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CALL TO ORDER

The Senate was called to order by President Haridopolos at 9:00 a.m.
A quorum present—38:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Excused: Senator Bullard

PRAYER

The following prayer was offered by Senator Wise:

Almighty Father, Creator of Heaven and Earth, the Great Physician and Healer, this legislative body would like to ask for your special healing power, specifically for Senator Larcenia Bullard and for Dave Bitner. You know their physical issues and with your healing power, we ask that their bodies be healed. You have said, "ask and you shall receive," and we are asking today at this very moment that these two godly individuals receive your mercy and healing power.

I would ask that you provide the leadership of the Florida House and Senate with the wisdom to make the right decisions for the welfare of the citizens of Florida during deliberations this very day. Nothing seems easy, but if we seek your divine guidance, you will guide our decisions. Nothing is impossible if we seek your wisdom first, and that is why we start each day in this Senate by seeking your wisdom. We lean not on our own understanding, but seek your guidance in all that we do.

Lastly, I ask that you provide each of us assembled here today the peace that passes all understanding. You are the great Healer, the Prince of Peace and the Great I Am. And we all say, Amen.

PLEDGE

Senate Pages Victor Chrispin of Jacksonville; Rebekah Giordano of New Port Richey; Elizabeth Fechtel of Leesburg; and Dakota Treffeisen of Lake Panasoffkee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Jon R. Ward of Panama City, sponsored by Senator Gaetz, as doctor of the day. Dr. Ward specializes in Dermatology.

ADOPTION OF RESOLUTIONS

At the request of Senator Hill—

By Senator Hill—

SR 184—A resolution recognizing May 12, 2011, as "Fibromyalgia Awareness Day" in Florida.

WHEREAS, an estimated 10 million people in the United States and millions of people worldwide have been diagnosed as having fibromyalgia, a disease for which there is no known cause or cure, and

WHEREAS, it often takes an average of 5 years to receive a diagnosis of fibromyalgia, and medical professionals frequently are inadequately educated on the diagnosis and treatment of fibromyalgia, and

WHEREAS, fibromyalgia is a chronic pain disorder that is becoming an increasingly common diagnosis and taking a toll emotionally, financially, and socially on patients and their family, friends, coworkers, and communities, and

WHEREAS, fibromyalgia is a life-altering diagnosis, preventing patients from contributing to society at the level they once did because of myriad symptoms that come and go unpredictably and vary in severity, and

WHEREAS, the chronically ill place a larger burden on the health care and insurance systems and on employers due to the costs associated with treatment, medications, and sometimes hospitalizations associated with the disorder, and

WHEREAS, society as a whole is also affected when patients are physically unable to work and must depend on government assistance in order to survive, and

WHEREAS, increased awareness and expanded knowledge of the realities of fibromyalgia will allow the community at large to better support patients who struggle with the challenges of this chronic pain disorder, as well as their families, friends, coworkers, and employers, and

WHEREAS, the National Fibromyalgia Association is a nonprofit charitable organization and the publisher of Fibromyalgia AWARE, the first and only consumer magazine that covers fibromyalgia, and

WHEREAS, the National Fibromyalgia Association, the Fibro Chronic Babes of Jacksonville, and other groups around the country have joined

together to promote fibromyalgia awareness and support, including improved education, diagnosis, research, and treatment, and

WHEREAS, the National Fibromyalgia Association is urging fibromyalgia patients and their supporters, health care providers, and the public to join its efforts on or around May 12, 2011, to walk for a solution in their community or participate in an effort to bring awareness to the far-reaching effects of fibromyalgia, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That May 12, 2011, is recognized as “Fibromyalgia Awareness Day” in Florida, and the Senate urges all Floridians to support the search for a cure and assist individuals and families in dealing with this disorder.

—**SR 184** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 186—A resolution urging support of the American Stroke Association’s “Power to End Stroke” campaign and recognizing May 2011 as “Power to End Stroke Month” in Florida.

