



# FLORIDA ALLIANCE

FOR CONSUMER PROTECTION

**FLORIDA LEGISLATURE  
2015 FINAL SESSION REPORT  
CONSUMER & TENANT BILLS OF INTEREST\*  
June 17, 2015**

**TENANTS (Residential, including Mobile Homes and Public Lodging)**

**HB 779 Tenants in Foreclosed Properties**

This bill provides that a bona fide tenant must be given at least 30 days' written notice before eviction from a foreclosed home, provides a form for such notice, prohibits the purchaser at a foreclosure sale from violating the prohibited practices applicable to residential landlords, and allows the parties to enter into a new lease.

*Effective immediately upon becoming law, June 2, 2015*

**HB 307 Mobile Homes**

The bill makes the following changes to the Act:

- The division is required to approve training and educational programs for board members of mobile homeowners' associations and mobile home owners;
- A mobile homeowner must comply with all building permit and construction requirements and is responsible for fines imposed for violating any local codes;
- A mobile homeowner's right to notice of a lot rental increase or reduction in services or utilities may not be waived;
- A homeowners' committee must make a written request for a meeting with the park owner to discuss a proposed lot rental increase, a proposed decrease in services or utilities, or rule changes;
- A homeowner's spouse may assume an automatically renewable lease; however, this right of assumption may only be exercised once during the term of the lease;
- A member of the board of directors of the Florida Mobile Home Relocation Corporation must be removed immediately upon written request for removal from the association that originally nominated that member;
- Bylaws of a homeowners' association must include specific provisions related to meetings, voting requirements, proxies, amending the articles of incorporation and bylaws, duties of officers and directors, vacancies on the board, and recall of members on the board of directors;
- A board member must either certify that they have read the homeowners' association's organizing documents, rules, and regulations and that he or she will faithfully discharge

his or her fiduciary responsibility, or complete the division's educational program within one year of taking office; and

- A homeowners' association is required to retain and make available certain specified official records.

*Effective July 1 (Signed by Governor)*

### **HB 305 Unlawful Detention of a Transient Occupant**

The bill establishes an additional remedy to remove an unwanted guest who unlawfully detains residential property. Upon receipt of a sworn affidavit from the owner or rightful resident which establishes that the unwanted guest is a “transient occupant,” law enforcement may immediately direct the unwanted guest to surrender possession of the property. Failing to surrender possession at the direction of law enforcement constitutes a criminal trespass. The bill provides a list of factors to aid in determining if an unwanted guest is a “transient occupant” and subject to immediate removal by law enforcement, specifically whether the person:

- Intended his or her occupancy to be temporary;
- Resided in the property for only a brief period of time;
- Has no ownership, financial, or leasehold interest in the property;
- Has no utility subscriptions at the property;
- Pays minimal, if any, rent;
- Does not list the property as the address of record with governmental agencies;
- Has minimal, if any, personal belongings at the property;
- Does not receive mail at the property;
- Has no designated personal space at the property; and
- Has an apparent permanent residence elsewhere.

*Effective July 1 (Signed by Governor)*

### **HB 277 Public Lodging Establishments**

The bill provides that a public lodging establishment classified as a hotel, motel, or bed and breakfast inn is required to waive any minimum age policy it may have that restricts accommodations to individuals based on age for individuals who are currently on active duty as a member of the United States Armed Forces, the National Guard, Reserve Forces, or Coast Guard and who present a valid military identification card.

*Effective July 1 (Signed by Governor)*

## **CONDOMINIUMS (including all Associations and Timeshare)**

### **HB 453 Timeshares**

The bill makes the following changes to the Act:

Provides that an ownership interest in a condominium or cooperative unit or a beneficial interest

in a timeshare trust is required for such interests to qualify as timeshare estates;  
Expands the definitions of nonspecific and specific multisite timeshare plans to provide that the plans may include interests other than timeshare licenses or personal property timeshare interests;  
Limits the required disclosure of public offering statements and amendments to timeshare instruments for component sites located in this state;  
Expands the limitation on liability for developers who, in good faith, attempt to and substantially comply with all the provisions of the Act;  
Requires the disclosure of unexpired lease terms in timeshare trusts;  
Repeals the requirement for judicial approval of transactions involving timeshare trust property;  
Creates a procedure for the extension or termination of certain timeshare plans;  
Creates new procedures for the transfer of reservation system and owner data when a managing entity is terminated;  
Requires all multisite timeshare plans to disclose the term of each component site plan and prominently disclose the term of component sites that are shorter than the term of the plan;  
Excludes component site common expenses and ad valorem expenses from the cap on annual increases in common expense assessments;  
Allows for substitute and replacement accommodations that are better than the existing accommodations; and  
Revises the limitations on substitute accommodations.

