.

Statutory Sections Affected:

Amends s. 288.985, F.S.

Chapter 2014-185, Laws of Florida Effective October 1, 2014 Approved by the Governor June 20, 2014

CS/CS/CS/HB 865 – Public Records/Motor Vehicle Crash Reports

By Economic Affairs Committee, Government Operations Subcommittee, Transportation and Highway Safety Subcommittee, and Representatives Kerner and Campbell

Summary:

The law revises the exception to the public-records exemption for motor vehicle crash reports by providing further access restrictions for free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. Specifically, this law only allows such free newspapers to access a crash report within the authorized 60-day period after the date the crash report was filed if the free newspaper:

- Distributes a minimum of 7,500 copies by mail or by carrier as verified by a postal statement or by a notarized printer's statement of press run;
- Has the intention of being of general distribution and circulation; and
- Contains news of general interest with a minimum of ten pages per publication.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, the judicial branch may wish to be aware of the changes to the public-records exemption for motor vehicle crash reports.

Statutory Sections Affected:

Amends s. 316.066, F.S.

Chapter 2014-213, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

SB 1108 – Open Government Sunset Review/Children of Agency Officers and Employees/Identifying Information

By Community Affairs Committee

Summary:

The Open Government Sunset Review Act requires all newly created or expanded public-records and public-meetings exemptions applicable to the executive branch and local governmental agencies to be repealed on October 2 of the fifth year after the exemption's enactment, unless reviewed and saved from repeal by the Legislature.

This law saves from repeal the public-records exemption for personal identifying information of a dependent child of an agency officer or employee when that child is insured under an agency group insurance plan.

Impact on the State Courts System:

This law does not change existing law and is included in this document for informational purposes.

Statutory Sections Affected:

Amends s. 119.071, F.S.

Chapter 2014-94, Laws of Florida Effective October 1, 2014 Approved by the Governor June 13, 2014

CS/SB 1140 – Public Records/Division of Emergency Management/Emergency Planning

By Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Hays

Summary:

The law creates a public-records exemption for any information furnished by a person or business to the Department of Emergency Management for the purpose of being provided assistance with emergency planning. It provides for retroactive application of the exemption.

The law further provides that the exemption is subject to legislative review and repeal under the Open Government Sunset Review Act and provides a statement of public necessity as required by the State Constitution.

Impact on the State Courts System:

A significant direct impact to the State Courts System is not anticipated. However, the judicial branch may wish to be aware of the creation of a public-records exemption for any information furnished by a person or business to the Department of Emergency Management for the purpose of being provided assistance with emergency planning.

Statutory Sections Affected:

Creates s. 252.905, F.S.

Chapter 2014-188, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 20, 2014

CS/CS/SB 1300 – Public Records/Office of Insurance Regulation

By Governmental Oversight and Accountability Committee, Banking and Insurance Committee, and Senator Simmons

Summary:

This law is linked to SB 1308, which revises provisions within the Insurance Code relating to solvency requirements and regulatory oversight of insurers by the Office of Insurance Regulation (OIR) and incorporates provisions of model acts of the National Association of Insurance Commissioners (NAIC) necessary for accreditation purposes. (See discussion of SB 1308, ch. 2014-101, Laws of Fla., under the "Civil" section of this document.)

This law incorporates the necessary confidentiality elements for the OIR to meet the NAIC's accreditation standards by providing that proprietary business information is confidential and exempt from public records requirements. The law defines proprietary business information for purposes of the public-records exemption. The term includes information contained in certain reports, such as an actuarial opinion summary, enterprise risk reports, and principle-based reserving valuation reports.

Impact on the State Courts System:

The law authorizes release of the protected information pursuant to a court order.

Statutory Sections Affected:

Creates s. 624.4212, F.S.

Chapter 2014-100, Laws of Florida Effective October 1, 2014 Approved by the Governor June 13, 2014

CS/CS/SB 1320 – Public Records/Office of Financial Regulation

By Governmental Oversight and Accountability Committee, Banking and Insurance Committee, and Senator Richter

Summary:

This law is linked to HB 1238, which authorizes the creation of family trust companies, licensed family trust companies, and foreign licensed family trust companies. Family trust companies are owned exclusively by family members and may not provide fiduciary services to the public, and are generally formed to manage the wealth of high net-worth families in lieu of traditional or institutional trustee arrangements for a variety of personal, investment, regulatory, and tax purposes. (See the discussion of HB 1238, ch. 2014-97, Laws of Fla., under the "Civil" section of this document.)