WHEREAS, stroke is the third leading cause of death in the United States, striking about 700,000 Americans each year and killing 150,000, and

WHEREAS, stroke is also a leading cause of serious long-term disability in the United States, with more than 1.1 million adults experiencing functional limitations or difficulty with activities of daily living resulting from stroke, and

WHEREAS, on the average, a stroke occurs every 45 seconds in the United States and takes a life every 3 minutes, and

WHEREAS, the estimated direct and indirect costs of stroke in the United States this year will be more than \$62 billion, and

WHEREAS, the majority of Americans are unaware of their risk factors for a stroke and are unaware of the signs and symptoms of an impending stroke, and

WHEREAS, statistics show that African Americans have almost twice the risk of a first stroke compared to Caucasians, primarily because of their increased risk of hypertension, high cholesterol, and diabetes, and

WHEREAS, the American Stroke Association in 2008 launched the “Power to End Stroke” campaign, the goal of which is to educate and empower African Americans, as well as those of other ethnic groups, to fight stroke in their communities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes May 2011 as “Power to End Stroke Month” in Florida and urges all residents of this state to recognize that stroke must be taken seriously in order to reduce its risks.

BE IT FURTHER RESOLVED that the Senate urges all Floridians to support the American Stroke Association’s “Power to End Stroke” campaign by becoming familiar with the warning signs, symptoms, and risk factors associated with stroke and live stronger, healthier lives.

—**SR 186** was introduced, read and adopted by publication.

At the request of Senator Gaetz—

By Senators Gaetz and Evers—

SR 2178—A resolution recognizing the Pensacola State College Lady Pirates women’s basketball team.

WHEREAS, the Pensacola State College Lady Pirates women’s basketball team recently competed in the National Junior College Athletic Association National Championship Tournament in Salina, Kansas, after spending most of the year ranked first in the national polls, and

WHEREAS, the Pensacola State College Lady Pirates finished the National Junior College Athletic Association National Championship Tournament with a third-place national ranking, and

WHEREAS, the Pensacola State College Lady Pirates completed the season with a phenomenal 35 wins and 1 loss, winning a college record of 34 straight games and earning their first trip to nationals since 1985, and

WHEREAS, the Pensacola State College Lady Pirates were undefeated in regular season play in the Panhandle Conference and in the Florida State College Athletic Association State Championship Tournament, winning the Florida State Championship, and

WHEREAS, Lady Pirates Coach Chanda Rigby was named Panhandle Conference Coach of the Year and State of Florida Coach of the Year for her outstanding leadership, and

WHEREAS, Lady Pirates player Jessica Merritt was named a First-Team All-American, as well as First-Team All-State, All-Conference, and Florida State Tournament Most Valuable Player, and

WHEREAS, Lady Pirate player Meghan Perkins was named a First-Team All-American, was a member of the All-National Tournament Team, and was named Player of the Year by the Florida State College Athletic Association and Panhandle Conference Player of the Year, as well as All-State, All-Panhandle Conference Player, and was an All-State Tournament Player, and

WHEREAS, the Pensacola State College Lady Pirates represented this state in the National Junior College Athletic Association National Tournament with wins over Malcolm X College, Copiah-Lincoln Community College, and Northern Oklahoma Community College, losing only to Northern Idaho Community College, and

WHEREAS, Pensacola State College Lady Pirates players Brandy Broome, Meghan Perkins, Jessica Merritt, Ashley Olvera, Natalie Burke, Tawanna Lee, Najat Ouardad, Patricia Bright, Darnisha Hamilton, Jenisha Jackson, and Karneshia Garrett represented Pensacola State College, the Florida Panhandle Conference, and the State of Florida with outstanding athletic teamwork, superior sportsmanship, and collegiate distinction, and

WHEREAS, Lady Pirates Karneshia Garrett, Najat Ouardad, Meghan Perkins, and Jessica Merritt were named to the All-Panhandle Conference Team, with Lady Pirates Brandy Broome, Tawanna Lee, Ashley Olvera, and Darnisha Hamilton named to the All-Panhandle Conference Second Team, and

