2017 Legislative Summary

Florida Department of Financial Services

JEFF ATWATER

CHIEF FINANCIAL OFFICER

State of Florida

INTRODUCTION

This document is an overview of legislation passed by the Florida Legislature during the 2017 Regular Legislative Session affecting the Department of Financial Services and the Financial Services Commission.

Access to all bills, their final action, legislative staff analyses, floor amendments, bill history and Florida Statutes citations are available through the Florida Legislature Online Sunshine web is:

http://www.leg.state.fl.us

For additional information on legislation passed by the Florida Legislature you may contact the Office of Legislative Affairs at (850) 413-2863.

TABLE OF CONTENTS

[1] DFS Priority Legislation
[2] DFS Priority Legislation
[3] DFS Priority Legislation
[4] DFS Priority Legislation – linked to HB 1007

SB 10 – Water Resources

Effective May 9, 2017; Chapter 2017-10, L.O.F.; by Senators Bradley and Flores.
Affected Division(s): Accounting & Auditing; Cabinet

Included in provisions of the bill is the creation of the water storage facility revolving loan fund within the Department of Environmental Protection (DEP). Under the program, the DEP will provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities, including water storage reservoirs, to increase the availability of sufficient water for all existing and future reasonable beneficial uses and natural systems. The loan for Phase I of the C-51 reservoir project is provided through the water storage facility revolving loan fund. If there is default under terms of the loan agreement, DEP shall certify to the Chief Financial Officer. The Chief Financial Offers shall forward the amount delinquent to the department from any unobligated funds due to the local governmental agency under any revenue-sharing or tax-sharing fund established by the state.

HB 39 – Autism Awareness Training for Law Enforcement Officers

Effective October 1, 2017; Chapter 2017-43, L.O.F.; by Representatives Jenne, Stafford, and others.
Affected Division(s): Investigative & Forensic Services

The bill requires the Florida Department of Law Enforcement to establish continued employment training relating to autism spectrum disorder. Instruction must include, but is not limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. Completion of the training may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

SB 80 – Public Records

Effective May 23, 2017; Chapter 2017-21, L.O.F.; by Senators Steube, Garcia, and Campbell.
Affected Division(s): Legal

The bill requires a court to award attorney fees and costs to a plaintiff who sues an agency to enforce a public records request if the court determines that the agency unlawfully refused access to a public record and the plaintiff provided written request for the public records to the agency's records custodian at least five business days before filing the lawsuit. The plaintiff is not required to provide written notice if the agency does not post the records custodian's contact information in the agency's primary administrative building and on the agency's website.

A court must also determine if a plaintiff requested records or otherwise participated in an enforcement action for an improper purpose. An improper purpose is one in which a person requests records primarily to cause a violation of the public records law or for a frivolous purpose. If the court finds that a plaintiff requested records for an improper purpose, the court will require the plaintiff to pay the agency's attorney fees and costs.

The bill clarifies that it does not create a private right of action, and a court may only require an agency to pay attorney fees and costs directly related to the public records enforcement action.

Provisions in the bill apply only to public records requests made on or after the effective date of the act.

HB 107 – Criminal Offenses Involving Toombs and Memorials

Effective October 1, 2017; Chapter 2017-40, L.O.F.; by Representative B. Cortes.
Affected Division(s): Funeral, Cemetery and Consumer Services

The bill:

- Provides an exception for cemeteries exempt under ch. 497, F.S., from the criminal penalties in s. 872.02, F.S.;
- Clarifies elements of the offense of disturbing the contents of a grave or tomb;
- Provides that anyone performing routine maintenance and upkeep is exempt from the penalties associated with willfully destroying, mutilating, removing, cutting, breaking, or injuring any tree, shrub, or plant placed or being within any enclosure for the burial of the dead;
- Allows a cemetery to remove or relocate the contents of a grave or tomb in response to a natural disaster;
- Specifies the criteria that an exempt cemetery must meet to relocate the contents of a grave or tomb;
- Requires a public notice to be posted if a legally authorized person cannot be located after a reasonable search or if 75 years or more have elapsed since the date of entombment, interment, or inurnment;
- Allows a cemetery to proceed with the relocation of a grave or tomb if a legally authorized person does not object within 30 days from the last date of publication of the public notice;
- Provides a public hearing process if a legally authorized person refuses to sign a written authorization or objects to the relocation of a grave or tomb; and
- Requires the public hearing to be held before the applicable city council or county commission.

HB 181 – Natural Hazards

Effective July 1, 2017; Chapter 2017-48, L.O.F.; by Representative Jacobs.
Affected Division(s): Administration, State Fire Marshal

The bill creates an interagency workgroup to address the impacts of natural hazards in this state. The workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Public Service Commission. The director of the Division of Emergency Management, or his or her designee, will serve as the coordinator of the workgroup.

The workgroup is directed to share information on the current and potential impacts of natural hazards throughout the state and collaborate on statewide initiatives to address the impacts of natural hazards. The term "natural hazards" includes, but is not limited to, extreme heat, drought, wildfires, sea-level changes, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The Division of Emergency Management is responsible for preparing an annual progress report on behalf of the workgroup on the implementation of the state's enhanced hazard mitigation plan as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2019, and each year thereafter. Each workgroup liaison is responsible for posting the annual report to their respective agency's website.

The bill appropriates $84,738 in recurring funds and $4,046 in nonrecurring funds from the Grants and Donations Trust Fund to the Division of Emergency Management and authorizes one full-time equivalent position to implement the requirements in the bill.

HB 207 – Agency Inspectors General

Effective June 2, 2017; Chapter 2017-49, L.O.F.; by Representative Plakon.
Affected Division(s): Administration; Inspector General

The bill prohibits a state agency and the Florida Housing Finance Corporation from entering into an employment agreement, or renewing or renegotiating an existing contract, with an inspector general or deputy inspector general that offers a bonus on work performance after July 1, 2017. The awarding of such a bonus is also prohibited.

HB 221 – Transportation Network Companies

Effective July 1, 2017; Chapter 2017-12, L.O.F.; by Representatives Sprowls, Grant and others.
Affected Division(s): Accounting and Auditing; Consumer Services; Legal

The bill creates statewide requirements for transportation network companies (TNCs). TNCs use smartphone technology to connect individuals who want to ride with private drivers for a fee. The bill preempts any local ordinances or rules on TNCs and provides that state law will regulate TNCs. The bill prohibits local governments from imposing taxes, licensing requirements, or other restrictions on TNCs.

The bill provides minimum insurance requirements for TNCs and TNC drivers. When a TNC driver is logged onto the digital network but not engaged in a prearranged ride, the bill requires:

- Primary automobile liability coverage of at least $50,000 for death and bodily injury per person, $100,000 for death and bodily injury per incident, and $25,000 for property damage;
- Personal injury protection (PIP) benefits that meet the minimum coverage amounts required under the Florida Motor Vehicle No-Fault Law; and

- Uninsured and underinsured vehicle coverage as required by law.