*Effective July 1 (Signed by Governor)*

### **HB 643 Condominiums**

A condominium may be terminated at any time if the termination is approved by 80 percent of the condominium's voting interests and no more than 10 percent of the voting interests reject the termination. The bill provides that if at least 80 percent of the voting interests are owned by a bulk owner, the following terms govern the termination:

- Unit owners must be allowed to lease their units if the units will be offered for lease after termination;
- Any unit owner whose unit was granted homestead exemption must be paid a relocation payment;
- Unit owners must be paid at least 100 percent of the fair market value of their units;
- Certain dissenting or objecting owners must be paid at least the original purchase price paid for their units;
- The outstanding first mortgages of all unit owners current on association assessments and mortgage payments must be satisfied in full;
- A notice identifying any person or entity that owns 50 percent or more of the units and the purchase and sale history of any bulk owners must be provided to owners; and
- A board with at least one-third of the members elected by unit owners other than a bulk owner must approve the termination.

The bill also makes changes to condominium termination proceedings that are not specific to those owned by bulk owners, including:

- If a condominium association fails to approve a plan of termination another termination may not be considered for 18 months;
- A condominium formed by a conversion cannot be terminated for five years, unless there are no objections to the termination;
- A plan of termination may be withdrawn under certain circumstances;
- A termination trustee may reduce termination proceeds to a unit for unpaid fines, costs, and expenses;
- Unit owners may only contest the fairness and reasonableness of the apportionment of the proceeds from the sale, that the liens of the first mortgages of unit owners will not be satisfied, or that the required vote was not obtained;
- An arbitrator may void a plan of termination if it determines that the plan did not apportion the sales proceeds fairly and reasonably, that the plan was not properly approved, or that the procedures to adopt the plan were not properly followed.

*Effective immediately upon becoming law, June 16, 2015*

## **HB 791 Condominiums**

Specifically, the bill:

- Regulates the order of application of payments received by a condominium or cooperative association for past due assessments;
- Revises provisions related to fines and penalties assessed by associations;
- Provides that a homeowners' association may only levy fines up to \$100, unless otherwise provided in the association's governing documents;
- Provides that a homeowners' association member that fails to pay a fine may be suspended from the board of directors or barred from running for the board;
- Creates a mechanism for electronic voting of the membership of a condominium, cooperative, or homeowners' association, provided that the association's board adopts a resolution to allow for electronic voting;
- Authorizes a condominium, cooperative, or homeowners' association to provide electronic notice of certain meetings without amending the association's bylaws;
- Provides that a homeowners' association's failure to provide notice of the recording of an amendment does not affect the validity or enforceability of the amendment;
- Authorizes non-profit corporation proxy voting based on a reproduction of the original proxy;
- Updates the definition of "governing documents" for homeowners' associations to include the rules and regulations that have been adopted by the association; and
- Extends the time limitation for classification as bulk assignee or bulk buyer under the Distressed

*Takes effect on July 1 (Signed by Governor)*

## **OTHER HOUSING**

## **HB 383 Private Property Rights**

The bill creates a cause of action to recover damages for landowners where local and state governmental entities impose conditions that rise to the level of prohibited, and therefore unconstitutional, exactions. Plaintiffs under the cause of action will be required to provide pre-suit notice to the governmental entity to allow an opportunity to explain or correct the prohibited exaction without need for further litigation. If the suit is necessary, the bill requires the governmental entity to prove the exaction complies with the standards set by the U.S. Supreme Court while the property owner must prove damages from the prohibited exaction. The bill clarifies the measure of damages recoverable under the cause of action and provides for injunctive relief, and it allows recovery of costs and attorney fees. Governmental entities may recover attorney fees and costs if they prevail. Finally, impact fees and non-ad valorem assessments are exempt from the bill, and sovereign immunity is waived to the extent of damages assessed under the new cause of action.

