

HOUSE OF REPRESENTATIVES

Smarter Government Council
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2002 SUMMARY OF PASSED LEGISLATION



Business Regulation Committee

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Representative Jim Kallinger, Vice Chair

Judicial Oversight Committee

Representative Larry Crow, Chair
Representative Jeffrey D. Kottkamp, Vice Chair

Juvenile Justice Committee

Representative Gustavo A. Barreiro, Chair
Representative Carey Baker, Vice Chair

Local Government & Veterans Affairs Committee

Representative Ken Sorensen, Chair
Representative John Carassas, Vice Chair

State Administration Committee

Representative Frederick C. Brummer, Chair
Representative Donald D. Brown, Vice Chair

TABLE OF CONTENTS

Business Regulation Committee	1
CS/HB 29, 2nd Eng. – Land Trusts.....	1
CS/SB 160, 1st ENG. – Debbie Wasserman Schultz Act of 2002.....	1
SB 332 – Athlete Agents	3
CS/HB 489, 2nd ENG. – Land Surveying and Mapping	4
CS/HB 499 (Ch. Law 02-9) – Real Estate Professionals.....	4
CS/HB 893, 2nd ENG. – Regulation of Movers.....	5
SB 1020, 1st ENG. – Payment-card Transactions	6
CS/HB 1301 – Architecture and Interior Design Board	6
CS/SB 1916 – Bail Bond Agencies & Agents.....	7
CS/SB 2252 – Timeshares	8
Judicial Oversight Committee	11
HB 173, 1st ENG., Chapter 2002-8, L.O.F. – Excise Tax on Documents.....	11
CS/SB 462, 1st ENG. – Excise Tax on Documents	11
CS/HB 491, 2nd ENG. – Civil Legal Assistance Act.....	12
SB 528 – Attorney's Fees	12
CS/HB 549, 3rd ENG. – Child Custody Jurisdiction/Enforcement	13
HB 585, 1st ENG. – Fla. Uniform Principal & Income Act	13
CS/CS/SB 694, 1st ENG. – Condominiums & Cooperatives.....	14
CS/SB 720, 1st ENG. – Probate & Trusts.....	14
CS/HB 787, 1st ENG. – Limited Liability Companies	15
CS/HB 795, 1st ENG. – Wrongful Death/Surviving Spouse	15
CS/SB 952, 1st ENG. – Elderly/Disabled Adults/Exploitation.....	16
CS/SB 1002, 1st ENG. – Cruelty to Animals.....	16
CS/SB 1066, 1st ENG. – Uniform Commercial Code.....	17
CS/SB 1236, 1st ENG. – Marital Assets & Liabilities	17
CS/SB 1272, 3rd ENG. – Child Support/Health Care Coverage.....	17
SJR 1284, 1st ENG. – Public Records/Public Meetings.....	18
CS/HB 1431, 1st ENG. – Motor Vehicle Warranty Enforcement	18
CS/SB 1554, 1st ENG. – Transportation/Driver Improvement.....	19
HB 1689, 1st ENG. – Child Support.....	19
CS/SB 1772, 1st ENG. – Agriculture/Crop Damage/Destruction.....	20
SB 1832 – Powered Shopping Carts/Negligence.....	20
SB 1946, 2nd ENG. – Premises Liability/Burden of Proof.....	21
CS/CS/SB 1974, 1st ENG. – Crime Victims' Rights	21
SB 2158, 2ND ENG. – Sexually Violent Offenders	22
Juvenile Justice Committee	23
Local Government & Veterans Affairs Committee	25
HB 165 – Ad Val Tax/Disabled Ex-service.....	25
SB 266, 1st ENG. – Solid Waste Collection.....	25
CS/CS/HB 313 – Homestead Exemption/Elderly Housing	25
CS/HJR 317 – Homestead Property/Elderly Housing	26
CS/SB 460, 1st ENG. – Special Assessments/RV Parks.....	26
CS/HB 547, 3rd ENG. – Affordable Housing.....	27
HB 683, 1 st ENG. – Firefighter & Police Pensions.....	28
CS/CS/HJR 833, 1st ENG. – Tax Exemption & Exclusions.....	28
SB 962, 1st ENG. – Veterans	29

SB 1058 – Consolidated Governments.....	29
CS/HB 1307, 2nd ENG. – Building Code Development	30
CS/HB 1341, 2nd ENG. – Community Redevelopment	31
HB 1633 – Unclaimed Bodies/Veterans.....	31
CS/SB's 1906 & 550, 2nd ENG. – Growth Management.....	32
CS/SB 2014 – Homestead Exemption/Persons 65/Older	36
CS/SB 2178 – County Medical Service Assessments.....	36
State Administration Committee.....	39
SB 98 – Regional Cultural Facilities.....	39
SB 140 – Public Records/Criminal Use.....	39
CS/SB 148 – Homeowners' Associations/U.S. Flag.....	39
HB 273 – Public Records and Meetings / Ethics.....	40
HB 275 (Ch. 2002-5, L.O.F.) – Public Records/Deepwater Ports.....	40
HB 277 – Public Records / Practitioner Profiles	40
HB 279 – Health Care Practitioners.....	41
HB 281 – Public records and meetings exemption	41
HB 283 – Public Records & Meetings Exemption	42
HB 285 – Public Record / Victim and Witness Information.....	42
HB 287 – Public Records and Meetings Exemptions	42
CS/HB 395 – Commodity Procurement	43
CS/SB 408, 1st ENG. – DOC/Criminal Investigations	43
HB 543, 1 st ENG. – Public Records	44
CS/HB 777 – Public Records / Business Information.....	44
CS/HB 807, 1st ENG. – Florida Retirement System	45
CS/HB 885 – Declaration of Independence/Schools.....	46
HB 935, 1st ENG. – Public Records	46
CS/CS/SB 990, 3rd ENG. – Business Regulation.....	47
CS/HB 1323, 2nd ENG. – Florida Minority Business Loan Program	47
CS/HB 1357, 1st ENG. – Law Officers/Firefighters/Death Benefits.....	48
CS/HB 1407, 1st ENG. – Public Buildings/Security.....	48
CS/HB 1487 – Public Records / Telecommunications	49
HB 1575, 2nd ENG. – Florida Retirement System Clearing Trust Fund.....	49
CS/CS/SB 1656 – Rape Crisis Centers	50
CS/HB 1673, 2nd ENG. – Public Records / Social Security Numbers.....	50
HB 1675 – Public Records Exemption.....	51
CS/HB 1679, 2nd ENG. – Study Committee on Public Records	51
SB 2054 – Elaine Gordon Children's Medical Building.....	51

Business Regulation Committee

CS/HB 29, 2nd Eng. – Land Trusts

By Smarter Government; Kyle

Linked Bills: None

Tied Bills: Identical CS/SB 1428; Compare HB 1325; SB 1498

Committee(s)/Council(s) of Reference: Business Regulation; Smarter Government

The term real estate broker has been the focus of extensive litigation. Nevertheless, confusion or disagreement can arise under certain, usually complicated circumstances, as to the application of the provisions of chapter 475, F.S., relating to real estate brokers and salespersons, to particular brokerage relationships. This bill is partially designed to further clarify the application of the term real estate broker. The bill specifies that a real estate broker acting as a trustee is subject to the statutory provisions regulating real estate brokers. The bill clarifies that financial institutions operating with trust powers are excluded from the requirements of the real estate statutes.

Chapter 689, F.S., relates to conveyances of land and declarations of trust. The bill amends s. 689.071, F.S., to include the term “other entity” to recognize the ability of limited partnerships and limited liabilities companies to act as trustees of land trusts. The change clarifies the existing law and conforms the statute to current practice.

The bill further amends chapter 689, F.S., to allow a surviving co-owner of a joint tenancy with rights of survivorship or tenancy by the entirety to make a tax-qualified disclaimer within nine months of the cotenant’s death and thus could apply under section 2518 of the IRS Code. The bill clarifies that a disclaimer does not cause the disclaimed interest to become homestead property for the purposes of descent and distribution under the law. The bill also clarifies that the disclaimed interest is equal to one-half of the property interest.

The bill does not have a fiscal impact on state or local government.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/SB 160, 1st ENG. – Debbie Wasserman Schultz Act of 2002

By Finance and Taxation; Wasserman Schultz

Linked Bills: None

Tied Bills: Compare HB 631; HB 1573, 2nd ENG.

Committee(s)/Council(s) of Reference: Regulated Industries; Finance and Taxation

This bill addresses three pari-mutuel wagering activities: adoption of retired racing greyhounds; operation of cardrooms at pari-mutuel facilities; and, approval for special racing awards for thoroughbreds.

First, the bill requires greyhound racing permitholders to provide greyhound adoption booths at their racing facilities. The bill requires and specifies the criteria by which greyhound-racing permitholders are to provide information at each facility concerning the

adoption of a greyhound, including that the racing program contain adoption information and identify greyhounds in a race that will become available for adoption.

Greyhound racing permitholders are authorized to hold an additional charity day, designated as "Greyhound Adopt-A-Pet Day," and to use the profits from the charity day to support activities promoting greyhound adoptions.

The bill defines the term "bona fide organization that promotes or encourages the adoption of greyhounds" and requires that such organization provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter.

Second, the bill changes existing cardroom operation conditions and restrictions.

The bill allows thoroughbred permitholders to operate cardrooms and receive and rebroadcast out-of-state races after 7:00 PM; previously thoroughbred permitholders could elect to do one or the other. Hours of operation are expanded so that cardrooms may begin operations two hours before a pari-mutuel event and continue operations until 2:00 A.M. the following day; previously permitholders were required to stop cardroom operations two hours after pari-mutuel wagering had ceased.

The bill eliminates the present \$10 pot limit and replaces it with a \$2 bet limit with a maximum of three raises in any round of betting. Authorization for the various games approved by reference to s. 849.085(2)(a), F.S., [poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg] is removed by the bill and approved card games are limited to poker.

Provision is made in the bill to allow permitholders to amend their annual applications to include the operation of a cardroom if the permitholder operated a cardroom in either of the two previous fiscal years but did not request renewal for its cardroom operation in its most recent annual application. If a harness track makes application for renewal of its cardroom license, the bill specifies that the track must have requested authorization to conduct a minimum of 140 live performances during the fiscal year immediately prior thereto. If more than one permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.

The bill specifies that the annual cardroom license fee, which is based on the number of tables in a cardroom, applies to each "facility" rather than each permitholder; some pari-mutuel facilities have more than one permit operating from that facility, e.g., Dania Jai Alai and Summersport Jai Alai both operate from one facility. Application of cardroom license fees to each facility rather than each permitholder will reduce table fee revenues by approximately \$13,000 annually.

The Division estimates the total cardroom gross receipts may increase from the projected \$3,100,000 to approximately \$10,500,000 for FY 2002-03 which will result in approximately \$375,000 new revenue to General Revenue and approximately \$375,000 new revenue to the Pari-Mutuel Wagering Trust Fund.

Third, the bill allows the use of incentive award moneys, currently paid to breeders of Florida thoroughbreds, for stakes awards in events where the payment of awards are not limited to Florida-bred thoroughbreds. The use of incentive funds in this manner must

be approved by the Florida Thoroughbred Breeders' and Owners' Association, the Florida Horsemen's Benevolent and Protective Association, and the host track.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 332 – Athlete Agents

By King

Linked Bills: None

Tied Bills: Identical CS/HB 179

Committee(s)/Council(s) of Reference: Regulated Industries; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations.

The bill revises various regulatory provisions of part IX of chapter 468, F.S., governing athlete agents.

Among other provisions, the bill:

- expands the definition of athlete agent to include all employees and other persons acting on behalf of the athlete agent;
- excludes from the definition of athlete agent specified relatives and persons acting solely for a professional sports team or a professional sports organization;
- eliminates the licensure requirements for examination, payment of associated fees and bond;
- allows an unlicensed agent to practice under specified circumstances;
- provides for temporary licensure pending the application process under certain circumstances;
- allows for licensure application reciprocity under specified circumstances;
- modifies mandatory contract provisions and disclosure and notice requirements;
- increases the administrative penalty from \$5,000 to \$25,000 for prohibited acts;
- provides for additional criminal penalties for certain acts;
- expands the scope of recoverable damages by educational institutions by holding former student athletes and athlete agents severally liable and by extending the time to initiate action;
- revises business records requirements and extends record keeping from four to five years;
- repeals continuing education and licensure display requirements; and
- creates second degree felony offenses for specified acts by an athlete agent.

