

Fish and Wildlife Conservation Commission 2013 Session Report – Week 6

Legislative Affairs Office
April 13, 2013

The sixth week of the 2013 Session has concluded. This week, the Governor signed into law SB 212, modifying FWC's trust funds. These were modifications that FWC concurred with or requested.

FWC's legislative package is on the Calendar available to be heard in the House, and is in its last committee of reference in the Senate. This is good positioning, but with only three weeks to go, there is still a lot of work to be done in order for the legislation to pass.

Legislators will be working hard to get their bills heard in the last committee(s) of reference, so that the bills can go to the Calendar and be available for consideration by the full body. Some committees have already stopped meeting, some will hold their last meeting this coming week, and a few may hold their last meeting by Tuesday of the following week (eighth) of Session. With limited time remaining, committees will usually only agenda bills that have a chance of passing. If a bill has four committees of reference and has been heard in only one, it may be difficult to get it heard in the next committee of reference. Also under consideration for putting a bill on an agenda is what is happening to the companion bill in the other chamber. If the companion bill is not moving, the bill may move even lower on the priority list. By Wednesday of the eighth week, both chambers are usually on the Floor full time, considering the bills that have made it that far and/or that have been sent over from the other chamber.

Both chambers passed their respective budgets this past week, and they are expected to begin the conference process next week to work out the differences. For a more detailed discussion of the FWC budget, please see Charlotte Jerrett's accompanying report.

In the following update of some of the bills that FWC is monitoring, those bills having activity this past week will have "**Update**" on the title line, and the title line will be highlighted in **green**. The Governor has begun receiving bills for his action from the Legislature. For those bills that have been signed into law by the Governor, or which the Governor has allowed to become law without his signature, the bill number is highlighted in **green**.

Fish and Wildlife Conservation Commission Legislation

Update - SB 212 by Sen. Hays; HB 7053 by the Agriculture & Natural Resources Appropriations Subcommittee – Fish and Wildlife Conservation Commission Trust Funds

Note: every 4 years, state agency trust funds are reviewed by the Legislature. FWC's trust funds were scheduled for the 2013 Session; it was determined that modifications were needed for several of FWC's trust funds. These bills: delete the requirements that interest income in the Lifetime Fish and Wildlife Trust Fund, derived from the sale of lifetime licenses, may not be used until the licensee is 16 years old, that the Commission must determine actuarially on an annual basis the amounts of interest income in this trust fund that can be disbursed, and that deposits of proceeds from the sale of lifetime licenses must be identifiable by the age of the license recipients; rename the Fish and Wildlife Habitat Program as the Land Acquisition Trust Fund; provide statutory authorization for the administration and funding of the Save the Manatee Trust Fund; and provide statutory authorization for the administration and funding of the Invasive Plant Control Trust Fund. HB 7053 had its 1st Reading, and was referred directly to the House Calendar; it was scheduled for its 2nd Reading, was substituted by SB 212, and was laid on the table, March 21; refer to SB 212. SB 212 was read the 1st time and referred to the Appropriations Committee; it passed Appropriations, had its 2nd Reading, and passed its 3rd Reading in the full Senate; it was immediately certified to the House in Messages, placed on the House Calendar, and scheduled for its 2nd Reading,; during its 2nd Reading, it was substituted for HB 7053, and passed its 3rd Reading in the full House; it was signed by the Governor, April 11, becoming Chapter 2013-22, Laws of Florida.

Update – CS/CS/CS/HB 333 by Rep. Steube; CS/SB 448 by Sen. Dean; HB 1059 by Rep. Broxson; HB 5503 by Agriculture & Natural Resources Appropriations – Fish and Wildlife Conservation Commission

HB 333 and SB 448 (FWC's legislative package): provide an exemption from the requirement to purchase a recreational hunting or fishing license for disabled veterans and military personnel (as well as their immediate family and one assistant for each disabled veteran) participating in a Commission-permitted event where the primary purpose of the event is for the participating military personnel or disabled veterans' rehabilitation or enjoyment, and directs the Commission to adopt rules to implement the exemption; waives the up-front income requirement to acquire a restricted species endorsement for 1 license year for post-9/11 veterans and disabled veterans from all eras, and permanently reduces the income requirement (to \$2500) for disabled veterans; gives the Commission authority to offer 4 license-free saltwater fishing days and 4 license-free freshwater fishing days to the public each year; eliminates the 6 month waiting period to acquire a resident recreational hunting or fishing license for individuals who provide a Florida driver license or identification card issued by the Department of Highway Safety and Motor Vehicles, and allows for other forms of identification for individuals who do not possess a Florida driver license or identification card; eliminates the requirement to continuously live 6 months in the same county in Florida in order to obtain a resident commercial fishing license (but retains the requirement that such individuals must live continuously in the State for 1 year); and

removes antiquated references to Federal inland navigation rules, replacing them with the proper references. CS/CS/CS/HB 333 also repeals language providing for automatic fee increases on vessel registration fees and recreational hunting and fishing license fees scheduled to occur July 1, 2013 (and every 5 years thereafter). The proposed CS/CS/SB 448 defers these automatic fee increases until 2015 (and every 5 years thereafter); specifies the calculation methodology for these future fee increases based on the change in the Consumer Price Index over the previous 5 years; provides for the future new fee amounts to be automatically updated in their respective statutory sections; and clarifies that the future vessel registration fee increase does not affect the county portion of the fee. HB 333 was read the 1st time and referred to the subcommittees on Agriculture & Natural Resources, Veteran & Military Affairs, and Agriculture & Natural Resources Appropriations, and to the State Affairs Committee; it passed Agriculture & Natural Resources as CS, passed Veteran & Military Affairs as CS/CS, passed Agriculture & Natural Resources Appropriations, and passed State Affairs as CS/CS/CS, March 28; it is now available for its 2nd Reading before the full House. SB 448 was read the 1st time and referred to the Committee on Environmental Preservation & Conservation, the Appropriations Subcommittee on General Government Appropriations, and the Committee on Appropriations; it passed Environmental Preservation & Conservation as CS, and General Government Appropriations recommended that Appropriations pass the bill as a CS/CS, March 19; the proposed CS/CS will be considered next by Appropriations.

HB 1059 defers until 2015 a fee increase scheduled to effect vessel registration fees and recreational hunting and fishing license fees; clarifies the calculation methodology for the fee increases based on the change in the Consumer Price Index over the previous 5 years, provides for the new fee amounts to be automatically updated in their respective sections of substantive law, and clarifies that the vessel registration fee increase does not affect the county portion of the fee. HB 5503 deletes these automatic fee increases from statute entirely. HB 1059 was read the 1st time and referred to the subcommittees on Agriculture & Natural Resources, and Agriculture & Natural Resources Appropriations, and the State Affairs Committee. HB 5503 was read the 1st time and referred to the Appropriations Committee; it passed Appropriations as a conforming bill to the budget (HB 5001), had its 2nd Reading before the full House, April 11, and passed the full House on 3rd Reading, April 12; it was to the Senate in Messages, April 12.

Other Bills of Interest to FWC

[Update - CS/HB 23 by Rep. Rodrigues; CS/CS/SB 50 by Sen. Negron – Public Meetings](#)

These bills provide a right for members of the public to be heard when a board or commission will be taking action, with certain exceptions including emergency situations affecting public health, welfare, or safety, or ministerial acts. The opportunity to be heard does not need to be at the same meeting when the board or commission will take action on the item, so long as the opportunity occurs during the decision-making process and within reasonable proximity before the board/commission takes action. The

bills require the meeting at which the public is heard also to meet the same notice requirements as the meeting at which the board or commission will take action on the issue. The bills apply to any board or commission of any state agency or authority, or to any agency or authority of any county, municipal corporation, or political subdivision. Acceptable public comment parameters are limited to requiring a representative of a group to address the body instead of each member when a large number of individuals wish to be heard, limits on time to speak, and prescribing procedures or forms for individuals to inform the board or commission they wish to be heard, as well as their support or opposition and who they designate to represent them on a proposition. The bills clarify that if a board or commission adopts rules or policies in compliance with these requirements and follows those rules or policies, then it is presumed that the board or commission is acting in compliance with the requirements. The bills provide that courts shall assess attorneys' fees against any agency or authority who is sued under these provisions, if it determines the agency or authority acted in violation of these provisions, and may assess attorneys' fees against the person filing the lawsuit if it finds the lawsuit was filed frivolously; when a board or commission appeals a court order that has found them to be in violation of these requirements, and the order is affirmed, the court shall assess reasonable attorneys' fees for the appeal against the board or commission. The courts are also given authority to issue injunctions to enforce these provisions, when requested from any citizen of the State. The bills also provide that any act taken by a board or commission in violation of these provisions is not void as a result of the violation. HB 23 was read the 1st time and referred to the subcommittees on Government Operations, and Rulemaking Oversight & Repeal, and to the State Affairs Committee; it passed Government Operations as CS, passed Rulemaking Oversight & Repeal, and is scheduled in State Affairs, April 16. SB 50 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, Appropriations, and Rules; it passed Governmental Oversight & Accountability as CS, passed Appropriations, passed Rules as CS/CS, passed its 2nd and 3rd Readings in the full Senate, and was received in the House in Messages, March 27.