The bill also amends the Bert J. Harris, Jr., Private Property Rights Protection Act to provide that only those property owners whose real property is the subject of and directly impacted by the action of a governmental entity may bring suit under the Act, and it provides that the Act's safe harbor provisions for settlement agreements between a property owner and governmental entity apply regardless of when the settlement agreement was entered. In addition, actions taken by counties to adopt Federal Emergency Management Agency flood maps for the purpose of participating in the National Flood Insurance Program are not subject to claims under the Act, with certain exceptions.

*Effective October 1 (Signed by Governor)*

## **HB 87 Construction Defect Claims**

The bill includes a "temporary" certificate of occupancy in the definition of "completion of a building or improvement."

The bill requires that the notice of claim identify the location of each defect, based upon at least a visual inspection, sufficient to enable the responding party to locate the alleged defect without undue burden. A claimant is not required to perform destructive or other testing before providing a notice of claim.

The bill requires that the contractor's response to a notice of claim indicate whether he or she is willing to make repairs, settle the claim with a monetary offer, or both, whether the contractor disputes the claim, or whether the contractor's insurer will cover the claim.

The bill provides that furnishing a copy of the notice of claim to an insurance company does not constitute a claim for insurance purposes unless provided for under the terms of the contractor's insurance policy.

The bill adds “maintenance records” and other documents to those records to be exchanged by the claimant with the contractor related to the defect claim. However, a party does not have to disclose privileged documents or records.

*Effective October 1 (Signed by Governor)*

### **SB 608 Real Estate Brokers and Appraisers**

The bill requires the Florida Real Estate Commission to adopt rules to allow a brokerage to register a temporary broker in an emergency situation when the sole broker of a brokerage office dies or unexpectedly cannot remain a broker.

The bill extends the current pre-licensing and post-licensing education exemption for real estate salesperson and broker applicants who hold a four-year degree in real estate to also include applicants who hold a degree in real estate greater than a four-year degree, such as a Master’s or Doctorate Degree.

The bill grants authority to the Florida Real Estate Commission to adopt rules to reinstate a license that has become null and void, under certain circumstances. The Commission may reinstate such a license if the request for reinstatement is within six months of the license becoming null and void, and the applicant was unable to comply due to illness or economic hardship.

The bill clarifies several records retention requirements for appraisers and appraisal management companies, to align Florida’s retention requirements with the federal requirements. The bill deletes a limited exception to the restriction on the Department’s authority to inspect or copy the records of an appraisal management company and provides full authority to inspect such records.

To conduct federally related appraisal transactions, an appraiser, in any state, must be certified by a state licensure board that meets the federal minimum appraisal standards, one of which is a requirement that the state offer reciprocity to any appraiser licensed or certified by another state, so long as the other state’s licensure requirements meet or exceed the host state’s requirements. Appraisers nationwide complete two examinations for certification, a national-level generalized exam and a state-specific exam.

In order to comply with federal reciprocity requirements, the bill removes the authority for the Florida Real Estate Appraisal Board to have a “mutual agreement” with another state for an out-of-state appraiser to become licensed in Florida through reciprocity. Florida will only require out of state certified appraisers to complete the Florida specific examination to become certified in Florida.

*Effective July 1 (Signed by Governor)*

## **IDENTITY THEFT**

## **HB 157 Fraud and Identity Theft Protection for Businesses**

The bill amends chapter 817 to afford businesses throughout Florida broader protection against fraud and business identity theft, and to enable individuals to more easily identify when identity theft has occurred and restore their identity and credit afterwards. Specifically, the bill:

- Makes it unlawful for a person to falsely personate or represent another person if, while doing so, he or she receives any property intended to be delivered to the party so personated, with intent to convert the property to his or her own use;
- Requires a business entity to release documents related to an identity theft incident to a victim after specified requirements are satisfied and provides protections to such business entities who release such information in good faith;
- Expands the application of criminal use of personal identification to include those who unlawfully use the personal identification information of a business entity (rather than an individual) or a dissolved business entity;
- Defines “business entity” and replaces the terms “corporation” and “firm,” with the term “business entity,” to ensure that all business operating in Florida receive the protections of ch. 817, F.S.;
- Adds advertisements published electronically to the definition of misleading advertisements;
- Prohibits a person from manufacturing articles that have the name of a city, county, or political subdivision, that is not the same name than the one in which said items are manufactured;
- Prohibits specified persons from fraudulently issuing, transferring, or signing an indicia of membership interest with a limited liability company with the intent that the interest be issued or transferred by himself, herself, or another person;
- Prohibits a person from knowingly providing false information that becomes part of a public record; and
- Increases the criminal penalty of fraudulently obtaining goods or services from a health care provider from a second degree misdemeanor to a third degree felony.

*Effective October 1 (Signed by Governor)*

## **DIGITAL ISSUES**

### **SB 222 Computer Abuse and Data Recover Act**

The bill creates the Computer Abuse and Data Recovery Act, which establishes a civil cause of action for the hacking of business computers.

"Hacking" is the unauthorized access of a computer or its related technologies, usually with intent to cause harm. Hackers are subject to criminal and civil penalties under the Florida Computer Crimes Act (“CCA”) and the federal Computer Fraud and Abuse Act (“CFAA”). However, due to the narrow statutory remedies available, and the challenges to prosecution of hacking by insiders or employees, businesses have found it increasingly difficult to bring and sustain civil claims against hackers under the CCA and CFAA.

The bill creates the "Computer Abuse and Data Recovery Act" ("CADRA") which establishes an additional civil cause of action for owners, operators, or lessees of business computers, or owners of information stored in business computers, that are injured by an individual who:

- Obtains information from a business computer without authorization;
- Transmits a program, code, or command to a business computer without authorization; or
- Traffics in any technological access barrier (e.g., password) through which access to a business computer may be obtained without authorization.

The bill provides civil remedies for violations of CADRA including the recovery of actual damages, lost profits, economic damages, and copies of misappropriated information, as well as injunctive or other equitable relief.

CADRA is inapplicable to certain technology service providers and lawful investigative, protective, or intelligence activities of governmental agencies.

*Effective October 1 (Signed by governor)*

### **SB 604 True Origin of Digital Goods Act**

The bill creates the "True Origin of Digital Goods Act," which requires owners and operators of websites that electronically disseminate commercial recordings and audiovisual works to provide their true and correct name, address, and telephone number or e-mail address on the website.

An owner, assignee, authorized agent, or licensee of a commercial recording or audiovisual work may bring a cause of action for declaratory and injunctive relief against an owner or operator of a website that has failed to disclose the required personal information.

Prior to filing a claim, the aggrieved party must provide the website owner or operator notice and an opportunity to cure 14 days before filing the claim. If a claim leads to the filing of a lawsuit, the prevailing party is entitled to recover expenses and attorney fees.

Proponents argue that bad actors are unlikely to disclose the personal information required by this bill, and thus, this bill will allow owners of copyrighted works to indirectly protect their intellectual property.

*Effective July 1 (Signed by Governor)*

## **MOTOR VEHICLE INSURANCE**

### **HB 4011 Motor Vehicle Insurance**

Current law limits private passenger motor vehicle policies to no more than four vehicles per policy. If there are more than four such vehicles in the household, the consumer must purchase



and the insurer must underwrite multiple policies. An estimated 51,408 households in the state have five or more vehicles available.

The bill removes the four vehicle maximum from the definition of “motor vehicle insurance” in s. 627.041(8), F.S., and the definition of “policy” in s. 627.728(1)(a), F.S., to allow vehicle owners to purchase, and insurers to issue, single policies that cover any number of private passenger motor vehicles, rather than just four or less vehicles per policy.