The bill does not have a significant fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

**CS/HB 489, 2nd ENG. – Land Surveying and Mapping
By Smarter Government; Henriquez**

Linked Bills: None

Tied Bills: Identical CS/CS/SB 526

Committee(s)/Council(s) of Reference: Business Regulation; Smarter Government

The bill addresses several provisions of law relating to surveyors and mappers. The bill defines the terms: “employee” as a person who receives compensation from an employer who pays appropriate federal taxes and provides workers compensation; “subordinate” is defined as an employee who works directly under the supervision of a properly licensed surveyor or mapper; “monument” to be an object occupying a corner of real property or other reference point; “legal entity” to be a business operating under a fictitious name and is certified by the board; and “retired professional surveyor and mapper” as a person who is no longer licensed and is approved by the board as retired.

The bill expands the exemptions from licensure if a person works as a subordinate to a registered person in responsible charge of the subordinate. The new exemptions include “subordinate employees” of: 1) state or local government, 2) employee leasing companies, and 3) registered surveyors and mappers.

The bill authorizes the board to adopt rules relating to the use of professional titles by retired surveyors and mappers. The bill specifies that the rules must be designed to avoid abuse by retirees and confusion on the part of the general public.

The bill requires an out of state applicant for licensure under the reciprocal licensing provisions to have had eight years of subordinate work experience in their home state and to pass the portion of the Florida licensure examination relating to Florida law and rules.

The bill amends the current provisions that allow surveyors and mappers to enter upon private property to include subordinates. The authority to enter upon property is expanded to include seeking out or setting monuments. The bill separates liability provisions for agriculture lands.

The bill is not anticipated to have a significant impact on state or local government.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

**CS/HB 499 (Ch. Law 02-9) – Real Estate Professionals
By Smarter Government; Mahon & Others**

Linked Bills: None

Tied Bills: Similar CS/SB 664

Committee(s)/Council(s) of Reference: Business Regulation; Smarter Government

The regulation of real estate brokers, salespersons, schools and businesses is established under part I of chapter 475, F.S. Part II of this chapter addresses real estate appraisers. Regulation is administered by the Florida Real Estate Commission (commission) under the Department of Business and Professional Regulation. Among other responsibilities, the commission is authorized to conduct or approve real estate educational courses for persons who apply for licensure or are licensed or permitted.

Distance learning educational courses are currently available for compliance with continuing education requirements and for circumstances where attending classroom courses creates an identifiable hardship.

Rules of the commission define “distance education” as “education that takes place when the learner is separated from the source of instruction by time and/or distance.” This bill is designed to implement a distance learning educational program for real estate licensure to include prelicensure, postlicensure and continuing education compliance.

The bill specifies that courses that are required to be completed in order to qualify to be initially licensed as a real estate broker or salesperson or to meet education requirements for license renewal, must be made available by distance learning in addition to traditional classroom instruction. The bill authorizes the commission to approve distance learning courses and it requires the satisfactory completion of a timed distance learning course examination.

The bill addresses part II of chapter 475, F.S., relating to the regulation of appraisers, to statutorily include distance learning as a means of providing educational courses for continuing education for licensed appraisers.

The Department of Business and Professional Regulation anticipates the provisions of the bill to encourage licensure through an expanded distance learning program. A projected fiscal impact has been estimated by the DBPR to approach \$ 2.3m in increased revenues per year resulting from an increase in the number of persons applying for licensure.

The effective date of this bill is July 1, 2002.

CS/HB 893, 2nd ENG. – Regulation of Movers

By Smarter Government; Johnson

Linked Bills: None

Tied Bills: Identical CS/CS/SB 2006, 2nd ENG.; Compare HB1429, SB 1452

Committee(s)/Council(s) of Reference: Business Regulation; Fiscal policy & Resources; Smarter Government

Currently, intrastate household movers are not regulated at the state level in Florida. The bill creates a regulatory program within the Division of Consumer Services of the Department of Agriculture and Consumer Services (DACCS) relating to the regulation of household movers.

The bill provides definitions, including the definition of “mover” to mean any person who engages in the transportation or shipment of household goods for compensation. The bill specifies: “The provisions of this act shall only apply to the transportation of household goods originating in this state and terminating in this state.”

The bill provides intent and application; requires movers to register with the DACCS; specifies qualifications; requires fees, including a registration fee of \$300 per year; requires written estimates for moving costs; requires a written contract; specifies certain operating procedures; prohibits specified acts; provides for enforcement; and provides

for administrative, civil, and criminal penalties. The bill allows local regulation to preempt state regulation.

The bill is designed to create a new regulatory program within the DACS and assesses fees for funding the operation of the program. The bill appropriates \$400,000 to implement the provisions of the bill. Funding is divided between GR in the amount of \$200,000 and the DACS General Inspection Trust Fund in the amount of \$200,000. The bill provides for 6 additional FTEs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 1020, 1st ENG. – Payment-card Transactions

By Burt; Klein; Wise; Meek; Crist

Linked Bills: None

Tied Bills: Identical CS/HB 1295; Compare HB 1143; SB 1398; SB 1894

Committee(s)/Council(s) of Reference: Commerce and Economic Opportunities

This bill prohibits a merchant from printing more than the last five digits of a credit card or printing the expiration date of a credit card on an electronically printed receipt provided to the cardholder. The bill provides a phase-in of the prohibition in order to give existing businesses an opportunity to update the businesses' cash registers or similar equipment.

The bill also provides an exemption for transactions in which the sole means of recording the account number or expiration date is by handwriting or by an imprint or copy of the card.

The bill authorizes state attorneys to enforce the prohibitions established herein for those violations occurring in or affecting the judicial circuit under that office's jurisdiction; county courts have jurisdiction.

The bill is expected to have no impact on state revenue collections or expenditures.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2003.

CS/HB 1301 – Architecture and Interior Design Board

By Smarter Government; Berfield

Linked Bills: None

Tied Bills: Identical CS/SB 2042

Committee(s)/Council(s) of Reference: Business Regulation; Smarter Government

The "Management Privatization Act" establishes a privatization model for administrative functions of boards under the DBPR. The DBPR is allowed, upon request from a specific board, to contract out staff support services for that board. The Act statutorily specifies provisions relating to the contents of the contract. Presently, the only instance of privatized staff services under the Department of Business and Professional Regulation (DBPR) is for the Board of Professional Engineers.

This bill delegates specified responsibilities of the DBPR to the Board of Architecture and Interior Design (board). The responsibilities include matters relating to receiving complaints, investigations, discipline, prosecution, and unlicensed activity of architects and interior designers. The bill requires the board rather than the DBPR to contract with a corporation or other business entity to provide investigative, legal council, and prosecutorial services. Services of the corporation or other entity must comply with the recordkeeping and reporting requirements applicable to the scope of the contract as required under the "Management Privatization Act." The contractor must report to the board rather than the DBPR.

The bill specifies that the board may use funds in the unlicensed activity account to carry out the board's duties to combat and prosecute unlicensed activity in the architecture and interior design professions.

The bill specifically requires the board to submit an annual budget for funding the activities specified in the bill to the Legislature separately from the DBPR budget.

The bill is not anticipated to have a significant fiscal impact on state or local government. Funding for the operations of services should reflect a shift of appropriations from the DBPR to the board.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 1916 – Bail Bond Agencies & Agents

By Banking & Insurance; Silver

Linked Bills: None

Tied Bills: Identical HB 1327, 1st ENG.

Committee(s)/Council(s) of Reference: Banking & Insurance; Criminal Justice; Appropriations Subcommittee on General Government; Appropriations

Chapter 648, Florida Statutes, provides for the licensing of bail bond agents and runners and for the regulation by the Department of Insurance (DOI) of the business of issuing bail bonds.

The bill addresses numerous regulatory provisions of the bail bond statutes. The bill: deletes reference and requirements for licensure of "runners;" requires managing general agents and certain representatives of other entities to be licensed as bail bond agents; and provides for temporary permits.

The bill: revises provisions relating to build-up funds; requires insurers to provide certain financial information to bail bond agents and agencies; revises provisions relating to licensure and appointment of bail bond agents; revises requirements for qualification as an agent; revises provisions relating to the issuance of a temporary limited license; requires supervising agents to certify employment information of temporary agents to the DOI; and revises provisions to limit access to certain records by the public.

The bill prohibits certain acts related to solicitation; prohibits certain acts related to solicitation; requires bail bond agents to file a sworn affidavit with a new appointing insurer that no funds are owed to another insurer; provides more specific prohibitions against misleading advertising; provides more specific prohibitions against bail bond

agencies hiring persons convicted of a felony; and requires bail bond agents that surrender a defendant to provide the defendant with a statement of surrender.

The bill further: requires designation of a primary bail bond agent and notification to the DOI; provides duties of a primary bail bond agent; requires additional information upon appointment of a managing general agent; provides requirements for maintenance of records and location of offices; revises provisions relating to collateral security; specifies additional prohibited activities; provides additional causes for denial, suspension, or revocation of a license or appointment; increases fines for violations; and authorizes the DOI to impose civil assessments in addition to administrative and criminal sanctions. Administrative fines that may be imposed by the DOI are increased from \$500 to \$5,000 for nonwillful violations, and from \$2,500 to \$20,000 for willful violations.

The DOI estimates that any increase in administrative costs to the agency will be absorbed within existing resources.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 2252 – Timeshares

By Regulated Industries; Constantine

Linked Bills: None

Tied Bills: Identical CS/HB 1381

Committee(s)/Council(s) of Reference: Regulated Industries; Judiciary

Chapter 721, Florida Statutes, is the Florida Vacation Plan and Timesharing Act. This chapter gives statutory recognition to real property timesharing and personal property timesharing in the state. The chapter establishes procedures for the creation, sale, exchange, promotion, and operation of timeshare plans.

The bill amends the provisions relating to the application of outside rental income toward a delinquent account. It allows the managing entity of a timeshare facility to calculate a formula to apply to rental units and time periods when delinquent accounts are not tied to a particular unit or a particular period of time and may thus change over time based on purchase and rental contracts. The managing entity may make a determination of the order or priority of the rental schedule of units and rental periods in order to prioritize rental income that may be received from outside rental of the delinquent unit.

The bill amends provisions relating to the managing entity's right to reduce the rental amount or the reduction of the time period for rental of a delinquent unit to allow pricing of delinquent rentals at a "bulk rate" that may be below similar timeshare market rates. A floor of \$200 per delinquent unit per week is created for delinquent rentals under a bulk rate rental arrangement.

The bill amends delinquent assessment provisions to clarify that a delinquent purchaser is responsible for costs of collection of the delinquent account. It also clarifies that the managing entity must notify a purchaser that the purchaser may be liable for fees that may be charged by a collection agency and the debt may create a lien on the timeshare interest.

The bill amends statutory provisions relating to timeshare promotions to allow 26 prize awards to be offered as a part of promotions rather than the current limit of 10 awards annually.

It is not anticipated that the bill will have a fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is Upon becoming a law.

Judicial Oversight Committee

HB 173, 1st ENG., Chapter 2002-8, L.O.F. – Excise Tax on Documents

By Goodlette and Flanagan

Linked Bills: none

Tied Bills: Similar CS/SB 180

Committee(s)/Council(s) of Reference: Judicial Oversight; Fiscal Policy & Resources; Council for Smarter Government

The state collects a documentary stamp tax applicable to certain types of documents. The amount of the tax on documents transferring title to real property is calculated based on the sales price plus the value of any indebtedness assumed. If property is sold by judicial sale (typically by foreclosure), the clerk of court issues the winning bidder a certificate of title. The documentary stamp tax is applicable to certificates of title. This act provides that the documentary stamp tax on a certificate of title is calculated solely on the final bid amount and regardless of any indebtedness assumed.

A clerk of court is required to sign every recorded document certifying that the documentary stamp tax applicable to that document was paid or collected. This act allows a clerk to use initials or a stamp in lieu of the signature.

