



2017 Legislative Session Update: Week 5

This week I presented seven bills in committee and had my first two bills pass on the Senate Floor. Most of the week was spent in a flurry of committee activity and working on the state budget.



Above: Congratulations to the very talented Cindy Godinez-Sotelo who won the Collier County Art in the Capitol contest! This beautiful piece is now hanging in the Lower Level of the Main Capitol right near the Cabinet Meeting room.

Sponsored Bills:

SB 398: Estoppel Certificates

SB 398 passed unanimously on the Senate floor this week. Rep. Byron Donalds is sponsoring the bill in the House. The bill revises requirements for estoppel certificates for condominium, cooperative, and homeowners' associations. Under current law, when an ownership interest in a condominium unit, cooperative unit, or homeowners' parcel is transferred, the new owner is jointly and severally liable with the previous owner for unpaid assessments owed to a condominium, cooperative, or homeowners' association. Unpaid assessments may also become a lien on the property.

Purchasers therefore request that the seller provide an estoppel certificate from the condominium, cooperative, or homeowners' association so that they will be able to take title to the property free of any lien or encumbrance in favor of the association. An estoppel certificate certifies the amount of any total debt owed to the association for unpaid monetary obligations by a unit or parcel owner as of a specified date. Over the past several years the cost to obtain the estoppel certificates have skyrocketed and have become an undue burden on the selling owners. This bill creates a simple consumer friendly process to handle estoppels. The full list of changes for this bill can be found in the bill text and the staff analysis at this link: <http://www.flsenate.gov/Session/Bill/2017/0039>.

SB 954: Canvassing of Vote by Mail Ballots

SB 954 also passed unanimously on the Senate floor. This bill creates a process to remedy and count a vote-by-mail ballot where the ballot signature submitted by the voter does not match the signature on file in the registration book/precinct register. The problem is that as we age our signature may change over time so that it doesn't match the signature on file with the Supervisor of Elections. Currently, when a voter's signature on a vote-by-mail ballot doesn't match that voter's signature on the Supervisor of Elections records the vote is not counted and the Supervisors are not obligated to contact the voter to let them know about the mismatch. The bill requires the Supervisors of Election to contact the voter to advise them of the mismatch and allow them to "cure" the mismatch signature by signing an affidavit attesting to his or her eligibility along with the fact that he or she requested and returned a vote-by-mail ballot, and acknowledging that committing voter fraud or voting multiple ballots is a 3rd degree felony and the same type of current and valid picture identification required at the polls.

SB 1622: School Bus Safety

I presented SB 1622 to the Criminal Justice committee on Monday afternoon. Rep. Dane Eagle is sponsoring the bill in the House. Senate bill 1622 creates the "Cameron Mayhew Act" to require a driver who illegally passes a stopped school bus resulting in death or serious bodily injury of another person to serve 120 community service hours in a trauma center or hospital and to participate in a victim's impact panel or attend a Department of Highway Safety and Motor Vehicles (DHSMV) approved driver improvement course that relates to the rights of vulnerable road users relative to vehicles on the roadway. The bill also imposes a \$1,500 fine, a 1-year driver license suspension and two additional points, for a total of 6 points, assessed to a person's driver license. This bill is named after a 16 year old Ft. Myers student, Cameron Mayhew, who was killed by a driver illegally passing Cameron's stopped school bus. No legislation can adequately address the pain Cameron's family must feel at his loss but they are strong in their support of this bill's potential to create safer school bus routes for children in our state. The committee voted this bill favorably.



Above: I presented the School Bus safety bill to the Criminal Justice Committee on Monday Afternoon.