When a TNC driver is engaged in a prearranged ride the bill requires:

- Primary automobile liability coverage of at least $1 million for death, bodily injury, and property damage;
- PIP benefits that meet the minimum coverage amounts required of a limousine under Florida Motor Vehicle No-Fault Law; and
- Uninsured and underinsured vehicle coverage as required by law.

The bill authorizes an automobile insurer not providing TNC insurance to exclude coverage provided to an owner or operator of a TNC vehicle while driving that vehicle if logged on to the digital network or providing a prearranged ride.

The bill requires the TNC to conduct, or have a private third party conduct, a local and national criminal background check on its drivers every 3 years, and a driving record check once when the person applies as a TNC driver. The bill prohibits the TNC from hiring a person as a TNC driver if he or she has been convicted of certain crimes or a certain number of moving violations.

The bill provides that no later than January 1 of every other year beginning in 2019, a TNC must submit to the Department of Financial Services (DFS) an examination report prepared by an independent certified public accountant for the sole purpose of verifying that the TNC is in compliance with the insurance and driver requirements. The report must expressly indicate whether the TNC was compliant or noncompliant with the statutory requirements relating to insurance and driver requirements, and must be prepared in accordance with applicable attestation standards established by the American Institute of Certified Public Accountants. The TNC bears all costs associated with preparing and submitting the report.

Within 30 days after receipt of the report, DFS must impose a fine of $10,000 if the report includes a finding that the TNC has been noncompliant with the insurance and driver requirements. A TNC that has been found noncompliant is required to submit another examination report no later than January 1 of the following year. This subsequent report must evaluate the records of the TNC for the timeframe since the previous examination report to determine whether the TNC has been compliant with the insurance and driver requirements. If the subsequent report includes a finding that the TNC has been noncompliant with the insurance and driver requirements, DFS must impose a fine of $20,000 on the TNC. A TNC that fails to timely submit any required report is subject to an additional fine of $10,000 for noncompliance. Fine revenues may be used by DFS to defray expenses associated with the administration of its regulatory duties.

Any fine imposed by DFS must be payable within 21 days after receipt of notice from the department. Payment of the fine is stayed by the filing of a petition for an administrative proceeding with the agency clerk for DFS. Failure to timely petition waives any rights to an administrative hearing.

The bill also authorizes DFS to seek injunctive relief against a TNC that fails to submit the required examination reports.

The bill requires a TNC to implement a zero tolerance policy on the use of drugs and alcohol by its drivers, and to suspend a driver during the length of an investigation, if a rider registers a complaint of drug or alcohol use. All TNCs must adopt policies on nondiscrimination and disability access. In addition, the bill:

- Requires a TNC to maintain an agent for service of process;
- Requires a TNC to disclose information on fares to riders before the beginning of prearranged rides;
- Requires a TNC driver to carry proof of insurance;
- Requires a TNC's digital network to display a photograph of the TNC driver and the license plate number of the TNC vehicle;
- Provides that TNC drivers are independent contractors if certain conditions are met;
- Prohibits TNC drivers from accepting rides for compensation outside of the TNC's digital network and from soliciting or accepting street hails; and
- Requires TNCs to maintain records on riders and TNC drivers.

HB 229 – Health Care Practitioner Licensure

Effective May 31, 2017, except as otherwise provided; Chapter 2017-41, L.O.F.; Representative Byrd and others.
Affected Division(s): Risk Management

The bill updates the operation of the impaired practitioner program (IPP). Included with the many changes to the IPP, is that the consultant, and the consultant's directors, officers, employees and agents are deemed agents of the Department of Health (DOH) while acting within the scope of the consultant's contract with the DOH for purposes of sovereign immunity.

HB 243 – Public Records/Nonsworn Investigative Personnel of OFR's Bureau of Financial Investigations

Effective June 2, 2017; Chapter 2017-53, L.O.F.; by Representative Raulerson and others.
Affected Division(s): Office of Financial Regulation; Information Systems; Administration

The bill exempts from public inspection and disclosure certain personal identifying information of nonsworn investigative employees of the Office of Financial Regulation. The exemption applies to all current or former employees as well as their spouses and children. The exemption also covers an employee's spouse's place of employment and his or her child's school or day care facility.

The provisions of the bill are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022, unless reenacted by the Legislature.

HB 307 – Florida Life and Health Insurance Guaranty Association

Effective July 1, 2017; Chapter 2017-131, L.O.F.; by Representative Drake.
Affected Division(s): Rehabilitation and Liquidation

The bill revises coverage provisions relating to the Florida Life and Health Insurance Guaranty Association (association). In 1979, the Legislature created the association to protect policyholders against failure in the performance of contractual obligations under life and health insurance policies and annuity contracts due to the impairment or insolvency of the member insurer that issued the policies or contracts.

Effective January 1, 2020, the bill increases the coverage limits for basic hospital expense health insurance policies, basic medical-surgical health insurance policies, and major medical expense health insurance policies from $300,000 to $500,000 for any one person. Further, the bill expands the association's scope of coverage to include annuities issued by an insurer pursuant to an individual retirement annuity and annuities issued by an insurer and held by a third party custodian or trustee pursuant to an individual retirement account.

HB 339 – Motor Vehicle Service Agreement Companies

Effective July 1, 2017; Chapter 2017-99, L.O.F.; by Representative White.
Affected Division(s): Office of Insurance Regulation; Rehabilitation and Liquidation

The bill expands the methods by which a motor vehicle service agreement company may ensure its ability to pay out on its warranty claims by allowing the company to procure insurance to cover its motor vehicle service agreement claim exposure from a risk retention group that is authorized to do business in Florida. The risk retention group or insurer covering the claims exposure of a motor vehicle service agreement company must maintain a surplus of at least $15 million. For insurers current law requires a surplus of $4 million. The bill also allows a motor vehicle service agreement company that provides vehicle protection expenses to obtain insurance coverage on its warranty claims from an insurer that is affiliated with the company. Lastly, the bill provides that cancellation of a motor vehicle service agreement by a lender, finance company, or creditor is valid only if those entities are authorized to do so in the underlying service agreement.

HB 359 – Regulation of Insurance Companies

Effective June 23, 2017; Chapter 2017-132, L.O.F.; by Representative Santiago.
Affected Division(s): Office of Insurance Regulation; Rehabilitation and Liquidation

The bill makes several changes relating to the regulation of insurance companies. The bill:

- Deletes the future repeal of the exemption of medical malpractice insurance premiums from the Florida Hurricane Catastrophe Fund assessments. Under current law, the exemption is repealed May 31, 2019.