The effective date of this act is March 14, 2002.

CS/SB 462, 1st ENG. – Excise Tax on Documents

By Finance and Taxation; Pruitt

Linked Bills: none

Tied Bills: Similar HB 123, 1st Eng; Compare HB 1995, CS/SB 426, 1st Eng.

Committee(s)/Council(s) of Reference: Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations

This bill provides that the documentary stamp tax shall not exceed \$2,450 on promissory notes, nonnegotiable notes, written obligations to pay money, and assignments of salaries, wages, or other compensation made, which are executed, delivered, sold, transferred, or assigned in the state, including those documents made in connection with sales made under retail charge account services. The sum of \$2,450 is the amount of documentary stamp tax that would be owned on a promissory note or other unsecured obligation in the amount of \$700,000.

This bill caps the documentary stamp tax in order to reduce the avoidance of the tax by conducting the execution of the note outside of Florida. This bill also eliminates the discriminatory exemption to the equalization excise tax for products made with domestically grown citrus in order to comply with a recent federal lawsuit on the application of the foreign commerce clause.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

**CS/HB 491, 2nd ENG. – Civil Legal Assistance Act
By Council for Smarter Government; Goodlette and others**

Linked Bills: none

Tied Bills: Similar CS/CS/SB 512, 1st ENG.

Committee(s)/Council(s) of Reference: Judicial Oversight; Health & Human Services Appropriations; Council for Smarter Government

CS/HB 491 creates the “Florida Access to Civil Legal Assistance Act”. The intent of the bill is to “establish an administrative framework whereby public funds may be used in an effective and efficient manner to enhance the availability of civil legal assistance” to the poor. Funds received may be used to provide legal assistance and education relating to family law, juvenile law, entitlements to federal government benefits, protections from domestic violence, elder and child abuse, and immigration. Funds cannot be used in criminal or postconviction proceedings, in noncriminal traffic infractions, in actions against the state, in suits against colleges or universities, in actions to contest certain regulatory decisions, in actions relating to terms or conditions of employment, in class actions, or for lobbying activities. This bill provides that if any part of the Act is declared unconstitutional or otherwise unenforceable, the entire Act is null and void.

The Department of Community Affairs (DCA) will administer the program. The DCA is to contract with a statewide not-for-profit organization that provides funding for civil legal assistance to the poor to allocate funds to not-for-profit legal aid organizations. This bill provides a funding formula to be used in the contract, requires the DCA to ensure that the funds are spent appropriately, and requires the DCA to conduct an annual audit.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

SB 528 – Attorney’s Fees

By Campbell

Linked Bills: none

Tied Bills: Identical HB 487

Committee(s)/Council(s) of Reference: Judiciary

A court may impose sanctions on a party to a lawsuit for filing a frivolous pleading. A prevailing party may file a motion for attorney’s fees in situations where the opposing party takes action designed to unreasonably delay the proceeding or raises claims or defenses that the opposing party knew or should have known were not supported by the facts or would not be supported by application of the law to those facts. In some situations, the opposing attorney may also be sanctioned for such actions. A party may seek sanctions against the opposing party or the opposing attorney by filing a motion for sanctions with the court and contemporaneously serving a copy on the opposing party.

SB 528 requires a party that intends to file a motion to seek sanctions to first serve the motion on the opposing party. The opposing party has 21 days to withdraw or correct the claim or defense before the motion for sanctions can be filed with or presented to the court. This bill is similar to a provision currently found in Rule 11 of the Federal Rules of Civil Procedure.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

CS/HB 549, 3rd ENG. – Child Custody Jurisdiction/Enforcement
By Council for Smarter Government and Representatives Cantens and Kallinger
Linked Bills: None

Tied Bills: Similar CS/SB 1312, 1st Eng.; Compare HB 1455, CS/SB 1226, 1st Eng.
Committee(s)/Council(s) of Reference: Judicial Oversight; Child & Family Security;
 Council for Smarter Government

This bill provides that a court may provide specified remedies to either party in a proceeding related to custody or visitation, including the posting of a bond or other security, upon the presentation of competent substantial evidence that there is a risk that one party may violate the court's order of visitation or custody by removing a child from this state or country or by concealing the whereabouts of the child, or upon stipulation of the parties. The bill provides a list of factors for the court to consider in assessing the need for a bond or other security. These provisions do not apply in cases where there is evidence of domestic violence. If a bond is forfeited, uses for the proceeds are specified.

This bill also repeals the provisions of the Uniform Child Custody Jurisdiction Act (UCCJA) and replaces that act with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 585, 1st ENG. – Fla. Uniform Principal & Income Act
By Goodlette, Joyner and Bullard

Linked Bills: none

Tied Bills: Identical CS/CS/SB 1166

Committee(s)/Council(s) of Reference: Judicial Oversight; Council for Smarter Government

A trustee of a trust and the personal representative of a decedent's estate are fiduciaries that have special duties toward those who benefit from their administration. The trustee and the personal representative satisfy their obligations in part by making the proper allocations of assets to either principal or to income. Generally, assets allocated to principal serve the interests of remainder beneficiaries of a trust, and the interests of the final distributees of the assets in an estate. Assets allocated to income meet the requirements of income beneficiaries during the life of a trust, and those beneficiaries who must be paid out of the income derived during administration of an estate.

The identification of principal and income, its allocation, and apportionment of assets between income and principal have always been a very tricky business. Distinguishing income from principal is not always self-evident. Therefore, the law has provided trustees with statutory help for a very long period of time. The Uniform Law Commissioners promulgated the first Uniform Principal and Income Act in 1931. A revision was promulgated in 1962, which Florida subsequently adopted. In 1997, a new revision once again was promulgated by the Uniform Law Commissioners.

This bill enacts the 1997 Uniform Principal and Income Act, with Florida modifications primarily written to assist trustees in minimizing tax consequences. The most significant non-uniform provisions are the ability to convert between an income trust and a total

return unitrust, and the right of beneficiaries of a trust in existence on January 1, 2003, to opt out of the provision giving a trustee a discretionary right to allocate between principal and income.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2003.

CS/CS/SB 694, 1st ENG. – Condominiums & Cooperatives

By Judiciary; Regulated Industries; Geller

Linked Bills: none

Tied Bills: Compare HB 831, CS/HB 843; CS/SB 2004, 2nd Eng.

Committee(s)/Council(s) of Reference: Regulated Industries; Judiciary

This bill amends various provisions in Chapter 718, F.S., relating to condominiums, to recognize a court decision that provides a properly enacted amendment to a declaration of condominium binds all unit owners; clarify a 2000 enactment regarding the limited right of a condominium unit owner to transfer appurtenances to another condominium unit; extend from 90 to 120 days the time that a condominium association has to prepare the annual financial statement that is provided to unit owners; require that mandatory arbitration of controversies regarding condominium association election of a director of the board of administration must be resolved on an expedited basis; remove the requirement for a nondeveloper unit owner to provide a question and answer sheet as a part of the transaction documents; and make grammar and style changes to the condominium statutes.

In the 2001 legislative session, two related acts regarding mobile home park tenancies passed. This bill corrects an error that resulted from differences in those two related bills. This bill also further specifies the application of those acts to create a 30 day time limit for convening a required meeting between a park owner and the committee representing park tenants, extend the time for payment from the Florida Mobile Home Relocation Corporation from 15 to 45 days, and specify that payments are made to and from the Florida Mobile Home Relocation Corporation and not to and from the Department of Business and Professional Regulation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 720, 1st ENG. – Probate & Trusts

By Judiciary; Burt

Linked Bills: None

Tied Bills: Similar CS/HB 1127, 1st ENG.; Compare SB 2272

Committee(s)/Council(s) of Reference: Judiciary

This bill allows wills to more closely anticipate contingent events and the possible effects of exercisable powers of revocation. In addition, this bill specifies minimum requirements for the form and content of trust accountings, and makes liability for receiving improper trust distributions identical to current statutory liability for receiving improper probate distributions.

This bill also clarifies that the presumption of undue influence by an actively involved substantial beneficiary under a will, who is in a fiduciary or confidential relationship with the testator, is a policy-based shifting of the burden of proof. Finally, this bill specifies that that an early claim against an estate is not time-barred; and provides validity to, and a framework for, trusts for the care of animals.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

CS/HB 787, 1st ENG. – Limited Liability Companies

By Council for Smarter Government; Rubio

Linked Bills: None

Tied Bills: Identical SB 944; Compare HB 1837, CS/SB 2404

Committee(s)/Council(s) of Reference: Judicial Oversight; Council for Smarter Government

This bill continues Florida's adoption, begun in 1999, of the Uniform Limited Liability Company Act. This bill provides for a third form of limited liability company ("LLC") management; namely, by a member or committee of members elected by the membership as a whole to be "managing members." This bill also reduces restrictions on what may be included in an LLC operating agreement, specifies the time-frame within LLC operating agreements may be entered into, and specifies a default effective date for an operating agreement.

In addition, this bill makes the requirements for registered agents of domestic and foreign LLC's identical; and requires that, in addition to current requirements, the LLC also keep copies at its principal office of "any other documents filed with the Department of State concerning the [LLC]."

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

CS/HB 795, 1st ENG. – Wrongful Death/Surviving Spouse

By Council for Smarter Government; Seiler and others

Linked Bills: none

Tied Bills: Similar SB 2144, 1st ENG.

Committee(s)/Council(s) of Reference: Judicial Oversight; Council for Smarter Government

The wrongful death act provides, in part, that the minor children of the deceased, and all children of the deceased if there is no surviving spouse, may recover damages for the wrongful death of a parent. If both parents die in the same incident, however, recovery is only available for the wrongful death of the later to die.

CS/HB 795 amends the wrongful death statute to permit recovery for the wrongful death of both parents when they die within 30 days of each other as a result of the same wrongful act or acts arising out of the same incident. This bill is limited only to the wrongful death statute so it does not apply in other situations where the time of a spouse's death might be relevant.

This bill applies to causes of action accruing on or after the bill becomes law.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**CS/SB 952, 1st ENG. – Elderly/Disabled Adults/Exploitation
By Criminal Justice; Sanderson and Cowin**

Linked Bills: None.

Tied Bills: Similar CS/HB 479; Compare HB 901

Committee(s)/Council(s) of Reference: Criminal Justice; Children and Families

Under Florida criminal law, "abuse, aggravated abuse, or neglect of an elderly person or disabled adult" is a felony. The present statute of limitations for this crime is four years. This bill extends the statute of limitations for this crime to five years.

Current criminal law also prohibits "exploitation of an elderly person or disabled adult." The present statute of limitations for this crime varies from three to four years depending on the value of the assets stolen. This bill extends the statute of limitations for this crime to five years, regardless of offense level.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

**CS/SB 1002, 1st ENG. – Cruelty to Animals
By Criminal Justice; King and Posey**

Linked Bills: none.

Tied Bills: Similar CS/HB 691

Committee(s)/Council(s) of Reference: Agriculture and Consumer Services; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

This bill amends the current statute prohibiting cruelty to animals to require a person convicted of felony animal cruelty to pay a minimum mandatory fine of \$2,500, and complete an anger management treatment program or psychological counseling, if the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that kills, mutilates, or injures the animal. A repeat violator of the felony animal cruelty statute is subject to a minimum mandatory sentence of 6 months incarceration and a minimum mandatory fine of \$5,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 1066, 1st ENG. – Uniform Commercial Code**By Judiciary; Campbell and Crist****Linked Bills:** none**Tied Bills:** Similar HB 1669, 1st Eng.**Committee(s)/Council(s) of Reference:** Judiciary; Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations

Article 9 of the Uniform Commercial Code governs the process of establishing and foreclosing liens against personal property. Article 9 is found at ch. 679, F.S., entitled “Uniform Commercial Code: Secured Transactions”.

In the 2001 legislative session, the Revised Article 9 of the Uniform Commercial Code, as prepared by the National Conference of Commissioners on Uniform State Laws, with Florida modifications, passed and was subsequently enacted into law. This bill corrects errors in that enactment and clarifies the relationship between fixtures filings and Florida real property law.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

CS/SB 1236, 1st ENG. – Marital Assets & Liabilities**By Judiciary; Jones; Crist****Linked Bills:** none**Tied Bills:** Similar CS/HB 315; Compare SB 1764**Committee(s)/Council(s) of Reference:** Judiciary

This bill provides that a liability incurred through forgery or unauthorized signature is a nonmarital liability, thereby removing the debt from consideration of the equitable distribution of marital assets and liabilities. This makes payment of the liability solely the responsibility of the offending spouse.