Update – CS/HB 33 by Rep. Smith; SB 466 by Sen. Altman – State Lands

These bills authorize individuals and corporations to submit requests to the Board of Trustees of the Internal Improvement Trust Fund (Governor and Cabinet; Trustees) to exchange state-owned land for conservation easements over privately held land. HB 33 clarifies that these new provisions do not apply to any sovereign submerged lands; provides that the conservation easements created by these exchanges are permanent; provides that these exchanges may include State-owned lands in an amount equivalent to the monetary value of the private land, not to exceed 1280 acres of State-owned land; requires that the Board must consider these requests within 180 days; clarifies that the Board may approve the exchange requests only if the privately-held land is surrounded by State-owned land on at least 30% of its perimeter and would not create an inholding, if the Board makes an affirmative finding that the property is no longer needed for conservation purposes under the Constitution, if the exchange does not result in a State entity violating the terms of a preexisting lease, if the exchange will not result in a net loss of conservation value, and if the exchange is approved by 2/3 of the Board; authorizes low-impact operations such as grazing, forest management, prescribed burning, and wildlife management practices on such lands; provides that

special consideration shall be given to requests that maintain public access for recreational purposes allowed on the State lands at the time of the request; provide that if any land uses or activities occur on the state-owned land being transferred that are not authorized under the permanent conservation easement, then the land rights of the state and the individual or private or public corporation shall revert back to the condition prior to the initial exchange, unless the private individual or public or private corporation ends the unauthorized use or activity and corrects any adverse impacts to the property resulting from such use or activity within 60 days; and provides that lands subject to these exchanges are subject to inspection to ensure compliance with the terms of the easements. SB 466 provides that if the privately-held land is surrounded by State-owned land on at least 30% of its perimeter and the exchange would not create an inholding, the Trustees must consider the request within 60 days; requires that special consideration be given to requests that allow the State to retain a conservation easement in perpetuity; and encourages low-impact operations such as grazing, forest management, prescribed burning, and wildlife management practices on such lands. HB 33 was read the 1st time and referred to the subcommittees on Agriculture & Natural Resources, and Agriculture & Natural Resources Appropriations, and to the State Affairs Committee; it passed Agriculture & Natural Resources as CS, and was heard in Agriculture & Natural Resources Appropriations, April 8, but was temporarily postponed. SB 466 was read the 1st time and referred to the Committee on Environmental Preservation & Conservation, the Appropriations Subcommittee on General Government, and the Committee on Appropriations; it was scheduled in Environmental Preservation & Conservation, April 9, but was temporarily postponed.

CS/SB 64 by Sen. Sachs; HB 245 by Rep. Clarke-Reed – Commercial Parasailing

For commercial parasail operators, these bills require: liability insurance; Coast Guard license, approved personal flotation devices, and weather and hours of operation. SB 64 also requires that commercial parasail operators follow the provisions of section 327.37, F.S. pertaining to existing parasail requirements. HB 245 also specifies strengths and lengths of towlines, launching restrictions, safety briefings, dedicated monitoring of riders, limitations of the number of riders, and minimum distances from coastal shorelines, objects in the water, and marked channels of the Intercoastal Waterway. Both bills specify that violations result in a 2nd degree misdemeanor. SB 64 was read the 1st time and referred to the committees on Regulated Industries, Commerce & Tourism, Transportation, and Environmental Preservation & Conservation; it passed Regulated Industries as CS, April 2, and is now in Commerce & Tourism. HB 245 was read the 1st time and referred to the subcommittees on Business & Professional Regulation, and Agriculture & Natural Resources Appropriations, and the Regulatory Affairs Committee.

HB 97 by Rep. Powell; SB 374 by Senator Braynon – Concealed Weapons and Firearms

These identical bills: create an exception to the preemption of the regulation of firearms to the Legislature to allow a state agency or a local government to prohibit the possession of concealed firearms and ammunition at publicly sanctioned or sponsored recreation, concert, or sporting events conducted in public buildings or at government-sponsored outdoor public venues. HB 97 was read the 1st time and referred to the subcommittees on Criminal Justice, and Government Operations, and to the Judiciary

Committee. SB 374 was read the 1st time and referred to the committees on Criminal Justice, Community Affairs, Governmental Oversight & Accountability, and Rules.

HB 161 by Rep. Jones; SB 1038 by Sen. Ring – Volunteers for Organized Youth Sports and Recreation Programs

These bills require private, nongovernmental entities that operate, organize, or coordinate youth recreational programs using publicly owned facilities to conduct specified background screening of all volunteers; provide that the duty may not be delegated to an individual team or program; disqualify any person from acting as a volunteer if he/she is found to be included on state/federal registries of sexual predators and sexual offenders; require that background screening results must be maintained for 5 years; require entities to provide copies of such documentation to governmental entities with jurisdiction over a publicly owned facility used by the entity; and require these governmental entities to retain the documentation for 5 years. HB 161 was read the 1st time and referred to the subcommittees on Criminal Justice, and Justice Appropriations, and to the Judiciary Committee. SB 1038 was read the 1st time and referred to the committees on Community Affairs, Criminal Justice, and Rules.

HB 227 by Rep. Peters; SB 830 by Sen. Latvala – Vessels

These bills create “Deviny’s Law,” requiring that a person younger than 18 years of age may not operate a vessel on any waters of the State towing a person in, on, or above the water, unless there is a person in the vessel who is at least 18 years of age and in a position to observe the progress of the vessel and the person being towed. HB 227 also requires that a person may not operate a vessel that is towing a person in, on, or above the water within 50 yards of any stationary structure, including moored vessels, bridges, wharfs, piers, docks, buoys, platforms, pilings, and channel markers, but excluding slalom buoys, ski jumps, or other similar objects used normally in competitive or recreational skiing. HB 227 was read the 1st time and referred to the subcommittees on Agriculture & Natural Resources, and Agriculture & Natural Resources Appropriations, and to the State Affairs Committee. SB 830 was read the 1st time and referred to the committees on Transportation, Commerce & Tourism, and Judiciary.

Update – CS/CS/HB 269 by Rep. Beshears; CS/SB 1080 by Sen. Evers – Public Construction Projects

These bills require that all state agencies, county officials, boards of county commissioners, school boards, city councils, city commissions, and all other public officers of state boards or commissions must specify in contracts for the construction of public bridges, buildings, and other structures, the use of Florida lumber, timber, and other forest products produced and manufactured in Florida, if such products are available, and their price, fitness, and quality are equal. The bills also clarify that this requirement does not apply to plywood specified for monolithic concrete forms, if the structural or service requirements for timber for a particular job cannot be supplied by native species, or if the construction is financed in whole or in part by federal funds with a requirement that there be no restrictions as to species or place of manufacture. HB 269 was read the 1st time and referred to the subcommittees on Energy & Utilities, and Government Operations Appropriations, and to the Regulatory Affairs Committee; it passed Energy & Utilities as CS, passed Government Operations Appropriations, and

passed Regulatory Affairs as CS/CS; had its 2nd Reading by the full House, and passed the full House on 3rd Reading; it was received by the Senate in Messages, April 11, and referred to the committees on Governmental Oversight & Accountability, and Community Affairs, to the subcommittee on General Government Appropriations, and to the committee on Appropriations, April 12. SB 1080 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, and Community Affairs, to the Appropriations Subcommittee on General Government, and the Appropriations Committee; it passed Governmental Oversight & Accountability as CS, is scheduled in Community Affairs, April 16, and if received, is scheduled in General Government Appropriations, April 17.