- Allows an insurer issuing only renter's insurance, tenant's coverage or cooperative unit owners insurance to maintain a surplus of $10 million to do business in the state.
- Removes the requirement that all members of an audit committee for an insurer must be free of any relationships that could interfere with the member's independent judgement.
- Allows Florida Workers' Compensation Insurance Guaranty Association surcharges to be counted as insurer assets if those surcharges are paid to the Association before the surcharges are collected from the insureds.
- Removes the requirement on insurers writing certain lines of medical malpractice insurance to make a full rate filing annually; these insurers will have the option to certify their rates with the Office of Insurance Regulation.
- Renames "owners and encumbrance" reports to "property information" report and clarifies such reports are not title insurance.
- Allows electronic checks and drafts as acceptable methods of payment for specified lines of insurance and allows insurers to charge a $15 insufficient funds fee.
- Specifies display requirements for the electronic delivery of documents.

HB 361 – Bail Bonds

Effective July 1, 2017; Chapter 2017-168, L.O.F.; by Representative Santiago.
Affected Division(s): Agent and Agency Services

The changes made by the bill:

- Narrows the responsibilities of a bail bond agent and reduces the risk that a bail bond will be forfeited due to a defendant's failure to appear at criminal proceedings;
- Deletes provisions of existing law that may have made bail bond agents responsible for ensuring that a defendant released on bail fulfills conditions of the bond in addition to appearing at criminal proceedings;
- Requires a court to discharge the forfeiture of a bail bond if one of the following events occur within 60 days after the required court appearance: the defendant is confined in an immigration detention facility, is deported, or dies;
- Requires a court to discharge the forfeiture of a bail bond if at any time after a required court appearance the defendant becomes incarcerated and the state refuses to seek the extradition of the defendant within 30 days after a surety agent's request and consent to pay costs and expenses to return the defendant;
- Provides that a bail bond, except for forfeited bonds, expires or must be cancelled by the court 36 months after the bond is posted; and
- Provides that an original appearance bond does not guarantee a defendant's placement in a court-ordered program, including a residential mental health facility.

HB 435 – International Financial Institutions

Effective January 1, 2018, except as otherwise provided; Chapter 2017-83, L.O.F.; Representative Raulerson and others.
Affected Division(s): Office of Financial Regulation; Information Systems

The bill modernizes the regulatory framework of international financial services subject to regulation by the Office of Financial Regulation (OFR), which will promote the growth of international financial services market in Florida. The bill revises provisions relating to the regulation of international banking corporations and international trust company representative offices (ITCROs) of international trust entities and creates a regulatory framework for qualified limited service affiliates (QLSAs). An ITCRO may conduct any nonfiduciary activities that are ancillary to the fiduciary business of its international trust entity (ITE), such as marketing and soliciting for fiduciary business on behalf of the ITE. The QLSAs are marketing and liaison offices that engage in permissible activities for the benefit of an ITE and are qualified by the OFR. An ITE is an international trust company, an international business, an international business organization, or an affiliated or subsidiary entities that is licensed, chartered, or similarly permitted to conduct trust business in a foreign country or countries under the laws of which it is organized and supervised. The bill provides the following changes:

- Establishes oversight of qualified limited service affiliates and offices of ITEs.
- Provides an abbreviated application process to establish additional locations of an entity that meets certain conditions.
- Authorizes the OFR to implement a risk-based approach for capital requirements, which will allow the OFR to calculate capital requirements that reflect an entity's business model and its particular inherent risk profile.
- Provides the OFR with discretion to allow an after-the-fact licensure process of an entity in the event of an acquisition, merger, or consolidation, which would allow continuity of operations.
- Clarifies permissible activities of entities regulated under chapter 663, Florida Statutes.

HB 437 – Public Records/International Financial Institutions

Effective January 1, 2018; Chapter 2017-84, L.O.F.; by Representative Raulerson and others.
Affected Division(s): Office of Financial Regulation

The bill makes certain records related to international trust entities and qualified limited service affiliates confidential and exempt from public inspection and copying. The Office of Financial Regulation (OFR) must hold the following information confidential and exempt:

- Personal identifying information of the customer or prospective customers of affiliated international trust entities that appear in regulatory records of an international trust company representative office or a qualified limited services affiliate;
- The names of shareholders or members of an affiliated international trust entity or a qualified limited services affiliate; and
- Information received by the OFR from a person from another state or country or the federal government that is confidential, or exempt pursuant to the laws of that state or country or pursuant to federal law.

The bill authorizes the OFR to disclose otherwise confidential and exempt information in specified circumstances.

The bill also revises the public records exemption for OFR records and information related to investigations and examinations of financial institutions, and confidential documents supplied by other state and federal agencies, to specify that such records are exempt from section 24(a), Article I of the Florida Constitution. The revision is necessary because CS/CS/HB 435 expands the definition of "financial institution" to include an "international trust entity" and "qualified limited services affiliate," thus expanding the existing public records exemption.

The provisions of the bill are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022, unless reenacted by the Legislature.

HB 465 - Firefighters

Effective July 1, 2017; Chapter 2017-106, L.O.F.; by Representative Raburn and others.
Affected Division(s): State Fire Marshal; Legal; Information Systems

The bill creates a Lifetime Firefighter designation for firefighters and volunteer firefighters. Specifically, the bill:

- Provides that a firefighter or volunteer firefighter who has been employed by a fire service provider, is recorded on the fire service provider's roster in the division's electronic database, or who was previously certified as a firefighter or volunteer firefighter may apply for the designation if the individual has at least 20 years of service and is in good standing with his or her most recent fire service provider and has not been convicted of a felony or had another type of disqualifying event;
- Allows a firefighter or volunteer firefighter to have his or her Certificate of Compliance or Certificate of Completion placed in the Lifetime Firefighter designation at the time the person is required to renew the Certificate of Compliance or Completion;
- Requires the State Fire Marshal to issue the Lifetime Firefighter designation in its online electronic database after a firefighter's 4-year period;
- Specifies that if a firefighter's Firefighter Certificate of Completion or Volunteer Firefighter Certificate of Completion is current upon the approval of a Lifetime Firefighter designation, and he or she applies to renew the certification within the first 4 years after the date of approval, he or she must successfully complete the Minimum Standards Course examination for firefighters and the requisite course examinations for volunteer firefighters;
- Provides that if the Firefighter Certificate of Completion or Volunteer Firefighter Certificate of Completion has expired upon the Lifetime Firefighter designation, and he or she wants to perform firefighting services, the person must complete the Minimum Standards Course examination for firefighters and the requisite course examinations for volunteer firefighters;
- Requires the Lifetime Firefighter designation to be revoked for certain reasons and authorizes the division to investigate and take necessary actions; and
- Authorizes the Division of the State Fire Marshal to adopt rules.

