



2009 Legislative Summary

Alex Sink

Chief Financial Officer
State of Florida

*Florida Department of
Financial Services*

INTRODUCTION

This document is an overview of legislation passed by the Florida Legislature during Special Session A (January 2009) and the 2009 Regular Legislative Session affecting the Department of Financial Services.

At the time this publication was finalized, some of the legislation was pending the Governor's approval; therefore, please verify that the legislation has been enacted into law and has not received a veto by the Governor. This document and the status of bill actions by the Governor will be updated on the DFS internet.

Access to all bills, their final action, legislative staff analyses, floor amendments, bill history and Florida Statutes citations are available through the Internet. The Internet address for the Florida Legislature Online Sunshine web site 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.

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SB 58 - Relief/Garcia-Bengochea/Dept. of Children & Families: Effective June 2, 2009; by Senator Pruitt.

For fiscal years 2009-2010 through 2018-2019, inclusive, the Chief Financial Officer is directed to draw annually a warrant in favor of Jorge and Debbie Garcia-Bengochea and of the trusts in place for Brian, Matthew, and James in the sum of \$950,000 upon funds of the Department of Children and Family Services in the State Treasury. The Chief Financial Officer is directed to pay the same out of such funds in the State Treasury. These funds shall be distributed annually as specified by this legislation.

HB 185 – Access to Health Care: Chapter 09-41, Laws of Florida; Effective July 1, 2009; by House Health Care Regulation Policy Committee and Representative Hudson.

The Florida Healthy Kids Corporation (“Corporation”), under contract with the Agency for Health Care Administration, performs administrative functions for the overall Florida KidCare program and administers the SCHIP HealthyKids program. The Corporation handles eligibility determination, premium billing and collection, refunds, and customer service for KidCare, except for the large Medicaid component, which is administered by the Agency and the Department of Children and Families.

The bill increases the Florida Healthy Kids Corporation board of directors from 11 to 12 members, adding a representative from the dental community. The member would be appointed by the Governor from three candidates nominated by the Florida Dental Association.

The bill prohibits all prepaid limited health service organizations from prohibiting their contract providers from contracting with more than one prepaid limited health service organization provider. The bill further prohibits prepaid health service organizations from requiring a contracted health service provider to accept the terms of other contracts entered into by other providers, if those contracts are under common management and control. Furthermore, the bill provides that any contract that requires a provider to accept the terms of other

contracts is void, but that violations are not subject to certain criminal penalties.

The bill authorizes health care practitioners to count non-compensated service hours provided to low-income recipients as a government contractor on a biennial basis, rather than annually. This change conforms to the current licensure renewal cycle for health care practitioners.

SB 198 – Firefighter Memorial Flag: Chapter 09-52, Laws of Florida; Effective July 1, 2009; by Senate Banking & Insurance Committee, Senator Justice and others.

This bill requires the Division of State Fire Marshal within DFS to design, create, and distribute an official state firefighter memorial flag. The bill grants DFS authority to adopt rules relating to the production and distribution of the flag. The flag will honor firefighters who have died in the line of duty and it may be displayed at fire stations, firefighter memorials, funeral services, and otherwise as the State Fire Marshal deems proper. The bill mandates a specific design for the flag which includes the Great Seal of the State of Florida and the phrase “Florida Fallen Firefighters” over a blue background.

There is currently in existence a national firefighter memorial flag. The flag required by this bill will be exclusive to Florida.

SB 479 – Retirement: Chapter 09-209, Laws of Florida; Effective July 1, 2009, except as otherwise provided; by House Economic Development and Community Affairs Policy Council; House Governmental Affairs Policy Committee; and Representative Schenck.

This bill revises the definition of “termination” for purposes of the Florida Retirement System (FRS) to provide that for retirements effective prior to July 1, 2010, termination does not occur if a member is reemployed by an employer within the system within the next calendar month after ceasing employment. For retirements effective

on or after July 1, 2010, termination does not occur if a member is reemployed within the next 6 calendar months after ceasing employment. Similar revisions are made to conform termination of employment after completion of the Deferred Retirement Option Program (DROP).

With respect to the Elected Officers' Class in the FRS, on or after July 1, 2010, an elected officer of a city or special district shall be a member of the Elected Officers' Class only if the city or special district governing body, at the time it joins the FRS, elects by a majority vote to include all its elected positions in the Elected Officers' Class. The bill provides that cities and special districts not currently in the state system may make an irrevocable decision to join between July 1, 2009 and December 31, 2009. On or after January 1, 2010, no city or special district may opt to join the FRS.

On or after July 1, 2010, a retiree of a state-administered system who is elected or appointed for the first time to an elective office in a regularly established position with a covered employer may not reenroll in the FRS. Further, an elected officer who is elected or appointed to an elective office and who is participating in the DROP is subject to the revised termination provisions upon completion of the DROP.

A retiree who is initially reemployed as an elected officer on or after July 1, 2010, as an elected official eligible for membership in the Elected Officers' Class, may not renew membership in the Senior Management Services Class or in the Senior Management Optional Annuity Program, and may not withdraw from the FRS as a renewed member in lieu of membership in the Senior Management Service Class as provided in current law. With respect to the Senior Management Service Optional Annuity Program, a retiree who is initially reemployed on or after July 1, 2010, may not renew membership in the Senior Management Service Optional Annuity Program.

With respect to current reemployment limitations on persons whose retirement is effective prior to July 1, 2010, and which require a 1-month termination and a restriction on receiving salary and retirements benefits for 12 months from the date of retirement, the

limitation on the number of hours a retiree reemployed by the Florida School for the Deaf and Blind may work as a substitute teacher, a substitute residential instructor, or a substitute nurse is repealed.

Developmental research schools and charter schools are provided with the authority to reemploy such a retiree as a substitute or hourly teacher on a noncontractual basis after the retiree has been retired for 1 month. Such employees are restricted from receiving salary and benefits for 12 months from the date of retirement. The authority for an employing agency to reemploy a retired firefighter or paramedic after such member has been retired for 1 month is repealed effective July 1, 2009.

The bill provides that any person whose retirement is effective on or after July 1, 2010, or whose participation in the DROP program terminates on or after July 1, 2010, may be reemployed by an FRS employer. The retiree must meet the definition of termination prior to reemployment and for 6 months after meeting that definition, the person may not receive both a salary and retirement benefits. A reemployed retiree may not renew membership in the FRS and the employer of such a person must pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the FRS in addition to other contributions for social security and the retiree health insurance subsidy. Persons who are initially reemployed in violation of the restriction, and the employer that employs such a person are jointly and severally liable for reimbursement of any retirement benefits paid.

