

Business Law Section of The Florida Bar

2014 Legislative Update

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2014 Legislative Statistics

1,812

Total Filed

720

Never Heard

828

Heard, but
Not Passed

264

Passed Bills

2014 “Above the Fold Issues”

Education Common
Care Standards/
Career Training

Expansion of
Gaming

State Employees
and Local
Government
Pension Reform

Medical Marijuana

Property Insurance
Issues – Flood

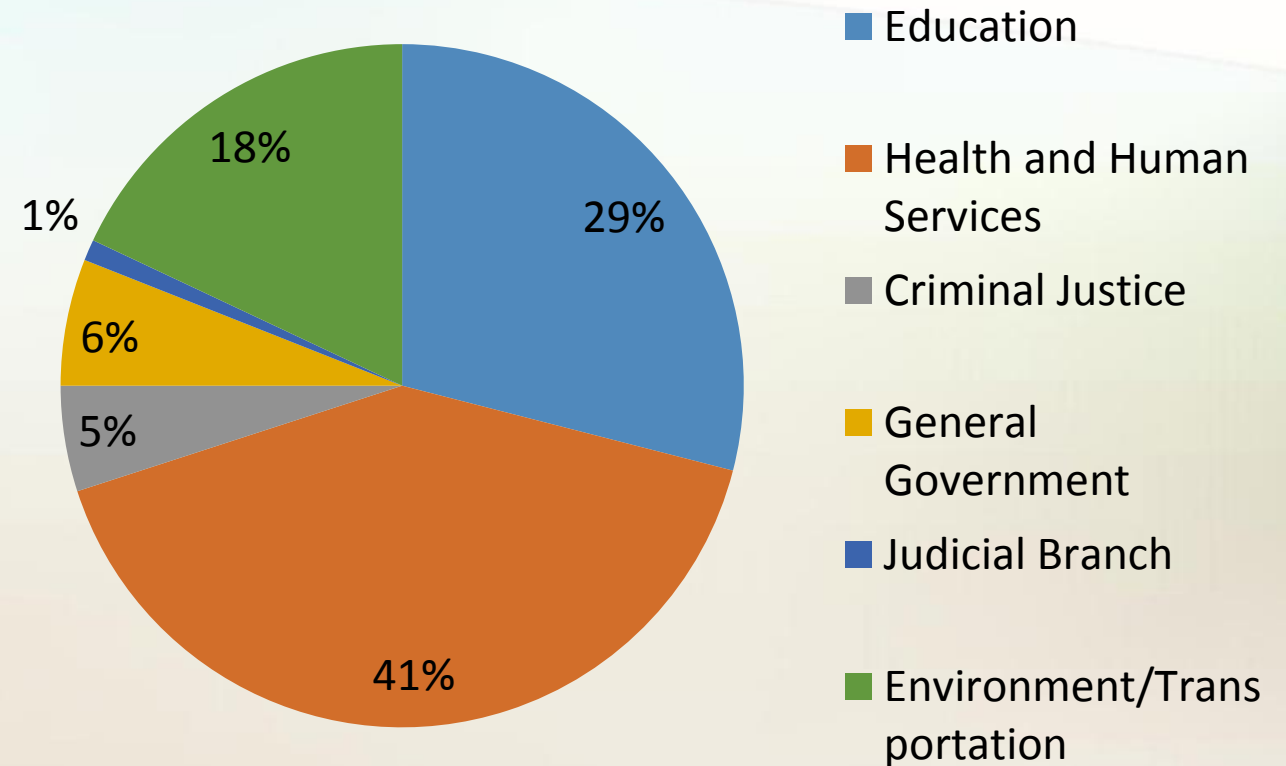
Florida GI Bill

\$500 Million in Tax
Cuts

Florida State Budget

2014-2015 Budget

- Legislature constitutionally responsible to pass a state budget.
- 2014 – 2015 budget: \$77.1 billion.
 - \$3.1 billion in the Rainy Day Fund.
 - \$500 million in tax cuts.
 - \$31 billion for Health and Human services, including \$24 billion for Medicaid.



State Court Budget

- Overall, 2014-2015 Civil and Criminal Justice Funding was **\$4.66 billion**.
- **\$501 million** for State Court System Budget - Approximately **.6%** of total state budget (Compared to \$443 million for Fiscal Year 2013-2014).
- Budget includes **\$8.1 million** for the court employee pay disparity package that was the top budget item for the courts this year.
- Provided for in other parts of the budget were extra dollars to address employee retention pay issues for Assistant State Attorneys and Assistant Public Defenders, totaling **\$9.6 million**.

Civil Legal Assistance Funding

- The Florida Access to Civil Legal Assistance Act (FACLA) was passed by the Florida Legislature and signed into law in 2002.
- Locally run legal aid programs provide FACLA services to qualifying low-income residents to resolve problems involving family law, entitlement to federal benefits including veterans benefits, domestic violence, elder abuse and juvenile law.
- The Legislature agreed to provide **\$2 million** for funding civil legal assistance, but the funding was vetoed by Governor Scott.