Update - CS/HB 307 by Rep. Tobia; SB 684 by Sen. Hays – Preference in Award of State Contracts

These bills: expand the provisions that require agencies, universities, colleges, school districts, or other political subdivisions to provide preferential consideration to Florida businesses in awarding competitively bid contracts to purchase personal property to include the purchase of construction services; require counties and municipalities to provide this preferential consideration; provide that for competitive solicitations, in whole or part funded by the State, the authority to grant preference supersedes local ordinances and regulations that restrict specified contractors from competing for an award based upon certain conditions; and require universities, colleges, counties, municipalities, school districts, or other political subdivisions to disclose in competitive solicitation documents whether payment will come from funds appropriated by the State, and if known, the amount or percentage of such funds as compared to the anticipated total cost. HB 307 was read the 1st time and referred to the Government Operations Subcommittee, the Local & Federal Affairs Committee, the Government Operations Appropriations Subcommittee, and the State Affairs Committee; it passed Government Operations as CS, and is now in Local & Federal Affairs. SB 684 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, Community Affairs, Appropriation, and Rules; it passed Governmental Oversight & Accountability; it was scheduled in Community Affairs, April 9, but was temporarily postponed.

Update – CS/HB 357 by Rep. Boyd; CS/SB 582 by Sen. Galvano – Manufacturing Development

These bills: create the "Manufacturing Competitiveness Act"; authorize local governments to establish local manufacturing development programs that provide for master development approval for sites that are operated by manufacturers at specified locations within the local government's geographical boundaries; require the Department of Economic Opportunity (DEO) to develop a model ordinance to guide local governments who wish to establish local manufacturing development programs; requires local manufacturing development program ordinances to include certain information; provide restrictions on the termination of these programs; require participating agencies to coordinate and review applications for certain state development approvals; provide for requests for additional information and sets periods for these requests; and require participating agencies to take final action on applications within specified time periods. HB 357 requires DEO, in cooperation with participating

agencies, including FWC when acting under its statutory authority, to establish a coordinated approval process for manufacturers that are developing or expanding in an area where the local government has a local manufacturing development program; requires DEO to convene a meeting that includes all participating agencies when requested by certain manufacturers; and requires DEO to develop materials that identify local manufacturing development programs; CS/SB 582 delegates all of these responsibilities directly to the agencies, and specifies timelines for the application/approval process. CS/HB 357 also provides that when DEO convenes a requested meeting with participating agencies, DEO may participate in the meeting, but is not required to mediate between the agencies and the manufacturer; clarifies that DEO shall not be a party to any administrative hearing relating to approval or disapproval of an application for state development approval processed under this law; provides that DEO's participation in the approval process will not have an effect on its approval or disapproval of any application for economic development incentives or another incentive requiring DEO's approval; and provides that certain requirements created in the bill will not apply to federally-delegated or approved permitting programs when those requirements are prohibited or inconsistent with federal requirements. HB 357 was read the 1st time and referred to the subcommittees on Economic Development & Tourism, and Transportation & Economic Development Appropriations, and to the Economic Affairs Committee; it passed Economic Development & Tourism as CS, the reference to Transportation & Economic Development was removed, and it passed Economic Affairs, April 9; it is now available for its 2nd Reading before the full House. SB 582 was read the 1st time and referred to the committees on Commerce & Tourism, and Community Affairs, to the Appropriations Subcommittee on Transportation, Tourism, & Economic Development, and the Appropriations Committee; it passed Commerce & Tourism as CS, passed Community Affairs, and is scheduled in Transportation, Tourism, & Economic Development Appropriations, April 17.

Update – CS/SB 376 by Sen. Hays; CS/HB 731 by Rep. Kerner – Public Records/Children and Spouses of Law Enforcement Personnel

These bills create an exemption from public records requirements for the names of the spouses and children of active or former sworn or civilian law enforcement personnel. CS/HB 731 also exempts the names of spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors. SB 376 was read the 1st time and referred to the committees on Criminal Justice, Governmental Oversight & Accountability, and Rules; it passed Criminal Justice, passed Governmental Oversight & Accountability, and passed Rules as CS, April 9; it is scheduled for its 2nd Reading before the full Senate, April 16. HB 731 was read the 1st time and referred to the subcommittees on Criminal Justice, and Government Operations, and to the Judiciary Committee; it passed Criminal Justice as CS, passed Government Operations, passed Judiciary, had its 2nd Reading before the full House, April 11, where it was amended, and then passed the full House on 3rd Reading, April 12; it goes next to the Senate.

HB 417 by Rep. Powell; SB 1596 by Sen. Soto – Commercial Breeding of Animals

These identical bills: require commercial breeders of cats and dogs with 11 or more breedable females to comply with federal animal welfare standards and Department of Business and Professional Regulation (DBPR) rules; require commercial breeders to

register every 2 years with DBPR; authorize DBPR to establish fees; provide for inspections; and establish violations and penalties that include probation, suspension/revocation of registration, 3rd degree felony, and fines up to \$5000. HB 417 was read the 1st time and referred to the subcommittees on Business & Professional Regulation, and Government Operations Appropriations, and to the Regulatory Affairs Committee. SB 1596 was read the 1st time and referred to the committees on Regulated Industries, and Agriculture, to the Appropriations Subcommittee on General Government, and the Appropriations Committee.

Update - CS/HB 423 by Rep. Adkins; CS/SB 960 by Sen. Bean – Tax on Sales, Use, and Other Transactions

CS/HB 423 provides an exemption from the tax for dyed diesel fuel used in vessels for commercial fishing and aquaculture. The proposed CS/CS/SB provides the tax exemption for dyed diesel fuel used exclusively for the taking of shrimp, in salt or fresh waters, for sale. HB 423 was read the 1st time and referred to the subcommittees on Agriculture & Natural Resources, and Finance & Tax, and to the State Affairs Committee; it passed Agriculture & Natural Resources as CS, passed Finance & Tax, passed State Affairs, had its 2nd Reading before the full House, April 11, and passed the full House on 3rd Reading, April 12; it goes next to the Senate. SB 960 was read the 1st time and referred to the Commerce & Tourism Committee, the Appropriations Subcommittee on Finance & Tax, and the Appropriations Committee; it passed Commerce & Tourism as CS, and Finance & Tax recommended that Appropriations pass the bill as a CS/CS, April 11; the proposed CS/CS will be considered next by Appropriations.

Update – CS/SB 504 by Sen. Brandes; CS/HB 851 by Rep. Moskowitz; CS/CS/SB 650 by Sen. Sachs – Animal Cruelty/Artificial Coloring and Sales of Animals/Fowl

CS/SB 504 and CS/HB 851: specify that a person who commits multiple acts of animal cruelty against one animal, or acts of animal cruelty against multiple animals, may be charged with a separate offense for each such act of animal cruelty; and include illegal animal fighting or baiting as an offense under the Florida RICO Act (Racketeer Influenced and Corrupt Organization). CS/HB 851 and CS/CS/SB 650 make it a 2nd degree misdemeanor to; sell, offer to sell, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks old, or any rabbits under 2 months old, to be used as pets, toys, or retail premiums, with exceptions. CS/HB 851 also makes it a 2nd degree misdemeanor to dye or artificially color any animal under 12 weeks of age, or any fowl or rabbit of any age, and to bring such animals into the State, with exceptions; and provides that a person who owns or has control or custody of an animal and fails to act, resulting in the cruel death or excessive or repeated infliction of unnecessary pain or suffering commits aggravated animal cruelty. CS/CS/SB 650 also makes it a 2nd degree misdemeanor to sell, barter, or give away any animal or fowl that has been dyed or artificially colored, with exceptions. SB 504 was read the 1st time and referred to the Criminal Justice Committee, the Appropriations Subcommittee on Criminal & Civil Justice, and the Appropriations Committee; it passed Criminal Justice as CS, passed Criminal & Civil Justice Appropriations, March 27, and is now in Appropriations. HB 851 was read the 1st time and referred to the subcommittees on Criminal Justice, and Justice Appropriations, and to the Judiciary Committee; it passed Criminal Justice as CS, passed Justice Appropriations, passed Judiciary, April 3, and is

now available for its 2nd Reading before the full House. SB 650 was read the 1st time and referred to the committees on Agriculture and Criminal Justice; it passed Agriculture as CS, April 1, and passed Criminal Justice as CS/CS, April 8; it is scheduled for its 2nd Reading before the full Senate, April 16.