Conforming revisions are made to provisions governing the State Community College System Optional Retirement Program, the Public Employees Optional Retirement Program, the Senior Management Optional Annuity Program, the Optional Retirement Program for the State University System, and renewed membership in the FRS. For purposes of a de minimis distribution under the Senior Management Optional Annuity Program and the Optional Retirement Program for the State University System, a participant who receives a mandatory distribution of a de minimis account (earnings of not more than \$5,000) authorized by the Department of Management Services is not considered a retiree and may be reemployed and renew membership

in the FRS. Any retiree of a state-administered system who is initially reemployed on or after July 1, 2010, may not renew membership in the FRS.

HB 483 – Investor Protection/Viatical Settlements:

Chapter 09-____, Laws of Florida, Effective July 1, 2009; by House General Government Policy Council, House Insurance, Business & Financial Affairs Committee, Representative Grady and others.

The bill provides greater enforcement tools and regulatory oversight for securities transactions in Florida, which will increase the state's effectiveness in combating securities fraud. The bill provides the following changes:

- ✓ Authorizes the Office of Statewide Prosecution to initiate and pursue investigations for securities transactions and money laundering and to prosecute criminal violations;
- ✓ Authorizes the Attorney General to investigate and bring actions against violators of the fraud provisions of ch. 517, F.S., the Securities and Investors Protection Act. The Attorney General may seek injunctive relief, restitution, and civil penalties. Currently, the Office of Financial Regulation (OFR) has the jurisdiction under ch. 517, F.S.;
- ✓ Requires the OFR to adopt disciplinary guidelines for persons who violate ch. 517, F.S.;
- ✓ Increases the cap on administrative fines from \$5,000 to \$10,000 per violation; and
- ✓ Authorizes the emergency suspension of an individual's securities registration under ch. 517, F.S., for failure to promptly provide books and records to the OFR.

HB 569 – Investment of Public Funds: Chapter 09-140, Laws of Florida; Effective July 1, 2009; by House Finance & Tax Council, House General Government Policy Council; House Insurance, Business & Financial Affairs Policy Committee, and Representative Roberson.

The bill expands the options available to the CFO and local governments for deposit of surplus public funds by removing the requirement that funds only be placed in certificates of deposit. The requirement that the principal and any accrued interest be insured by the Federal Deposit Insurance Corporation remains. Replacing “certificate of deposit” with the broader term “financial deposit instrument” allows for the inclusion of other deposit accounts insured by the FDIC. These would include checking and savings accounts, money market deposit accounts and certificates of deposit, as well as other financial instruments which are or may become eligible for insurance by the FDIC.

For money market deposit accounts, a service or product similar to CDARS, known as the Deutsche Bank Insured Deposit Program (Program), has been developed. Deutsche Bank Trust Company Americas, a fully owned subsidiary of Deutsche Bank AB, is the contracting entity and is authorized to act as administrator and intermediary bank for the Program. The Program provides for over \$11 million of FDIC Insurance by allocating deposits to multiple participating program banks. All FDIC insured banks do not participate in the Program. Approximately 5% of Florida Bankers Association members participate in the Program. A depositor incurs no fees for participating in the Program.

The bill also removes a limitation on the conditions under which local governments can deposit surplus public funds in certain depository institutions. Local governments will be able to make authorized deposits in select depositories, even though the qualified depository does not receive an amount of deposits from other federally insured financial institutions, of an equal or greater amount, on local government funds deposited.

HB 675 – Medicare Supplement Policies: Chapter 09-141, Laws of Florida; Effective October 1, 2009; by House General Government Policy Council, House Health & Family Services Policy Council, Representative Workman and others.

The bill requires insurers that provide Medicare supplement policies (Medigap) to issue such policies on a guaranteed-issue basis to persons in Florida who are under 65 years of age and eligible for Medicare due to a disability determination or diagnosis of end-stage renal disease (ESRD). Qualified Medicare beneficiaries must be enrolled in Medicare Part B and must purchase Medigap coverage within 6 months after initial Medicare eligibility or within 2 months following termination of coverage under a group health insurance policy.

The bill allows Medigap insurers that already offer coverage to Medicare beneficiaries under the age of 65 a process to make a one-time rate schedule change without activating the 5-year lockout period required in s. 627.410(6)(e)2., F.S. The authorized rate change allows insurers to address concerns in the premium relativities between the premium class, which includes the under age 65 and the balance of the block, by redefining the age bands of the premium classes. A second rate change provided in the bill allows an insurer to address problems in the premium relativities between the premium class, which includes the under age 65 individual, and the balance of the block, in the first rate filing in 2012. This provision is intended to allow a company to consider the experience data for the premium class, including the under age 65 individuals, on a much more credible basis than the current rules authorize.

HB 741 – Insurance Premium Financing: Chapter 09-84, Laws of Florida; Effective July 1, 2009; by Representative Patterson.

The bill specifies that paid in full discounts provided to a policyholder when premium payment is made in full at the beginning of the policy term is not prohibited by the premium financing statutes and is not premium financing as long as the discount is included in an insurance company's rate filing and is determined to be actuarially justified by

the Office of Insurance Regulation in their rate filing review. Accordingly, valid paid in full discounts cannot be included in the calculation of premium finance charges under the premium financing statutes. The bill applies to paid in full discounts given by an insurance company or subsidiary for any line of insurance.

SB 742 – Sinkhole Losses: Chapter 09-178, Laws of Florida; Effective January 1, 2010; by Senate Banking & Insurance Committee and Senator Fasano.

This bill allows an insurer offering sinkhole coverage to nonrenew those policies in Pasco and Hernando Counties, and instead offer coverage for catastrophic ground cover collapse. The insurer must offer an endorsement for sinkhole coverage, subject to an inspection and subject to the insurer's underwriting guidelines. The bill mandates the creation of a building code effectiveness grading schedule to be adopted by the Financial Services Commission by rule. Four years after a county amends the Florida Building Code with a "sinkhole loss prevention ordinance," the Office of Insurance Regulation will use the building code effectiveness grading schedule to evaluate the effectiveness of the county ordinance in reducing the number of sinkholes and the severity of sinkhole losses. The bill further mandates the creation of insurance premium discounts or surcharges on personal residential property insurance based on a property's compliance with sinkhole loss prevention ordinances and the effectiveness of the ordinance as determined by the grading schedule.

HB 807 – Florida KidCare Program/Study: Chapter 09-211, Laws of Florida; Effective June 18, 2009; by Representative Clarke-Reed.