Attorneys for Dependent Children with Disabilities

- HB 561 by Rep. Erik Fresen (R – Miami) and SB 972 by Sen. Bill Galvano (R – Bradenton) relating to the appointment of an attorney for dependent children who have specified special needs.
- Requires the court to appoint an attorney for dependent children who reside in or are being considered for placement in a nursing facilities, are prescribed but refuse a psychotropic medication, have a diagnosis of a developmental disability, are placed or considered for placement in residential treatment centers, or are victims of human trafficking.
- Provides **\$4.2 million** to the Justice Administrative Commission to contract for attorneys for dependent children with special needs. Payment of attorneys fees is capped at **\$1,000 per child** per year.
- Approved by the Governor.

Unlicensed Practice of Law (UPL)

- Currently, F.S. §454.23 makes the UPL a third-degree felony.
- Both **SB 1496** by Senator Greg Evers (R-Pensacola) and **HB 7039** by Rep. Mike Hill (R-Pensacola) would have exempted certain activities from the criminal penalties for UPL under that statute. The Florida Bar opposed this legislation and adopted the following position:

“Supports the exclusive jurisdiction of the Supreme Court of Florida to define the practice of law in this state consistent with Article V, Section 15 of the Constitution of the State of Florida. In furtherance thereof, The Florida Bar opposes SB 1496 and HB 7039 in the 2014 Legislative Session.”
- Community Association Managers (CAMs) concerns also contributed to the UPL discussion last session.
- SB 1496 and HB 7039 died in committee. However, the Legislature did pass **HB 7037** which authorizes community association managers to perform a number of activities that are the subject of a proposed UPL opinion pending before the Supreme Court of Florida.

2014 BLS Legislation: Section Specific

Benefit & Social Purpose Corporations

- Successful passage of Business Law Section priority legislation HB 685 by Rep. Pat Rooney (R-West Palm) and Sen. Jeff Clemens (D-Lake Worth)!
- HB 685 creates two new types of Florida corporations, Benefit and Social Purpose Corporations.
- Make sure to thank Prof. Stu Cohn and Stuart Ames when you see them for all of the technical support throughout the 2013 and 2014 Sessions and the immense time commitment drafting this legislation.
- HB 685 was signed by the Governor on June 20, 2014, and this legislation will be effective July 1, 2014.

Financial Literacy

- HB 367 by Rep. Heather Fitzenhagen (R-Ft. Myers) and SB 212 by Sen. Dorothy Hukill (R-Daytona) related to high school graduation requirements.
- These bills proposed requiring a one-half credit personal financial literacy course for Florida high school students.
- SB 212 received two committee hearings, while HB 367 did not receive any hearings this past Session. Education related bills faced significant issues relating to political pressures due to debate on Common Core and national education standards.
- Expect this issue to return in 2015.

Arbitration

- SB 1664 by the Judiciary Committee.
- The bill corrects a scrivener's error in the Revised Florida Arbitration Code, which was enacted by the Legislature during the 2013 Legislative Session.
- The bill applies retroactively to July 1, 2013, which was the effective date of the legislation enacting the Revised Florida Arbitration Code.
- Approved by the Governor.

Computer Crimes

- HB 641 by Rep. Mike La Rosa (R-St. Cloud) and SB 364 by Sen. Jeff Brandes (R-St. Petersburg) related to computer crimes.
- These bills proposed changes to Florida Statutes that would have created numerous unintended consequences. The BLS worked to technically amend these bills to ensure this legislation was not overly broad and more accurately addressed some of the concerns the sponsors intended to remedy in statute.
- HB 641, and the companion public records exemption legislation (HB 643), were signed by the Governor on June 20, 2014, and will take effect October 1, 2014.

Application of Foreign Law

- SB 386 by Sen. Alan Hays (R-Umatilla) and HB 903 by Rep. Neil Combee (R-Auburndale) related to the application of foreign law in the litigation of family law and child custody matters.
- These bills have been proposed for many years and the BLS has continually worked to ensure that this legislation would not negatively impact any business laws by limiting this legislation to family law and child custody litigation.
- SB 386 was signed into law by Gov. Scott on May 12, 2014, and will take effect October 1, 2014.

Proceedings Supplementary

- SB 828 by Sen. Rob Bradley (R-Orange Park) relating to the court system was amended on the floor by Sen. David Simmons (R-Orlando) to include language relating to proceedings supplementary.
- Changes in this bill reflect common practices regarding proceedings supplementary and allow the court to enter any order, judgment or writ that is required.
- In addition, SB 828 repeals and updates numerous outdated provisions related to the courts.
- SB 828 was signed on June 20, 2014, and will take effect July 1, 2014.

Service of Process

- HB 627 by Rep. Ray Pilon (R-Sarasota) and SB 620 by Sen. Nancy Detert (R-Venice) related to service of process.
- These bills made changes to Florida Statutes related to service of process at the request of the Florida Sheriff's Association. The BLS provided technical assistance during the 2013 and 2014 Sessions.
- HB 627 was signed by the Governor on June 20, 2014, and will take effect July 1, 2014.

Collaborative Law

- SB 1190 by Sen. Tom Lee (R-Brandon) and HB 1397 by Rep. Mike La Rosa (R-St. Cloud) related to collaborative law.
- These bills proposed changes to Florida Statutes which would have created a collaborative law process for all family law matters.
- These bills received hearings in both the House and Senate and ultimately died waiting to be read a final time on the Senate floor.
- Expect this issue to return in 2015.