This law makes confidential and exempt from public records requirements the following information held by the Office of Financial Regulation (OFR) relating to family trust companies, licensed family trust companies, and foreign licensed family trust companies:

- Any personal identifying information appearing in records relating to a registration, application, annual certification, or examination of any family trust company type;
- Any personal identifying information appearing in reports of examinations, operations, or conditions, including working papers;
- Any portion of a list of names of shareholders or members of any family trust company type;
- Information received by the OFR from a person from another state or nation or the federal government that is otherwise confidential or exempt pursuant to the laws of that state or nation or the federal government; and
- An emergency cease and desist order until the emergency order is made permanent, unless the OFR finds that such confidentiality will result in substantial risk of financial loss to the public.

Impact on the State Courts System:

The law authorizes release of confidential and exempt information to specified persons, and provides that willful disclosure of such information constitutes a third degree felony, thus creating the opportunity for additional prosecutions. However, any related increase in judicial workload is expected to be manageable within existing resources.

Statutory Sections Affected:

Creates s. 662.148, F.S.

Chapter 2014-102, Laws of Florida Effective October 1, 2014 Approved by the Governor June 13, 2014

CS/CS/SB 1526 – Public Records/Department of Legal Affairs

By Rules Committee, Judiciary Committee, and Senator Thrasher

Summary:

This law is linked to SB 1524, which creates the Florida Information Protection Act of 2014. In part, the law requires commercial entities and certain government agencies to provide notice to the Department of Legal Affairs (DLA) in the event of a security breach involving personal information. (For more information, see SB 1524, ch. 2014-189, Laws of Fla., under the "Civil" section of this document.)

This law creates a public-records exemption relating to the Florida Information Protection Act. Specifically, all information received by the DLA pursuant to a notice of a security breach or received pursuant to an investigation by the DLA or another law enforcement agency is confidential and exempt from public records requirements. The exemption applies until the investigation is completed or ceases to be active. During an active investigation, the protected information may be released under specified circumstances.

Upon completion of an investigation or once an investigation ceases to be active, the following information remains confidential and exempt from public records requirements:

- All information to which another public-records exemption applies;
- Personal information, as defined by the law;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a covered entity's data security; and
- Information that would disclose a covered entity's proprietary business information.

Impact on the State Courts System:

The State Courts System may wish to be aware of the application of the public-records exemption in relation to the Florida Information Protection Act of 2014.

Statutory Sections Affected:

Amends s. 501.171, F.S.

Chapter 2014-190, Laws of Florida Effective July 1, 2014 Approved by the Governor June 20, 2014

SB 1678 – Open Government Sunset Review/Agency Personnel Information

By Government Oversight and Accountability Committee

Summary:

The Open Government Sunset Review Act requires all newly created or expanded public-records or public-meetings exemptions applicable to the executive branch and local governmental agencies to be repealed on October 2 of the fifth year after the exemption's enactment, unless reviewed and saved from repeal by the Legislature.

The law saves from repeal the public-records exemption for social security numbers of current and former agency employees held by the employing agency. The law also authorizes disclosure of the protected information pursuant to specified circumstances.

Impact on the State Courts System:

One of the specified circumstances in which the protected information may be disclosed is if disclosure of the social security number is expressly required by federal or state law or a court order.

Statutory Sections Affected:

Amends s. 119.071, F.S.

Chapter 2014-105, Laws of Florida Effective October 1, 2014 Approved by the Governor June 13, 2014

SB 1700 – Public Records/Personal Identifying Information/Compassionate Use Registry

By Senator Bean

Summary:

This law is linked to SB 1030, which authorizes a physician to order low-THC cannabis for patients with specified conditions under specified circumstances. In part, the law requires the Department of Health (DOH) to establish a compassionate use registry (registry) for the registration of physicians and patients who order or are ordered, respectively, low-THC cannabis. (See discussion of SB 1030, ch. 2014-157, Laws of Fla., under the "Criminal" section of this document.)

This law makes patient and physician personal identifying information held by the DOH in the registry confidential and exempt from public records requirements. The law allows law enforcement agencies, low-THC marijuana dispensing organizations, physicians, the DOH's relevant health care regulatory boards, and persons engaged in bona fide research to access the information in the registry under certain circumstances.

The law also requires that such confidential and exempt information remain confidential and exempt once released from the registry and makes it a third degree felony to willfully and knowingly violate the provisions of the exemption.

Impact on the State Courts System:

The new criminal penalty may create the opportunity for additional prosecutions. However, it is not expected to have a substantial impact on judicial workload.

Statutory Sections Affected:

Creates s. 381.987, F.S.

Chapter 2014-158, Laws of Florida
Effective June 16, 2014
Approved by the Governor June 16, 2014

Real Property, Probate, and Trust Law

No measures are reviewed under this category for the 2014 legislative session.

Transportation and Traffic

CS/CS/SB 102 – Drivers Leaving the Scene of a Crash

By Appropriations Committee, Transportation Committee, and Senator Diaz de la Portilla

Summary:

The law creates new criminal offenses for those who leave the scene of an accident. The law also requires the Department of Highway Safety and Motor Vehicles to include in its approved driver improvement course curriculum instruction specifically addressing the rights of vulnerable road users in relation to vehicles on the roadway.