WHEREAS, the success of the Lady Pirates basketball team would not have been possible without the dedication and enthusiastic support of Assistant Coaches Kayla Ard and LaToya Thomas, staff members Verdine Warner, Deb Lee, Marcie Grace, and John Noski, Pensacola State College Athletic Director Bill Hamilton, Pensacola State College President Ed Meadows, Student Services Vice President Tom Gilliam, Pensacola State College cheerleaders Emily L. Burkett, Showalter D. Cooper, Rebecca A. Fenn, Kelsey L. Gibson, Ariel A. Henry, Bradley M. NeSmith, Patricia L. Pyle, Holly C. Spencer, Porscha R. Tucker, and Lindsey L. Yeagle, Cheerleading Coach La Rita J. Carter, and all Pensacola State College Lady Pirates basketball fans from Escambia and Santa Rosa Counties, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Florida Senate recognize the Pensacola State College Lady Pirates women’s basketball team for a championship season and do hereby commend the players, coaches, and staff for their outstanding play in the National Junior College Athletic Association National Championship Tournament.

—**SR 2178** was introduced, read and adopted by publication.

At the request of Senator Gaetz—

By Senator Gaetz—

SR 2204—A resolution urging the Congress of the United States to enact legislation establishing an effective and comprehensive public

alert warning system that embraces state-of-the-art technology and new media and promotes coordination and cooperation between the public and private sectors.

WHEREAS, in 1997, the Emergency Alert System (EAS) superseded the Emergency Broadcast System (EBS) and has since been incorporated into the Integrated Public Alert and Warning System, a program of the Federal Emergency Management Agency (FEMA), and

WHEREAS, the EAS is designed to enable the President of the United States to speak to the nation within 10 minutes following the occurrence of a national emergency, and

WHEREAS, the EAS currently covers AM, FM, and Land Mobile Radio Service; VHF, UHF, and cable television, including low-power stations; digital television and cable providers; Sirius XM satellite radio, IBOC, DAB, and digital radio broadcasters; and Direct TV, Dish Network, and all other DBS providers, and

WHEREAS, rapidly advancing technology and the introduction of new media require that Congress take steps to ensure the capability of the Federal Government to quickly adapt the distribution and content of emergency communications, and

WHEREAS, it is critical to the health and well-being of all Americans that Congress investigate and conduct hearings to inventory, evaluate, and assess public alert and warning capabilities and promote integration of the public alert and warning systems of federal, state, territorial, tribal, and local governments, and

WHEREAS, in situations of war, terrorist attack, natural disaster, or other hazards to public safety, it is essential that the national public alert and warning system reach all Americans regardless of geographic location, language, or disability, and

WHEREAS, it is vital to the national interest that Congress establish training and testing protocols for the public alert and warning system and that all levels of government be required to consult, coordinate, and cooperate with the private sector, including emergency response providers, to implement an effective and comprehensive public alert warning system that uses state-of-the-art technology and embraces new media, NOW THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Florida Senate urges the Congress of the United States to enact legislation establishing an effective and comprehensive public alert warning system that embraces state-of-the-art technology and new media and promotes coordination and cooperation between the public and private sectors.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Speaker and the Minority Leader of the United States House of Representatives, the Majority Leader and the Minority Leader of the United States Senate, and to all sitting members of the Florida delegation to the Congress of the United States.

—**SR 2204** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 818** and **CS for HJR 7111** was deferred.

CS for CS for HB 99—A bill to be entitled An act relating to commercial insurance rates; amending s. 627.062, F.S.; exempting additional categories or kinds of insurance and types of commercial lines risks from being subject to certain otherwise applicable rate filing requirements; deleting a requirement that an insurer's rate change notice include total premium written for an exempt class of insurance; removing a requirement that specified types of records and information related to a rate change be retained by an insurer; requiring actuarial data regarding a rate change for an exempt class of insurance be retained by an insurer for a specified time; requiring the insurer to incur examination expenses; removing a requirement that a rating organization maintain certain statistics related to changes to loss cost for exempt classes of insurance; requiring certain actuarial data related to loss cost

be retained by a rating organization for a specified time; requiring a rating organization to incur examination expenses; deleting authority for the Office of Insurance Regulation to require all necessary information from an insurer in order to evaluate a rate change; amending s. 627.0651, F.S.; expanding an exemption from certain otherwise applicable rate filing requirements to include all commercial motor vehicle insurance; deleting a requirement that a commercial motor vehicle insurer's rate change notice include total premium written; removing a requirement that specified types of records and information related to a commercial motor vehicle insurance rate change be retained by an insurer; requiring actuarial data regarding a commercial motor vehicle insurance rate change be retained by an insurer for a specified time; requiring an insurer for commercial motor vehicle insurance to incur examination expenses; removing a requirement that a rating organization maintain certain statistics related to changes to loss cost for commercial motor vehicle insurance; requiring actuarial data related to loss cost for commercial motor vehicle insurance be retained by a rating organization for a specified time; requiring a rating organization for commercial motor vehicle insurance to incur examination expenses; deleting authority for the Office of Insurance Regulation to require all necessary information from an commercial motor vehicle insurer in order to evaluate a rate change; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for CS for HB 99** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Hays	Richter
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Flores	Norman	