SB 200: Temporary Respite Care of a Child

I presented SB 200 to the Children, Families, and Elder Affairs committee on Monday. This bill is modeled after a successful pilot program in Ft. Myers and authorizes qualified nonprofit organizations to establish programs to assist parents in providing respite care for a period not to exceed 90 days for a child in times of family hardship. Only children who are not part of the child welfare system are eligible for care under this program. The bill authorizes the parent of a minor child to execute a contract for care to delegate certain powers regarding the care and custody of the child to a volunteer respite family that is screened and trained by certain nonprofit organizations. The delegation does not change parental rights, obligations, or authority regarding custody, visitation, or support unless determined by a court to be in the best interests of the child. The bill includes various requirements to ensure child safety and requires notification to a parent who did not sign the contract for care. The bill defines the terms “qualified association,” “qualified nonprofit organization,” “temporary respite care” and “volunteer respite family;” provides a process for registering these qualified organization; and requires level 2 background screening for employees of the organizations and family members who provide care. My goal with this bill is to establish a system for assisting parents in childcare attempts to lower the amount of children unnecessarily entering the Florida foster care system. The committee voted this bill favorably.

SB 1224: Public Records and Public Meetings/Campus Emergency Response for Public Postsecondary Institutions

I presented SB 1224 to the Education committee on Monday afternoon. The bill provides a public record exemption for portions of a plan addressing a public postsecondary institution’s response to an act of terrorism or other public safety crisis or emergency. The exemption applies to state agencies, law enforcement agencies, and public postsecondary institutions that hold such plans. The bill also provides a public meeting exemption for portions of a meeting where such plans are discussed. The committee voted the bill favorably.

SB 1046: Covenants and Restrictions (MRTA)

I presented SB 1046 to the Senate Community Affairs committee on Monday afternoon. This comprehensive bill relates to covenants and restrictions of mandatory property owners associations. Under Florida’s Marketable Records Title Act, covenants and restrictions of a mandatory property owners association are automatically extinguished 30 years after their creation unless extended by a vote of the members of the association. The law currently only allows residential associations to extend. As many of our older associations “bump up” against the 30 year period, they have found that the process to extend their covenants is cumbersome and expensive so many associations are faced with

extinction. The bill includes statutory provisions regarding preservation and revival to a broader range of associations, notably commercial property owners' associations. It updates the process for a property owners association to timely renew its covenants, including repealing the requirement that the association board achieve a two-thirds vote for preservation of existing covenants and restrictions. The bill authorizes parcel owners who were subject to covenants and restrictions but who do not have a property owners association to use the same mechanism as a corporate property owners association to revitalize extinguished covenants and restrictions. Finally, the bill requires a property owners association to annually consider preservation of the covenants and restrictions and requires an association to file a summary preservation every five years. The committee voted this bill favorably.

SB 724: Estates

I presented SB 724 to the Senate Banking and Insurance committee on Monday. This bill modifies several sections of the Florida Probate Code relating to the “elective share” a surviving spouse may take in lieu of whatever they would have received under the will of the decedent. The bill fixes a glitch in the calculation of the value of homestead property that is included in an elective share by providing that if the surviving spouse elects to take a life estate in the homestead or if the surviving spouse elects to take a one-half interest in the homestead, the homestead is valued at one-half of its fair market value on the decedent’s date of death. Additionally, the bill expands the types of actions in which attorneys’ fees and costs may be granted; extends the time in which a surviving spouse may elect to receive an elective share of the estate; expands the application of interest penalties for late payment by those who are liable to contribute to the elective share; and includes provision to allow favorable tax treatment of elective share trusts. The committee voted the bill favorably.

SB 172: Guardianship

In my continuing efforts to sponsor bills to protect our elder citizens, I presented SB 172 to the Senate Rules committee on Thursday morning. This bill revises several aspects of Florida’s guardianship statutes relating to the determination of a person’s incapacity, a guardian’s annual report on the incapacitated person; what findings a court must make to allow a guardian to initiate a ward’s divorce, and how much a guardian may spend on a ward’s funeral and related expenses. The committee voted the bill favorably.