*Effective July 1 (Signed by Governor)*

## **PROPERTY INSURANCE**

### **HB 165 Property and Casualty Insurance**

The bill contains changes for various types of property and casualty insurance. The bill:

- Removes the requirement to certify property insurance rate filings that are subject to informational rate filing;
- Removes the requirement for commercial non-residential multi-peril insurance, which is subject to informational rate filing, to make an annual filing when rates have not changed;
- Allows insurers to use hurricane loss projection models and estimates of probable maximum losses in a rate filing for 120 days following the stated expiration date of the model, rather than 60 days;
- Changes and makes uniform the due date for a notice of cancellation, nonrenewal, or termination of residential property insurance (all policyholders will get at least a 120-day notice; however, some may receive such notice during hurricane season, instead of by June 1);
- Requires a notice of right to participate in the neutral evaluation program to be issued only if there is sinkhole coverage under the policy and if the sinkhole claim was submitted timely;
- Aligns the period in which Personal Injury Protection medical services were rendered with the year the applicable reimbursement fee schedule is in effect and states precisely the beginning and end of the year (March 1 through the end of the following February);
- Creates an exemption from a licensure requirement under the Florida Motor Vehicle No-Fault Law for clinics that are certified under federal law and exempt from state health care clinic licensure;
- Modifies motor vehicle pre-insurance inspection requirements to exempt leased vehicles from such inspections and allows insurers to elect whether to require receipt of certain documents related to the vehicle;
- Adds the vehicle’s registration and removes the dealer’s invoice from the documents that the insurer may require at the time of insuring a new, unused motor vehicle and limits claim reimbursement and property damage coverage suspension based on the timing of document delivery, if the insurer elected to require the documents; and

- Allows insurers to include Florida Insurance Guaranty Association (FIGA) coverage information in their advertising and sales efforts, but they must explain the limits of the FIGA coverage.

*Effective July 1 (Signed by the Governor)*

### **HB 273 Insurer Notifications**

The bill allows an insurer to send a Notice of Change of Policy Terms separate from the renewal notice as long as the notice is sent within the policy nonrenewal time limits in current law. Generally, the nonrenewal time limits are notice at least 100 days prior to the effective date of the nonrenewal. The bill also requires the insurer to provide the policyholder's insurance agent with a sample copy of the Notice of Change of Policy Terms before or at the same time as the Notice is provided to the policyholder.

If an insurer seeks to offer optional coverage (that increases the premium) as a part of a renewal policy, the bill prohibits the insurer from using the "Notice of Change in Policy Terms" to add the optional coverage to the policy unless the policyholder affirmatively approves.

The bill has no fiscal impact on state or local government. Property and casualty insurers who choose to provide a Notice of Change of Policy Terms by mail, separate from the renewal notice, may incur additional costs associated with printing and mailing this Notice. On the other hand, insurers who utilize the electronic delivery option should experience cost savings.

*Effective July 1 (Signed by Governor)*

### **HB 715 Citizens Property Insurance**

The bill removes the prohibition on coverage for any major structure that is substantially improved pursuant to a building permit applied for on or after July 1, 2015, but retains the prohibition on new construction of a major structure. A major structure that is rebuilt, repaired, restored, or remodeled to increase the total square footage of finished area by more than 25 percent pursuant to a permit applied for after July 1, 2015, is also ineligible for coverage from Citizens.

*Effective July 1 (Signed by Governor)*

### **HB 1087 Citizens Property Insurance Corporation**

The bill makes the following changes to the depopulation program:

- After January 1, 2016, a policyholder must be told when one or more insurers has expressed an interest in assuming the policyholder's policy. This will enable a policyholder to work with his or her agent to make an informed decision about insurance coverage.
- After January 1, 2016, a policy may not be taken out from Citizens unless the policyholder received information in a uniform format that he or she can use to compare takeout offers to each other and to the coverage the policyholder has with Citizens. The

policyholder must receive the estimated renewal premium, the renewal coverage, including an explanation of differences, and a comparison of both the premium and coverage to the premium and coverage of the Citizens renewal policy.

- Effective July 1, 2015, a policyholder may elect not to be solicited for takeout more than once in a six- month period. In addition, the bill allows a consumer to retain eligibility for Citizens insurance through the Clearinghouse if the insurer increases its initial premium more than 10 percent above its original estimate or increases the rate on the policy more than 10 percent per year during the 36 months following takeout.