SB 584 by Sen. Hays; HB 901 by Rep. Stone – Purchase of Land by a Governmental Entity

These identical bills provide that neither the State, a county, nor a municipality may purchase land for conservation purposes unless 4 criteria have been met: (1) an accurate inventory, not more than a year old, of government-owned property is made public; (2) sufficient funds are approved in the respective budget for the maintenance of existing properties; (3) an analysis by the State, county, or municipality describing the annual cost of maintenance of the proposed land purchase is completed; and (4) an equal amount of public property not being held in conservation is returned or sold to the private sector at fair market value. SB 584 was read the 1st time and referred to the committees on Environmental Preservation & Conservation, Community Affairs, Judiciary, and Appropriations; it was scheduled in Environmental Preservation & Conservation, April 2, but was temporarily postponed. HB 901 was read the 1st time and referred to the Subcommittee on Agriculture & Natural Resources, the Local & Federal Affairs Committee, the Agriculture & Natural Resources Appropriations Subcommittee, and the State Affairs Committee.

HB 591 by Rep. Pafford; CS/SB 630 by Sen. Clemens – Regulation of Summer Camps

These bills: provide that Department of Children and Families licensing requirements apply to summer day camps and summer 24-hour camps; and provide screening requirements for camp personnel. HB 591 also prohibits a governmental agency from regulating the religious curriculum of a summer day camp or summer 24-hour camp. CS/SB 630 also requires: all owners, operators, employees, and volunteers who have any contact with children in such camps get a Level 2 background check; summer day camps and summer 24-hour camps be registered with the Department of Children and Families (DCF), certifying that an applicant meets the requirements in statute and rules to operate such camps; applicants must be of “good moral character”; summer day camps and summer 24-hour camps must allow DCF access to facilities and records for inspection at reasonable times during regular business hours, that if an entity refuses such inspection, DCF can acquire a warrant from a court authorizing the inspection and entry, and that DCF can initiate disciplinary proceedings for refusal to allow such inspection; a summer camp or summer day camp may not advertise without including within the advertisement the registration number provided by DCF; and criminal penalties for failure to register or reregister, or misrepresenting the entity as to being registered. HB 591 was read the 1st time and referred to the subcommittees on Healthy Families, and Health Care Appropriations, and to the Health & Human Services Committee. CS/SB 630 was read the 1st time and referred to the committees on Children, Families, & Elder Affairs, and Rules; it passed Children, Families, & Elder Affairs as CS, March 12, had an additional reference to the Appropriations Committee added, and is now in Appropriations.

HB 719 by Rep. Pigman; SB 1124 by Sen. Altman – Veteran Preference in State Purchasing

These bills require that a state agency provide a 3% preference on the first \$500,000 of a bid, proposal, or reply for the procurement of commodities or contractual services to a certified veteran business enterprise, and provide that the certified business enterprise must submit specified documentation to be eligible to receive the preference. HB 719 also requires that if the preference is being applied in a solicitation, the solicitation document must include a statement giving notice of the preference, as well as an application form for the preference and a request for any additional documentation the agency requires. HB 719 was read the 1st time and referred to the subcommittees on Government Operations, Veteran & Military Affairs, and Government Operations Appropriations, and the State Affairs Committee. SB 1124 was read the 1st time and referred to the committees on Military/Veterans Affairs, Space, & Domestic Security, Governmental Oversight & Accountability, Judiciary, and Appropriations; it passed Military & Veterans Affairs, March 14, and is now in Governmental Oversight & Accountability.

CS/HB 797 by Rep. Trujillo; CS/SB 846 by Sen. Brandes – Search and Seizure of Portable Electronic Device

These bills provide that the contents and communications of a portable electronic device are not subject to a search or seizure without a warrant, with exceptions including transponders used for the purposes of assessing or collecting tolls, and for situations where the officer or entity reasonably believe an emergency involving immediate danger of death or serious bodily injury and the warrant cannot be obtained in time to prevent the danger; provide that a government entity cannot obtain the location information of an electronic device without a warrant/ court order, and specify requirements to obtain such a warrant or court order; provide that a warrant or court order for the location information of a device may only be issued for as long as necessary to achieve the objective of the warrant/court order and in no event, longer than 30 days or 10 days after the location information is obtained, and provide for extensions under certain circumstances; provide exceptions to this warrant/court order requirement; and clarify that this does not create a cause of action against an entity for providing location information. HB 797 provides that a law enforcement entity can disable a portable electronic device or the device's access to wireless communication pending obtaining a lawful warrant. CS/SB 846 also provides: for additional exceptions for a search and seizure warrant including searches conducted for national security or for a missing child under 18; and that a person whose rights are violated by an unlawful search or seizure of either of the contents or location of a portable electronic device may move to have the contents of the device suppressed and provides that the State cannot appeal such a decision for the purpose of delay. HB 797 was read the 1st time and referred to the subcommittees on Criminal Justice, and Civil Justice, and to the Judiciary Committee; it passed Criminal Justice, passed Civil Justice as CS, March 27, and is now in Judiciary. SB 846 was read the 1st time and referred to the committees on Criminal Justice, Judiciary, and Appropriations; it passed Criminal Justice as CS, March 4, and is now in Judiciary.

Update - SB 908 by Sen. Ring; CS/SB 1762 by Sen. Governmental Oversight & Accountability Committee; HB 5009 by Appropriations – State Technology

These bills substantially revise how the State organizes and operates its information technology resources. SB 908 abolishes the Agency for Enterprise Information Technology, and by a type 1 transfer, moves all the powers, duties, functions, records, personnel, property, funds, and administrative authority to the newly created Agency for State Technology (AST); moves technological components of the Department of Management Services (DMS), including the shared resource centers to AST; provides that the executive director of AST will also be the State's Chief Information Officer; provides that each agency's Assistant Chief Information Officer reports directly to the Chief Information Officer; provides that during FY 2013-14, AST shall, in collaboration with state agencies and other stakeholders, create strategic and operational plans for enterprise information technology service consolidation; and suspends the consolidations of agency data centers for FY 2013-14, but resumes them in FY 2014-15, based on a revised schedule. CS/SB 1762 creates a Dept. of State Technology (DST) that is responsible for state technology policy and management of IT resources; abolishes the Agency for Enterprise Information Technology, and transfers all technology responsibilities in the DMS to DST; transfers the shared resources centers to DST; eliminates the existing schedule of agency data center consolidations and state agency duties associated with these consolidations found in section 282.201, F.S.; and provides that an employee transferred to DST shall retain the same status of his or her position under the transfer of that position between agencies. HB 5009, among other provisions, creates the Agency for State Technology (AST); transfers the agency for Enterprise Information Technology, the Northwood Shared Resource Center, and the Southwood Shared Resource Center to AST; provides that the executive director of AST is the State's Chief Information Officer; clarifies that AST is a separate budget entity and is not subject to control, supervision, or direction by the Executive Office of the Governor, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters; provides for the duties of AST, data centers, and state agencies; requires that by July 1, 2013, FWC's Tallahassee IT data systems not already consolidated into the Southwood Shared Resource Center shall be consolidated into the Northwood Shared Resource Center, and deletes the requirement that all assets be consolidated into the Southwood Shared Resource Center; consolidates all shared resource centers into data centers; and provides that agencies required to comply with federal and state criminal justice information security rules and policies shall retain administrative access rights to the resources and equipment consolidated under this law, sufficient to comply with the management control provisions of those rules and policies. SB 908 was read the 1st time and referred to the Governmental Oversight & Accountability Committee, the Appropriations Subcommittee on General Government, and the Appropriations Committee. SB 1762 was read the 1st time and referred to the Appropriations Subcommittee on General Government, and the Appropriations Committee; General Government Appropriations recommended it to Appropriations as CS; it passed Appropriations as CS and as a conforming bill to the budget (SB 1500); had its 2nd Reading before the full Senate, was amended and passed the full Senate on 3rd Reading, April 10; the Senate asked the House to concur or agree to include it as part of the budget conference; it was received by the House and amended (to contain identical content to HB 5009) on its 2nd Reading in the House,

April 11; it passed the full House on 3rd Reading (as amended, thus the House refused to concur), April 12; this procedure puts it as part of the budget conference negotiations. HB 5009 was filed as a conforming bill to the budget (HB 5001), read the 1st time and referred directly to the Calendar, April 3; it had its 2nd Reading before the full House, April 11, and was temporarily postponed; on April 12, it was laid on the table. Please refer to CS/SB 1762.