SB 802: Regulated Professions and Occupations

I presented SB 802 to the Senate Judiciary committee on Tuesday morning. The bill reduces or eliminates the licensing and registration requirements for several occupations and professions, eliminates a number of duplicative licensing requirements and otherwise reduces the role of the Department of Business and Professional Regulation in regulating several of these professions. The bill was voted favorably in the committee.

SB 204: Limitations on Actions other than for the Recovery of Real Property

I presented SB 204 to the Senate Regulated Industries committee on Thursday afternoon. In cases of construction defects litigation this bill clarifies when the completion of a construction contract occurs. Under current law, the period when the 10 years statute of limitations (known as the Statute of Repose) commences is the later of a number of factors including the date of the completion of the contract. There is no statutory definition of “completion of the contract” so it has been left up to the courts to decide. The bill defines completion of the contract to be the later of the date of final performance of all the contracted services or the date that final payment for those services is due, regardless of when paid. The committee voted the bill favorably.

My Committees:

Commerce and Tourism

The Commerce and Tourism committee had a very busy meeting on Monday. We heard nine bills and held a confirmation hearing for members of the Board of Directors for Enterprise Florida, Inc. First, we heard SB 166 by Senator Stuebe regarding Alcoholic Beverages. This bill makes specific changes regarding the craft distilleries and alcoholic beverage vendors. A full list of the changes can be found on the Florida Senate Website. The bill was voted favorably in committee by a 6-1 vote. Senator Perry then presented Senate Bill 490. This bill establishes a 10-day sales tax holiday beginning August 4, 2017, and ending August 13, 2017. During the holiday, specific “back to school” purchases of clothing, school supplies, and personal computers are exempt from the state sales tax and county discretionary sales surtaxes. The committee voted this bill favorably. Next, Senator Lee presented SB 1136 which increases the maximum annual gross sales limit of cottage foods operations from \$15,000 to \$50,000. It allows cottage food operations to sell, offer for sale, and accept payment for cottage food products over the Internet, but requires the cottage food item to be delivered in person directly to the consumer or to a specific event venue. The committee voted this bill favorably. Next, Senator Garcia presented Senate Bill 1482. This bill mandates certain reporting requirements on Florida-chartered financial institutions that maintain correspondent or payable-through accounts with any foreign financial institution owned by a country under a U.S. Treasury sanctions program. The Florida-chartered financial institution must identify and report the source of every transaction that passes through the foreign correspondent account to the Office of Financial Regulation. The bill also requires the Florida-chartered financial institution to certify that the source does not involve any “confiscated property” as defined in the Cuban Liberty and Democratic Solidarity Act of 1996 (Libertad Act). The committee voted this bill favorably.

Senator Powell then presented Senate Bill 1620 which exempts credit unions licensed under ch. 657, F.S., from the Florida Deceptive and Unfair Trade Practices Act. Other entities currently exempt from the act include Florida-licensed banks and savings and loans associations. The committee voted favorably on this bill. Senator Hutson then presented Senate Bill 388. This bill amends the “tied house evil” statute in s. 561.42, F.S., which prohibits a manufacturer or distributor from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer or distributor from giving gifts, loans or property, or rebates to retail vendors. The committee voted this bill favorably .

Finally, Senator Young presented Senate Bill 1348, which extends the privilege of “practice mobility” to a public accountancy firm or certified public accountancy firm (CPA firm) that does not have an office in Florida or a Florida license to allow the firm to practice public accountancy in the state without a license, notice, or payment of any fee. The committee voted this bill favorably. To conclude the meeting, the committee held a confirmation hearing and confirmed Sonya Deen Hartley of Ft. Lauderdale and Belinda Keiser of Parkland to the Board of Directors for Enterprise Florida, Inc.

Health Policy

The Health Policy committee met on Monday afternoon and heard ten bills. The first was Senate Bill 406 by Senator Bradley. This bill amends s. 381.986, F.S., to implement the provisions of article X, section 29 of the State Constitution, Medical Marijuana Production, Possession, and Use. The bill makes numerous changes to the section which can be found on the bill page at the Florida Senate website. This bill was voted favorably by the committee.