Impact on the State Courts System:

The law creates the "Aaron Cohen Life Protection Act," to create and increase penalties for drivers who leave the scene of an accident. Specifically, the law, among other provisions:

- Creates a third "leaving the scene of an accident offense" that makes it a second degree felony for a person to leave the scene of an accident involving "serious bodily injury";
- Ranks leaving the scene of an accident involving an injury, a serious bodily injury, or a death one level higher in the ranking chart if the victim of the offense is a "vulnerable road user;"
- Defines the term "vulnerable road user" to mean a pedestrian, including workers within the right-of-way or upon or along the highway or a person lawfully operating or riding on a bicycle, motorcycle, scooter, moped, animal, farm vehicle, skateboard, roller skates, in-line skates, horse-drawn carriage, electric personal mobility device, or wheelchair;
- Creates a new 4-year mandatory minimum term of imprisonment applicable to persons who leave the scene of an accident involving death;
- Increases from 2 years to 4 years the mandatory minimum term of imprisonment applicable to persons who are driving under the influence and who leave the scene of an accident involving death;
- Allows a defendant to move to depart from the four-year mandatory minimum sentence for leaving the scene of an accident involving death, unless the defendant was driving under the influence at the time of the violation; and
- Requires a driver who leaves the scene of a crash involving injury, serious bodily injury, or death to:
  - have his or her driver license revoked for at least three years, and
  - complete a victim's impact panel session, if one exists, or a driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway.

The law is not expected to have a substantial impact on court workload.

The law will likely require amendment to jury instructions relating to leaving the scene of a crash.

Statutory Sections Affected:

Amends ss. 316.027, 322.0261, 322.28, 322.34(6), and 921.0022, F.S.

Chapter 2014-225, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 24, 2014

CS/CS/SB 754 – Certificates of Title

By Transportation Committee, Banking and Insurance Committee, and Senator Bradley

Summary:

The law revises the bright-line process for applying for a salvage certificate of title or certificate of destruction (COD) after a motor vehicle is declared a total loss. Specifically, the law:

- Defines a "late model vehicle" as an automobile 7 years old or newer;
- Raises the 80-percent COD threshold to 90 percent, and limits its application to late model vehicles with a value of at least $7,500 just prior to sustaining the damage resulting in total loss;
- Applies a narrative description requiring a certificate of destruction for all other vehicles when the vehicle is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal, or when the vehicle comes into this state under a title or other ownership that indicates that the vehicle is non-repairable, junked, or for parts or dismantling only;
- Requires the Department of Highway Safety and Motor Vehicles to provide a summary report regarding certificates of title for rebuilt vehicles, including legislative recommendations, to the Governor, President of the Senate, and the Speaker of the House of Representatives;
- Revises and strengthens current airbag regulations by defining airbag, counterfeit airbag, and nonfunctional airbags;
- Prohibits knowingly importing, manufacturing, offering for sale, or reinstalling fake or junk-filled airbag compartments; and
- Provides additional fake or junk-filled airbag violations.

Impact on the State Courts System:

The law provides for additional criminal penalties for fake or junk-filled airbag violations; however, it is not expected to have a substantial impact on court workload.

Statutory Sections Affected:

Amends ss. 319.23, 319.30, and 860.146, F.S.

Chapter 2014-181, Laws of Florida
Effective July 1, 2014
Approved by the Governor June 20, 2014

All Enrolled Bills

(Includes Resolutions and Memorials)

Red Flags indicate bills that were tracked by OSCA.

Number	Title	Sponsor
HB 9	Relating to Legislature	Nuñez
	06/13/14 - Approved by Governor, Chapter No. 2014-106	
HB 23	Relating to Canned or Perishable Food Distributed Free of Charge	Rogers
	05/12/14 - Approved by Governor; Chapter No. 2014-26	
HB 41	Relating to Florida Law Enforcement Officers' Hall of Fame	Campbell
	06/20/14 - Approved by Governor; Chapter No. 2014-192	
HB 47	Relating to Spiny Lobster	Raschein
	06/13/14 - Approved by Governor, Chapter No. 2014-107	
HB 53	Relating to Inmate Reentry	Stone
	06/20/14 - Approved by Governor; Chapter No. 2014-193	
HB 59	Relating to Offenses Against Unborn Children	Ahern
	06/20/14 - Approved by Governor; Chapter No. 2014-194	
SB 86	Relating to Dentists	Latvala
	06/13/14 - Approved by Governor; Chapter No. 2014-64	
HB 89	Relating to Threatened Use of Force	Combee
	06/20/14 - Approved by Governor; Chapter No. 2014-195	
HB 97	Relating to Access to Health Care for the Underserved	Magar
	06/13/14 - Approved by Governor, Chapter No. 2014-108	
SB 102	Relating to Drivers Leaving the Scene of a Crash	Diaz de la Portilla
	06/24/14 - Approved by Governor; Chapter No. 2014-225	
SB 106	Relating to County Employees	Dean
	05/12/14 - Approved by Governor; Chapter No. 2014-7	
HB 115	Relating to Public Meetings/University Direct Support Organization	Pigman
	05/12/14 - Approved by Governor; Chapter No. 2014-27	
HB 117	Relating to Public Retirement Plans	Ray
	05/12/14 - Approved by Governor; Chapter No. 2014-28	
SB 118	Relating to National Retail Sales Tax	Hays
	05/09/14 - Signed by Officers and filed with Secretary of State	
SB 132	Relating to Specialty License Plates	Latvala
	06/20/14 - Approved by Governor; Chapter No. 2014-168	