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study of the effectiveness of the outreach efforts of the Florida KidCare program for uninsured children. OPPAGA is directed to examine current practices of the Social Services Estimating Conference, Department

of Health, Children's Medical Services, Agency for Health Care Administration, Department of Children and Families, Department of Education and Healthy Kids Corporation related to:

- ✓ Determining expenditures, Coordinating with other health related programs to avoid duplication, Providing services to children in Florida KidCare, Making information available to parents of eligible children, Offering services to the target population, Providing medical assistance, and Determining eligibility and increasing enrollment in Florida KidCare program.

The bill directs OPPAGA's report to focus on:

- ✓ Local outreach in low enrollment counties, Examining how counties having higher enrollment level reach target populations, Deficiencies in the outreach process, and Options and projected cost for correcting deficiencies.

OPPAGA is required to consult with the Department of Health, the Department of Children and Families and other interested entities relevant to the research required for the report. OPPAGA must submit a report to the Speaker of the House or Representatives and the President of the Senate by January 1, 2010.

HB 845 – Self-Insurance Funds: Chapter 09-116, Laws of Florida; Effective July 1, 2009; by House General Government Policy Council, House Insurance, Business & Financial Affairs Policy Committee, and Representative Drake.

The bill requires an application for workers' compensation coverage issued by a group self-insurance fund to contain a notice in 10-point boldface type that it is a fully assessable policy and that, if the fund is unable to pay its obligations, policyholders must contribute, on a pro rata earned premium basis, the money necessary to meet any unfilled obligations.

The legislation authorizes any two or more electric cooperatives to operate a self-insurance fund for pooling and spreading liabilities of group members in securing payment of benefits for workers'

compensation purposes. The legislation establishes standards for these electric cooperative self-insurance funds including requiring members to be jointly and severally liable for the obligations of the fund; maintain excess insurance coverage and reserves; subscribe to a rating organization; employ an independent certified public accountant; limit membership to Florida electric cooperatives; provide members with a specified disclosure statement and require payment of premium taxes. The bill also exempts the electric cooperative self-insurance fund and the independent educational institution self-insurance fund from being members of the Florida Workers' Compensation Insurance Guaranty Association.

The bill changes the financial data reporting period for administrators of an association representing health care providers, administrators of a pooled governmental self-insurance program or of a university from a calendar year to a fiscal year and provides reporting deadlines.

HB 853 – Surplus Lines Insurers: Chapter 09-166, Laws of Florida; Effective June 11, 2009; by House General Government Policy Council, Representative Patterson and others.

Surplus lines insurance is the market of last resort for difficult to place commercial and personal lines risks in Florida. Historically, surplus lines insurers have not been subject to the majority of insurance requirements under ch. 627, F.S., or the regulatory authority of the Office of Insurance Regulation due to a specific exemption under the chapter. However, two recent rulings by the Florida Supreme Court and a federal appellate court have altered the manner in which surplus lines insurers have historically been regulated.

This legislation is in response to these court decisions and amends the surplus lines law (s. 626.913, F.S.) by providing that except where specifically stated, the provisions of ch. 627, F.S., do not apply to surplus lines insurance. The bill specifies that the amendment to s. 626.913, F.S., is remedial in nature and operates retroactively to the regulation of surplus lines insurers from October 1, 1988, except with respect to lawsuits that are filed on or before May 15, 2009.

The bill also imposes the following requirements on surplus lines insurers:

- ✓ Requires surplus lines policies to have printed on the face of the policy a statement in 14-point boldface type that surplus lines insurers' policy rates and forms are not approved by any Florida regulatory agency;
- ✓ Specifies the types of claims payments that can be made under surplus lines insurance contracts;
- ✓ Specifies the policy information that must be included in a disclosure statement by surplus lines insurers regarding liability insurance claims;
- ✓ Provides for an award of attorney's fees upon a judgment or decree by any Florida court against a surplus lines insurer in favor of any named or omnibus insured or named beneficiary;
- ✓ Requires surplus lines insurers to have printed on the face of a personal lines residential property insurance policy a statement in 14-point boldface type that the policy contains a separate deductible or a co-pay provision for hurricane or wind losses, which may result in high out-of-pocket expenses to the insured; and
- ✓ Provides that if a provision of the act is held invalid, that invalidity shall not affect the other provisions of the act.

HB 903 – Attorney's Fees in Workers' Compensation

Cases: Chapter 09-94, Laws of Florida; Effective July 1, 2009; by House General Government Policy Council, Representative Flores and others.

Prior to the 2003 reforms, Florida was ranked as having the highest or second highest workers' compensation insurance premiums nationwide. The Legislature enacted significant changes to the workers' compensation laws in 2003 that were designed to increase

the affordability and availability of coverage, expedite the dispute resolution process, provide greater compliance and enforcement authority to combat fraud, and revise certain indemnity benefits for injured workers. This legislation continued the contingency fee schedule for attorney's fees, but eliminated hourly fees.

In October 2008, the Florida Supreme Court in *Murray-v.-Mariner Health and ACE USA* determined that the attorney's fee schedule, when read with a provision that entitles certain prevailing claimants to "a reasonable attorney's fee," creates an ambiguity as to whether the fee schedule is the sole basis for determining a reasonable attorney's fee. The court concluded that the fee schedule is not the sole basis, and held that the factors set forth in a Florida Bar rule for determining attorney's fees (which includes the discretionary factors removed from the workers' compensation statute in 2003), were to be applied to determine a "reasonable attorney's fee" when the term is not otherwise defined. This decision eliminated workers' compensation attorney fee caps and allowed hourly fees in Florida.

The bill clarifies that the attorney's fee schedule provisions in ch. 440, F.S., are to be calculated based solely on the fee schedule, except in certain medical-only cases.

SB 918 – Florida KidCare Program: Chapter 09-113, Laws of Florida; Effective July 1, 2009; by Senate Health & Human Services Appropriations Committee; Senate Health Regulation Committee; and Senators Rich, Lynn, Bennett, Aronberg, Sobel, Gaetz, Smith, Lawson, and Joyner.

The bill makes several changes to the Florida KidCare program. The bill streamlines the KidCare application process by requiring the family income of applicants to be verified electronically. The bill removes administrative barriers to the KidCare program by:

- ✓ Decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days;

- ✓ Reducing the waiting period from 6 months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health insurance coverage; and
- ✓ Increasing the number of “good cause” reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period.

The bill also adds a representative of the Department of Children and Family Services to the board of directors of the Florida Healthy Kids Corporation.