Second, Senator Stuebe presented Senate Bill 732 that requires a physician assistant (PA) to complete a workforce survey for license renewal under ch. 458, or ch. 459, F.S. The Department of Health (DOH) must report the data collected from the PA workforce surveys to the boards every two years. This bill was also voted favorably by the

committee. Senator Mayfield then presented SB 728 which revises the high school graduation requirements for satisfying the mandatory one-credit requirement in physical education. Specifically, the bill deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma. The committee voted this bill favorably.

Following Senator Mayfield, Senator Broxon presented SB 800, a bill that requires health insurers and health maintenance organizations (HMOs) that provide prescription drug coverage to offer insureds or members the option to align the refill dates of their prescription drugs through a network pharmacy at least once in a plan year. Controlled substances, prescription drugs dispensed in an unbreakable package, or a multidose unit may not be partially filled for the purpose of aligning refill dates. The bill requires health insurers and HMOs to pay a full dispensing fee to the network pharmacy unless otherwise agreed to by the plan and the network pharmacy. The health insurer or HMO must prorate cost-sharing obligations of the insured for each partial refill of a covered prescription drug dispensed to align refill dates. Senator Broxon's bill was voted favorably.

Senator Clemens presented SB 840 that limits an initial prescription of opioids for acute pain to a quantity not to exceed 5 days. "Acute pain" is defined as the normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma, or acute illness. The bill also requires dispensers that must report the dispensing of a controlled substance to the Prescription Drug Monitoring Program database (PDMP) to report by the close of the next business day, rather than 7 days after the controlled substance is dispensed and it clarifies an exemption from reporting for rehabilitative hospitals, assisted living facilities, or nursing homes dispensing a certain dosage of a controlled substance, as needed, to a patient as ordered by the patient's treating physician by requiring the dispensing to occur while the patient is present and receiving care. This bill was voted favorably.

Our sixth bill heard in committee was SB 1056 by Senator Garcia. This bill removes a prohibition on the Agency for Health Care Administration (AHCA) from issuing an initial home health agency license to an applicant that shares common controlling interests with another licensed home health agency that is located in the same county and within 10 miles of the applicant. The bill was voted favorably.

Chair Young then presented her bill, Senate Bill 1354 that establishes an additional process by which physicians may obtain formal recognition as a board-certified specialist in a particular area within the practice of medicine or osteopathic medicine and obtain re-certification without undergoing periodic testing, proprietary self-assessment, or peer evaluation. The Department of Health (DOH) must issue a certificate authorizing a recognizing agency to grant allopathic or osteopathic physician recognition as a specialist upon submission of an application meeting certain criteria. The committee voted the bill favorably although with reservations and a request that Senator Young make further revisions in the bill at the next hearing.

Senator Rouson then presented SB 1446, which authorizes a state agency, contingent upon authorization in the General Appropriations Act (GAA), to negotiate and enter into a pay-for-success contract with a private entity. The bill defines the terms "pay-for-success contract," "private entity," and "success payment." The committee voted the bill favorably.

Senator Artiles presented SB 1550, which requires the Agency for Health Care Administration (AHCA) to contract with a vendor to evaluate health information technology in the state and report to the Legislature by December 31, 2017, on the development of systems that will use existing public and private health care data sources to provide health care providers with real-time access to information about their patients' health records, ensure that health care

services are clinically appropriate, and ensure cost avoidance by eliminating duplicative and overused services. This bill was voted favorably.

The final bill heard in committee was SB 1578 by Senator Gibson. This bill establishes a new regulated health care practitioner profession in Florida, the diabetes educator. The bill provides definitions and requirements for registration. It prohibits an unregistered person from certain activities relating to diabetes self-management training, and provides exceptions. This bill was voted favorably.