In addition, the bill:

- Provides the consumer representative on the Citizens' board with the same exemption from the conflict of interest statute that currently applies to the board members with insurance expertise;
- Authorizes additional entities to receive confidential underwriting data for the purpose of analyzing risks for underwriting and limits use of the data; and
- Requires an insurance agent to have at least one appointment with an insurer in order to retain eligibility to write insurance with Citizens.

***Effective July 1 (Vetoed by the Governor)***

### **SB 1094 Flood Insurance**

The bill requires surveyors and mappers to complete elevation certificates in accordance with procedures developed by the Division of Emergency Management, and requires local governments to include certain coastal management elements for their comprehensive plans. In addition, the bill amends s. 627.715, F.S., to:

- Create a fifth type of flood insurance, called “flexible flood insurance,” which is defined as the coverage for the peril of flood that may include water intrusion coverage, and includes or excludes specified provisions, including the authority to limit coverage to only the outstanding mortgage on the property and to allow dwelling loss to be adjusted only on the actual cash value of the property;
- Clarify the definition of supplemental insurance to permit coverage in excess over any other flood insurance;
- Provide that the notice that insurance agents must provide to potential insureds must notify the applicant that the full risk rate may apply, if NFIP coverage at a subsidized rate is discontinued;
- Authorizes the OIR to require insurers to provide appropriate return of premium to former insureds or to credit current policyholders, if the OIR determines a flood coverage rate is excessive or unfairly discriminatory; and,
- Allow an insurer to request a certification from the OIR that acknowledges that a private flood policy equals or exceeds the coverage offered by NFIP. Subject to the OIR's confirmation that such policy is NFIP-equivalent, these certifications may be used in advertising and communications with agents, lenders, insureds, and potential insureds. The bill provides that an insurer or agent who knowingly misrepresents that a flood policy, contract, or endorsement is certified commits an unfair and deceptive act.

***Effective July 1 (Signed by Governor)***

## ENERGY/UTILITIES

### HB 7109 Florida Public Service Commission

The bill:

- Establishes term limits for persons appointed to serve on the Public Service Commission (PSC);
- Requires a person who lobbies the Public Service Commission Nominating Council to register as a legislative lobbyist pursuant to s. 11.045, F.S., and comply with the provisions of that section;
- Requires PSC commissioners to annually complete four hours of ethics training;
- Expands the prohibition on ex parte communications to communications in a proceeding affecting substantial interests which a commissioner knows or reasonably expects will be filed within 180 days;
- Expands the prohibition on ex parte communications to include certain communications at scheduled and noticed open public meetings of educational programs and conferences of regulatory agency associations;
- Authorizes the Governor to remove from office a commissioner found by the Commission on Ethics to have willfully and knowingly violated the law with respect to ex parte communications, and requires removal from office after a second such finding;
- Requires the PSC to provide live streaming on the Internet of each PSC meeting attended by two or more commissioners and at which a decision is made concerning the rights or obligations of any person;
- Requires the PSC to place on its website a recording of each meeting, workshop, hearing, or proceeding;
- Prohibits a regulated electric utility from charging a higher rate under a tiered rate structure due to an increase in usage attributable to a billing cycle extension;
- Establishes limits on the deposit amount that a regulated electric utility may require from a customer;
- Requires a regulated electric utility to notify each customer of all available rates and to provide good faith assistance to the customer in selecting the best rate;
- Requires new and amended tariffs of regulated electric utilities to be approved by vote of the PSC, except for administrative changes, unless otherwise provided by law;
- Specifies that moneys received to implement measures to encourage demand-side renewable energy systems must be used solely for that purpose, including administrative costs of such measures; and
- Creates a financing mechanism by which an investor-owned electric utility, subject to the terms of a PSC order approving the use of such mechanism, may recover certain costs associated with the premature retirement of a nuclear power plant if the PSC finds that customer savings will result.