SB 926 – Cemeteries/Columbariums: Chapter 09-____, Laws of Florida; Effective July 1, 2009; by Senate Higher Education Appropriations Committee; Senate Banking & Insurance Committee; and Senators Altman, Oelrich, Rich, King, and Dockery.

This bill provides for an exemption from the rules pertaining to cemeteries under the Florida Funeral, Cemetery, and Consumer Services Act (Act) to allow for a columbarium consisting of five acres or less to be located on the main campus of any of the eleven state universities. A university or direct-support organization which establishes the columbarium must ensure that it is constructed and maintained in a manner consistent with the Act. The bill allows containers and caskets used in cremation to be made of chemically “consumable” materials to allow for the use of a new cremation process.

SB 1122 – Health Insurance/Payment of Benefits/Claims Forms: Chapter 09-124, Laws of Florida; Effective July 1, 2009; by Senate Health Regulation Committee; and Senators Gaetz, Sobel, Oelrich, Fasano, Bennett, Lynn, and Altman.

The bill requires insurers to make payments directly to any provider not under contract with the insurer if the insured makes a written

assignment of benefits. Under current law, direct payment by an insurer is only required for emergency services and care. The bill provides that OPPAGA is to complete a report to the President of the Senate and the Speaker of the House by March 1, 2012, and if that report finds that the act has caused a net loss in physicians in the preferred provider plan network of the state group health plan, the provisions of the act will be repealed.

HB 1171 – Residential Property Insurance: ~~Chapter 09, Laws of Florida; Effective upon becoming law; by House General Government Policy Council; House Insurance, Business, & Financial Affairs Policy Committee; and Representatives Proctor, Wood, and others. **Vetoed by Governor 6/24/09**~~

~~The bill allows certain insurers to use a rate in excess of the filed rate if:~~

- ~~✓ The insurer has surplus as to policyholders of \$500 million or more;~~
- ~~✓ The insurer has a surplus of \$200 million or more and a ratio of net written premium to surplus of two to one or less; or~~
- ~~✓ The insurer has a surplus of \$150 million or more, and offers insurance primarily as a service to members of a nonprofit corporation.~~

~~An insurer using this provision cannot purchase coverage from the temporary increase in coverage limit (TICL) of the Florida Hurricane Catastrophic Fund. An insurer may not use this provision for policies that exclude coverage for wind or hurricane. An insurer using this provision must provide notice in bold type that the rate is not approved by the Office of Insurance Regulation (OIR), and that a rate regulated policy may be available from Citizens Property Insurance Corporation (Citizens) or another carrier. The insured must be given a quote from Citizens or another carrier and sign an acknowledgement form.~~

HB 1495 – Property and Casualty Insurance: Chapter 09-87, Laws of Florida; Effective May 27, 2009; House Full Appropriations Council on General Government & Health Care; House General Government Policy Council; House Insurance, Business, & Financial Affairs Policy Committee; and Representatives Nelson, Hays, and others.

The bill makes wide-ranging changes to the regulation of property insurance, including:

Citizens Property Insurance Corporation (“Citizens”)

- ✓ Implements a rate “glide path” capped at 10 percent per year for Citizens’ policyholders until rates are actuarially sound. This provision will go into effect on or after January 1, 2010. The incremental rate increase was a recommendation of the Citizens Mission Review Task Force.
- ✓ Allows Citizens to increase its rates to pay the Florida Hurricane Catastrophe Fund’s (FHCF) “cash build up” program for 5 years. Estimated rate impact is less than 1 percent.
- ✓ Staggers the terms of office for members of the Board of Governors.
- ✓ Insurers may offer ex-wind policies to homeowners within the boundaries of the HRA (high risk account) area who are no longer eligible for coverage by Citizens because the replacement value of the home exceeds \$2 million or because the replacement value of the home exceeds \$750,000, but the home does not have hurricane shutters.
- ✓ Deletes the provision that required on January 1, 2010, a seller of a home which is insured by Citizens and located in the wind-borne debris region, with an insured value of \$500,000 or more, to disclose in writing to the prospective purchaser its windstorm mitigation rating based on the uniform home grading scale, prior to sale.

- ✓ Extends from February 1, 2010 to December 1, 2010, the requirement that Citizens reduce its HRA area boundaries in order to lower its 100-year probable maximum loss (PML).

Florida Hurricane Catastrophe Fund (“FHCF” or “Fund”)

- ✓ Implements provisions to reduce the FHCF’s exposure and increase its cash reserves. The bill phases out the Temporary Increase in Coverage Limit (TICL) layer of coverage over a 6-year period at a rate of \$2 billion per year.
- ✓ Increases the price of the TICL layer by an additional multiple each year until TICL is eliminated in 6 years.
- ✓ Authorizes the Fund to implement a “cash build up” factor which would increase the reimbursement premiums that the Fund charges property insurers for the mandatory layer of coverage provided by the Fund. The cash build up factor is based on a 5 percent annual increase which will be phased in over a 5-year period, at which time the increase will be 25 percent.
- ✓ Allows small insurers to continue to purchase an additional amount of FHCF reimbursement coverage up to \$10 million until December 31, 2011.
- ✓ Establishes the contract period for the Fund to be the calendar year (January through December).

My Safe Florida Homes Program (“MSFH”)

- ✓ Adds mitigation improvements relating to roof hardening to help facilitate the MSFH program to access federal “weatherization” stimulus money and FEMA grant money.
- ✓ Clarifies that the MSFH program provide grants rather than participate in a no-interest loan program.

- ✓ Authorizes the Department of Financial Services to adopt by rule the maximum grant allowances for mitigation improvements.
- ✓ Revises the threshold for grant and contract review by the Legislative Budget Commission.

Insurance Rate Filings

- ✓ Allows insurers to make a separate expedited rate filing limited solely to an adjustment of its rates for reinsurance or financing costs relating to the purchase of reinsurance or financing products to replace or finance the payment of the amount covered by the Fund's TICL layer, including replacement reinsurance for the TICL reductions, as well as the cash build up factor and the increase in the price for the remaining TICL layers. All costs contained in the filing are capped at 10 percent per policyholder; however, financing products such as a liquidity instrument or line of credit may not result in an overall premium increase exceeding 3 percent. The bill provides that insurers purchasing this reinsurance do so at a price no higher than would be paid in an "arms-length" transaction. An insurer may make only one filing under this provision in any 12-month period.
- ✓ Prohibits "use and file" rate filings until December 31, 2010.