HB 577 – Discount Plan Organizations

Effective June 14, 2017; Chapter 2017-112, L.O.F.; by Representative Pigman.
Affected Division(s): Consumer Services; Office of Insurance Regulation

The bill amends part II of ch. 636, F.S., relating to Discount Medical Plan Organization.

The bill:

- Changes the term "discount medical plan" to "discount plan," changes the term "discount medical plan organization" to "discount plan organization," and allows old terms to be used until June 30, 2018;
- Exempts from licensure plans that do not charge a fee to plan members;
- Requires discount plans to retain member records for 5 years after a member agreement ends and subjects such records to inspection by the Office of Insurance Regulation (OIR) at any time;
- Requires a member to receive a reimbursement of charges if the member cancels a plan in compliance with the rules of an open enrollment period or at any time within 30 days of written notice;
- Allows discount plans to make disclosures to those required by statute;
- Removes requirements that all discount plan charges must be submitted to the OIR, and that charges greater than $30 per month and $360 per year may only be charged if approved by OIR;
- Removes a standard that charges bear a reasonable relation to the benefits received;
- Removes the requirement that forms must be submitted to the OIR for approval;
- Allows a discount plan organization to delegate functions to its marketers;
- Allows a marketer or discount plan organization to commingle medical services and other services on a single page of forms, advertisements, marketing materials or brochures;
- Removes the requirement that the fees for the discount medical plan must be provided in writing to the member when a marketer or discount plan organization sells a discount medical plan together with any other product and the fees exceed $30.

~~HB 653 – Community~~ Associations ***VETOED JUNE 26, 2017***

~~Effective July 1, 2017; Chapter 2017-__, L.O.F.; by Representative Moraitis.~~
~~*Affected Division(s): State Fire Marshal; Legal*~~

~~The bill revises requirements for the governance and operation of condominium, cooperative, and homeowners' associations.~~

~~Regarding fire safety and life safety systems in condominium and cooperative buildings, the bill:~~

- ~~Permits condominium or cooperative associations having a building 75 feet or less in height to vote to forego retrofitting the building with fire sprinklers.~~
- ~~Permits two-thirds of the voting interests in a building higher than 75 feet to vote to forego retrofitting with fire sprinklers.~~

- Permits an association that votes to forego retrofitting a building with a fire sprinkler system to also forego retrofitting with an engineered life safety system.
- Permits professional engineers also to provide condominium or cooperative associations with a certificate of compliance with fire and life safety system requirements (current law allows licensed electrical contractors and electricians to provide the certificate).
- Requires condominium and cooperative associations that have not installed sprinklers in the common areas of buildings of three stories or more to mark these buildings with a sign or symbol approved by the State Fire Marshal to warn persons conducting fire control and other emergency operations about the lack of a sprinkler system in the common areas.

Excerpt from Governor's Veto Letter June 26, 2017: "Decisions regarding safety issues are critically important, as they can be the difference between life and death. Fire sprinklers and enhanced life safety systems are particularly effective in improving the safety of occupants in high-rise buildings and ensure the greatest protection to the emergency responders who bravely conduct firefighting and rescue operations."

HB 747 – Mortgage Regulation *VETOED JUNE 26, 2017*

Effective July 1, 2017; Chapter 2017-__, L.O.F.; by Representative Stark.
Affected Division(s): Office of Financial Regulation

The bill exempts a securities dealer, investment advisor, or associated person registered under ch. 517, F.S., from regulation as a loan originator or mortgage broker under ch. 494, F.S., if the person in the normal course of conducting securities business with corporate or individual clients:

- Solicits or offers to solicit a mortgage loan from a securities client, or refers a securities client to an entity exempt from regulation under parts I or II of ch. 494, F.S., pursuant to s. 494.00115, F.S., a licensed mortgage broker, a licensed mortgage lender, or a registered loan originator; and
- Does not accept or offer to accept a mortgage loan application, negotiate or offer to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiate or offer to negotiate the sale of an existing mortgage loan to a non-institutional investor for compensation or gain.

Any referral or solicitation made under this exemption must comply with the provisions of ch. 517, F.S., the federal Real Estate Settlement Procedures Act, and any applicable federal law or general law of this state.

Additionally, the bill revises the definition of "mortgage loan" to include residential mortgage loans made for business purposes by deleting the condition that a residential mortgage is a loan primarily for personal, family, or household use. As a result, the bill allows residential loans made for a business purpose to fall under the definition of a "mortgage loan" and to be subject to regulation by the Office of Financial Regulation (OFR). The bill requires persons originating, brokering, or lending such loans to obtain licensure under ch. 494, F.S., unless they fall within an

~~exemption in s. 494.00115, F.S. At present ch. 494, F.S., only requires licensure by the OFR if a person participates in making residential mortgage loans, which required such loans be made primarily for personal, family, or household use.~~

~~Chapter 494, F.S., provides two exemptions that permit an individual investor to make or acquire a mortgage loan with his or her own funds, or to sell a mortgage loan, without being licensed as a mortgage lender, if the individual does not "hold himself or herself out to the public as being in the mortgage lending business." However, this phrase was undefined in current law. The bill defines that phrase as any of the following:~~

- ~~Representing to the public, through advertising or other means of communicating, information that such individual can or will perform the activities described in s. 494.001(23), F.S. (mortgage lender);~~
- ~~Soliciting in a manner that would lead the intended audience to reasonably believe that such individual is in the business of performing the activities of a mortgage lender;~~
- ~~Maintaining a commercial business establishment where such individual regularly performs the activities of a mortgage lender, or regularly meets with current or prospective borrowers;~~
- ~~Advertising, soliciting, or conducting business through use of a name, trademark, service mark, trade name, Internet address, or logo which indicates or reasonably implies the business is that of a licensed mortgage lender; and~~
- ~~Using any federally authorized forms while performing the activities of a mortgage lender.~~

Excerpt from Governor's Veto Letter June 26, 2017: "While this legislation makes positive changes to reduce regulations for securities dealers and investment advisors, it also expands the regulatory environment on residential mortgages and adds overly prescriptive regulations pertaining to mortgage lending. These requirements would make Florida one of the most restrictive states in the nation in the residential mortgage lending arena. In certain circumstances, this could mean a parent or other relative who decides to make a residential mortgage loan to a child or another loved one would be required to be licenses with the Florida Office of Financial Regulation."

SB 800 – Medication Synchronization

Effective January 1, 2018; Chapter 2017-94, L.O.F.; by Senators Broxson and Mayfield.
Affected Division(s): Consumer Services

The bill establishes coverage and payment requirements relating to medication synchronization. Medication synchronization is a process where a pharmacist coordinates or synchronizes refills for a patient who is taking multiple covered prescriptions, allowing them to be filled on the same day each month. Partial fills for less than the standard refill amount are often required in order to align all patient medications to the same refill date. Medication synchronization can be used to increase medication adherence.