Ethics and Elections

My Ethics and Elections committee met on Tuesday morning to perform a confirmation hearing regarding a number of Executive appointments and to consider six bills.

The committee confirmed the following Executive Appointees:

Frederick A Barthlow (Middleburg) – Florida Building Code Administrators and Inspectors Board

Anthony H. Lopresto – Florida Building Code Administrators and Inspectors Board

Herman White (Pensacola) – Florida Building Code Administrators and Inspectors Board

Chandra D. Hosler (Tampa) – Hillsborough County Civil Service Board

Stanley T. Escudero (Daytona Beach Shores) – Board of Trustees of Daytona State College

Frances C. Poppell (Tallahassee) – Board of Cosmetology

Jeffrey L. Johnson Sr. (Port St. Lucie) – Education Practices Commission

Celita Wilson (Jacksonville) – Education Practices Commission

Paul Brandon Arthur (High Springs) – Board of Occupational Therapy Practice

Donna Howerton (Sebring) – Central Florida Regional Planning Council, Region 7

Following the confirmation hearing, the committee heard bills from Senators Bradley, Hutson, Powell, Gibson, and Stewart. Senator Bradley presented SB 1660, which addresses several election issues requested by the state Supervisors of Elections. The bill authorizes the general use of touch screen voting systems with a voter-verifiable paper trail for canvass and recount purposes (currently used only for disabled voters); it requires candidates to use a cashier's check or money order to pay the qualifying fees to run for office, and it allows a court to extend poll hours only upon a specific showing or finding of extraordinary circumstances. The bill also prohibits an elected official from being a poll watcher; allows county Supervisors of Elections to either publish sample ballots in newspapers or mail them to registered electors, reversing a duplicative requirement passed in 2013; and it creates a statutory affidavit "cure" process to remedy and count a vote-by-mail ballot where the signature submitted by the voter doesn't match the signature on file in the registration book/precinct register that is identical to the my bill SB 954. The committee voted this bill favorably.

Next, Senator Hutson presented Senate Bills 1070 and 1072. SB 1070 authorizes the Secretary of State to enter into information sharing agreements with other states for the purpose of maintaining the statewide voter registration system. The bill directs the Secretary to use that data to identify registered voters or applications for voter registration that would be potentially ineligible to vote. The bill also provides that those involved with such a data sharing agreement must keep all personal information confidential if that information or data was confidential in its state of origin. Finally the bill will provide the statutory authorization for Florida to join the Electronic Registration Information Center (ERIC), a private, non-profit, interstate consortium designed to help states improve the accuracy of their voter rolls through data match identification of problematic registrations and to increase access to voter registration for all eligible citizens. This bill was voted favorably. SB 1072 is a public records exemption bill that is tied to CS/SB 1070 and was also voted favorably in the committee.

Senator Stewart then presented Senate Bill 198 that requires the Governor to appoint a new member of the Environmental Regulation Commission (ERC) within 90 days after the occurrence of a vacancy, and also requires a supermajority of 5 votes to approve or modify a proposed rule submitted to the ERC which pertains to air quality standards or water quality and quantity standards. The committee voted this bill favorably.

Senator Gibson then presented Senate bill 598 that allows a provisional ballot voter whose signature does not match the voter's registration signature or who fails to sign his or her name on the Voter's Certificate to "cure" the deficiency by submitting an affidavit with a matching signature, along with additional voter identification, by 5 p.m. on the third day following the election. The committee voted this bill favorably.

Finally, Senator Powel presented Senate Bill 726 that specifically authorizes electors to drop off vote-by-mail ballots at early voting sites in their county of residence during the site's hours of operation, if approved in advance by the county supervisor of Elections. The committee voted this bill favorably.