Update - SB 954 by Sen. Gardiner; HB 4033 by Rep. Workman – Technological Research and Development Authority

Among other provisions, these bills would remove the Technological Research and Development Authority from the list of entities specifically listed as eligible to receive portions of saltwater license and permit fees designated for marine research and management in the form of contracts and grants. SB 954 was read the 1st time and referred to the committees on Transportation, and Rules; it passed Transportation, passed Rules, passed its 2nd and 3rd Readings before the full Senate, and was sent to the House in Messages, April 10. HB 4033 was read the 1st time and referred to the subcommittees on Transportation & Highway Safety, and Transportation & Economic Development Appropriations, and the Economic Affairs Committee; it passed Transportation & Highway Safety, passed Transportation & Economic Development Appropriations, passed Economic Affairs, April 3, and has been placed on the Calendar, making it available for its 2nd Reading before the full House.

CS/HB 975 by Rep. Metz; CS/CS/SB 1188 by Sen. Hays – Archaeological Sites and Specimens

These bills: authorize the Department of State's Division of Historical Resources to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by water authorities; provide that specified activities relating to archaeological sites and specimens located upon land owned or controlled by water authorities are prohibited and are subject to penalties; and authorize the Division of Historical Resources to impose administrative fines on and seek injunctive relief for violations. CS/HB 975 defines "water authority" to mean independent special districts created by special act, whose purpose is to control and conserve freshwater resources, and specifically excludes water management districts. CS/SB 1188 defines "water authority" to mean independent special districts created under section 189.404, F.S., whose purpose is to control and conserve freshwater resources. HB 975 was read the 1st time and referred to the subcommittees on Economic Development & Tourism, and Transportation & Economic Development Appropriations, and the Economic Affairs Committee; it passed Economic Development & Tourism, passed Transportation & Economic Development Appropriations as CS, passed Economic Affairs, April 3, and has been placed on the Calendar, making it available for its 2nd Reading before the full House. SB 1188 was read the 1st time and referred to the Governmental Oversight & Accountability Committee, the Appropriations Subcommittee on Transportation, Tourism, & Economic Development, and the Appropriations Committee; it passed Government Oversight & Accountability as CS, Transportation, Tourism, & Economic Development Appropriations recommended it to Appropriations as CS/CS, March 27, and is now in Appropriations.

HB 985 by Rep. Rogers; SB 1142 by Sen. Gibson – Small Business Participation in State Contracting

These bills direct that agencies avoid unnecessary and unjustified contract bundling that may preclude small business participation as prime contractors; require agencies to conduct market research before issuing solicitations for bundled contracts and to include written summaries and analyses of such research in solicitations for bundled contracts; require agencies to award 35% of contracts to small businesses; require contract vendors to use small businesses in the State as subcontractors or subvendors; provide requirements with respect to payment of subcontractors; prohibit agencies, general contractors, or prime contractors from requiring bid bonds, performance bonds, or other sureties for contracts that do not exceed \$500,000; require the rules ombudsman in the Governor's office to establish a system for reporting small business participation in state contracting; and require agencies to cooperate with such reporting. HB 985 was read the 1st time and referred to the subcommittees on Government Operations, and Government Operations Appropriations, and the State Affairs Committee. SB 1142 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, and Commerce & Tourism, the Appropriations Subcommittee on General Government, and the Appropriations Committee; it was scheduled in Governmental Oversight & Accountability, March 14, but was temporarily postponed, and was scheduled in Governmental Oversight & Accountability again on March 21, but was temporarily postponed.

HB 993 by Rep. Waldman; SB 1018 by Sen. Ring – Regulation of Firearms and Ammunition

These bills would repeal all of the provisions of HB 45, which passed during the 2011 Session. HB 45: clarified that the regulation of firearms is under the jurisdiction of the Legislature, not local governments or state agencies, unless authorized; provided that a knowing and willful violation of the statutory preemption would result in a civil fine of up to \$5000, to be assessed against the elected governing officials or agency head, personally; provided that a court must declare the improper ordinance, regulation, or rule invalid and issue a permanent injunction prohibiting the ordinance, regulation, or rule's enforcement; provided that a knowing or willful violation of the law is cause for termination or removal from office, and a person or organization whose membership is adversely affected by any attempt to regulate firearms in violation of this law is entitled to specified relief, to be granted by the courts; authorized exceptions for FWC when regulating firearms as a method of taking wildlife or for regulating shooting ranges, law enforcement agencies or any entity regulating the use of firearms for its employees, the courts when determining the outcome of cases, and zoning ordinances regulating firearms businesses. HB 993 was read the 1st time and referred to the Subcommittee on Criminal Justice, the Local & Federal Affairs Committee, the Subcommittee on Rulemaking Oversight & Repeal, and the Judiciary Committee. SB 1018 was read the 1st time and referred to the committees on Criminal Justice, Community Affairs, and Rules.

Update – CS/CS/HB 999 by Rep. Patronis; CS/SB 1684 by Sen. Altman – Environmental Regulation; SB 1470 by Sen. Detert – State Lands

Among other provisions, CS/HB 999 and CS/SB 1684 pertain to environmental development permits. They: restrict local governments from requesting additional information more than three times for development permits; add boat show owners and special event operators to the entities who may be given a lease or consent by the Board of Trustees of the Internal Improvement Fund (Governor and Cabinet) for temporary construction on sovereign submerged lands (SSL) to facilitate boat shows and displays adjacent to marinas and government-owned uplands; allow the special event lease to extend to 45 days and for a duration not exceeding 10 consecutive years; specify a lease fee base on certain criteria; establish fees and discounts for SSL leases entered into after July 1, 2013; define “first-come, first-served basis” marinas; authorize mooring fields under a general permit to not exceed 100 vessels; allow for expedited permits to construct interstate natural gas pipelines subject to certification by the Federal Energy Regulatory Commission; require that rules adopted by the Trustees relating to certain uses of SSL address specific issues; provide that a facility that does not comply with the rules is not eligible for a surcharge waiver; ; and require the Department of Environmental Protection to issue general permits for certain special events and provide requirements for such permits. HB 999 was read the 1st time and was referred to the subcommittees on Agriculture & Natural Resources, and Agriculture & Natural Resources Appropriations, and the State Affairs Committee; it passed Agriculture & Natural Resources as CS, passed Agriculture & Natural Resources Appropriations as CS/CS, April 8, and is scheduled in State Affairs, April 16. SB 1684 was read the 1st time and was referred to the committees on Environmental Preservation & Conservation, and Agriculture, the Appropriations Subcommittee on General Government, and the Appropriations Committee; it passed Environmental Preservation & Conservation as CS, passed Agriculture, April 8, and is scheduled in General Government Appropriations, April 17. SB 1470 was read the 1st time and referred to the Committee on Environmental Preservation & Conservation, the General Government Appropriations Subcommittee, and the Committee on Appropriations.

CS/SB 1004 by Sen. Brandes; HB 1133 by Rep. Grant – Public Data

These bills: require agencies to create an inventory of all public records made or received in connection with the official business of the agency (unless otherwise confidential or exempt by law) by July 1, 2014, and every 6 months thereafter (CS/SB 1004 requires that the inventory be submitted to the Speaker of the House, the President of the Senate, and the Secretary of State; HB 1133 requires the inventory be submitted to the Department of State); and specify the data that must be included with the inventory. HB 1133 also directs the Secretary of State to establish a public website on which the inventories shall be posted by January 1, 2015. SB 1004 was read the 1st time and was referred to the Governmental Oversight & Accountability Committee, the Appropriations Subcommittee on Transportation, Tourism, & Economic Development, and the Appropriations Committee; it passed Governmental Oversight & Accountability as CS, April 2. HB 1133 was read the 1st time and was referred to the Subcommittee on Economic Development & Tourism, and to the committees on Appropriations, and Economic Affairs.