SB 156	Relating to Motor Vehicle and Mobile Home Taxes, Fees, and Surcharges	Negron
	04/02/14 - Approved by Governor; Chapter No. 2014-6	
HB 175	Relating to Emergency Communication System	Steube
	06/20/14 - Approved by Governor; Chapter No. 2014-196	
HB 177	Relating to Pub. Rec./Prepaid Wireless E911 Fee	Steube
	06/20/14 - Approved by Governor; Chapter No. 2014-197	
SB 188	Relating to Education Data Privacy	Hukill
	05/13/14 - Approved by Governor; Chapter No. 2014-41	
SB 218	Relating to Transportation	Grimsley
	06/20/14 - Approved by Governor; Chapter No. 2014-169	
SB 224	Relating to Tobacco and Nicotine Product Regulation	Benacquisto
	06/13/14 - Approved by Governor; Chapter No. 2014-65	
HB 225	Relating to Child Safety Devices in Motor Vehicles	Perry
	06/24/14 - Approved by Governor; Chapter No. 2014-226	
SB 226	Relating to Public Records/Automated License Plate Recognition Systems Exemption	Brandes
	06/20/14 - Approved by Governor; Chapter No. 2014-170	
HB 227	Relating to Victims of Wrongful Incarceration	Kerner
	06/20/14 - Approved by Governor; Chapter No. 2014-198	
SB 230	Relating to Orlando-Orange County Expressway Authority	Simmons
	06/20/14 - Approved by Governor; Chapter No. 2014-171	
HB 231	Relating to Admissions Tax	Brodeur
	05/12/14 - Approved by Governor; Chapter No. 2014-29	
SB 236	Relating to Renaming of Florida College System Institutions	Richter
	05/12/14 - Approved by Governor; Chapter No. 2014-8	
SB 238	Relating to Public Records/Names of Spouses and Children of Public Defenders and Criminal Conflict and Civil Regional Counsel	Joyner
	06/20/14 - Approved by Governor; Chapter No. 2014-172	
SB 242	Relating to Security of a Protected Consumer's Information	Detert
	06/13/14 - Approved by Governor; Chapter No. 2014-66	
SB 256	Relating to Public Records/Forensic Behavioral Health Evaluation	Garcia
	06/13/14 - Approved by Governor; Chapter No. 2014-67	
SB 260	Relating to Unaccompanied Homeless Youths	Latvala

	06/20/14 - Approved by Governor; Chapter No. 2014-173	
HB 261	Relating to Constitutional Convention/Single-Subject Requirement for Federal Legislation	Beshears
	06/05/14 - Signed by Officers and filed with Secretary of State	
HB 271	Relating to Workers' Compensation	Cummings
	06/13/14 - Approved by Governor, Chapter No. 2014-109	
SB 272	Relating to Water Utilities	Simpson
	06/13/14 - Approved by Governor; Chapter No. 2014-68	
SB 280	Relating to Public Records/Participants in Treatment-based Drug Court Programs	Garcia
	06/20/14 - Approved by Governor; Chapter No. 2014-174	
HB 281	Relating to Keystone XL Pipeline	Hill
	06/05/14 - Signed by Officers and filed with Secretary of State	
SB 286	Relating to Concrete Masonry Education	Richter
	06/20/14 - Approved by Governor; Chapter No. 2014-175	
HB 287	Relating to Certificates of Need	Artiles
	06/13/14 - Approved by Governor, Chapter No. 2014-110	
HB 291	Relating to Warranty Associations	Santiago
	06/13/14 - Approved by Governor, Chapter No. 2014-111	
SB 308	Relating to Public Assistance Fraud	Brandes
	06/13/14 - Approved by Governor; Chapter No. 2014-69	
HB 313	Relating to Single-Gender Public School Programs	Diaz (M)
	05/12/14 - Approved by Governor; Chapter No. 2014-30	
SB 320	Relating to Commercial and Recreational Water Activities	Sachs
	06/13/14 - Approved by Governor; Chapter No. 2014-70	
HB 321	Relating to Title Insurance	Passidomo
	06/13/14 - Approved by Governor, Chapter No. 2014-112	
HB 323	Relating to Pharmacy	La Rosa
	06/13/14 - Approved by Governor, Chapter No. 2014-113	
HB 325	Relating to Brownfields	Stone
	06/13/14 - Approved by Governor, Chapter No. 2014-114	
HB 337	Relating to Florida Teachers Classroom Supply Assistance Program	Fresen
	05/12/14 - Approved by Governor; Chapter No. 2014-31	
HB 343	Relating to Rental Car Surcharge	Nuñez
	06/20/14 - Approved by Governor; Chapter No. 2014-199	
SB 356	Relating to Regulation of Public Lodging Establishments and Public Food Service Establishments	Thrasher
	06/13/14 - Approved by Governor; Chapter No. 2014-71	