Public Adjusters

- ✓ Prohibits public adjusters, public adjuster apprentices and persons acting on behalf of public adjusters or apprentices from accepting referrals of business from any person with whom the public adjuster conducts business.
- ✓ Prohibits a public adjuster from compensating any person, except for another public adjuster, for the purpose of referring business to the public adjuster.

- ✓ Requires an applicant for a public adjuster apprentice license to pass a written examination prior to licensure and receive a specified designation.
- ✓ Limits the number of public adjuster apprentices that are maintained by public adjusting firms.
- ✓ Requires OPPAGA to review the claims practices and laws relating to public adjusters and submit a report to the Governor, President of the Senate, Speaker of the House of Representatives, the CFO, and the Insurance Commissioner by February 1, 2010.

Other Provisions

- ✓ Authorizes the Florida Hurricane Loss Projection Methodology Commission to study and issue a report on mitigation credits, discounts and deductibles.
- ✓ Provides that premium discounts resulting from the home grading scale (due in 2011 from OIR) will supersede the current mitigation discounts approved by OIR.
- ✓ Authorizes reinsurers to issue coverage directly to a self-insuring public housing authority.
- ✓ Allows an insurer to repair damaged property in compliance with its policy.
- ✓ Allows insurance agents to explain the applicability of FIGA to consumers.
- ✓ Repeals the statute that prevents OIR attorneys from asserting attorney-client privilege or work-product confidentiality on certain communications with other OIR personnel.
- ✓ Changes recoupment by insurers for Citizens assessments, eliminating the need to receive prior OIR approval before recouping costs from policyholders. Instead, OIR would review

the final accounting report of the recoupment after it has been completed.

SB 1658 – Health Care: Chapter 09-55, Laws of Florida; Effective May 27, 2009, except as otherwise provided; by Senate Health & Human Services Appropriations Committee and Senator Peaden.

The bill provides statutory changes to conform to the FY 2009-2010 General Appropriations Act. This bill addresses a variety of issues under the jurisdiction of the Agency for Health Care Administration. The following two issues relative to the Florida Healthy Kids program are among those provisions:

- ✓ Amends s. 409.815, F.S., to provide for mental health parity, dental services, and the reimbursement of federally qualified health centers and rural health clinics in the Florida Healthy Kids program as required by federal law, effective October 1, 2009.
- ✓ Amends s. 409.818, F.S., to require the AHCA to monitor the compliance with quality assurance and access standards of the Florida Healthy Kids plan in accordance with state and federal law.

CS/SB 1718 — State Judicial System: Chapter 09-61, Laws of Florida; Effective June 1, 2009, except as otherwise provided; by Senate Criminal and Civil Justice Appropriations Committee and Senator Crist.

This bill contains similar provisions to those provided in SB 2108. Please note that some provisions of this bill supersede provision in SB 2108. This bill:

- ✓ Amends s. 26.57, F.S., to allow the courts to pay a county judge at the circuit judge salary for that time the county judge

presides over circuit court. This provision is subject to the availability of funds.

- ✓ Amends s. 27.511, F.S., to remove the expiration of the authorization for part-time assistant regional conflict counsel to have a private criminal law practice. Such assistant regional conflict counsel may not take cases where there is a legal or ethical conflict.
- ✓ Assistant regional conflict counsel continues to be prohibited from taking private court appointed counsel cases paid by the state under s. 27.5304, F.S.
- ✓ Amends s. 27.562, F.S., to direct all funds collected on behalf of the public defender for the cost of defense as well as the indigent application fee to be deposited in the Indigent Criminal Defense Trust Fund.
- ✓ Effective June 1, 2009, amends s. 28.2401, F.S., to rename certain probate service charges as filing fees and increases such fees by \$115. The additional amount of the fee is deposited in the State Courts Revenue Trust Fund for appropriations to the state court system.
- ✓ Effective June 1, 2009, amends s. 28.241 relating to circuit civil filing fees. Except for family law cases in chs. 39, 61, 741, 742, 747, 752, or 753, F.S., the circuit civil filing fee is increased from \$295 to \$395. The increase is to be deposited in the State Courts Revenue Trust Fund for appropriations to the state court system. In addition, the bill redirects \$80 of the circuit civil filing fee from the clerk of the courts to the State Courts Revenue Trust Fund.
- ✓ Effective June 1, 2009, creates a graduated filing fee for real property or mortgage foreclosure cases. The filing fee is \$395 where the amount in controversy is \$50,000 or less, \$900 where the amount in controversy is more than \$50,000 but less than \$250,000, and \$1,900 where the amount in controversy is \$250,000 or more. The value of the case with respect to a mortgage foreclosure action includes the principal due, interest

- ✓ Effective June 1, 2009, clarifies that counter petitions, along with cross-claims, counterclaims, and third party complaints, must pay increased filing fee of \$395, except in the case of family law cases where the fee remains \$295.
- ✓ Effective June 1, 2009, increases the filing fee for cross-claims, counter petitions, counterclaims, and third party complaints from \$295 to \$395. These filing fees are deposited in the General Revenue Fund.
- ✓ Effective June 1, 2009, requires that parties that file cross-claims, counter petitions, counterclaims, or third party complaints related to real property or mortgage foreclosure cases would pay the \$900 where the amount in controversy is more than \$50,000 but less than \$250,000 and \$1,900 where the amount in controversy is \$250,000 or more.
- ✓ Amends s. 28.33, F.S., to specify that interest earned on county funds invested by the clerk shall be deemed income of the county and may be appropriated by the Board of County Commissioners pursuant to ch. 129, F.S.
- ✓ Amends s. 34.041, F.S., to create a reduced filing fee of \$125 (rather than \$170) for county court claims not exceeding \$1,000 where there is also a simultaneous filing for replevin of property that is the subject of the claim.
- ✓ Further amends s. 34.041, F.S., to reduce the county court filing fee for a removal of tenant action from \$265 to \$180. Reduces the amount of such fees going to the Mediation and Arbitration Trust Fund from \$15 to \$10 from such fees. Eliminates language requiring 1/3rd of all filing fees to be