HB 1035 by Rep. Fasano; SB 1270 by Sen. Hays – Premises Liability

These bills add additional activities to the definition of “outdoor recreational purposes” under the law that provides landowners with a limitation of liability when they make their lands available for outdoor recreational purposes. HB 1035 adds “noncommercial aviation activities” to the definition, and SB 1270 adds “aviation activities.” HB 1035 was read the 1st time and referred to the subcommittees on Civil Justice, and Agriculture & Natural Resources, and to the Judiciary Committee. SB 1270 was read the 1st time and referred to the committees on Judiciary, Environmental Preservation & Conservation, and Rules.

Update – CS/SB 1074 by Sen. Hays; CS/CS/HB 1145 by Rep. LaRosa – State-Owned or State-Leased Space

These bills modify how surplus lands may be disposed, including increasing the threshold for when a comparable sales analysis or broker’s opinion is required – from \$100,000 to \$500,000 in the value of the land; require a competitive bid to sell lands valued over \$500,000; and require a state agency or local government to secure a lease for use of a surplus land within 90 days instead of 6 months and the submission of a business plan. The bills also modify the conditions for state agencies to lease private buildings/office space; require the Dept. of Management Services (DMS) to determine if a state agency should utilize state-owned buildings rather than privately-owned; modify the annual reporting requirements each state agency must submit to DMS on its space needs and uses; and require state agencies to use tenant-broker companies under state contract. CS/SB 1074 also creates the “Underused Property Maximization Program” within the Department of Management Services, to identify underused property; requires a conclusion that such property cannot be used by another governmental entity before procuring additional property for governmental use or before disposing of underused property; requires that each agency must, by July 1, 2014, complete an inventory of all facilities and real property owned or leased by the agency; requires that by January 1, 2015, each agency must enter into a designated database specified information related to underused properties, and requires quarterly updates; requires that an agency, when seeking to procure leased or owned facilities, must first consult the inventory of underused properties to determine if one of these properties will satisfy the need; provides requirements for creating a business case to acquire the underused property; provides preference to the K-20 education system when multiple entities wish to obtain the same underused property; and provides requirements for the disposition or sale of underused property. SB 1074 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, Environmental Preservation & Conservation, and Appropriations; it passed Governmental Oversight & Accountability, and passed Environmental Preservation & Conservation as CS, April 2. HB 1145 was read the 1st time and was referred to the subcommittees on Government Operations, and Government Operations Appropriations, and to the State Affairs Committee; it passed Government Operations as CS, passed Government Operations Appropriations as CS/CS, April 10, and is scheduled in State Affairs, April 16.

CS/HB 1121 by Rep. Raschein; SB 1320 by Sen. Soto – Community Cats

These bills: provide that the release of outdoor, free-roaming cats with no visible owner identification (“community cats”) by community cat programs (where these cats are examined by a veterinarian, sterilized, vaccinated for rabies and other diseases, ear

tipped, and then returned to the area where they were originally captured immediately after any recovery period recommended by a veterinarian) does not constitute abandonment or unlawful release; and consider “community cats” as domestic animals under the definition provided in 585.01 (in part, under the jurisdiction of the Dept. of Agriculture & Consumer Services). CS/HB 1121 also provides that counties and municipalities may enact ordinances to humanely curtail community cat population growth. HB 1121 was read the 1st time and referred to the Agriculture & Natural Resources Subcommittee, the Local & Federal Affairs Committee; the Civil Justice Subcommittee, and the State Affairs Committee; it passed Agriculture & Natural Resources as CS, had its reference to Civil Justice removed, and is now in Local & Federal Affairs. SB 1320 was read the 1st time and referred to the committees on Agriculture, Community Affairs, and Judiciary; it was amended in Agriculture, April 1, and was then temporarily postponed.

Update – CS/SB 1150 by Sen. Benacquisto; HB 1261 by Rep. Diaz; CS/CS/HB 1309 by Albritton – State Contracting; SB 1764 by the Committee on Governmental Oversight & Accountability – Transparency in Government Spending

CS/SB 1150, HB 1261, and CS/HB 1309 modify the requirements in state contracts pertaining to financial assistance, whether the source is state funds or federal funds. Included are provisions on how to handle unspent funds, overspending, and consequences for not following the requirements of the contract, requiring the agency to designate a grant manager for each financial assistance contract along with duties for the grant manager, audit requirements for the State’s CFO, and the agency head’s response to the audit findings. The bills also: provide contract posting requirements for each agency on the State’s CFO’s newly established secure contract tracking system; provide requirements for the contract tracking system; require certified contract managers for contracts over \$35,000, except that HB 1309’s threshold for certified managers is for contracts over \$100,000; and require the Dept. of Management Services to establish certification requirements. CS/SB 1150 and HB 1261 also authorize the State’s Chief Financial Officer (CFO) to audit and approve a contract before it is executed, conditions for such audits/approvals. CS/HB 1309 also modifies contracting requirements; requires the CFO to develop a contract tracking system and requires state agencies with some exceptions (FWC is not exempted) to post their contracts with specifications; and requires the Department of Management Services to prepare a report for the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2013, recommending policies and statutory changes necessary to ensure that companies doing business with the State are taking necessary actions to identify and eradicate human trafficking, slavery, and exploitive labor from their supply chains. SB 1150 was read the 1st time and was referred to the committees on Governmental Oversight & Accountability, and Banking & Insurance; it passed Governmental Oversight & Accountability as CS, had its reference to Banking & Insurance removed, and a reference to Appropriations added, and is now in Appropriations. HB 1261 was read the 1st time and referred to the Government Operations Subcommittee, and to the committees on Appropriations, and State Affairs. CS/CS/HB 1309 was read the 1st time and referred to the Governmental Operations Subcommittee and the Appropriations Committee; it passed Governmental Operations as CS, passed Appropriations as CS/CS, was amended on its 2nd Reading before the full House, and passed the full House on 3rd Reading; it was sent to the Senate in

Messages, April 11, and was referred to the committees on Governmental Oversight & Productivity, and Appropriations, April 12.

SB 1764 also requires the CFO to establish and maintain a secure, shared State contracting tracking system website containing specified information, including information that must be redacted and supplied by agencies, and provides for remedies if information is not properly redacted by an agency. It also: requires the Governor's Office, in consultation with the House and Senate, to establish a single website that: contains specific information/links about the approved operating budget of each branch of government and state agency, and fiscal plans for the State; requires creation of a website to be maintained by the Department of Management Services providing specific information about each employee or officer of a State agency; requires that beginning November 1, 2013, and annually thereafter, the Legislative Auditing Committee must recommend to the President of the Senate and the Speaker of the House of Representatives additional information, such as school information, to be added to a website; and creates a User Experience Task Force to recommend a design for consolidating existing state-managed websites that provide public access to State operational and fiscal information into a single website. SB 1764 was read the 1st time, and referred to the Appropriations Committee; it passed Appropriations, passed its 2nd and 3rd Readings with amendments, and was sent to the House in Messages, April 4.

Update – CS/CS/HB 1225 by Rep. Adkins; CS/SB 1696 by Sen. Brandes – Administrative Procedures

Among other provisions, these bills provide for when certain civil actions or administrative proceedings initiated by a State agency are not substantially justified; require that agencies that provide an email alert service to notify licensees or other registered recipients of important notices must also use the service to notify recipients of certain notices, including notices of rule development, notices of proposed rules, and notices of filing rules for adoption, and must include specific information in those email alerts; provide that the petitioner has the burden of presenting a prima facie case demonstrating that an agency statement constitutes an unadopted rule, and that then, an agency must prove by a preponderance of the evidence that the statement does not constitute an unadopted rule, that the statement was properly adopted as a rule, or that rulemaking is not feasible or practicable; provide that in matters initiated by agency action proposing to determine the substantive interests of a party, the party's timely petition may challenge the agency's proposed action as based on rule that is an invalid exercise of delegated legislative authority or based on an unadopted rule, and require the agency to, within 15 days of receiving the petition, serve the challenging party a notice that the agency will continue to rely upon the rule as a basis for the action determining the party's interests (or else the agency may not rely upon the rule); provide that an agency may not base agency action that determines the substantial interests of a party on an unadopted rule or a rule that is an invalid exercise of delegated legislative authority; provide that parties may request mediation of certain disputes; and authorize provisions for attorneys fees. HB 1225 was read the 1st time and referred to the subcommittees on Rulemaking Oversight and Repeal, and Government Operations Appropriations, and to the State Affairs Committee; it passed Rulemaking Oversight & Repeal as CS, passed Government Operations Appropriations as CS/CS, April 10, and is scheduled in State Affairs, April 16. SB 1696 was read the 1st time and referred to the

committees on Governmental Oversight & Accountability, Judiciary, and Appropriations; it passed Governmental Oversight & Accountability as CS, April 9, and is now in Judiciary.