This bill further provides that the court must consider the forgery or unauthorized signature when awarding attorney’s fees to the spouse whose signature was forged or used without authorization.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

CS/SB 1272, 3rd ENG. – Child Support/Health Care Coverage**By Children and Families; Peadar****Linked Bills:** none**Tied Bills:** Similar HB 1687, 1st Eng.; Compare HB 1689, 1st Eng., CS/CS/ SB 2012, 1st Eng.**Committee(s)/Council(s) of Reference:** Judiciary; Children and Families; Appropriations Subcommittee on General Government; Appropriations

This bill amends the procedures for enforcing health care coverage obligations contained within a child support order through the use of the national medical support notice. The duties and responsibilities of the Department of Revenue, the obligor, the

obligor's union or employer, and health plan administrators related to the national medical support notice are specified.

The bill establishes a minimum threshold for requesting a modification of the amount of a child support obligation in cases being reviewed under the three-year review requirement. Also, direction is provided to persons who have possession or control of securities for liquidating those securities levied upon by the Department of Revenue for payment of a past due or overdue child support obligation.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SJR 1284, 1st ENG. – Public Records/Public Meetings

By Latvala

Linked Bills: none

Tied Bills: Similar CS/HB 327

Committee(s)/Council(s) of Reference: Governmental Oversight and Productivity; Rules and Calendar

This joint resolution proposes a constitutional amendment to require a 2/3 vote of each house to pass a general law creating an exemption from Florida's open records or open public meetings requirements.

The joint resolution provides that the proposed constitutional amendment will be submitted to the electors of Florida for approval or rejection at the general election to be held in November of 2002.

CS/HB 1431, 1st ENG. – Motor Vehicle Warranty Enforcement

By Council for Smarter Government; Jordan

Linked Bills: None

Tied Bills: Similar CS/SB 1882

Committee(s)/Council(s) of Reference: Judicial Oversight; Council for Smarter Government

Current law requires motor vehicle manufacturers to inform purchasers of new vehicles where they may file claims under the "Lemon Law." It is unclear whether this requirement is imposed on manufacturers of recreational vehicles ("RV's") with respect to the RV mediation and arbitration program. This bill requires the manufacturer of an RV to notify the purchaser about where the purchaser may file a claim under the RV mediation and arbitration program.

This bill extends the life of the recreational vehicle ("RV") mediation and arbitration program from its currently scheduled expiration date of September 30, 2002, until September 30, 2006.

Finally, current law requires the Department of Legal Affairs ("the Department") to screen claims under the RV mediation and arbitration program for eligibility. This bill allows the Department to delegate this screening authority to the RV mediation and arbitration program's own administrative staff.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

**CS/SB 1554, 1st ENG. – Transportation/Driver Improvement
By Criminal Justice; Silver**

Linked Bills: none

Tied Bills: Similar CS/CS HB 571, 1st ENG.; Compare CS/HB 1213, 2nd ENG.; CS/CS SB 522, 2nd ENG.

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local and Military Affairs; Criminal Justice

The Department of Highway Safety and Motor Vehicles is required to prepare a traffic school reference guide that lists the benefits of attending driver improvement school but may not provide names of driver improvement schools. This bill allows the department or the court to prepare a traffic school reference guide that also contains the names and phone numbers of approved driver improvement course providers.

From the civil penalties collected by a county court due to traffic infractions, \$12.50 is deducted from penalties collected from each moving violation to fund that county's participation in an intergovernmental radio program. If the county does not participate in such a program, the \$12.50 must be distributed to the municipality in which the violation occurred or to the county if the violation occurred in an unincorporated area.

This bill changes the distribution formula to provide that, if a municipality within a county maintains an 800 megahertz radio communication program independent of the county which can communicate with the county system, funds collected within the territorial jurisdiction of the municipality must be distributed to the municipality in which the violation occurred.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

**HB 1689, 1st ENG. – Child Support
By Judicial Oversight; Crow and Sobel**

Linked Bills: none

Tied Bills: Similar CS/CS/ SB 2012, 1st Eng.; Compare HB 1687, 1st Eng., CS/SB 1272, 3rd Eng.

Committee(s)/Council(s) of Reference: Judicial Oversight

This bill provides for the statewide implementation of administrative proceedings to establish child support orders. This bill requires additional information to be included in the notice to parents of a proceeding for administrative establishment of a support order, and provides that an administrative order has the same force and effect as a court order.

This bill also clarifies that neither the Department of Revenue nor the Division of Administrative Hearings have jurisdiction over custody or visitation issues, and provides for OPPAGA to evaluate the statewide implementation of administrative process for establishing support orders. This bill contains provisions for the Department of Revenue to work with all other stakeholders to implement the recommendations of the Court Child Support Process Improvement Project and to study the feasibility of using administrative process for paternity establishment.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**CS/SB 1772, 1st ENG. – Agriculture/Crop Damage/Destruction
By Agriculture and Consumer Services; Smith**

Linked Bills: none

Tied Bills: Similar CS/HB 1119, 1st ENG.

Committee(s)/Council(s) of Reference: Agriculture and Consumer Services; Judiciary; Governmental Oversight and Productivity

Current law provides to a grower or producer of agricultural products a civil cause of action for double damages, plus costs and attorney's fees, against any person who willfully and knowingly destroys those agricultural products.

This bill adds agricultural production systems to this civil cause of action; and increases the damages award from double to triple the amount of the value of the product or system damaged or destroyed.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

SB 1832 – Powered Shopping Carts/Negligence

By Peadar

Linked Bills: none

Tied Bills: Similar HB 345

Committee(s)/Council(s) of Reference: Commerce and Economic Opportunities; Judiciary

General tort law provides that the operator of any instrumentality is liable in tort for the negligent operation of that instrumentality. The dangerous instrumentality doctrine is a tort law concept which provides that the owner of a "dangerous instrumentality" is also liable in tort for all injuries caused by the negligent operation of that instrumentality. In practice, reference to the doctrine is unnecessary when the owner of the instrumentality is also the negligent operator of the instrumentality. The doctrine thus is primarily applicable to loaned or rented property. For example, a rental car company is liable in Florida for the negligent operation of its rental cars by its customers.

Increasingly, retail stores have been providing powered shopping carts for use by disabled patrons. SB 1832 defines "powered shopping cart", and provides that where a powered shopping cart is provided to a person gratuitously for use solely on the premises of the owner of such powered shopping cart, the dangerous instrumentality doctrine is not applicable.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**SB 1946, 2nd ENG. – Premises Liability/Burden of Proof
By Sebesta and Brown-Waite**

Linked Bills: none.

Tied Bills: Identical CS/HB 1545; CS/SB 2256

Committee(s)/Council(s) of Reference: Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations

SB 1946 adds a new section to Florida's negligence statutes. This bill provides that a person or entity in control of business premises owes a duty of reasonable care to maintain the premises in a reasonably safe condition and make reasonable efforts to keep the premises free from transitory foreign objects or substances. Accordingly, in a civil action arising out of injury, death, or other loss to a business invitee as a result of a dangerous condition involving a transitory foreign object on business premises, the plaintiff must prove: (1) that the person or entity in possession or control of the business premises owed a duty to the claimant; (2) that the person or entity in possession or control of the business premises acted negligently by failing to exercise reasonable care in the maintenance, inspection, repair, warning, or mode of operation of the business premises; and (3) the failure to exercise reasonable care was a legal cause of the loss, injury, or damage. This bill further provides that proof of actual or constructive notice is not an element of the negligence claim but notice or lack of notice may be considered together with other evidence presented.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 1974, 1st ENG. – Crime Victims' Rights

By Judiciary; Criminal Justice; Crist

Linked Bills: None

Tied Bills: Similar CS/HB 1209, 1st ENG.; Compare CS/SB 2066

Committee(s)/Council(s) of Reference: Criminal Justice; Judiciary; Rules and Calendar

Crime victims have a number of rights in Florida, provided both by statute and in the state constitution. This bill requires a court to provide crime victims with information on these rights, either by listing them on a prominently displayed poster or announcing a specified advisement when conducting an arraignment, sentencing, or case management hearing. The text of the poster or oral advisement is provided for in the bill.

This bill further provides that failure to comply with this requirement to advise crime victims of their rights does not invalidate a conviction, sentence or hearing.

This bill also instructs circuit court administrators to coordinate efforts to ensure that victims' rights informational brochures are provided to the clerks of courts for the benefit of crime victims, and instructs clerks of courts to provide information to victims on pursuing orders of criminal restitution that have been converted to civil liens.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 2158, 2ND ENG. – Sexually Violent Offenders

By Crist

Linked Bills: none

Tied Bills: Compare CS/HB 1597, 1ST ENG.

Committee(s)/Council(s) of Reference: Judiciary; Criminal Justice; Appropriations Subcommittee on Health and Human Services; Appropriations

SB 2158 amends the “Jimmy Ryce Act” (“Act”), relating to the involuntary civil commitment of sexually violent predators, to provide that persons detained must file habeas corpus petitions in proceedings outside of the commitment case and not as part of the commitment case. Under the Act, if a court finds probable cause that a person should be detained under the Act, it must hold a commitment trial. Current law allows persons to raise issues outside of the narrow issue of whether the person should be committed, such as whether he or she is being held in an appropriate facility pursuant to statute, during the course of a commitment trial.

This bill provides that a person who has been detained may raise claims that his or her state or federal constitutional rights are being violated or that he or she is not being held in an appropriate secure facility by filing a petition for habeas corpus in the circuit where he or she is being detained. These claims cannot be raised during a commitment proceeding. The bill requires the court to narrowly draw any relief granted so that it corrects, in the least intrusive manner possible, the violation of state or federal constitutional rights.

This bill also provide civil immunity to employees and officers of the Department of Legal Affairs for good faith actions under the Act.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

Juvenile Justice Committee

The Legislature did not pass any bills that were initially referred to the Juvenile Justice Committee.

Local Government & Veterans Affairs Committee

HB 165 – Ad Val Tax/Disabled Ex-service

By Paul; Fasano

Linked Bills: None

Tied Bills: Identical SB 136

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs; Fiscal Policy & Resources; Council for Smarter Government

The bill increases from \$500 to \$5,000 the reduction in taxable value to any resident, ex-service member, who has been disabled to a degree of 10 percent or more while serving during a period of wartime service or by misfortune.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2003.

SB 266, 1st ENG. – Solid Waste Collection

By Dyer

Linked Bills:

Tied Bills: Identical HB 497; includes part of HB 1213; includes part of SB 478

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local & Military Affairs; Transportation

SB 266 protects existing solid waste collection contracts in new municipal incorporations. The bill compliments Ch. 00-304, L.O.F., which provided the same protection in the circumstance of municipal mergers. The bill provides that an incorporation plan may provide that such contract be honored for the lesser of five years or the term of the contract. The bill clarifies the term "displacement" as used in s. 403.70605, F.S., to exclude annexations that comply with the statutory protection of exclusive franchise agreements for solid waste collection that preexist the annexation by six months. The bill creates s. 316.1975(2)(c), F.S., to exclude a solid waste or recovered materials collection vehicle from the prohibition against leaving the engine running in an unattended motor vehicle.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/CS/HB 313 – Homestead Exemption/Elderly Housing

By Council for Smarter Government; Local Government & Veterans Affairs;

Gibson & others

Linked Bills: CS/HJR 317

Tied Bills: Similar CS/SB 506

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs (SGC); Fiscal Policy & Resources (FRC); Council for Smarter Government

CS/CS/HB 313 is implementing language for CS/HJR 317, which proposes an amendment to Article VII, Section 4, of the Florida Constitution. The bill provides that counties may allow a reduction in assessed value for the construction of living quarters for the parent or grandparent of a property owner or owner's spouse if the parent or

grandparent is 62 years of age or older. The reduction in value is limited to the lesser of the following:

The increase in value resulting from the construction or reconstruction; or

Twenty percent of the total assessed value of the property as improved.