SB 358	Relating to Athletic Coaches for Youth Athletic Teams	Ring
	05/12/14 - Approved by Governor; Chapter No. 2014-9	
SB 360	Relating to Sentencing for Controlled Substance Violations	Bradley
	06/20/14 - Approved by Governor; Chapter No. 2014-176	
SB 366	Relating to Public Records/Trade Secrets/Computers	Brandes
	06/20/14 - Approved by Governor; Chapter No. 2014-177	
SB 374	Relating to Growth Management	Detert
	06/20/14 - Approved by Governor; Chapter No. 2014-178	
SB 386	Relating to Application of Foreign Law in Courts	Hays
	05/12/14 - Approved by Governor; Chapter No. 2014-10	
SB 390	Relating to Public Records/Identifying Information of Personnel of Department of Health	Hays
	06/13/14 - Approved by Governor; Chapter No. 2014-72	
SB 392	Relating to State Speed Zones	Brandes
	08/07/14 - SENATE Veto Message referred to Rules	
SB 398	Relating to Florida Tourism Hall of Fame	Detert
	06/20/14 - Approved by Governor; Chapter No. 2014-179	
SB 404	Relating to Professional Geology	Grimsley
	06/13/14 - Approved by Governor; Chapter No. 2014-73	
HB 405	Relating to Trusts	Peters
	06/13/14 - Approved by Governor, Chapter No. 2014-115	
HB 409	Relating to Offenses Against Vulnerable Persons	Passidomo
	06/20/14 - Approved by Governor; Chapter No. 2014-200	
HB 413	Relating to Consumer Collection Practices	Santiago
	06/13/14 - Approved by Governor, Chapter No. 2014-116	
HB 415	Relating to Pub. Rec./Investigations and Examinations by Office of Financial Regulation	Santiago
	06/13/14 - Approved by Governor, Chapter No. 2014-117	
SB 424	Relating to Discriminatory Insurance Practices	Lee (T)
	06/20/14 - Approved by Governor; Chapter No. 2014-180	
HB 427	Relating to Traveling Across County Lines to Commit a Burglary	McBurney
	06/20/14 - Approved by Governor; Chapter No. 2014-201	
HB 433	Relating to Education	Spano
	05/12/14 - Approved by Governor; Chapter No. 2014-32	
SB 440	Relating to Condominiums	Altman
	06/13/14 - Approved by Governor; Chapter No. 2014-74	

SB 450	Relating to Telephone Solicitation	Clemens
	06/13/14 - Approved by Governor; Chapter No. 2014-75	
SB 476	Relating to Amendments to the Constitution of the United States	Hays
	05/09/14 - Signed by Officers and filed with Secretary of State	
HB 485	Relating to Sexual Offenses Against Students by Authority Figures	Raburn
	06/20/14 - Approved by Governor; Chapter No. 2014-202	
HB 487	Relating to Agricultural Industry Certifications	Raburn
	05/12/14 - Approved by Governor; Chapter No. 2014-33	
HB 489	Relating to Subsurface Rights	Spano
	05/12/14 - Approved by Governor; Chapter No. 2014-34	
SB0490	Relating to Motor Vehicle Liability Policy Requirements	Garcia
	06/13/14 - Approved by Governor; Chapter No. 2014-76	
SB 506	Relating to OGSR/Florida Insurance Guaranty Association	Banking and Insurance
	06/13/14 - Approved by Governor; Chapter No. 2014-77	
HB 511	Relating to Cancer Control and Research	Coley
	06/13/14 - Approved by Governor, Chapter No. 2014-118	
HB 513	Relating to State Poet Laureate	Raulerson
	06/20/14 - Approved by Governor; Chapter No. 2014-203	
HB 515	Relating to Public Assistance Fraud	Smith (J)
	06/13/14 - Approved by Governor, Chapter No. 2014-119	
HB 517	Relating to Fraudulent Controlled Substance Prescriptions	Hooper
	06/20/14 - Approved by Governor; Chapter No. 2014-204	
SB 520	Relating to Public Records/Dental Workforce Surveys	Richter
	06/13/14 - Approved by Governor; Chapter No. 2014-78	
SB 522	Relating to Involuntary Civil Commitment of Sexually Violent Predators	Grimsley
	04/01/14 - Approved by Governor; Chapter No. 2014-2	
HB 523	Relating to Licensure to Carry a Concealed Weapon or Firearm	Grant
	06/20/14 - Approved by Governor; Chapter No. 2014-205	
SB 524	Relating to Sexually Violent Predators	Sobel
	04/01/14 - Approved by Governor; Chapter No. 2014-3	
HB 525	Relating to Pub. Rec./Personal Identifying Information/Licensure to Carry Concealed Weapon or Firearm	Grant
	06/20/14 - Approved by Governor; Chapter No. 2014-206	
SB 526	Relating to Sexual Offenses	Bradley