The bill 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 during the plan year. Controlled substances, prescription drugs dispensed in an unbreakable package, or a multi-dose unit of a prescription 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. Notwithstanding these requirements for a medication synchronization process, the bill deems certain existing medication synchronization programs, which provide for early refills, refill overrides, and access on the insurer or HMO's website to information about the program as complying with the bill's requirements.

HB 805 – Insurance Policy Transfers

Effective July 1, 2017; Chapter 2017-19, L.O.F.; by Representative Ingoglia.
Affected Division(s): Consumer Services; Office of Insurance Regulation

The bill allows the transfer of a personal lines residential or commercial residential policy as a renewal if the authorized insurer to which the policy is being transferred:

- Is admitted in this state and other states;
- Is writing residential property insurance in multiple states;
- Is not converting the policy to a surplus lines policy; and
- Has been determined by the Office of Insurance Regulation to have the same or better financial strength than the transferring insurer.

The policyholder of the policy being transferred must be selected on a nondiscriminatory basis. The authorized insurer to which the policy is being transferred must provide a notice of change in policy terms to the policyholder. The notice of change must include notice of the policy transfer and the authorized insurer's financial rating and must be provided to the insured at least 60 days before the effective date of the transfer.

The transfer must result in substantially similar coverage and the Office of Insurance Regulation must approve the transfer.

Prior to the passage of the bill, insurance companies that wrote personal lines residential and commercial residential policies, except for certain farm-owners policies, could not transfer renewal policies. Such insurers had to first cancel, nonrenew, or terminate residential policies, providing 120 day notice pursuant to state law.

HB 813 – Flood Insurance

Effective July 1, 2017; Chapter 2017-142, L.O.F.; by Representative Lee.
Affected Division(s): Consumer Services; Office of Insurance Regulation

The bill extends to October 1, 2025 existing law that allows insurers offering private market flood insurance under s. 627.715, F.S., to make rate filings that are not required to be reviewed by the Office of Insurance Regulation (OIR) before implementation of the rate ("file and use" review) or shortly after implementation of the rate ("use and file" review). The bill generally applies s. 627.715, F.S., to excess flood insurance.

Excess coverage is exempted from the requirement of s. 627.715(1), F.S., to offer flood insurance on a standard, preferred, customized, flexible, or supplemental basis.

Until July 1, 2019, or upon the OIR Commissioner determining there is an adequate admitted market, the bill allows flood policies to be placed with a surplus lines insurer without the agent first receiving one declination from an admitted insurer. If there are fewer than three admitted insurers after July 1, 2019, the number of declinations shall equal the number of authorized insurers providing flood coverage.

The bill increases the interval for the Florida Commission on Hurricane Loss Projection Methodology to revise the criteria used in calculating flood loss projection models to 4 years. Lastly, the bill requires an insured currently covered under the National Flood Insurance Program (NFIP) to sign an acknowledgement before being placed with a private insurers informing them of the risk of being charged a higher rate should they choose to return to the NFIP at a later date.

HB 837 – Insurer Solvency[5]

Effective July 1, 2017; Chapter 2017-143, L.O.F.; by Representative Raburn.
Affected Division(s): Rehabilitation and Liquidation; Office of Insurance Regulation

The bill amends Florida's Insurers Rehabilitation and Liquidation Act to include various provisions from the National Association of Insurance Commissioners' "Insurer Receivership Model Act." The bill:

- Provides that notices of hearings pertaining to the insolvency of a member insurer shall be delivered to the Florida Health Maintenance Organization Consumer Assistance Plan;
- Provides exclusive jurisdiction to the circuit court in Leon County over all assets and property of an insurer in receivership, whether or not such assets or property are located outside of Florida;
- Creates deadlines for written responses from an insurer subject to an order to show cause and establishes a deadline for commencement of a hearing to determine whether cause exists for the Department of Financial Services (DFS) to be appointed receiver;
- Exempts the Office of Insurance Regulation from the automatic stay provisions;
- Provides that the DFS may assume or reject unexpired leases or executory contracts of an insurer and pay expenses during the pendency of a receivership under contracts, leases, and other arrangements entered by insurers before commencement of the receivership;

[5] DFS Priority Legislation

- Provides that officers, directors, and managers of a liquidated insurer are discharged of authority except as may be delegated by the DFS;
- Limits certain defenses that may be raised by third parties in actions brought by or against the DFS in its capacity as receiver;
- Limits third parties from asserting or raising obligations, claims, and defenses that were not recorded in the records of the insurer in receivership, with certain exceptions;
- Allows the court more flexibility in approving procedures for the "deemed filing" of claims, or claims where the DFS deems a claim filed and can distribute funds, such as a refund of unearned premium, to the claimant without the need of a formal claim;
- Allows the court to set a deadline for the filing of claims;
- Disallows claims for post-judgment interest accrued after the liquidation date;
- Creates a process for administering large deductible workers' compensation policies and the collateral for large deductible workers' compensation policies;
- Adds all costs and expenses related to administrative supervision to Class 1 of the priority of claims to be paid in distribution;
- Adds claims related to healthcare coverage by physicians, hospitals, and other providers of a health insurer or HMO and claims of residents that arise out of a continuing care contract to Class 2 of the priority of claims to be paid in a distribution; and
- Removes certain notice requirements related to early access distributions to guaranty associations.

HB 911 – Insurance Adjusters

Effective January 1, 2018; Chapter 2017-147, L.O.F.; by Representative Shaw.
Affected Division(s): Agent and Agency Services; Information Services

The bill amends various statutes relating to insurance adjusters. The bill eliminates licensure for public adjuster apprentices and requires a public adjuster apprentice to be licensed as an all-lines adjuster and appointed as a public adjuster apprentice. In addition, the bill:

- Eliminates the temporary license, which is not currently used;
- Revises the requirements for public adjusters to expressly prohibit unlicensed public adjusting that is done directly or indirectly;
- Deletes a provision of law relating to solicitation by public adjusters;
- Excludes deductibles from the calculation of an adjuster's fee; and
- Reduces the time a public adjuster apprentice must be supervised before becoming eligible for licensure as a public adjuster.