The bill provides limitations, sets forth application procedures, provides penalties for making a willfully false statement in the application, and provides for the previously excluded just value of the improvements to be added back to the assessed value of the property when the owner no longer qualifies for the reduction in assessed value.

Subject to the Governor's veto powers, the effective date of this bill is upon the effective date of an amendment to Section 4 of Article VII of the State Constitution which allows counties to provide for a reduction in assessed value of living quarters constructed for parents or grandparents.

**CS/HJR 317 – Homestead Property/Elderly Housing
By Local Government & Veterans Affairs; Gibson & others**

Linked Bills: CS/CS/HB 313

Tied Bills: Similar CS/SJR 506

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs (SGC); Fiscal Policy & Resources (FRC); Council for Smarter Government

CS/HJR 317 is a House Joint Resolution proposed to amend Article VII, Section 4, of the Florida Constitution. The joint resolution authorizes counties to provide for a reduction in the assessed value of homestead property where there has been an increase in the assessed value of that property due to construction or reconstruction to provide living quarters for the natural or adoptive parents or grandparents of the owner. At least one of the parents or grandparents must be age 62 or older. The reduction in value is limited to the lesser of the following:

The increase in value resulting from the construction or reconstruction; or

Twenty percent of the total assessed value of the property as improved.

If the proposed amendment is approved by vote of the electors, it shall be effective on the first Tuesday after the first Monday in January following the election.

**CS/SB 460, 1st ENG. – Special Assessments/RV Parks
By Comprehensive Planning, Local and Military Affairs; Carlton**

Linked Bills: None.

Tied Bills: Identical CS/CS/HB 263

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local and Military Affairs; Finance and Taxation

CS/SB 460, 1st ENG., which is identical to CS/CS/HB 263, by the Council for Smarter Government, Local Government & Veterans Affairs, and Representative Trovillion,

addresses how counties and cities assess recreational vehicle parks for purposes of non-ad valorem special assessments. The bill provides that recreational vehicle parks regulated under Ch. 513, F.S., shall be assessed as commercial entities by counties and cities in the same manner as a hotel, motel, or other similar facility.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 547, 3rd ENG. – Affordable Housing

By Council for Smarter Government; Local Government & Veterans Affairs; Sorensen & others

Linked Bills: None.

Tied Bills: Similar SB 1456

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs (SGC); Fiscal Policy & Resources (FRC); Council for Smarter Government

CS/HB 547, 3rd ENG., includes several changes to affordable housing programs requested by the Florida Housing Finance Corporation. In addition, the committee bill addresses affordable housing in areas of critical state concern.

Changes requested by the Florida Housing Finance Corporation include: providing for expedited processing of surface water resource permits for affordable housing projects; authorizing the Florida Housing Finance Corporation to serve homeless individuals and commercial fishing workers with zero to 3% interest SAIL loans; authorizing the Florida Housing Finance Corporation to establish subsidiary corporations; authorizing the Florida Housing Finance Corporation to establish and fund demonstration programs and projects; confirming the Florida Housing Finance Corporation's power to evaluate, score and competitively rank all multifamily bond applications; revising the Predevelopment Loan Program and making program funds available on a first come, first served basis; revising monitoring requirements and the allowed average area purchase price under the State Housing Initiative Partnership Program.

The committee bill also addresses affordable housing in areas of critical state concern. The bill revises the State Apartment Incentive Loan (SAIL) Program to make a project eligible for SAIL funding if it is located in a county that includes an area of critical state concern for which the Legislature has declared its intent to provide affordable housing. To qualify, 100 percent of the units in the project must be set aside for persons or families who have incomes below 120 percent of the state or local median income. The bill also revises the State Housing Initiative Partnership (SHIP) Program to exempt a local government meeting specified criteria from set-aside requirements for very-low-income and low-income households. To qualify for the exemption, a local government must include an area of critical state concern for which the Legislature has declared its intent to provide affordable housing. The exemption will allow a qualifying local government to use its SHIP funds to serve very-low-income, low-income, and moderate-income households at its discretion.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**HB 683, 1st ENG. – Firefighter & Police Pensions
By Council for Smarter Government; Mack**

Linked Bills:

Tied Bills: Similar CS/SB 666; Compare CS/SB 2164

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs; Council for Smarter Government

CS/HB 683 provides a means for filling a vacant board of trustees' seat on closed chapter or local law pension plans for firefighters and police officers when the active membership of the plan falls below 10 active members; provides for the resumption of the receipt of state premium tax moneys when the plan is not fully funded; provides that effective May 31, 1998, the plan remains in effect until the final benefit payment has been made to the last participant or beneficiary; and provides a new effective date in the definition of "supplemental plan municipality," from January 1, 1997 to December 1, 2000.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

CS/CS/HJR 833, 1st ENG. – Tax Exemption & Exclusions

By Fiscal Responsibility Council; Local Government & Veterans Affairs; Carassas

Linked Bills: None.

Tied Bills: Compare HB 2027, 1st ENG.

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs (SGC); Fiscal Policy & Resources (FRC); Fiscal Responsibility Council

CS/CS/HJR 833 proposes an amendment to Section 3 of Article VII of the State Constitution to create a Legislative review of the tax on sales, use, and other transactions. The proposed constitutional amendment creates a joint committee consisting of six senators appointed by the President of the Senate and six representatives appointed by the Speaker of the House of Representatives. The committee is required to conduct a review of all exemptions from the tax on sales, use, and other transactions imposed by law and all exclusions of sales of services from such taxation. The committee will be governed by joint rules adopted by the legislature no later than the 2003 regular session. Such rules must establish a schedule for review of such exemptions and exclusions over a three-year period and must provide criteria to be considered by the committee in conducting its review. No later than March 1 of 2004, 2005, and 2006, the committee must submit its findings and recommendations to the presiding officers of each house of the legislature. Any decision to deauthorize an exemption or exclusion must be approved by seven members of the committee and must be in the form of a resolution adopted by the committee, which must be submitted to the legislature. The resolution must set forth the specific changes to the statutes necessary to effectuate the deauthorization, which resolution shall have the force of law and shall become effective July 1 following the second regular session occurring after submission to the legislature, except for those exemptions or exclusions expressly rescinded by joint resolution of the legislature prior to that date. The proposed amendment provides that this section does not operate to deauthorize any exemption or exclusion not expressly deauthorized in such resolution, nor does it prohibit subsequent reenactment by law of any exemption or exclusion that was deauthorized. The joint committee is dissolved July 1, 2006.

If the proposed amendment is approved by vote of the electors, it shall be effective as an amendment to the constitution of the state on the first Tuesday after the first Monday in January following the election.

SB 962, 1st ENG. – Veterans

By Council for Smarter Government; Jordan

Linked Bills: None

Tied Bills: Similar CS/HB 771

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs; Fiscal Policy & Resources; Council for Smarter Government

This bill revises provisions relating to the administration of the state veterans' homes and revises the duties and procedures for the appointment of the veterans' homes' administrators. This bill eliminates a residency requirement for veterans' homes' administrators. This bill also provides for the accounting of certain funds and eliminates requirements for the deposit of certain interest into the Grants and Donations Trust Fund, in response to an Auditor General report. This bill modifies present law to provide authorization for more than one veterans' nursing home. The bill provides that the Bay County nursing home be named the "Clifford Chester Sims State Veterans' Nursing Home", and the Charlotte County nursing home be named the "Douglas T. Jacobson State Veterans' Nursing Home".

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 1058 – Consolidated Governments

By Comprehensive Planning, Local & Military Affairs; Wise

Linked Bills:

Tied Bills: Similar CS/HB 681

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local & Military Affairs; Finance & Taxation

CS/SB 1058 authorizes a consolidated government to qualify for the receipt of an excise tax on property insurance premiums for the benefit of firefighters' pension plans collected outside of the consolidated government's corporate boundary; and authorizes the Department of Management Services to distribute premium taxes to the consolidated government. There is only one consolidated government in Florida, the City of Jacksonville/Duval County. As the City of Jacksonville provides fire protection services to Atlantic Beach and Neptune Beach, the bill authorizes the City of Jacksonville to enact an ordinance imposing the excise tax within the municipal limits of Atlantic Beach and Neptune Beach; and to receive the benefit of this excise tax relative to property situated in those municipalities.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**CS/HB 1307, 2nd ENG. – Building Code Development
By Council for Smarter Government; Cantens & other**

Linked Bills: None.

Tied Bills: Compare CS/HB 155, 1st ENG.; CS/HB 539; CS/HB 1667; CS/SB 104, 1st ENG.; SB 274, 1st ENG.; CS/CS/990, 2nd ENG.; CS/SB 1450; CS/CS/SB 2078

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs (SGC); Council for Smarter Government

CS/HB 1307, 2nd ENG., addresses a variety of issues relating to building code development and administration. The bill authorizes a property owner to use a private provider licensed as an engineer or an architect to review plans and make building code inspections. Building code officials and inspectors holding standard certificates under part XII of chapter 468, F.S. are authorized to perform inspections as private providers for additions and alterations that are limited to 1000 square feet or less to residential buildings. The bill specifies requirements, duties, and responsibilities of a private provider and the local building official. The bill also provides procedures for approval or denial of a certificate of compliance or a building permit.

The bill also changes the regulatory framework of the Department of Business and Professional Regulation's Bureau of Elevator Safety from on-demand service provider. The revisions free resources to allow: verification of private inspector and service provider qualifications and continuing education; a system of oversight and monitoring of private sector activity and quality; focus of bureau activities on better assuring compliance with existing elevator safety provisions. The bill removes the last on-demand service provided by the department, which is the performance of inspections for temporary use of elevators during construction. The bill eliminates mandatory collection and analysis of elevator service maintenance contracts annually by the bureau. The bill requires annual inspections of all non-exempt elevators, requires that registered elevator companies certify that elevator construction plans meet applicable codes prior to receiving a permit to construct an elevator from the bureau, and provides technical corrections and clarifications for changes made in the last two years.

The bill directs the Florida Building Commission to develop a rehabilitation code; provides that notwithstanding any other provision of s. (1) of s. 553.512, F.S., if an applicant for a waiver under part V of ch. 553, F.S., relating to accessibility by handicapped persons, demonstrates economic hardship in accordance with 28 C.F.R. 36.403 (f)(1), a waiver must be granted; limits an exemption from the Florida Building Code for farm buildings; adds modular structures used as a temporary office to an existing exemption from the Florida Building Code; addresses building code product approval to clarify that local building officials may accept the certification mark or listing of an approved certification agency without submittal of additional test reports or documents; and revises the membership of the Florida Building Commission. The bill directs the Florida Building Commission to establish an informal process for rendering nonbinding interpretations of the Florida Building Code, and adds additional criteria for the adoption of local amendments to the Florida Building Code.

The bill delays from March 1 to June 1, 2002, implementation of the requirement for residential property insurance rate filings to include discounts and reductions for fixtures and construction techniques demonstrated to reduce loss in a windstorm.

Subject to the Governor's veto powers, the effective date of this bill is except as otherwise expressly provided in this act, upon becoming a law.

**CS/HB 1341, 2nd ENG. – Community Redevelopment
By Council for Smarter Government; Dockery, Clarke, & others**

Linked Bills: None.

Tied Bills: Compare CS/HB 1281, 2nd ENG.; CS/SB 102; SB 1578; SB 2170

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs (SGC); Fiscal Policy & Resources (FRC); Council for Smarter Government

CS/HB 1341, 2nd ENG., amends the Community Redevelopment Act of 1969 to revise the definitions of slum and blight and to require justification of a legislative finding of necessity by a local governing body to be supported by data and analysis. The bill establishes a notification process for each taxing authority for the creation or modification of a community redevelopment agency (CRA), and expands the maximum number of commissioners serving on a CRA board from seven to nine. The bill establishes a 40 year time limit for new CRAs and limits the time frame for indebtedness for new CRAs to 40 years. The bill grandfathers existing CRAs, except if they expand their boundaries, in which case the expanded area must meet the new definitions. The bill also: exempts any municipality that is currently in the process of developing a CRA and completes its plan by the end of this calendar year; exempts any municipality that has submitted before August 1, 2002, its finding of necessity or application to amend an existing CRA plan to a county that has adopted a home rule charter; and exempts Miami-Dade County and its cities from the revisions to s. 163.555, F.S. relating to finding of necessity, s. 163.362, F.S., relating to contents of a CRA plan, s. 163.385, F.S., relating to the issuance of revenue bonds, and s. 163.387, F.S., relating to redevelopment trust funds. The bill includes provisions protecting all existing outstanding debt.