Update - HM 1253 by Rep. Diaz – Importation of Queen Conch

HM 1253 is a memorial that urges Congress to direct the National Marine Fisheries Service to withdraw its consideration of listing the queen conch as a threatened or endangered species. HB 1253 was read the 1st time and referred to the committees on Local and Federal Affairs, and State Affairs; it passed Local & Federal Affairs, and passed State Affairs, April 9; it is now available for its 2nd Reading before the full House.

SB 1602 by Sen. Bean – Budget Requests

This bill requires that at least every 8 years, each state agency must submit with its legislative budget request an evaluation of each line item of the budget request and an evaluation of the effectiveness, efficiency, and efficacy of each program in each division and bureau within the agency. SB 1602 was read for the 1st time and referred to the committees on Governmental Oversight & Accountability, Appropriations, and Rules.

CS/SB 1628 by Sen. Montford; CS/HB 7087 by the Agriculture & Natural Resources Subcommittee – Department of Agriculture & Consumer Services

Among other provisions, these bills give the Florida Forest Service within the Department of Agriculture and Consumer Services direction to coordinate efforts to develop an Operation Outdoor Freedom Program to provide hunting and other activities for eligible veterans and service members in designated state forest areas and on designated public and private lands; find it is in the public interest for the Forest Service to develop partnerships with the Commission and other public and private organizations to provide the needed resources and funding to make the Operation Outdoor Freedom Program successful; require DACS to enter into a memorandum of agreement with the Commission to develop voluntary wildlife Best Management Practices for the agricultural industry. Proposed CS/CS/SB 1628 also: designates the Dept. of Agriculture & Consumer Services' Florida Forest Service as the lead managing agency for Babcock Ranch, instead of Babcock Ranch, Inc., after the private sector manager hands over management of the Ranch to the State; specifies the Commission as a cooperating agency; eliminates the non-profit Babcock Ranch, Inc., and instead creates the Babcock Ranch Advisory Group comprised of 9 members with 5 year terms, including one member with experience in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities, and another member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation; and requires/authorizes the Commission to establish and implement public hunting and other fish and wildlife management activities on Babcock Ranch. SB 1628 was read the 1st time and referred to the Committee on Agriculture, the General Government Appropriations Subcommittee, and the Appropriations Committee; it passed Agriculture as CS, and was heard in General Government Appropriations, April 4, where the subcommittee recommended that Appropriations pass the bill as CS/CS; the proposed CS/CS will be considered next by Appropriations. HB 7087 was read the 1st time and referred to the Agriculture & Natural Resources Appropriations Subcommittee and the State Affairs

Committee; it passed Agriculture & Natural Resources Appropriations, and passed State Affairs as CS, April 3; it goes next to the full House for its 2nd Reading.

HB 4037 by Rep. Waldman – Broward County/Saltwater Fishing

This local bill deletes a chapter from the Laws of Florida that allows for mullet to be caught or taken from the salt waters of Broward County measuring 10 ½ inches from the tip of the nose to the fork of the tail and that these fish may be accepted for shipment by common carriers. HB 4037 was read the 1st time and referred to the committees on Local & Federal Affairs, and State Affairs; it passed Local & Federal Affairs, and passed State Affairs, March 20; it is now available for its 2nd Reading before the full House.

HB 4039 by Rep. Waldman – Broward County/Fishing

This local bill deletes a chapter from the Laws of Florida that provides: that it is illegal to take or catch any food fish from any river, creek, canal, and inside water of Broward County by any means other than a line and hook or a common cast net that does not exceed 9 feet long or a spread of more than 18 feet; that it is illegal to throw or place dynamite, lyddite, gunpowder, cartridge, cannon cracker, or any other explosive, or to throw or place acids or lime, which has not been used in manufacturing or for commercial purposes, India berries, saw-dust, green walnuts, walnut leaves, or any other deleterious substance into the waters of Broward County; that it is illegal to take black bass less than 10 inches in length from the tip of the nose to the fork of the tail, or to take a total of more than 15 black bass of any size in one day, from the waters of Broward County; and that a violation of any of these prohibitions is a misdemeanor. HB 4039 was read the 1st time and referred to the committees on Local & Federal Affairs, and State Affairs; it passed Local & Federal Affairs, and passed State Affairs, March 20; it is now available for its 2nd Reading before the full House.

Bills of Interest Concerning State Employees

Cindy Hoffman, Director of the Office of Human Resources

HB 41 by Rep. Taylor; HB 289 by Rep. Rehwinkel Vasilinda; SB 484 by Sen. Joyner; SB 1180 by Sen. Soto – State Employee Salaries

These bills provide for across the board pay increases for state employees, effective July 1, 2013. HB 41 and SB 484 are identical bills that provide for a 2% increase. HB 289 and SB 1180 are identical bills that provide for a 7% increase. HB 41 was read the 1st time and referred to the committees on Appropriations and State Affairs. HB 289 was read the 1st time and was referred to the committees on Appropriations and State Affairs. SB 484 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, Rules, and Appropriations. SB 1180 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, Rules, and Appropriations.

Note: State employee pay increases will be decided as part of the budget conference negotiations. See Charlotte Jerrett’s budget report for updated information.

CS/SB 100 by Sen. Detert – Employment Practices

This bill: prohibits an employer from using a job applicant's credit report or credit history to make certain hiring, compensation or other employment decisions; and provides exceptions for bona fide job-related reasons specifically identifying supervisory positions, positions with fiduciary responsibilities, and law enforcement positions as exempt. SB 100 was read the 1st time and referred to the committees on Commerce & Tourism, Judiciary, Governmental Oversight & Accountability, and Rules; it passed Commerce & Tourism as CS, Jan. 15; it is now in Judiciary.

CS/SB 304 by Criminal Justice; HB 7079 by Rep. Ahern – Public Records Exemption of Specified Employee Information

These bills make permanent the public records exemption of documentation submitted by an agency employee that contains personal identifying information of domestic or sexual violence. SB 304 was read the 1st time and referred to Governmental Oversight & Accountability, and Rules; it passed Governmental Oversight & Accountability as CS, March 14, and is now in Rules. HB 7079 was read the 1st time and referred to the State Affairs Committee; it passed State Affairs, March 20, and is now available for consideration by the full House for its 2nd Reading.

Update - SB 312 by Sen. Braynon; HB 595 by Rep. Powell – Family Support Personnel Policies

These identical bills require the Dept. of Management Services to establish a model rule establishing family support personnel policies to provide for a specified amount of leave for an employee who has a family member with a serious health condition. The rule will be required to include policies on flexible work schedules, job sharing, part-time employment, parental leave and unpaid family or administrative leave, and to provide for up to 12 months absence for an employee who has a family member with a serious health condition. SB 312 was read the 1st time and referred to the committees on Children, Families & Elder Affairs, and Governmental Oversight & Accountability, the Appropriations Subcommittee on General Government, and Appropriations Committee; it is scheduled in Children, Family, & Elder Affairs, April 15. HB 595 was read the 1st time and referred to the subcommittees on Government Operations, and Rulemaking Oversight & Repeal, and to the committees on Appropriations and State Affairs.

Update - CS/CS/HB 519 by Rep. Moraitis; HB 1290 by Sen. Sobel – Military Affairs

These bills provide that a state and local government employee in Florida, who is the spouse of a military service member, may not be compelled to work overtime or extended work hours during active duty deployment of the spouse, and require the employer to grant requests for unpaid leave not to exceed 4 days for matters related directly to the implementation of the orders. HB 519 was read the 1st time and referred to the subcommittees on Government Operations, and Veteran & Military Affairs, and to the committees on Appropriations and State Affairs; it passed Government Operations as CS, passed Veteran & Military Affairs as CS/CS, passed Appropriations, April 10, and is scheduled in State Affairs, April 16. SB 1290 was read the 1st time and referred to the committees on Military Affairs, Space, & Domestic Security, Governmental Oversight & Accountability, General Government Appropriations Subcommittee, and Appropriations.