- ✓ Further amends s. 34.041, F.S., to clarify that counter petitions in county court are also subject to the cross-claim, counterclaim and third-party complaint filing fees.
- ✓ Amends s. 57.081, F.S., to relieve indigent persons from paying civil filing fees. The bill makes conforming changes to s. 57.082, F.S., requiring payment plans for amounts due from indigent persons.
- ✓ Makes conforming changes to s. 318.121, F.S., for the new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 special session A. Amends s. 318.15, F.S., to assess an \$18 processing fee when a person elects to take a driver improvement course but fails to complete the course. The fee would be retained by the clerk of court.
- ✓ Amends s. 318.18, F.S. to provide that the new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 special session A is to be paid for violations of chs. 320 and 322, F.S., relating to motor vehicle licenses and driver's licenses.
- ✓ Reenacts s. 318.21(18) and (19), F.S., relating to new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 Special Session A to incorporate amendments made by the bill.
- ✓ Amends s. 939.185, F.S., to provide that an order imposing a local cost upon conviction of certain criminal offenses or criminal traffic offenses constitutes a lien. The lien attaches to real property of the person in the county where the order is recorded and attaches to personal property owned by the person in the state upon filing a judgment lien certificate with the Department of State. *This provision supersedes a similar provision passed in SB 412.*

- ✓ Requires the Clerks of Court Operations Corporation to identify funds in excess of what is needed in the Clerk of Courts Trust Fund to fund the approved clerk budgets to the General Appropriations Act by June 20th each year and requires the Justice Administrative Commission to make a transfer of this amount to the General Revenue Fund by June 25th of each year.
- ✓ Requires the clerks of court to implement an electronic filing process by March 1, 2010, to reduce judicial costs in the office of the clerk and the judiciary, improve the timeliness of case processing, and provide the judiciary with case-related information. The Supreme Court is requested to set statewide standards for electronic filing by July 1, 2009, and the clerks are to begin implementation by October 1, 2009. The Clerks of Court Operations Corporation must report to the legislature by March 1, 2010, the progress of electronic filing. Revenues authorized for court system information technology in s. 28.24, F.S., may be used to implement electronic filing.
- ✓ Specifies the Legislature's intent for the 1st District Court of Appeal to implement electronic filing for workers' compensation appeals. Requires the 1st District Court of Appeal to report to the Legislature nine months after implementation.
- ✓ Provides that, notwithstanding s. 28.36, F.S., relating to how budgets are approved for clerks of court, the statewide amount for all clerk budgets shall be set at \$451 million for the state FY 2009-2010. *This section is contingent upon SB 2108 not becoming a law.*
- ✓ Requires by January 15, 2010, a report by the Legislature's Office of Program Policy Analysis and Government Accountability on how to improve the efficiency of the operations of the clerks of court and the state court system. *This section supersedes similar provisions in SB 2108.*
- ✓ Requires the Legislature's Technology Review Workgroup to develop a plan for options to implement an integrated computer

system for the state court system. *This section supersedes similar provisions in SB 2108.*

- ✓ Requires the Clerks of Court Operations Corporation to report all information technology purchases by clerks of more than \$25,000 to the Legislature. *This section supersedes similar provisions in SB 2108.*
- ✓ Directs the Legislature's Division of Statutory Revision to read SB 2108 and SB 1718 together if both become law and make amendments accordingly.
- ✓ Provides that the effective date for SB 2108, relating to budgeting for the clerks of court, shall be July 1, 2009, rather than upon becoming a law.

SB 1758 – Department of Financial Services: Chapter 09-70, Laws of Florida; Effective July 1, 2009; by Senate General Government Appropriations Committee and Senator Baker.

The bill increases the maximum percentage of funds that can be invested in securities under the authority of the Chief Financial Officer (CFO) from 3 percent to 5 percent of the Treasury investment pool. The provision remains in effect for one year.

The bill creates a Treasury Investment Committee to administer the Treasury's Investment Program, and to make investment policy recommendations to the CFO.

The bill authorizes the Florida Commission on Hurricane Loss Projection Methodology to adopt revisions to the Florida Public Hurricane Loss Model every odd year rather than annually.

The bill reduces the cost of copies for documents on file with the Department of Financial Services and requires prior notification to the requester when additional charges are to be assessed for preparation of redacted records.

The bill redirects to the General Revenue Fund revenues from taxes collected on premiums for surplus lines insurance and insurance provided by risk retention groups. These revenues are currently distributed to the Insurance Regulatory Trust Fund within the Office of Insurance Regulation. This provision expires on July 1, 2014.

SB 1796 – Governmental Financial Information: Chapter 09-74, Laws of Florida; Effective May 27, 2009; by Senate Governmental Oversight & Accountability Committee; Senate Policy & Steering Committee on Ways & Means; and Senators Alexander, Haridopolos, Aronberg, Gaetz, Storms, Altman, and Oelrich.

This bill requires a website be established for public access to government entity financial information. The initial phase will include appropriations data and expenditure data for all branches of state government. The Joint Legislative Auditing Committee will oversee the website and will propose additional phases of information to be made available. The committee will provide a proposal by March 1, 2010, to be submitted to the President of the Senate and the Speaker of the House of Representatives, that will include a schedule of additional phases of information by the type of information to be provided for specific governmental entities, including local government units, community colleges, state universities, and other government entities that receive state appropriations. The proposal will include timeframes for additional phases as well as a proposed development entity for the additional information.

SB 1806 – Service Charge on Income of Trust Funds: Chapter 09-78, Laws of Florida; Effective July 1, 2009; by Senate Policy & Steering Committee on Ways & Means and Senator Alexander.

This bill increases the service charges applied to trust fund receipts by one percent. This bill is expected to shift roughly \$30.1 million from the various state trust funds to the General Revenue Fund.

SB 2108 – State Court Funding: Chapter 09-204, Laws of Florida; Effective June 18, 2009; by Senate Policy & Steering Committee on Ways & Means; Senate Judiciary Committee; and Senator Pruitt.

This bill contains similar provisions to those provided in SB 1718. Please note that some provisions of this bill are superseded by provision of SB 1718. Refer to the summary of SB 1718 for details.

Clerks of the Court Budget

The bill revises the method for setting the budgets of the clerks of court. The clerks' budgets will no longer be based on the projected revenue increase for each clerk and set by the Florida Clerks of Court Operations Corporation (corporation). Instead, each clerk will prepare a budget request for the last quarter of the county fiscal year and the first three quarters of the next fiscal year and submit it to the corporation by October 1 of each year. The budget proposal will be based on four core services. Under each of the core services, the clerks will propose specific services along with a proposed unit cost. The Chief Financial Officer will assist the clerks and the corporation in developing the unit costs.

The corporation and the Chief Financial Officer will recommend unit costs for each clerk and a statewide total budget for all 67 clerks based on the unit costs and projected workload and make its recommendations to the Legislature and the Supreme Court by December 1 of each year. The Legislature will accept, reject, or modify the proposed unit costs and appropriate the clerks' statewide total budget each year in the General Appropriations Act. The corporation will then release funding quarterly to each clerk based on the previous quarter's performance of service units using the approved unit costs.