	04/01/14 - Approved by Governor; Chapter No. 2014-4	
SB 528	Relating to Sex Offenses	Evers
	04/01/14 - Approved by Governor; Chapter No. 2014-5	
HB 531	Relating to Public Health Trusts	Richardson
	06/13/14 - Approved by Governor; Chapter No. 2014-120	
SB 536	Relating to Reclaimed Water	Simpson
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SB 542	Relating to Flood Insurance	Brandes
	06/13/14 - Approved by Governor; Chapter No. 2014-80	
HB 559	Relating to Military Veterans	Metz
	06/12/14 - Approved by Governor, Chapter No. 2014-63	
HB 561	Relating to Attorneys For Dependent Children with Special Needs	Fresen
	06/25/14 - Approved by Governor; Chapter No. 2014-227	
SB 590	Relating to Money Services Businesses	Richter
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HB 591	Relating to Newborn Health Screening	Harrell
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HB 605	Relating to Alcoholic Beverage Licenses, Lake and Sumter Counties	O'Toole
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HB 609	Relating to Article V Constitutional Convention	Wood
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HB 627	Relating to Service of Process	Pilon
	06/20/14 - Approved by Governor; Chapter No. 2014-207	
HB 629	Relating to Charities	Boyd
	06/13/14 - Approved by Governor; Chapter No. 2014-122	
HB 633	Relating to Division of Insurance Agents & Agency Services	Ingram
	06/13/14 - Approved by Governor; Chapter No. 2014-123	
HB 635	Relating to Guardianship	Passidomo
	06/13/14 - Approved by Governor; Chapter No. 2014-124	
HB 641	Relating to Computer Crimes	La Rosa
	06/20/14 - Approved by Governor; Chapter No. 2014-208	
SB 646	Relating to OGSR/Postsecondary Education Records and Applicant Records	Montford
	05/12/14 - Approved by Governor; Chapter No. 2014-11	
SB 648	Relating to OGSR/K-12 Education Records	Montford
	05/12/14 - Approved by Governor; Chapter No. 2014-12	
SB 650	Relating to OGSR/Inventories of an Estate or Elective Estate	Judiciary
	06/13/14 - Approved by Governor; Chapter No. 2014-82	