*Effective July 1 (Signed by Governor)*

## CONSUMER PROTECTION

### **HB 275 Intrastate Crowdfunding**

The bill creates an intrastate crowdfunding exemption within the Florida Securities and Investor Protection Act, ch. 517, F.S., which is administered by the Florida Office of Financial Regulation (OFR). The issuer, intermediary, investor, and transaction must all be in Florida in accordance with the federal intrastate exemption. Like Title III of JOBS, the bill exempts an issuer and the offering for a 12-month online offering up to \$1 million of securities, requires registration for the intermediary, and mirrors the federal law's investment limitations for investors. The bill requires issuer notice-filings and intermediary registrations with the OFR, initial and periodic disclosures to investors, an escrow agreement for investor funds, a right of rescission, and financial reporting to investors and to the OFR. Filing fees for issuers and intermediaries will be deposited into the Regulatory Trust Fund of the OFR. The bill also gives authority to the Financial Services Commission to adopt rules relating to matters including notice-filing and registration forms and procedures, and certain recordkeeping and financial reporting requirements.

*Effective October 1 (Signed by Governor)*

### **SB 806 Office of Financial Regulation**

The bill makes a number of minor clarifying changes to the Codes and streamlines several OFR regulatory processes. Specifically, the bill:

- Amends the definition of a financial institution's "main office";
- Authorizes the electronic payment of assessments and clarifies payment deadlines;
- Eliminates the requirement that appraisal costs be approved by the OFR;
- Clarifies the definition of "executive officer";
- Corrects a cross-reference for trust service offices;
- Provides a uniform due date for annual certifications of capital accounts required of international banking corporations; and
- Provides that international banking entities operating in Florida are not required to comply with civil United States and are not in the possession, control, or custody of the international banking entity established in Florida.

*Effective October 1 (Signed by Governor)*

## EMPLOYMENT RELATED

### **SB 456 Labor Pools**

The bill amends the Labor Pool Act (the Act) to authorize labor pools to pay the wages of day laborers by payroll debit card or electronic fund transfer to a financial institution designated by the day laborer, in addition to cash or negotiable instrument. The day laborer must be given the

option to elect to be paid in cash or negotiable instrument. The labor pool is subject to certain limitations and notice requirements.

*Effective July 1 (Signed by Governor)*

### **SB 982 Florida Civil Rights Act**

Although Title VII has been amended to expressly include pregnancy status as a component of sex discrimination, the FCRA does not contain a similar provision. As a result, state and federal courts have historically been divided on whether discrimination based on pregnancy is an unlawful practice under the FCRA. In 2014, the Florida Supreme Court held in *Delva v. Continental Group, Inc.*, that discrimination based on pregnancy is subsumed within the prohibition in the FCRA against sex discrimination in employment practices, consistent with the express provisions of Title VII.

The bill amends the FCRA to codify the *Delva* decision. It expressly provides that discrimination on the basis of pregnancy is a prohibited employment practice. The bill also amends the FCRA to prohibit discrimination on the basis of pregnancy in places of public accommodation.

*Effective July 1 (Signed by Governor)*

### **SB 1312 SLAPP Suits**

The bill amends the Citizen Participation in Government Act to:

- Include meritless suits filed by private entities within the anti-SLAPP provisions of the Act;
- Include the exercise of the constitutional right of free speech in connection with a public issue, defined as certain written or oral statements made before a governmental entity or made within certain media, to the protection from SLAPP suits; and
- Provide that a meritless suit is prohibited by the Act if the primary basis for such suit is the exercise of rights protected by the Act.

*Effective July 1 (Signed by Governor)*

## **TITLE INSURANCE**

### **HB 927 Title Insurance**

The bill changes the administration process regarding assessment recovery surcharges. Specifically, the bill:

- Removes language limiting the surcharge to one per insolvent company, permitting the receiver to adjust the surcharge amount related to a particular company;
- Requires transaction settlement statements to specify that the surcharge amount is a “surcharge” and provide that the surcharge is not premium;
- Requires any insurer that was not subject to a given assessment, regardless of their activity in the previous calendar year, to collect and remit the surcharge to the receiver as an excess surcharge;

- Establishes an excess surcharge account for use as specified in the bill and described below;
- Allows the OIR to end surcharges after all actively writing title insurers have recovered the assessment;
- Rolls unused excess surcharges held by the receiver into the IRTF, after certain conditions are met, rather than immediately upon receipt; and
- Grants specific rulemaking authority.

*Effective July 1 (Signed by Governor)*

**\*Explanations of bills provided above are from the final analyses prepared by staff of the Florida House of Representatives.**