HB 925 – Department of Financial Services[6]

Effective July 1, 2017; Chapter 2017-175, L.O.F.; by Representatives M. Miller, Plakon, and others.
Affected Division(s): Accounting and Auditing; Agent and Agency Services; Consumer Services; State Fire Marshal; Risk Management; Treasury

[6] DFS Priority Legislation

The bill makes various changes to statutes relating to the Department of Financial Services (DFS). The bill addresses issues at the DFS within the Divisions of Treasury, Accounting and Auditing, State Fire Marshal, Agent and Agency Services, and Risk Management. The bill:

- Replaces the Treasury Investment Committee with the Treasury Investment Council within the Division of Treasury and provides for the duties of the Council;
- Applies certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance;
- Updates the 1991 Boiler Safety Act as to installation requirements, qualifications of inspectors of boilers in public assembly locations, continuing education requirements for inspectors, and criminal penalties to administrative fines for violations;
- Authorizes the Department the authority to use appropriated funds for the purpose of professional development and training courses;
- Allows licensed individuals who are active participants in specified insurance associations to annually earn continuing education credits;
- Provides that the Division of Agent and Agency Services may not issue a license until an applicant with a criminal history has paid all fines, restitution, and court costs;
- Provides that the Division of Agent and Agency Services is not required to issue licenses to persons who have received executive pardons or had civil rights restored;
- Allows an additional adjuster certification process to be used by applicants for an all-lines adjuster license;
- Allows insurance agents and adjusters to claim 2 hours of elected continuing education credit for membership in specified associations;
- Removes the statute of limitations for actions relating to the Holocaust Victims Assistance Program;
- Allows for the use of firefighter's confidential information for the purposes of certain studies; and
- Removes a requirement for an individual to send a written notice of claim or serve a summons on the DFS for an action against a county.

HB 1007 – Prohibited Insurance Act/Insurer Anti-Fraud Efforts[7]

Effective June 26, 2017; Chapter 2017-178, L.O.F.; by Representatives Raschein, Diamond, and others.
Affected Division(s): Investigative and Forensic Services; Information Systems; Workers' Compensation; Office of Insurance Regulation

The bill creates new requirements for insurance companies relating to insurance fraud prevention and reporting. The bill requires all insurers to adopt an anti-fraud plan and to establish and maintain a designated anti-fraud unit within the company to investigate possible fraudulent insurance acts or contract with others to investigate fraudulent insurance acts. The insurer must electronically file with the Department of Financial Services (DFS) a detailed description of the designated anti-fraud unit or a copy of the contract with the company that investigates fraudulent

[7] DFS Priority Legislation

insurance acts for the insurer and a copy of the anti-fraud plan. This filing must be made annually on or before December 1, starting in 2017.

The anti-fraud plan must include:

- An acknowledgment that the insurer has established procedures for detecting possible fraudulent insurance acts;
- An acknowledgement that the insurer has established procedures for reporting such acts to the DFS;
- An acknowledgement that the insurer provides required anti-fraud education to employees;
- A description of the anti-fraud education;
- A description of the insurer's anti-fraud unit; and
- The rationale for staffing levels and resources provided to the anti-fraud unit.

Beginning in 2019, the bill requires every insurer to annually submit anti-fraud statistics to the DFS by March 1 for the lines of business written by that insurer for the preceding calendar year. The statistics must include:

- The number of policies in effect;
- The amount of premiums written for policies;
- The number of claims received;
- The number of claims referred to the anti-fraud investigative unit;
- The number of other insurance fraud matters referred to the anti-fraud investigative unit that were not claim related;
- The number of claims investigated or accepted by the anti-fraud investigative unit;
- The number of other insurance fraud matters investigated or accepted by the anti-fraud investigative unit that were not claim related;
- The number of cases referred to the DFS;
- The number of cases referred to other law enforcement agencies;
- The number of cases referred to other entities; and
- The estimated dollar amount of damages in cases referred to the DFS or other agencies.

Current law only requires statistical reporting from workers' compensation insurers. This bill requires all insurers to provide reports. The bill modifies reporting requirements for workers' compensation insurers.

The bill requires the DFS to create a report detailing best practices for the detection, investigation, prevention, and reporting of insurance fraud and other fraudulent insurance acts. The report must be updated at least every two years. The bill requires the DFS to collect data from each state attorney office that receives appropriations to fund prosecutor positions to prosecute insurance fraud cases. The state attorneys must provide specified data to the DFS each quarter and the DFS is required to report to the Executive Office of the Governor, President of the Senate, and Speaker of the House of Representatives each year.

The bill provides that a health maintenance organization authorized to exclusively market, sell, or offer to sell Medicare Advantage plans shall be actively engaged in managed care with 24 months after licensure in order to maintain its certificate of authority. The Office of Insurance Regulation (OIR) may extend the period upon written request.

The bill makes stranger-originated life insurance (STOLI) contracts void and unenforceable and allows a life insurer to contest a policy obtained through a STOLI practice, notwithstanding that life insurance contracts cannot be contested two years after issuance. A stranger-originated life insurance practice is an act, practice, arrangement or agreement to initiate a life insurance policy for the benefit of a third party investor who has no insurable interest in the insured at policy origination.

The bill makes void and unenforceable viatical settlement contracts subject to a loan secured by an interest in the insurance policy within five years from the issuance of the underlying insurance policy. This is referred to as the contestability period of the viatical settlement contract. The bill otherwise retains the existing two-year contestability period under current law. Current law provides conditions that, if met, allow the execution of a viatical settlement contract during the contestability period. The bill modifies the process for doing so. The viator must provide a sworn affidavit and accompanying independent evidentiary documentation to a viatical settlement provider certifying that the viator has met a statutory exception that allows viatication of a policy during the contestability period. Current law does not require the viator to execute a sworn affidavit with documentation evidencing that the exception applies. The bill also revises and clarifies some of the conditions that allow viatication during the contestability period.

The bill adds as prohibited practices under the Viatical Settlement Act:

- Engaging in a fraudulent viatical settlement act;
- Engaging in a STOLI practice;
- Knowingly entering into a viatical settlement contract before the application for or issuance of a life insurance policy that is the subject of the viatical settlement contract or within a contestability period unless the viator complied with s. 626.99287, F.S.; and
- Knowingly issuing, soliciting, marketing, or promoting the purchase of a life insurance policy for the purpose of, or with an emphasis on selling the property to a third party.

Violations are third-degree felonies if the insurance policy has a value less than $20,000; second degree felonies if the insurance policy has a value of $20,000 or more but less than $100,000; and first-degree felonies if the insurance policy has a value of $100,000 or more.

The bill allows motor vehicle insurers an exemption from the requirement that they inspect each private passenger motor vehicle before issuing an insurance policy that provides coverage for physical damage. The inspection requirement only applies in counties with a 1988 population of 500,000 or greater. The bill requires insurers using the exemption to file a manual rule with the OIR and allows an insurer to file with the OIR their own pre-insurance inspection requirements before insuring a private passenger motor vehicle.