SB 656	Relating to OGSR/Active Investigations of Allegations of Testing Impropriety	Montford
	05/12/14 - Approved by Governor; Chapter No. 2014-13	
SB 658	Relating to Balanced Federal Budget	Stargel
	05/09/14 - Signed by Officers and filed with Secretary of State	
SB 670	Relating to Nursing Home Litigation	Thrasher
	06/13/14 - Approved by Governor; Chapter No. 2014-82	
SB 674	Relating to Background Screening	Bean
	06/13/14 - Approved by Governor; Chapter No. 2014-84	
SB 676	Relating to Welfare Transition Trust Fund/ Department of Education	Galvano
	06/02/14 - Approved by Governor; Chapter No. 2014-42	
SB 678	Relating to Trust Funds within Department of Agriculture and Consumer Services	Hays
	06/02/14 - Approved by Governor; Chapter No. 2014-43	
SB 680	Relating to Federal Grants Trust Fund/Department of Business and Professional Regulation	Hays
	06/02/14 - Approved by Governor; Chapter No. 2014-44	
SB 682	Relating to Federal Grants Trust Fund/Department of Financial Services	Hays
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HB 683	Relating to Hillsborough County	Young
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SB 684	Relating to State Economic Enhancement and Development Trust Fund/Department of Economic Opportunity	Gardiner
	06/02/14 - Approved by Governor; Chapter No. 2014-46	
HB 685	Relating to Business Organizations	Rooney
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SB 686	Relating to Termination of Trust Funds within Department of Economic Opportunity	Gardiner
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SB 688	Relating to Federal Grants Trust Fund/Executive Office of the Governor	Gardiner
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HB 697	Relating to Controlled Substances	Ingram
	06/16/14 - Approved by Governor; Chapter No. 2014-159	
SB 702	Relating to Pharmacy Audits	Bean
	06/13/14 - Approved by Governor; Chapter No. 2014-85	
SB 708	Relating to Insurance Claims	Bean
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HB 709	Relating to Alzheimer's Disease	Hudson
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HB 711	Relating to Public Meetings and Public Records/Alzheimer's Disease Research Grant Advisory Board	Hudson
	06/18/14 - Approved by Governor; Chapter No. 2014-164	
HB 713	Relating to Engineers	Ray
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SB 730	Relating to Municipal Governing Body Meetings	Galvano
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HB 731	Relating to POW-MIA Chair of Honor Memorial	Hood
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SB 754	Relating to Certificates of Title	Bradley
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HB 755	Relating to Courts	Steube
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HB 757	Relating to Estates	Spano
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SB 762	Relating to Family Care Councils	Detert
	06/13/14 - Approved by Governor; Chapter No. 2014-87	
HB 773	Relating to Pugilistic Exhibitions	Hutson
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HB 775	Relating to Pub. Rec./Florida State Boxing Commission	Hutson
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HB 781	Relating to Legal Notices	Powell
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HB 785	Relating to Workers' Compensation	Albritton
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HB 807	Relating to Residential Properties	Moraitis
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SB 820	Relating to Transportation Facility Designations	Bullard
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SB 846	Relating to Governmental Ethics	Latvala
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HB 851	Relating to Postsecondary Education Tuition and Fees	Nuñez
	06/09/14 - Approved by Governor; Chapter No. 2014-62	
SB 858	Relating to OGSR/Florida Defense Support Task Force	Military and Veterans Affairs, Space, and Domestic Security
	06/20/14 - Approved by Governor; Chapter No. 2014-185	
HB 863	Relating to Motor Vehicle Crash Reports	Kerner
	06/20/14 - Approved by Governor; Chapter No. 2014-212	
SB 864	Relating to Instructional Materials For K-12 Public Education	Hays
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HB 931	Relating to West Palm Beach Firefighters Pension Fund	Kerner
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SB 934	Relating to Florida Statutes	Thrasher
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SB 1140	Relating to Public Records/Division of Emergency Management/Emergency Planning	Hays
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HB 1179	Relating to Home Health Care	Stone
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SB 1238	Relating to Family Trust Companies	Richter
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SB 1262	Relating to Public Records and Meetings/Insurance Flood Loss Model	Brandes
	06/13/14 - Approved by Governor, Chapter No. 2014-98	
SB 1278	Relating to Public Records/Office of Financial Regulation	Richter
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SB 1344	Relating to Insurance	Braynon
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HB 1401	Relating to Town of St. Leo, Pasco County	Murphy
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HB 1441	Relating to Key Largo Wastewater Treatment District, Monroe County	Raschein
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HB 1443	Relating to City of Ocala, Marion County	Stone
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HB 1445	Relating to Citrus County Hospital Board	Smith (J)
	05/12/14 - Approved by Governor; Chapter No. 2014-254	
SB 1524	Relating to Security of Confidential Personal Information	Thrasher
	06/20/14 - Approved by Governor; Chapter No. 2014-189	
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	06/20/14 - Approved by Governor; Chapter No. 2014-190	
SB 1632	Relating to Special Districts	Stargel
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SB 1636	Relating to Renaming the Parole Commission	Criminal Justice
	06/20/14 - Approved by Governor; Chapter No. 2014-191	
SB 1642	Relating to Education Accountability	Education
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SB 1664	Relating to Arbitration	Judiciary
	05/12/14 - Approved by Governor; Chapter No. 2014-24	
SB 1666	Relating to Child Welfare	Children, Families, and Elder Affairs
	06/23/14 - Approved by Governor; Chapter No. 2014-224	

SB 1672	Relating to Property Insurance	Banking and Insurance
	06/13/14 - Approved by Governor, Chapter No. 2014-104	
SB 1676	Relating to Internal Revenue Code	Appropriations
	05/12/14 - Approved by Governor; Chapter No. 2014-25	
SB 1678	Relating to OGSR/Agency Personnel Information	Governmental Oversight and Accountability
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SB 1700	Relating to Public Records/Personal Identifying Information/Compassionate Use Registry	Bean
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SB 2510	Relating to Court-appointed Counsel	Appropriations
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SB 2514	Relating to Bicycle and Pedestrian Ways	Appropriations
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HB 5001	Relating to General Appropriations Act	Appropriations Committee
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	06/02/14 - Approved by Governor; Chapter No. 2014-53	
HB 5005	Relating to State-Administered Retirement Systems	Appropriations Committee
	06/02/14 - Approved by Governor; Chapter No. 2014-54	
HB 5007	Relating to State Employees	Appropriations Committee
	06/02/14 - Approved by Governor; Chapter No. 2014-55	
HB 5101	Relating to Education Funding	Education Appropriations Subcommittee
	06/02/14 - Approved by Governor; Chapter No. 2014-56	
HB 5201	Relating to Medicaid	Health Care Appropriations Subcommittee
	06/02/14 - Approved by Governor; Chapter No. 2014-57	
HB 5203	Relating to Cancer Centers	Health Care Appropriations Subcommittee
	06/18/14 - Approved by Governor; Chapter No. 2014-165	