To phase in the changes made in the clerk budgeting process, the bill specifies that, for FY 2009-2010, the corporation must release funds monthly to individual clerks based on the statewide total appropriated in the General Appropriations Act. Beginning in FY 2010-2011, the new budgeting system required in the bill will be used to appropriate the clerks' budgets.

Florida Clerks of Court Operations Corporation

The bill provides that the corporation is the budget entity for the clerk of courts and is administratively housed in the Justice Administrative Commission (JAC). The corporation is not subject to the supervision or control of the JAC. Funding for the corporation and the clerks will be appropriated to this entity in the General Appropriations Act. Employees of the corporation are considered state employees and must be under the JAC's pay plan. However, employees of the corporation are not classified as career service employees. The corporation is excluded from ch. 120, F.S. (Administrative Procedure Act), as the other entities within the JAC are also not subject to ch. 120, F.S. The corporation will prepare a legislative budget request pursuant to ch. 216, F.S., for its operations.

In addition to the eight clerks of the court currently comprising the executive council of the corporation, the bill provides that one designee of the President of the Senate and one designee of the Speaker of the House of Representatives will be added to the council as ex officio members. The Chief Justice of the Florida Supreme Court must designate one additional member to represent the state courts system.

Collection of Fees

Under the bill, the court-related revenue collected by the clerk is remitted to the Clerks of Court Trust Fund (trust fund). The trust fund is transferred from within the Department of Revenue to the Justice Administrative Commission. The bill splits the current \$5.00 of the first \$85 of the \$295 for initial filing fees in circuit court between the Department of Financial Services (\$1.50) for performing clerk audits and the Florida Clerk of Courts Operations Corporation (\$3.50) for funding its operations. (Previously, the \$5.00 was deposited into the Department of Financial Services Administrative Trust Fund).

In addition, language requiring clerks to submit one-third of county filing fees to the state is removed because, under the bill, all clerk revenues will be remitted to the state. Ten percent of all court-related fines collected by the clerk must be deposited into the clerk's Public

Records Modernization Trust Fund to be used exclusively for additional court-related operational needs and program enhancements.

OPPAGA Study

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Chief Financial Officer and the Auditor General, to study the efficiency of the operations and functions of the clerks of court and the courts. More specifically, OPPAGA is tasked with evaluating who is performing each court-related function, how each function is funded, and how efficiently these functions are performed. The Office of Program Policy Analysis and Government Accountability is required to report its findings to the President of the Senate and the Speaker of the House of Representatives by January 15, 2010.

Technology Review Workgroup

The Technology Review Workgroup must develop a proposed plan for identifying and recommending options for the implementation and integration of the clerk and court information technology systems. The plan must:

- ✓ Describe the approaches and processes for evaluating the existing computer systems and data-sharing networks of the state courts system and the clerks of the court;
- ✓ Identify the required business and technical requirements; and
- ✓ Examine the use of the additional service charges collected that are related to storage and access of public records.

The bill also limits clerk of court information technology purchases during the period of the study.

Miscellaneous Changes to Clerk Functions

The bill makes other changes including the following:

- ✓ Requires clerks to use collection agents for uncollected amounts due after 90 days;
- ✓ Requires the clerks to maintain office hours with the consent of the chief judge;
- ✓ Clarifies that the clerk must charge a fee not to exceed \$70 if a judicial sale is conducted by electronic means, in addition to the fee already assessed against the winning bidder for clerk services in making, recording, and certifying the sale and title;
- ✓ Specifies that the costs of electronic tax deed sales must be added to the other charges for the cost of these sales, including charges related to notice, which are included in the bid of the certificateholder of the property;
- ✓ Increases the surcharge imposed to fund a state court facility which a board of county commissioners or local government may charge, in addition to other penalties for noncriminal traffic infractions and other criminal traffic violations, to \$30 from \$15;
- ✓ Authorizes the board of county commissioners or certain local governments to impose a surcharge for any traffic infraction or criminal traffic offense for the purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities; and
- ✓ Requires the clerks to submit expenditure data to comply with the Transparency in Government Spending requirements of SB 1796.

SB 2188 – Administrative Procedures: Chapter 09-187, Laws of Florida; Effective July 1, 2009; by Senate Governmental Oversight & Accountability Committee and Senator Joyner.

This bill makes adjustments to the Administrative Procedure Act, by amending the definition of “agency” to codify existing case law, and requiring that agencies:

- ✓ Give notice of meetings, hearings, and workshops on the agency's website;
- ✓ Post meeting agendas and materials on the agency's website;
- ✓ Make staff available to explain agency rule proposals at public hearings;
- ✓ Consider information submitted within certain timeframes in rulemaking;
- ✓ Specify the effective date of a rule in the notice of rulemaking; and
- ✓ Post their statements of agency organization on their websites.

The bill also deletes an outdated agency rule exception.

SB 2226 – Mortgage Brokering and Lending: Chapter 09-____, laws of Florida; Effective July 1, 2009, except as otherwise provided; by Senate Judiciary Committee; Senate Banking & Insurance Committee; and Senators Fasano, Lynn, and Richter.

In response to the recent turmoil in the housing market and reports of abusive lending practices in Florida as well as other states, the federal Housing and Economic Recovery Act was enacted on July 30, 2008. Title V of this act is titled "The Secure and Fair Enforcement for Mortgage Licensing Act of 2008" (S.A.F.E.). The intent of S.A.F.E. is to provide greater accountability and regulation of individual loan originators (mortgage brokers and mortgage lenders) and enhance consumer protections by establishing minimum licensure and registration requirements for loan originators. The act creates a national database for consumers to inquire about the credentials and disciplinary history of loan originators, mortgage brokers, and mortgage lenders.

The bill implements the minimum standards of S.A.F.E. and provides increased licensure and enforcement authority for the Office of Financial Regulation (OFR) to regulate loan originators, mortgage

broker businesses, and non-depository, mortgage lender businesses. The bill provides the following changes in the regulation of loan originators, mortgage brokers and mortgage lenders:

- ✓ Establishes licensure requirements for individuals that work for mortgage brokers or mortgage lenders.
- ✓ Requires licensure and renewal on an annual, rather than biennial, basis.
- ✓ Prohibits licensure of a person who has had a felony conviction during the seven-year period preceding the date of the application (or at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering).
- ✓ Authorizes the OFR to obtain and review credit reports of an applicant or licensee on annual basis to determine if a person demonstrates financial responsibility for purposes of licensure. The applicant is provided an opportunity to provide further information to mitigate adverse items contained in the credit report.
- ✓ Requires annual criminal background checks of licensees.
- ✓ Establishes a guaranty fund to compensate persons suffering monetary damages due to a violation of ch. 494, F.S., by a licensed mortgage broker or mortgage lender. Fees assessed on loan originators, mortgage brokers and mortgage lenders finance the guaranty fund.