The bill revises statutory provisions governing the exemption of special districts from the requirement to appropriate incremental tax revenues to a CRA. Under certain conditions, the bill requires charter counties to act on a municipality's request relating to the delegation of CRA powers within 120 days. The bill extends the Coastal Resort Area Redevelopment Pilot Project until December 2006. The bill also eliminates a local participation requirement for qualified targeted business participation in brownfields redevelopment bonus refunds and replaces an average annual pay requirement for participation in brownfields redevelopment bonus refunds with a benefits requirement.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 1633 – Unclaimed Bodies/Veterans

By Evers

Linked Bills: None

Tied Bills: Similar S 1868

Committee(s)/Council(s) of Reference: Local Government & Veterans Affairs; Council for Smarter Government

This bill requires that a reasonable effort be made to determine if a deceased person is a veteran of the Armed Forces of the United States, so that arrangements can be made for proper burial services. "Reasonable effort" is described to include determining the identity of the body and contacting any relatives of such a deceased person.

The bill requires that any contract for disposal of unclaimed bodies or human remains by a local governmental entity provide for compliance with certain state and federal procedures relating to the unclaimed human remains of a veteran.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**CS/SB's 1906 & 550, 2nd ENG. – Growth Management
By Comprehensive Planning, Local and Military Affairs; Peaden, Constantine**

Linked Bills: None.

Tied Bills: Similar CS/CS/SB 382, 1st ENG.; Compare HB 269; CS/HB 569, 2nd ENG.; CS/HB 753, 1st ENG.; CS/HB 757, 2nd ENG., CS/CS/HB 879; CS/HB 1535, 1st ENG.; CS/HB 1609; HB 2001; SB 550; CS/SB 678, 2nd ENG.; CS/SB 1182; CS/SB 1186, 1st ENG.; CS/SB 1464, 2nd ENG.; CS/SB 1584; SB 1876; CS/CS/SB 2072; CS/SB 2228

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local and Military Affairs; Judiciary

CS/SB's 1906 & 550, 2nd ENG., addresses a variety of growth management issues. The bill incorporates the substance of several House bills, including: CS/HB 569, 2nd ENG., by Council for Smarter Government, Representatives Russell, Byrd, and others, relating to water supply policy; CS/HB 753, 1st ENG., by Local Government & Veterans Affairs, Representatives Murman, Fiorentino, and others, relating to district school boards and local government; CS/HB 1535, 1st ENG., by Council for Smarter Government, Representatives Carassas and Cantens, relating to growth management; CS/HB 1609, by Council for Smarter Government, Representative Bennett, relating to local government development orders; HB 2001, by Local Government & Veterans Affairs, Representatives Attkisson and Bennett, relating to Educational Facilities Benefit Districts; and portions of CS/CS/HB 879, by Council for Ready Infrastructure, Natural Resources & Environmental Protection, Representatives Spratt, Attkisson, and others, relating to pollution reduction.

The bill addresses the integration of land use and water supply planning by requiring local governments to amend their intergovernmental coordination, potable water and conservation elements to consider the appropriate water management district's regional water supply plan and to develop a 10-year or more workplan for constructing water supply facilities that are necessary to meet projected demand. The bill also requires applicants for wastewater treatment facility permits to implement reuse to the extent that it is found to be feasible, and directs the water management districts to undertake an effort to develop an illustrative public service program that will provide information on the water levels of aquifers and water bodies.

The bill addresses coordination of school planning by requiring that local governments and school boards enter an interlocal agreement that addresses school siting, capacity and coordination between the school board and local governments. The Administration Commission is authorized to impose the withholding of at least 5% of state revenue available for infrastructure spending within the local government if the local government fails to comply with the interlocal agreement requirement. The Administration Commission may also withhold state school construction funds if the school board fails to comply. The bill also creates an optional school educational facility planning process whereby local governments and school boards adopt educational facilities plans and

enter into an interlocal agreement requiring that school boards and local governments identify information they will use to determine whether school capacity is available to accommodate new development. The bill also addresses educational facilities by amending Ch. 235, F.S., to combine educational plant survey and work program into educational facilities plan. The bill also requires that all local planning agencies include a district school board representative as a nonvoting or voting member, and requires that an elected school board member from the geographic area covered by the regional planning council be nominated by the Florida School Board Association and be included as a Governor's appointee to the regional planning council.

The bill authorizes counties and municipalities to create educational facilities benefit districts (benefit districts) by entering into an interlocal agreement between the school board and any local general-purpose government within whose jurisdiction a portion of the benefit district is located. Subsequently, ordinances may be adopted. Creation of a benefit district is conditioned upon the consent of the school board, all affected local general-purpose governments, and all landowners within the benefit district. Benefit districts are granted the power to impose special assessments and to finance and construct educational facilities. The bill provides for the governing board of any benefit district, and authorizes community development districts (CDDs) to receive the financial enhancements available to benefit districts. Such financial enhancements include: all educational facilities impact fee revenue collected for new development within the benefit district or CDD; and for construction and capital maintenance costs not covered by the impact fees, an annual amount contributed by the district school board equal to one-half the remaining costs of construction and capital maintenance of the educational facility.

The bill requires local governments within counties with a population greater than 100,000 to prepare an inventory of existing or proposed interlocal service-delivery agreements and to identify deficits or duplication in service-delivery. These local governments must submit the inventory to the Department of Community Affairs (DCA) by January 1, 2004. By February 1, 2003, representatives of cities and counties are required to submit recommendations on changes to annexation law to the Florida Legislature.

The bill provides an exemption from concurrency within urban infill areas where public health and safety are not affected by such waiver. Also, the bill provides for the streamlining of comprehensive plan amendment review by making agency comment a one-step vs. two-step process. The bill provides for Internet notice of DCA's Notices of Intent. The bill broadens standing to challenge comprehensive plan amendments to include abutting property owners (intended to fix problem of property owners challenging land use changes associated with annexations.) The bill also provides that if a proposed solid waste management facility is permitted by the Department of Environmental Protection to receive materials from the construction or demolition of a road or other transportation facility, a local government may not deny an application for a development approval for a requested land use that would accommodate such a facility, provided the local government previously approved a land use classification change to a local comprehensive plan or approved a rezoning to a category allowing such land use on the parcel. The requested land use must have been disclosed during the previous comprehensive plan or rezoning hearing as being an express purpose of the land use changes.

The bill makes a variety of changes to the Developments-of-Regional Impact Program to clarify substantial deviation standards; removes the acreage threshold for certain types of development; provides that any renovation or redevelopment of development within a previously approved DRI which does not change land use or increase density or intensity of use is not a substantial deviation; makes an annual reporting requirement biennial; and, requires the Department of Community Affairs to designate a lead regional planning council where a development lies within the jurisdiction of multiple regional planning councils. The bill revises the definition of what is not considered development under the DRI process to include work by a utility and other persons engaged in the distribution or transmission of electricity. The bill provides a bright line test for developments that are at or below 100 percent of DRI thresholds by providing that they are not DRIs and are not required to go through the review process.

The bill eliminates petroleum storage facilities from DRI review; exempts any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use; and provides a DRI exemption for any waterport or marina in a county or municipality that has adopted a boating facility siting plan or policy, which includes specified criteria, into the coastal management or land use element of its comprehensive plan. The bill eliminates acreage standards for office development and retail developments, and provides revised vesting language, based on the exemptions created in the bill.

The bill creates the Local Government Comprehensive Planning Certification Program within the Department of Community Affairs (DCA). The purpose of the program is to reward local governments who: 1) identify a geographic area for certification within which they commit to directing growth; 2) have a demonstrated record of effectively adopting, implementing, and enforcing their comprehensive plan; and 3) have a commitment to implement exemplary planning practices; with less state and regional oversight of the comprehensive plan amendment process. Certification areas must be compact, contiguous, appropriate for urban growth and development and include areas within which public infrastructure is existing or planned within a 10-year time-frame. The bill contains eligibility criteria, requires the execution of a certification agreement, and provides for the revocation of the certification if the local government does not substantially comply with the agreement. Upon certification, comprehensive plan amendments for lands within the boundaries of the certification area will be exempt from state and regional review. The bill provides for third party challenges to adopted comprehensive plan amendments and to challenge the compliance of the local government with the certification agreement. The bill requires DCA to submit biennial reports to the Governor, the President of the Senate and the Speaker of the House of Representatives on the progress of the program and requires the Office of Program Policy Analysis and Accountability to evaluate the program and submit a report to the Governor and Legislature by December 1, 2007.

The bill revises language describing the requirement that a future land use plan category include standards to be followed in the control and distribution of population densities and building and structure intensities. The bill also requires local governments with areas within the coastal high hazard area to address certain issues concerning redevelopment following a natural disaster in their evaluation and appraisal report.

The bill makes available to owners, developers, and applicants the same methods available to third parties to appeal and challenge the consistency of a development order

with a local comprehensive plan. The bill allows local governments to establish a special master process to address quasi-judicial proceedings associated with development order challenges. If a local government establishes such a process, the bill provides that the sole method by which an aggrieved and adversely affected party may challenge any decision of a local government granting or denying an application for a development order, which materially alters the use or density or intensity of use on a particular piece of property, on the basis that it is not consistent with the comprehensive plan, is by a petition for certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals are exhausted, whichever occurs later. If a local government enacts a special master process, third parties would lose their right to a “trial de novo.” Instead, third parties, as well as owners, developers, and development order applicants’ right to appeal would be by certiorari review. If a local government does not establish a special master process consistent with the requirements of the bill, then all aggrieved or adversely affected parties, including third parties and owners, developers, and applicants for development orders, would have the same right to maintain an action for declaratory, injunctive or other relief against any local government to challenge any decision of local government granting or denying an application for, or to prevent such local government from taking any action on, a development order which materially alters the use or density or intensity of use on a particular piece of property which is not consistent with the comprehensive plan.

The bill amends s. 373.4595, F.S., relating to the Lake Okeechobee Protection Program, to provide that projects making use of private lands to reduce nutrient loadings or concentrations within the basin are eligible to receive grants from the Department of Environmental Protection (DEP), the Department of Agriculture & Consumer Services (DACS), or the South Florida Water Management District (SFWMD), the coordinating agencies responsible for implementing the program. Preference in ranking for priority funding is first given to projects located in a rural area of critical economic concern as designated by the Governor, and then to projects that are public-private partnerships or that have federal matching funds. Eligible projects include the purchase of conservation and flowage easements, and the creation of treatment wetlands. No later than July 1, 2003, the Department of Health must require that all entities within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades and Hendry Counties must limit the disposal of septage by land applications based on phosphorus loading. (These provisions supercede the provisions of CS/SB 678, 2nd Engrossed.)

Finally, the bill includes several provisions relating to enterprise zones. The bill creates two exemptions from general law provisions governing the expansion of enterprise zones, and provides for the creation of an enterprise zone in Brevard County/Cocoa, the City of Pensacola, and the City of Tallahassee.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

**CS/SB 2014 – Homestead Exemption/Persons 65/Older
By Comprehensive Planning, Local and Military Affairs; Futch**

Linked Bills: None.

Tied Bills: Similar CS/HB 1155

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local Government and Military Affairs; Finance and Taxation

CS/SB 2014, which is similar to CS/HB 1155 by the Council for Smarter Government and Representative Needleman, revises the requirements with respect to the taxpayer's statement of household income and supporting documents required to obtain the additional homestead exemption for persons 65 and older in counties and municipalities that grant the exemption. This bill also provides for penalties and a lien on property for taxpayers who improperly take this exemption.