HB 5301	Relating to Additional Judgeships	Justice Appropriations Subcommittee
	06/02/14 - Approved by Governor; Chapter No. 2014-58	
HB 5303	Relating to Counsel in Proceedings for Executive Clemency	Justice Appropriations Subcommittee
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HB 5403	Relating to Distribution of Surplus Lines Tax Revenue	Government Operations Appropriations Subcommittee
	06/02/14 - Approved by Governor; Chapter No. 2014-60	
HB 5501	Relating to Documentary Stamp Tax Distributions	Agriculture & Natural Resources Appropriations Subcommittee
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HB 7009	Relating to Security for Public Deposits	Insurance & Banking Subcommittee
	06/13/14 - Approved by Governor; Chapter No. 2014-145	
HB 7015	Relating to Military and Veteran Support	Veteran & Military Affairs Subcommittee
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HB 7029	Relating to Code of Student Conduct	K-12 Subcommittee
	06/20/14 - Approved by Governor; Chapter No. 2014-219	
HB 7031	Relating to Education	K-12 Subcommittee
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HB 7035	Relating to Juvenile Sentencing	Criminal Justice Subcommittee
	06/20/14 - Approved by Governor; Chapter No. 2014-220	
HB 7037	Relating to Residential Communities	Civil Justice Subcommittee
	06/13/14 - Approved by Governor; Chapter No. 2014-146	
HB 7051	Relating to Department of Agriculture and Consumer Services	Business & Professional Regulation Subcommittee
	06/13/14 - Approved by Governor; Chapter No. 2014-147	
HB 7055	Relating to Juvenile Justice	Criminal Justice Subcommittee
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HB 7073	Relating to Information Technology Governance	Appropriations Committee
	06/20/14 - Approved by Governor; Chapter No. 2014-221	
HB 7077	Relating to Nonresident Sterile Compounding Permits	Health Quality Subcommittee
	06/13/14 - Approved by Governor; Chapter No. 2014-148	
HB 7081	Relating to Tax Administration	Finance & Tax Subcommittee
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HB 7091	Relating to Department of Agriculture and Consumer Services	Agriculture & Natural Resources Subcommittee

	06/13/14 - Approved by Governor; Chapter No. 2014-150	
HB 7093	Relating to Department of Environmental Protection	Agriculture & Natural Resources Subcommittee
	06/13/14 - Approved by Governor; Chapter No. 2014-151	
HB 7095	Relating to Professional Sports Facilities	Economic Affairs Committee
	06/20/14 - Approved by Governor; Chapter No. 2014-167	
HB 7097	Relating to Ratification of Rules/Office of Insurance Regulation	Rulemaking, Oversight & Repeal Subcommittee
	06/13/14 - Approved by Governor, Chapter No. 2014-152	
HB 7141	Relating to Human Trafficking	Healthy Families Subcommittee
	06/17/14 - Approved by Governor; Chapter No. 2014-161	
HB 7145	Relating to Ratification of Rules/Department of Health	Rulemaking, Oversight & Repeal Subcommittee
	06/13/14 - Approved by Governor, Chapter No. 2014-153	
HB 7147	Relating to Building Construction Policies	Energy & Utilities Subcommittee
	06/13/14 - Approved by Governor, Chapter No. 2014-154	
HB 7163	Relating to Ratification of Rules/Department of Juvenile Justice	Rulemaking, Oversight & Repeal Subcommittee
	06/20/14 - Approved by Governor; Chapter No. 2014-222	
HB 7171	Relating to Establishing Minimum Water Flows and Levels for Water Bodies	State Affairs Committee
	06/13/14 - Approved by Governor, Chapter No. 2014-155	
HB 7175	Relating to Department of Transportation	Economic Affairs Committee
	06/20/14 - Approved by Governor; Chapter No. 2014-223	
HB 7177	Relating to OGSR/Prescription Drug Monitoring Program	State Affairs Committee
	06/13/14 - Approved by Governor, Chapter No. 2014-156	

HB 8005	Relating to Joint Session for Purpose of Receiving Governor's Message	Schenck
	03/10/14 - Signed by Officers and filed with Secretary of State	
HB 7007	Relating to Pub. Rec./Payment of Tolls and Associated Charges	Transportation & Highway Safety Subcommittee
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