The bill also provides for a transition from the current licensure system and categories of licensees to a system meeting minimum federal requirements.

SB 2600 – 2009-2010 General Appropriations Act:

Chapter 2009-81, Laws of Florida; Effective July 1, 2009, except as otherwise provided; by Senate Policy & Steering Committee on Ways & Means.

The following provision was included in the General Appropriations Act for FY 2009-2010:

- ✓ GAA Section 8(3)(a)4: Each state agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for attorneys employed by the state as legal staff. Each state agency shall report the amounts expended for these purposes to the legislature by February 1, 2010.

SB 2602 – Implementing 2009-2010 General

Appropriations Act: Chapter 09-82, Laws of Florida; Effective June 29, 2009, except as otherwise provided; by Senate Policy & Steering Committee on Ways & Means.

Sections of the Implementing bill relating specifically to this agency include:

Section 44 allows a participant in an adult or youth work experience activity administered by the Agency for Workforce Innovation to be provided workers' compensation insurance coverage through the state's risk management pool.

Section 51 requires each agency to review the use of cellular telephones, PDAs and other wireless devices by employees and submit a report to the President of the Senate and the Speaker of the House of Representatives by September 1, 2009.

The report is to include:

- ✓ The criteria that the agency has developed to limit assignment of wireless devices;
- ✓ The results of implementing the wireless device assignment plan, including the reduction in the number of wireless devices used and the cost of such devices;

- ✓ The number of wireless devices that remain in use by type and expenditures by type of device and total agency expenditures for wireless devices;
- ✓ The procurement method used to procure wireless devices and the rationale for procuring wireless devices by any mechanism other than statewide term contracts and side-by-side comparison of costs for services purchased through the statewide term contracts and the mechanisms otherwise used by the agency;
- ✓ A description of innovative techniques the agency has used to manage wireless devices that have improved efficiency or reduced costs, which may be applicable for implementation by other agencies.

SB 7051 – OGSR/Social Security Numbers: Chapter 09-____, Laws of Florida; Effective October 1, 2009; by House Economic Development & Community Affairs Policy Council; House Governmental Affairs Policy Committee; and Representative Ford.

The bill amends the public records exemption for social security numbers contained in agency employment records of current or former agency employees to raise the standard of protection from exempt to confidential and exempt. The bill removes the process by which a current or former agency employee may notify a non-employing agency that the employee's social security number is exempt from public records requirements.

The bill also amends the general public records exemption for social security numbers held by agencies. The bill modifies notice requirements to prohibit an agency from collecting social security numbers unless the agency identifies in writing the specific federal or state law governing the collection, use, or release of the social security number for each purpose for which that agency collects the number. The notice provided by the agency must state whether collection of the social security number is mandatory or authorized under federal or state law. The bill amends the definition of "commercial activity" to include permissible uses established under

federal law and to clarify that a commercial activity is for the verification of the accuracy of personal information received by a commercial entity. The bill modifies the exceptions to the exemption to allow disclosure of social security numbers held by agencies for the following reasons:

- ✓ The disclosure of the social security number is expressly required by federal or state law or a court order.
- ✓ The disclosure of the social security number is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
- ✓ The individual expressly consents in writing to the disclosure of his or her social security number.
- ✓ The disclosure of the social security number is made in order to comply with the USA Patriot Act of 2001 or Presidential Executive Order 13224.
- ✓ The disclosure of the social security number is made to a commercial entity for the permissible uses set forth in the Driver's Privacy Protection Act, Fair Credit Reporting Act, or Financial Services Modernization Act of 1999 or for verification of personal information received by a commercial entity in the normal course of its business.
- ✓ The disclosure of the social security number is for the purpose of the administration of health benefits for an agency employee or the dependents of that employee.
- ✓ The disclosure of the social security number is for the purpose of the administration of a pension fund administered for the agency employee's retirement fund, a deferred compensation plan, or a defined contribution plan.
- ✓ The disclosure of the social security number is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State.

Special Session A

SB 20-A — My Safe Florida Home Program: Chapter 09-10, Laws of Florida; Effective January 27, 2009; by Senate General Government Appropriations Committee and Senator Baker.

This bill eliminates the requirement for the Department of Financial Services to reserve \$10 million for no-interest loans as part of the My Safe Florida Home Program. The Department of Financial Services issued a competitive solicitation for the implementation of a no-interest loan program during 2008; however, no bids were received.

SB 28-A — Insurance Capital Build-Up Incentive

Program: Chapter 09-12, Laws of Florida; Effective January 27, 2009; by Senate General Government Appropriations Committee and Senator Baker.

This bill redirects to the General Revenue Fund all repayments of principal, interest, and late fees from loans executed by the State Board of Administration with insurers participating in the Insurance Capital Build-Up Incentive Program. By June 30, 2009, it is estimated the transfers will increase the General Revenue Fund by \$36.7 million. Repayments from insurers for surplus notes continues until FY 2027-2028. Beginning FY 2008-2009, it is anticipated the repayment stream will provide approximately \$25.6 million on a recurring basis to the General Revenue Fund.

SB 44-A — Governmental Operations: Chapter 09-15, Laws of Florida; Effective January 27, 2009; by Senate Policy & Steering Committee on Ways & Means and Senator Alexander.

This bill relating to Governmental Operations:

- ✓ Requires state agencies to review contracts in order to reduce contract payments.

- ✓ Sets forth a policy of limiting travel by state employees for the remainder of FY 2008-2009.
- ✓ Requires the Office of Program Policy Analysis and Government Accountability to conduct four policy research projects by March 3, 2009.
 - To develop recommended legislation governing the procurement, assignment, and use of cellular telephones and personal digital assistants by state employees.
 - To examine the option of contracting with a private entity to identify and recover fraudulent Medicaid claims on a contingency fee basis.
 - To examine the option of expanding the use of alternative inmate placements for low-risk inmates.
 - To assess the feasibility of consolidating statewide pharmaceutical services for state agencies.
- ✓ Directs the Department of Management Services to conduct an inventory of state-owned surplus property.
- ✓ Directs the Chief Financial Officer to examine methods to maximize federal funds for state agencies.