On The Floor

In addition to my two bills described above the Senate considered the following bills during Floor Session this past week:

SB: 118 – Criminal History Records – Sen. Steube

The full content of this bill can be found on its page on the Florida Senate Website:
<http://www.flsenate.gov/Session/Bill/2017/00118>

SB: 1020 – Collective Bargaining Impasses – Sen. Powell

SB 1020 changes the timeline for portions of the Legislature's process to resolve impasses in collective bargaining negotiations between public employees and the state. The bill requires the parties at impasse to notify the presiding officers of the legislature of all unresolved issues by the first day of the regular session rather than five days after an impasse is declared. The bill also changes the date by which a committee of the legislature must meet to conduct a public hearing and take testimony regarding the issues at impasse from no later than ten days prior to the start of the Regular Session to no later than the 14th day of the Regular Session.

SB: 78 – Public School Recess – Sen. Flores

§B 78 adds an unstructured free-play recess requirement to district school boards' responsibilities regarding physical education. Specifically, the bill requires each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5. Such recess must involve at least 20 consecutive minutes of free-play per day.

§B: 882 – Joint Resolution - Election of Secretary of State/Membership of Cabinet – Sen. Bean

§JR 882 makes the Secretary of State a statewide elected office as of June 1, 2019, and makes the Secretary a member of the Florida Cabinet. The Governor will appoint a person to serve as the Secretary of State until January 3, 2023. That appointment is subject to confirmation by the Senate. Beginning in 2022, and every four years thereafter, the Secretary of State will be elected concurrently with the other members of the Florida Cabinet.

§B: 416 – Use of Animals in Proceedings Involving Minors – Sen. Montford

§B 416 allows a court to permit a victim or witness to testify with the assistance of a facility dog in a proceeding involving a sexual offense or in a dependency proceeding. A victim or witness may be eligible to use a facility dog if he or she has an intellectual disability or if he or she was a minor when a victim of or witness to a sexual offense.

§B: 396 – Student Loan Debt – Sen. Hukill

§B 396 requires certain postsecondary education institutions to provide information regarding student loans annually to students. The Specifics of this bill can be found on its Senate webpage:
<http://www.flsenate.gov/Session/Bill/2017/00396>

§B: 312 – Eyewitness Identification – Sen. Baxley

§B 312 creates procedures for state, county, and municipal law enforcement agencies to follow when they have a "lineup" for an eyewitness to identify a suspect. The procedures apply whenever a law enforcement agency is investigating a crime and showing potential suspects to an eyewitness for identification. These procedures require the use of a lineup administrator who is unaware of which person in a live lineup is the suspect. For photo lineups, the procedures prohibit the photo administrator from knowing which photograph is presented to the eyewitness. The bill further provides that the Criminal Justice Standards and Training Commission of the Florida Department of Law Enforcement are responsible for educating police departments on of implementing the new guidelines.

§B: 1048 – Linear Facilities - Lee

§B 1048 amends the exemptions from the land-use-consistency provisions of the Power Plant Siting Act (PPSA) and Transmission Line Siting Act (TLSA) to provide that they apply to established rights-of-way and corridors, to rights-of-way and corridors yet to be established, and to creation of distribution and transmission corridors. The bill establishes the standard to be used in authorizing variances in a site certification under the PPSA and the TLSA. It also provides that the PPSA and TLSA cannot affect in any way the Public Service Commission's (PSC) exclusive jurisdiction to require transmission lines to be located underground.

Elsewhere In The Florida Senate

Senate Committee on Appropriations

The Senate Committee on Appropriations passed Senate Bill 2500, the 2017-18 General Appropriations Act which will be considered by the entire Senate during Floor Session next week. The bill prioritizes funding for Florida's Pre-K-20 public education system, while setting aside more than \$3 billion in total reserves, and making critical investments in Florida's state workforce with salary increases for state employees.

Constituent Corner:



On Tuesday morning I had the opportunity to meet with Representatives from the Florida Dental Association.
Sincerely,

Senator Kathleen Passidomo

District 28

P.S. Don't forget to connect with me online on [Facebook](#) and [Twitter!](#)