The bill provides that submission of supporting documentation is not required for the renewal of an exemption unless the property appraiser requests such documentation. In addition, the bill adds additional information to the list of supporting documentation; deletes the date the supporting documentation must be submitted to the property appraiser for inspection; requires the statement of household income to grant permission to allow review of the supporting documentation if requested by the property appraiser; requires the documents to be returned to the taxpayer or otherwise destroyed; authorizes random audits of sworn statements of household income; provides requirements with respect to the release of tax information to the property appraiser; and provides that the property appraiser may not grant or renew the exemption if the required documentation requested is not provided.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2003.

**CS/SB 2178 – County Medical Service Assessments
By Comprehensive Planning, Local and Military Affairs; Laurent**

Linked Bills: None.

Tied Bills: Identical HB 1627, 1st ENG.

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local and Military Affairs; Finance and Taxation

CS/SB 2178, which is identical to HB 1627, 1st ENG., by Representative Evers and others, allows certain counties to levy a special assessment to fund Emergency Medical Services (EMS). Eligible counties include counties within a rural area of critical economic concern, as designated by the Governor; a county with a population of 75,000 or less on the effective date of this act that has levied at least 10 mills of ad valorem tax for the previous fiscal year; or a county which had adopted an ordinance authorizing the imposition of an assessment for EMS prior to January 1, 2002. Once qualified, a county remains qualified to levy this special assessment for EMS.

The bill includes language providing that the authorization provided in this new section "shall be construed to be general law authorization pursuant to ss. 1 and 9 of Art. VII, of the State Constitution" -- a tax authorized by general law.

Special assessments for EMS levied by a county prior to the effective date of the act "are ratified and validated in all respects if they would have been valid had this section

been in effect at the time they were levied.” However, this legislation will not validate assessments in counties with litigation challenging the validity of an assessment pending on January 1, 2002.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

State Administration Committee

SB 98 – Regional Cultural Facilities

By Silver

Linked Bills: None.

Tied Bills: Identical HB 1231

Committee(s)/Council(s) of Reference: Appropriations Subcommittee on General Government; Appropriations

This bill provides that the Division of Cultural Affairs of the Department of State may accept and administer moneys that are appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of regional cultural facilities. The bill does not appropriate any money for the grants.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 140 – Public Records/Criminal Use

By Burt

Linked Bills: None.

Tied Bills: Identical HB 1123

Committee(s)/Council(s) of Reference: Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

This bill makes it a criminal offense to knowingly use a public record or public information obtained from a public record in the commission of a crime. When the record or information is used in the commission of a misdemeanor of the first degree, the person commits a misdemeanor of the first degree. When the record or information is used in the commission of a felony, the person commits a felony of the third degree. This bill provides for fines and imprisonment commensurate with the severity of the crime, and amends the Criminal Punishment Code to provide for the inclusion of the felony crime in the offense severity ranking chart.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 148 – Homeowners' Associations/U.S. Flag

By Comprehensive Planning, Local and Military Affairs; Geller

Linked Bills: None.

Tied Bills: Compare HB 177

Committee(s)/Council(s) of Reference: Comprehensive Planning, Local and Military Affairs

This bill allows a homeowner to display one portable, removable United States flag in a respectful manner regardless of any declaration rules or requirements dealing with flags or decorations. This bill applies retroactively.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 273 – Public Records and Meetings / Ethics

By State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar SB 352

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill reenacts the public records exemption for a complaint of violation and records relating to such complaint or to any investigation held by the Commission on Ethics or a Commission on Ethics and Public Trust established by any county, and reenacts the public meetings exemption for all proceedings relating to such investigation. Additionally, this bill amends the catch line, makes editorial changes, deletes obsolete language, and removes the sentence that requires the repeal of the public records and public meetings exemptions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 275 (Ch. 2002-5, L.O.F.) – Public Records/Deepwater Ports

By State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar SB 476

Committee(s)/Council(s) of Reference: Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill reenacts the public records exemption for any proposal or counterproposal exchanged between a nongovernmental entity and a deepwater port, or any financial records submitted by a nongovernmental entity to a deepwater port, relating to the sale, use, or lease of land or of port facilities. This bill removes the repeal language.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 277 – Public Records / Practitioner Profiles

By State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar SB 250

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill reenacts the public records exemption for any patient name or other information that identifies a patient obtained by the Department of Health for the purpose of compiling a practitioner profile or other data received by the Department of Health or its agent as a result of its duty to compile and promulgate practitioner profiles. This bill also adds cross-references and clarifying language and removes the language that requires repeal of the exemption.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

**HB 279 – Health Care Practitioners
By State Administration; Brummer**

Linked Bills: None.

Tied Bills: Similar SB 252

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill repeals the public records exemption for information concerning participation in the impaired practitioner treatment program, disciplinary complaints, and related investigative information, and the public meetings exemption for the proceedings of the probable cause panel for health care professionals under the regulatory jurisdiction of the Agency for Health Care Administration and the Department of Health, found in chapters 490 and 491, F.S. Those exemptions are duplicative of public records and public meetings exemptions found in chapter 456, F.S.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

**HB 281 – Public records and meetings exemption
By State Administration; Brummer**

Linked Bills: None.

Tied Bills: Similar SB 238

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill reenacts the public records exemption for the initial risk-based capital report, any adjusted risk-based capital report, any risk-based capital plan, any revised risk-based capital plan, working papers, and reports of examination or analysis of an insurer performed pursuant to a plan or corrective order, or regulatory action level, subsequently filed at the request of the Department of Insurance, with respect to any domestic insurer or foreign insurer, held by the department. This bill also reenacts the public meetings exemption for hearings relating to the department's actions regarding any insurer's risk-based capital report. Transcripts of those hearings are confidential and exempt from public disclosure. This bill provides that the exemptions terminate either one-year following the conclusion of any risk-based capital plan or revised risk-based capital plan, or on the date of entry of an order of seizure, rehabilitation, or liquidation. Additionally, this bill removes duplicative language, makes editorial changes, adds clarifying language, adds a cross-reference, and removes the sentence that directs the repeal of the exemptions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 283 – Public Records & Meetings Exemption

By State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar SB 254

Committee(s)/Council(s) of Reference: Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill reenacts the public records and meetings exemptions for patient records and certain identifying information for district managed care ombudsman committees, and repeals such exemptions for the state managed care ombudsman committee. In addition, this bill removes the public necessity statement that was included in the Florida Statutes when the exemption first became law. Public necessity statements are not to be codified in the Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 285 – Public Record / Victim and Witness Information

By State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar SB 394

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill reenacts the public records exemption for information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Review Committee, or the Florida Department of Law Enforcement which discloses the identity or location of a victim or witness who has been identified or certified for protection or relocation by the state attorney or statewide prosecutor; the identity or location information of victim or witness family members; and the relocation sites, techniques, or procedures; and permanent relocation information. This bill also removes duplicative language and the sentence that requires the repeal of the public records exemption.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 287 – Public Records and Meetings Exemptions

By State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar SB 396

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

Pursuant to a review conducted by the Legislature in accordance with the Open Government Sunset Review Act of 1995, this bill reenacts the public meetings exemption for any portion of a Florida Violent Crime and Drug Control Council meeting wherein active criminal investigative information or active criminal intelligence information is discussed, and the public records exemption for a tape recording of, and

any minutes and notes generated during the closed portion of a Council meeting. The bill also removes duplicative language and the sentence that requires repeal of the exemptions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

**CS/HB 395 – Commodity Procurement
By Council for Smarter Government; Detert**

Linked Bills: None.

Tied Bills: Similar CS/SB 924

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

This bill expressly allows the purchase of equipment, accounting software, and implementation services necessary to replace the state accounting and cash management systems pursuant to a deferred-payment commodity contract as governed by s. 287.063, F.S.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 408, 1st ENG. – DOC/Criminal Investigations

By Criminal Justice; Crist

Linked Bills: None.

Tied Bills: Identical CS/HB 409

Committee(s)/Council(s) of Reference: Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety & Judiciary; Appropriations

This bill authorizes the Secretary of the Department of Corrections (DOC) to designate persons within the Office of the Inspector General as certified law enforcement officers for the purpose of conducting criminal investigations that occur on property owned or leased by the DOC, or that involve matters over which the DOC has jurisdiction. This bill also requires the Office of the Inspector General, instead of the warden or the regional administrator, to conduct investigations regarding the use of force at state correctional facilities. Lastly, this bill requires that a memorandum of understanding exist between the DOC and the Florida Department of Law Enforcement specifying the proper procedures to follow when certain disruptive situations occur at state correctional facilities.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 543, 1st ENG. – Public Records

By Detert

Linked Bills: None.

Tied Bills: Similar CS/SB 468

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

This bill creates a public records exemption for social security numbers and financial account numbers contained in unclaimed property reports, held by the Department of Banking and Finance. This bill provides for exceptions to the exemption; retroactive application of the exemption; and future review and repeal of the exemption. Additionally, this bill provides a finding of public necessity for the exemption.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 777 – Public Records / Business Information

By Competitive Commerce; Kilmer

Linked Bills: CS/CS/HB 779

Tied Bills: Similar CS/SB 2430; Compare HB 743, 2nd ENG., HB 1639, CS/SB 1186, 1st ENG., SB 2240, CS/SB 2414

Committee(s)/Council(s) of Reference: State Administration; Council for Competitive Commerce

This bill creates a public records exemption for the following information submitted by an applicant for participation in the Qualified Defense Contractor (QDC), Qualified Target Industry (QTI), Capital Investment Tax Credit, High Impact Business, and Quick Action Closing Fund programs for a period not to exceed the duration of the tax refund, tax credit, or incentive agreement when held by the Office of Tourism, Trade, and Economic Development (OTTED); Enterprise Florida, Inc.; or county or municipal governmental entities and their employees: the applicant's federal employer identification number and state sales tax registration number; any trade secret information contained in statements regarding the applicant's need for or use of the tax refunds; the percentage of the applicant's gross receipts derived from Department of Defense (DOD) contracts during the five taxable years preceding the date the application for certification is submitted; information pertaining to the number of jobs created and the wages paid for those jobs when submitted as part of a claim for a tax refund and as evidence of the achievement of performance items contained in the tax refund agreement; capital investment proprietary information; the amount of taxes paid on sales, use, and other transactions; the amount of corporate income taxes paid; the amount of intangible personal property taxes paid; the amount of emergency excise taxes paid; the amount of excise taxes on documents paid; and the amount of ad valorem taxes paid. Additionally, trade secret information is made confidential and exempt from release even after the duration of the tax refund, tax credit, or incentive agreement program.

This bill specifies that OTTED, Enterprise Florida, Inc., or any county or municipal governmental entity may release: business names, expected number of jobs created, and tax refunds granted by the QDC, QTI, or Capital Investment Tax Credit programs; incentives awarded under the High Impact Business and Quick Action Closing Fund

programs; and statistics in the aggregate in such a way that a single qualified applicant is not identified.

This bill also provides for future review and repeal of the exemption and provides a finding of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 807, 1st ENG. – Florida Retirement System

By Fiscal Responsibility Council; Fasano

Linked Bills: HB 1575, 2d ENG.

Tied Bills: Identical CS/SB 2134, 1st ENG.; compare CS/SB 2132, 1st ENG.; includes CS/HB 215, CS/HB 697, & CS/HB 933, 1st ENG.

Committee(s)/Council(s) of Reference: State Administration; Fiscal Resources & Policy; Fiscal Responsibility Council

This omnibus Florida Retirement System (FRS) bill synchronizes the due dates for employer contributions for the defined benefit program and the Public Employee Optional Retirement Program (PEORP); provides for penalties when an employer is late in depositing contributions; clarifies the operation of the PEORP and fixes the date of the determination of the present value of a FRS member's accumulated benefit obligation for purposes of transfer to the PEORP; creates a disability benefit program and death benefit component in the PEORP and addresses the distribution of proceeds from a PEORP account to the FRS member; expands the State University System Optional Retirement Program (SUS ORP) to authorize retirement investment products other than annuities and to allow for the roll-over of outside retirement accounts into an SUS ORP member account; and provides criteria, effective July 1, 2002, for elected officers to participate in the Deferred Retirement Option Program (DROP) when the member's term of office extends past the maximum period for DROP participation.