HB 1009 – Public Records/Insurer Fraud Information[8]

Effective June 26, 2017; Chapter 2017-179, L.O.F.; by Representative Raschein.
Affected Division(s): Investigative and Forensic Services; Legal

The bill creates a public records exemption for certain information submitted to the Department of Financial Services (DFS) by insurers to comply with insurance fraud prevention and reporting requirements. The bill provides that the following information is exempt from public inspection and copying:

- The description of the insurer's required anti-fraud education and training;
- The description or chart of the insurer's anti-fraud investigative unit;
- The rationale for the level of staffing and resources provided to the insurer's anti-fraud investigative unit;
- The number of claims referred to the anti-fraud investigative unit;
- The number of other insurance fraud matters referred to the anti-fraud investigative unit that were not claim related;
- The number of claims investigated or accepted by the anti-fraud investigative unit;
- The number of other insurance fraud matters investigated or accepted by the anti-fraud investigative unit that were not claim related; and
- The estimated dollar amount or range of damages on cases referred to the DFS's Division of Investigative and Forensic Services or other agencies.

The bill provides that the exemption applies to records held on, before, or after the effective date.

The provisions of the bill are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022, unless reenacted by the Legislature.

HB 1107 – Public Records/Workers' Compensation

Effective July 1, 2017; Chapter 2017-185, L.O.F.; by Representative Albritton.
Affected Division(s): Legal; Workers' Compensation; Risk Management

The bill creates a public records exemption for personal identifying information of an injured or deceased employee contained in reports, notices, records, or supporting documentation held by the Department of Financial Services (DFS) pursuant to ch. 440, F.S. "Personal identifying information," means the injured or deceased employee's name, date of birth, home, mailing, or e-mail address, or telephone number. The bill authorizes the DFS to disclose personal identifying information made confidential and exempt only:

- To the injured employee, to the spouse or a dependent of the deceased employee, to the spouse or a dependent of the injured employee if authorized by the injured employee, or to the legal representative of the deceased employee's estate;
- To a party litigant, or his or her authorized representative, in matters pending before the Office of the Judges of Compensation Claims;

[8] DFS Priority Legislation. Public Records Exemption bill linked to HB 1007

- To a carrier or an employer for the purpose of investigating the compensability of a claim or for the purpose of administering its anti-fraud investigative unit established pursuant to s. 626.9891, F.S.;
- In an aggregate reporting format that does not reveal the personal identifying information of any employee;
- Pursuant to a court order or subpoena;
- To an agency for administering its anti-fraud investigative function or in furtherance of the agency's official duties and responsibilities; or
- To a federal governmental entity in the furtherance of the entity's official duties and responsibilities.

The bill provides that a person who willfully and knowingly discloses personal identifying information made confidential and exempt by this bill to an unauthorized person or entity commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

The provisions of the bill are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022, unless reenacted by the Legislature.

SB 1108 – Public Records/Firefighters and their Spouses and Children

Effective October 1, 2017; Chapter 2017-96, L.O.F.; by Senator Steube.
Affected Division(s): Legal

The bill expands an existing public records exemption in s. 119.071(4)(d)2.b., F.S., for the personal identifying information of current firefighters, their spouses, and children. The expansion will extend the public records exemption to former firefighters and their families. The records exempted are the names of the spouses and children, home addresses, telephone numbers, dates of birth, photographs, places of employment, and the names and locations of schools and day care facilities attended by the children of firefighters.

The provisions of the bill are subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022, unless reenacted by the Legislature.

HB 1347 – Application of the Florida Deceptive and Unfair Trade Practices Act to Credit Unions

Effective July 1, 2017; Chapter 2017-190, L.O.F.; by Representative Jones.
Affected Division(s): Office of Financial Regulation

The bill exempts credit unions licensed under ch. 657, F.S., from part II of ch. 501, F.S., known as the Florida Deceptive and Unfair Trade Practices Act. Other entities currently exempt from the act include licensed banks and savings and loans associations.

~~HB 5301 – State Agency Information Technology Reorganization~~ *VETOED JUNE 26, 2017*

~~Effective July 1, 2017; Chapter 2017-__, L.O.F.; by House Government Operations and Technology Subcommittee and Representative Ingoglia.~~
~~*Affected Division(s): Information Systems*~~

~~The bill revises the experience required for the Agency for State Technology (AST) executive director, data center director, and chief information security officer and deletes the following positions: deputy executive director, chief planning officer, chief operations officer, and chief technology officer. Additionally, some technology definitions are added, revised, and deleted.~~

~~Changes to Agency Duties~~

~~The bill revises the AST's duties related to project oversight to review and provide recommendations to the Governor, President, and Speaker. The AST will review project oversight deliverables and provide recommendations for state agencies' projects costing over $10 million and for cabinet agencies' projects costing over $25 million. The AST, with the Department of Management Services, will establish best practices for the procurement of cloud computing services. The AST's current duties to review technology purchases over $250,000 and to develop data center standards are eliminated.~~

~~Eliminates Expired Requirements~~

~~The bill deletes expired language that authorizes the Agency for State Technology (AST) to transfer funds, after notice, for technology migrations to cloud computing services in Fiscal Year 2015-2016 only, deletes intent language for data center consolidation, and deletes the expired state agency data center consolidation schedule and requirements.~~

~~Technology Policy Modification~~

~~The bill directs the State Data Center to provide services on premise or through a third party cloud computing provider based on the best cost and service, verified by the customer, and directs the state data center to use third party cloud computing services instead of utilizing existing infrastructure when costs are reduced and services are the same or improved. The AST state data center must submit a biennial report on cloud computing usage.~~

~~Impact to State Agencies~~

~~The bill directs state agencies to submit an annual plan to the Governor, President of the Senate, and Speaker of the House by November 1 that includes an inventory of the applications supported by the state data center, identifies applications that can migrate to a third party cloud computing service, and requires a project plan and estimated costs. The cloud computing service shall meet or exceed the applicable state and federal standards for security.~~

~~Creates a Task Force~~

~~The bill creates the Florida Cybersecurity Task Force consisting of six members from the Department of Law Enforcement (FDLE), Agency for State Technology, Department of Management Services, Division of Emergency Management in the Office of the Governor, and the Chief Inspector General in the Office of the Governor. The task force shall recommend:~~

- ~~Methods to improve security for the state's network system and data;~~
- ~~Improvements to threat detection;~~
- ~~Processes to assess cybersecurity infrastructure and identify gaps;~~
- ~~Improvements in emergency management and disaster response; and~~
- ~~Improvements in response to cybersecurity attacks.~~

~~The task force final report is due by November 1, 2018, to the Governor, President of the Senate and Speaker of the House. The FDLE is appropriated $100,000 nonrecurring General Revenue to support the task force.~~

Excerpt from Governor's Veto Letter June 26, 2017: "Consistent with policy agreed upon by the Governor and Legislature, an effective enterprise information technology organization requires the authority and resources to accomplish continually evolving enterprise initiatives. House Bill 5301 includes overly prescriptive language regarding the management of information technology resources that creates and inflexible landscape and discourages innovative business change. The bill limits the agency's ability to perform their primary function, which is to manage state information technology. I believe each state agency should continually work to be more efficient, and this legislation would implement burdensome policies on state agencies."