HB 532 by Rep. Clemens – Applicant Criminal History Check/Discrimination

This bill prohibits employers from inquiring or considering an applicant's criminal history on an initial employment application; allows for the employer to consider the applicant's criminal history after determining the applicant meets the minimum employment requirements. HB 532 was read the 1st time and referred to the committees on Community Affairs, Criminal Justice, and Rules.

Update - CS/CS/HB 553 by Rep. Hager; SB 860 by Sen. Galvano – Workers' Compensation

These bills: change state agencies' liability for workers' compensation claims. Currently agencies are responsible for paying the initial salary and a portion of the medical care; this bill would change the agency's liability to 1.5% of all medical care and salary payments. The bills intend to "... increase an agency's incentive to become actively involved in the prevention and management of workers' compensation claims involving state employees". HB 553 was referred to the subcommittees on Insurance & Banking, and Government Operations Appropriations, and to the Regulatory Affairs Committee; it passed Insurance & Banking as CS, passed Government Operations Appropriations as CS/CS, and passed Regulatory Affairs, April 4; it is now on the Calendar, available for its 2nd Reading before the full House. SB 860 was read the 1st time and referred to the committees on Banking & Insurance, Governmental Oversight & Accountability, Judiciary, and Appropriations; it passed Banking & Insurance as CS, April 9, had its reference to Judiciary removed, and is scheduled in Governmental Oversight & Accountability, April 16.

HB 653 by Rep. Saunders; SB 710 by Sen. Abruzzo – Competitive Workforce Act/Prohibited Discrimination

These bills: add sexual orientation and gender/identity or expression as protected groups under the state's anti-discrimination laws which currently include race, color, religion, sex, national origin, age, disability, handicap or marital status. The bills also substitutes references to the word "handicap" and replaces with the word "disability". HB 653 was read the 1st time and referred to the subcommittees on Civil Justice, and Government Operations, and to the Judiciary Committee. SB 710 was read the 1st time and referred to the committees on Commerce & Tourism, Children, Families & Elder Affairs, and Judiciary.

Update – CS/CS/HB 717 by Rep. Berman; CS/CS/SB 774 by Sen. Thompson – Employment Discrimination Pertaining to Women

These bills: specify that a woman who is pregnant or who is affected by a medical condition related to pregnancy or childbirth must be treated the same as an individual who has a medical condition unrelated to pregnancy or childbirth for all employment-related purposes, including receipt of benefits;. HB 717 was read the 1st time and referred to the subcommittees on Civil Justice, and Government Operations, and to the Judiciary Committee; it passed Civil Justice as CS, the reference to Government Operations was removed, was re-referred to the committees on State Affairs, and Judiciary, and passed State Affairs as CS/CS, April 9; it is now in Judiciary. SB 774 was read the 1st time and referred to the committees on Commerce & Tourism,

Governmental Oversight & Accountability, Judiciary, and Rules; it passed Commerce & Tourism as CS, and passed Governmental Oversight & Accountability as CS/CS, April 2; it is now in Judiciary.

HB 723 by Rep. Watson; SB 1146 by Sen. Thompson – Interview Priority for State Vacancies

These bills: require an employing agency of the state and its political subdivisions give preference for employment interviews to legislative employees. HB 723 specifies the preference be provided to employees in legislative district offices whose former member vacated his/her office in the previous year due to death, resignation, loss of election, or term limits. SB 1146 specifies the interview preference be given to legislative employees who are not retained by an incoming member if the employee meets the minimum eligibility requirements and has the knowledge, skills and abilities required for the position. HB 723 was read the 1st time and referred to the subcommittees on Government Operation, and Rulemaking Oversight & Repeal, and to the committees on Appropriations, and State Affairs. SB 1146 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, Rules, and Appropriations.

HB 929 by Rep. Stewart; SB 1086 by Sen. Abruzzo – State Employee Group Health Insurance

These identical bills revise the definition of the term “health plan member” to authorize the same-sex domestic partner of an enrollee to qualify as a covered dependent and participate as a health plan member in the state group insurance program. HB 929 was read the 1st time and referred to the Government Operations Subcommittee, and to the committees on Appropriations, and State Affairs. SB 1086 was read the 1st time and referred to the committees on Banking & Insurance, Governmental Oversight & Accountability, Appropriations, and Rules.

CS/CS/SB 1392 by Sen. Simpson; CS/CS/HB 7011 by Rep. Brodeur – Florida Retirement System

These bills make changes to the Florida Retirement System (FRS). CS/CS/SB 1392: closes the Pension Plan and the Senior Management Service (SMS) Optional Annuity Plan to SMS and elected officials hired on or after January 1, 2014, but has no effect on employees hired prior to that date; provides an incentive to participate in the investment plan by reducing the employee mandatory 3% FRS contribution to 2%; changes the vesting period for the pension plan from 8 years to 10 years; changes the default to the investment plan for those who may decide which retirement plan to choose, but who do not do so within 5 months of being hired (currently the default is the pension plan); and authorizes a monthly disability benefit for those in the investment plan under certain circumstances. CS/CS/HB 7011 closes the Pension Plan and the Senior Management Service (SMS) Optional Annuity Plan to employees hired on or after January 1, 2014, but has no effect on employees hired prior to that date; requires a Brokerage Option be added to the available investment options which would allow for employee self-directed investments; retains the current disability benefit; and provides a survivor benefit of 10 times the salary of the deceased employee for Special Risk Class employees. SB 1392 was read the 1st time and referred to the committees on Governmental Oversight & Accountability, Community Affairs, and Appropriations; it passed Governmental Oversight & Accountability as CS, passed Community Affairs, and passed

Appropriations as CS/CS, March 28; it has been placed on the Calendar, making it available for its 2nd Reading by the full Senate. HB 7011 was read the 1st time and referred to the committees on Appropriations, and State Affairs; it passed Appropriations as CS, passed State Affairs as CS/CS, had its 2nd Reading before the full House, and passed its 3rd Reading/final passage by the full House; it was received in the Senate, April 3, and referred to the committees on Governmental Oversight & Accountability, Community Affairs, and Appropriations.

Update – SB 1800 by Governmental Oversight & Accountability; HB 7145 by Government Operations and Combee – Employment Discrimination Complaints

This bill makes permanent the public records exemption of complaints of employment discrimination until a finding is made, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. SB 1800 was read the 1st time and was referred to the Rules Committee; it was scheduled in Rules, April 9, but was not considered; it is re-scheduled in Rules, April 17. HB 7145 was read the 1st time and referred to the State Affairs Committee; it passed State Affairs, April 9, and is now available for its 2nd Reading before the full House.

Update – SB 1802 by Governmental Oversight & Accountability; HB 5013 by Appropriations and McKeel; HB 7147 by Trujillo – State Employee Health Insurance

These bills provide health insurance coverage for Other Personal Service (OPS) employees. SB 1802 provides OPS employees who have worked an average of 30 or more hours per week during the past 12 calendar months, or who are reasonably expected to work an average of 30 or more hours per week during the 12 calendar months following his/her employment, eligible to participate in the state group insurance program. The bill has an effective date of January 1, 2014. HB 5013 and HB 7147 require health insurance for full-time OPS employees to be determined by the Dept. of Management Services (DMS). HB 5013 requires DMS to provide minimum essential and affordable coverage as per federal law for such employees. HB 7147 requires DMS to provide at least one plan for such employees that is minimum essential and affordable as per federal law; it also sets the employee monthly premium for single coverage at \$96, and at \$136.74 for family coverage; the employer will pay the rest. SB 1802 was read the 1st time and was referred to the Appropriations Committee; it passed Appropriations, and passed its 2nd and 3rd Readings before the full Senate, April 10; the Senate asked the House to concur with the bill or agree to place it as part of the budget conference; it was sent to the House in messages, and had its 2nd Reading before the full House, April 11, where it was amended to contain the same content as HB 5013; it then passed the full House on 3rd Reading (as amended, thus the House refused to concur), April 12; this procedure places it as part of the budget conference negotiations. HB 5013 was read the 1st time and referred to the Calendar; it had its 2nd Reading before the full House, April 11, and was temporarily postponed; it was laid on the table, April 12. Please refer to SB 1802. HB 7147 was read the 1st time and referred to the Appropriations Committee.