This bill provides that a county health department director, county health department administrator, the sheriff and clerk of the circuit court in a consolidated government with countywide jurisdiction and the Chief Deputy Court Administrator are included in Senior Management Service; FRS employers may reemploy a retired member as firefighter or paramedic after that member has been retired for one month under certain conditions; a firefighter who is in the Special Risk Class and has creditable service in fire prevention and firefighter training or as the supervisor or command officer of members with such responsibility that is not currently credited as special risk service may have that service credited when the employer has already paid the special risk contribution rate for that service; and a firefighter with creditable service in another FRS membership class for work that included responsibility for fire prevention or firefighter training or as the supervisor or command officer of members with such responsibility may purchase credit in the special risk class for that service. A member participating in the Senior Management Service Optional Annuity Program (SMSORP) is authorized, in a three month window beginning July 1, 2002, to make a one-time election to participate in the FRS defined benefit program. The member must pay the difference between the years of service credited under the SMSORP and the present value of the service in the defined benefit program.

This bill amends the definition of “compensation” for the purposes of computing a pension benefit under the FRS to include bonus payments made to teachers pursuant to the Florida Mentor Teacher School Pilot Program and Excellent Teaching Program.

This bill authorizes the Department of Management Services to contract with a private provider to administer the PEORP disability program and to provide for approval by the Legislature by no later than March 1, 2003, its proposal to administer the disability program for both FRS retirement programs.

Subject to the Governor’s veto powers, the effective date of this bill is June 1, 2002.

**CS/HB 885 – Declaration of Independence/Schools
By Council for Lifelong Learning; Melvin**

Linked Bills: None.

Tied Bills: Similar CS/SB 1776

Committee(s)/Council(s) of Reference: State Administration; Council for Lifelong Learning

This bill recognizes the last full week of classes in September, in the state’s public schools, as Celebrate Freedom Week and requires instruction in each social studies class on the intent, meaning, and importance of the Declaration of Independence. Public school principals and teachers are required to conduct an oral recitation by students of part of the Declaration of Independence. However, this bill provides procedures for students who wish to be excused from participating in the recitation of the Declaration of Independence.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

HB 935, 1st ENG. – Public Records

By Rubio

Linked Bills: CS/HB 933, 1st ENG.

Tied Bills: Similar CS/SB 1886; Compare CS/SB 1102

Committee(s)/Council(s) of Reference: State Administration; Fiscal Policy & Resources; Fiscal Responsibility Council

This bill creates a public records exemption for personal identifying information regarding a participant in the Public Employee Optional Retirement Program contained in Florida Retirement System records held by the State Board of Administration or the Department of Management Services. This bill provides for future review and repeal of the exemption and provides a finding of public necessity.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

CS/CS/SB 990, 3rd ENG. – Business Regulation
By Appropriations; Regulated Industries; Campbell
Linked Bills: None.

Tied Bills: Similar CS/HB 155, 1st ENG., CS/SB 1450; Compare CS/HB 539, CS/HB 1307, 2nd ENG., CS/HB 1667, CS/SB 104, SB 274, 1st ENG., CS/SB 1706, 1st ENG.

Committee(s)/Council(s) of Reference: Regulated Industries; Appropriations Subcommittee on General Government; Appropriations

This bill reduces the number of inspections of transient and nontransient apartments made by the Division of Hotels and Restaurants; revises the notice and license requirements for temporary food service events; allows the division to contract with an organization to provide food service manager certification; clarifies that additional fees established in statute for late applications and renewals are not included in the existing statutory fee cap for licensure; requires the Secretary of the Department of Business and Professional Regulation (DBPR) and the division to periodically review the division's budget and financial status with the Advisory Council; and increases the annual fee cap for the Hospitality Education Program from \$6 to \$10.

This bill also requires that elevator service maintenance contracts be made available to DBPR upon request for oversight purposes; revises the qualifications for an elevator certificate of competency; provides that each elevator owner is responsible for inspection and correction of the elevator safety code deficiencies; eliminates the requirement that DBPR review service maintenance contracts and determine whether the contracts ensure safe operation; provides additional requirements for issuance of elevator permits; provides requirements for temporary operation inspections; eliminates the requirement that annual elevator inspections be conducted through third party inspection services; extends the period of validity of certificates of operation; provides administrative fines for violations relating to reporting and operating a sealed elevator and for noncompliance with correction orders; eliminates the requirement to report elevator incidents; and allows municipalities or counties that assume elevator inspection duties to hire private inspectors to conduct inspections.

This bill changes the references to “registered” professional engineers to “licensed” professional engineers.

Finally, this bill allows dealers, agents, or distributing agents to provide a certificate of deposit or irrevocable letter of credit as two additional means to guarantee tax payment to the Division of Alcoholic Beverages and Tobacco of DBPR.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 1323, 2nd ENG. – Florida Minority Business Loan Program
By Council for Smarter Government, Kallinger; Holloway
Linked Bills: None.

Tied Bills: Similar CS/CS/SB 2338

Committee(s)/Council(s) of Reference: State Administration, General Government Appropriations, Council for Smarter Government

This bill creates the Florida Minority Business Loan Mobilization Program to provide a mechanism to advance a portion of the base contract award amount awarded by a state

agency to a Minority Business Enterprise vendor to be used to assist that vendor in obtaining working capital financing.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

**CS/HB 1357, 1st ENG. – Law Officers/Firefighters/Death Benefits
By Fiscal Responsibility Council; Negron**

Linked Bills: None.

Tied Bills: Similar CS/SB 1208; Compare SB 1778

Committee(s)/Council(s) of Reference: State Administration, Council for Smarter Government

This bill increases the death benefit paid to survivors of a sworn law enforcement officer, correctional officer, or correctional probation officer or firefighter killed in the line of duty. When the officer or firefighter is accidentally killed, the benefit increases from \$25,000 to \$50,000. When the officer is unlawfully and intentionally killed, or the firefighter is killed as a result of a fire which is subsequently determined to have been caused by an act of arson, the benefit increases from \$75,000 to \$150,000.

This bill also provides that the Bureau of Crime Prevention and Training (for law enforcement officers) and the Division of the State Fire Marshall (for firefighters) must annually adjust, by rule, the amounts paid as a death benefit based on the percentage increase of the Consumer Price Index (CPI) reported by the United States Department of Labor.

Finally, this bill expands educational benefits by allowing the surviving spouse to apply for a waiver of educational fees for purposes of obtaining a post-secondary degree and provides that the surviving spouse and children may use this waiver to obtain a postgraduate degree. Educational benefits provided to a spouse must commence within 5 years after the death occurs, and such entitlement continues until the 10th anniversary of that death. The surviving children may use the benefit until age 25.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 1407, 1st ENG. – Public Buildings/Security

By Council for Smarter Government; State Administration; Brummer; Cantens

Linked Bills: None.

Tied Bills: Similar CS/CS/SB 1144; Compare CS/HB 1943, 1st ENG.

Committee(s)/Council(s) of Reference: Council for Smarter Government

This bill transfers the personnel, resources, and funding of the Capitol Police from the Department of Management Services (DMS) to the Florida Department of Law Enforcement (FDLE). The FDLE must develop basic and enhanced security plans for named buildings in the Capitol Complex, subject to approval of the Governor, Senate President, and Speaker of the House. The plans must balance the preservation of legislative powers and the security of the facilities and occupants of the building of the Capitol Complex. The Complex includes the Historic Capitol; the Capitol; the Senate Office Building; the House Office Building; and the Knott, Pepper; and Holland Buildings as well as the Capitol Circle Office Complex.

The DMS is no longer a direct provider of policing and security services for state owned buildings; rather, it is authorized to contract with local public safety agencies or private security agencies to secure state owned or leased buildings and property.

Subject to the Governor's veto powers, the effective date of this bill is, except as otherwise provided therein, upon becoming law.

**CS/HB 1487 – Public Records / Telecommunications
By Council for Smarter Government; Attkisson; Ritter**

Linked Bills: None.

Tied Bills: Similar CS/SB 1406

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

This bill creates a public records exemption for any information received by a taxing authority or its agent in connection with an audit of a telecommunications service provider collecting a public service tax. This bill provides for retroactive application of the exemption and future review and repeal of the exemption. This bill also provides a finding of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**HB 1575, 2nd ENG. – Florida Retirement System Clearing Trust Fund
By Fasano**

Linked Bills: CS/HB 807, 1st ENG.

Tied Bills: Identical CS/SB 2134, 1st ENG.; Compare CS/SB 2132, 1st ENG.

Committee(s)/Council(s) of Reference: State Administration; Fiscal Policy & Resources; Fiscal Responsibility Council

This bill creates the Florida Retirement System Clearing Trust Fund within the Department of Management Services. The department administers the fund in a trustee capacity as a fiduciary for Florida Retirement System employers. The trust fund is to be used as a clearing fund for employer contributions received by the department prior to disbursement to the Public Employee Optional Retirement Program Trust Fund and to the Florida Retirement Program Trust Fund.

The trust fund does not terminate pursuant to an exception provided for in the Florida Constitution. The trust fund is specifically exempted from statutory service charges assessed against trust funds.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**CS/CS/SB 1656 – Rape Crisis Centers
By Children & Families; Judiciary; Burt**

Linked Bills: None.

Tied Bills: Identical CS/HB 1163

Committee(s)/Council(s) of Reference: Judiciary; Children & Families; Governmental Oversight & Productivity

This bill defines “trained volunteer” and provides that communications between a victim of sexual abuse or battery and a trained volunteer are confidential, and any such communications, records made in the course of such communications, and any advice given by the trained volunteer are privileged. Current law already provides victims with this privilege in respect to communications with a sexual assault counselor. In addition, this bill provides that a public employee or officer may disclose identifying information and material concerning alleged victims of sexual assault or battery to a rape crisis center or sexual assault counselor who will be offering services to the victim.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

**CS/HB 1673, 2nd ENG. – Public Records / Social Security Numbers
By Council for Smarter Government; State Administration; Brummer**

Linked Bills: None.

Tied Bills: Similar CS/CS/SB 1588; Compare HB 1311, SB 1526, SB 2464

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

This bill creates a public records exemption for social security numbers held by an agency; establishes certain exceptions; restricts agency collection of social security numbers; and requires all agencies to file a yearly report. This bill allows a person to provide a signed written request to the clerk of the court requesting that his or her social security number be redacted from pleadings in court files, and allows a person to provide a signed written request to the county recorder requesting that his or her social security number be redacted from an image or a copy of an official record placed on that county recorder’s publicly available Internet website. This bill provides that persons preparing or filing documents for recordation in the official records may not include social security numbers, unless expressly required by law. The county recorder must publish and post signs and notices stating that social security numbers should not be included in documents filed for recording, unless required by law, and how to request that a social security number be redacted. This bill creates penalty provisions; allows for petition of the court; provides for future review and repeal of the exemption; and provides a finding of public necessity.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 1675 – Public Records Exemption

By State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar SB 1230

Committee(s)/Council(s) of Reference: State Administration; Council for Smarter Government

This bill creates a public records exemption for bank account numbers and debit, charge, and credit card numbers held by an agency. This bill provides for retroactive application of the exemption and for future review and repeal of the exemption. This bill also provides a finding of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 1679, 2nd ENG. – Study Committee on Public Records

By Council for Smarter Government; State Administration; Brummer

Linked Bills: None.

Tied Bills: Similar CS/CS/SB 668

Committee(s)/Council(s) of Reference: Council for Smarter Government

This bill prohibits any county recorder or clerk of the court from placing on a publicly available Internet website military discharges; death certificates; or any court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. If any such records were placed on the Internet prior to the effective date of this bill, the affected party may request their removal. The county recorder or clerk of the court must provide notice of an individual's right to request removal of such documents. In addition, any affected person may petition the circuit court for an order directing compliance with these provisions. Lastly, this bill creates a Study Committee on Public Records to address particular issues regarding court records, official records, privacy, and public access. The committee must submit a report to the Legislature by January 1, 2003. Members are reimbursed for per diem and travel expenses.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 2054 – Elaine Gordon Children's Medical Building

By Silver

Linked Bills: None.

Tied Bills: Identical HB 1269

Committee(s)/Council(s) of Reference: Health, Aging, and Long-Term Care

This bill designates the children's medical services building currently under construction in Tallahassee as the "Elaine Gordon Children's Medical Services Building." The Department of Health is directed to erect suitable markers for the building.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.