HB 7045 – OGSR/Reports of Unclaimed Property/Public Records/Social Security Numbers

Effective October 1, 2017; Chapter 2017-33, L.O.F.; by House Oversight, Transparency and Administration Subcommittee and Representative Raulerson.
Affected Division(s): Legal; Unclaimed Property

The bill continues the existing public records exemption for social security numbers and property identifiers held by the Division of Unclaimed Property at the Department of Financial Services by removing the October 2, 2017 repeal date.

HB 7067 – OGSR/Property Business Information/Title Insurance Agencies and Insurers

Effective October 1, 2017; Chapter 2017-34, L.O.F.; by House Oversight, Transparency and Administration Subcommittee and Representative Rommel.
Affected Division(s): Office of Insurance Regulation

Title insurers and title insurance agencies are required to submit data identified by the Office of Insurance Regulation (OIR) to assist in the analysis of premium rates, title search costs, and the condition of Florida's title insurance industry. Proprietary business information provided to OIR

by a title insurance agency or insurer is confidential and exempt from public record requirements until such information is otherwise publicly available or is no longer treated by the title insurance agency or insurer as proprietary business information.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption 5 years after enactment. The public record exemption for proprietary business information will repeal on October 2, 2017. This bill saves the exemption from repeal. It also limits the categories of records that are exempt from the public records requirements.

HB 7093 – OGSR/Agency Personnel Information

Effective October 1, 2017; Chapter 2017-66, L.O.F., by House Oversight, Transparency and Administration Subcommittee and Representative Daniels.
Affected Division(s): Investigative and Forensic Services

The bill is the result of an Open Government Sunset Review (OGSR) of public records exemptions for personal identifying information of specified governmental agency personnel, their spouses, and their children. The bill renews exemptions for specified agency employees, as well as exemptions pertaining to the family of those employees, that were scheduled to repeal on October 2, 2017. The categories of agency personnel with specified exemptions are:

- Law enforcement;
- Department of Children and Families (DCF) personnel with certain duties;
- Department of Health (DOH) personnel who support the investigation of child abuse or neglect;
- Department of Revenue (DOR) and local government personnel who collect revenue or child support;
- Department of Financial Services (DFS) personnel with certain duties;
- Firefighters;
- Justices and Judges;
- State Attorneys and Statewide Prosecutors and their assistants;
- Magistrates, Administrative Law Judges, Judges of Compensation Claims, child support enforcement hearing officers;
- Human resources, labor relations personnel;
- Code enforcement personnel;
- Guardian ad Litem Program personnel;
- Certain Department of Juvenile Justice (DJJ) personnel;
- Public Defenders, Criminal Conflict and Civil Regional Counsel, and their assistants;
- Department of Business and Professional Regulation (DBPR) investigators; and
- County Tax Collectors.

The bill also expands certain public record exemptions for agency personnel and their families in an effort to provide uniformity across the exemptions. Except where current law provides for earlier review, the bill provides for repeal of the expanded exemptions on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

In addition, the bill expands the public records exemptions for certain personnel by removing the requirement that certain personnel must prove they have made reasonable efforts to protect their information from being accessible to the public. The bill removes this requirement for the following personnel:

- Magistrates, Judges of Compensation Claims, Division of Administrative Hearing (DOAH) Administrative Law Judges, and child support enforcement hearing officers;
- Guardian ad Litem Program personnel;
- DBPR investigators;
- County Tax Collectors;
- DOH personnel with certain duties;
- Impaired practitioner consultants;
- Emergency medical technicians or paramedics; and
- Personnel employed in an agency's office of inspector general or internal audit department.

Removing this requirement constitutes an expansion of the exemption. As such, except where current law provides for earlier review, the bill provides for repeal of the expanded exemptions on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

HB 7115 – Arthur G. Dozier School for Boys

Effective June 2, 2017; Chapter 2017-69, L.O.F.; by House Judiciary Committee and Representatives Harrison, Stafford, and others.
Affected Division(s): Funeral, Cemetery and Consumer Services

The bill provides for the internment of certain remains exhumed from the Arthur G. Dozier School for Boys; establishes the Arthur G. Dozier School for Boys Memorial; requires the Board of Trustees of the Internal Improvement Trust Fund to convey, maintain, and surplus certain lands associated with the Arthur G. Dozier School for Boys.

From January 1, 1900 to June 30, 2011, the state operated a reform school in the panhandle town of Marianna, Florida. The school operated under several different names: the Florida State Reform School (1900-1913), the Florida Industrial School for Boys (1914-1957), the Florida School for Boys (1957-1967), and the Arthur G. Dozier School for Boys (1967-2011). In recent years, former students of the school have come forward to report repeated abuse by staff members, including severe beatings at a structure on school grounds known as the "White House." These men believe that fellow students may have died from abuse and are buried on school grounds. In 2012, researchers from the University of South Florida (USF) began an investigation to determine the location of children buried at the school in order to excavate and repatriate the remains to their families. In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973. During the investigation, the researchers excavated 55 graves and discovered 55 sets of human remains on the school grounds, only 13 of

which were located in Boot Hill Cemetery on Dozier school property. The researchers made 7 positive identifications and 14 presumptive identifications of the remains.

In 2016, the Dozier Task Force, which was created by the Legislature, submitted the following recommendations:

1. The remains of the 1914 dormitory fire victims should be reinterred at Boot Hill Cemetery on Dozier School property.
2. Unidentified or unclaimed remains should be reinterred in Tallahassee.
3. Two memorials should be established, one in Jackson County and one in Tallahassee, Florida, dedicated to the memories of the boys who lived and died at Dozier School, as well as the 1914 dormitory fire victims.

The bill:

1. Implements the three recommendations of the task force.
2. Requires the Board of Trustees of the Internal Improvement Trust Fund to convey portions of Dozier School property to Jackson County, including property on which Boot Hill Cemetery and the White House are located, and provides for the preservation of Boot Hill Cemetery and the White House.
3. Requires the Department of Environmental Protection to prepare a proposal to conduct a feasibility study to locate previously unidentified potential burial sites through surface and sub-surface evaluation on all lands formally associated with the school.
4. Names the Department of Law Enforcement's Forensic Training Center in Pasco County the "Thomas Varnadoe Forensic Center for Education and Research." Thomas Varnadoe died at Dozier School on October 26, 1934, just 34 days after he was admitted to the school. His remains were identified by USF after being exhumed as part of its investigation.

Lastly, the bill appropriates $1.2 million from general revenue to the Department of Management Services to pay for reinternment of remains exhumed from Dozier School and establishment of the memorials.