Nays—1

Fasano

Vote after roll call:

Yea—Ring

Nay—Storms

Consideration of **CS for CS for SB 396** was deferred.

CS for HB 1329—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; making scholarships available to students with disabilities who have a 504 accommodation plan issued under s. 504 of the federal Rehabilitation Act; allowing a parent to request and receive a scholarship for a student to enroll in and attend a private school if the student has a 504 accommodation plan; providing that students with certain temporary 504 accommodation plans are ineligible for a scholarship; requiring that the school district notify a parent of available options within 10 days after a 504 accommodation plan is issued; providing that a parent may choose to enroll the student in a public school in an adjacent district under certain conditions; providing for scholarship amounts; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for HB 1329** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Richter
Benacquisto	Garcia	Simmons
Bennett	Gardiner	Siplin
Bogdanoff	Hays	Storms
Dean	Hill	Thrasher
Diaz de la Portilla	Jones	Wise
Dockery	Latvala	
Evers	Lynn	

Nays—9

Braynon	Montford	Sachs
Joyner	Oelrich	Smith
Margolis	Rich	Sobel

Vote after roll call:

Nay to Yea—Braynon

CS for SB 1754—A bill to be entitled An act relating to health insurance; creating s. 624.24, F.S.; prohibiting a person from being compelled to purchase health insurance except under specified conditions; specifying that the act does not prohibit the collection of certain debts; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 1754**, on motion by Senator Garcia, by two-thirds vote **CS for HB 1193** was withdrawn from the Committees on Banking and Insurance; Health Regulation; and Rules.

On motion by Senator Garcia, by two-thirds vote—

CS for HB 1193—A bill to be entitled An act relating to health insurance; creating s. 624.24, F.S.; prohibiting a person from being compelled to purchase health insurance except under specified conditions; specifying that the act does not prohibit the collection of certain debts; providing an effective date.

—a companion measure, was substituted for **CS for SB 1754** and by two-thirds vote read the second time by title.

On motion by Senator Garcia, by two-thirds vote **CS for HB 1193** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Evers	Margolis
Alexander	Fasano	Montford
Altman	Flores	Negron
Benacquisto	Gaetz	Norman
Bennett	Garcia	Oelrich
Bogdanoff	Gardiner	Richter
Dean	Hays	Simmons
Detert	Hill	Storms
Diaz de la Portilla	Jones	Thrasher
Dockery	Lynn	Wise

Nays—7

Braynon	Sachs	Sobel
Joyner	Siplin	
Rich	Smith	

Vote after roll call:

Nay—Ring

Yea to Nay—Hill

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 106** was deferred.

CS for CS for SB 204—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “homologue” for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.03, F.S.; including certain hallucinogenic substances on the list of controlled substances in Schedule I; amending s. 893.13, F.S.; providing that it is a misdemeanor of the first degree to be in possession of not more than a specified amount of certain hallucinogenic substances; providing an exception for the powdered form of such substances; reenacting ss. 893.13(1), (2), (4), and (5), 893.135(1)(l), and 921.0022(3)(b), (c), and (e), F.S., relating to prohibited acts and penalties regarding controlled substances and the offense severity chart of the Criminal Punishment Code, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 204**, on motion by Senator Wise, by two-thirds vote **CS for CS for HB 39** was withdrawn from the Committees on Criminal Justice; Health Regulation; Judiciary; and Budget.

On motion by Senator Wise—

CS for CS for HB 39—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “homologue” for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.03, F.S.; including certain hallucinogenic substances on the list of controlled substances in Schedule I; amending s. 893.13, F.S.; providing that it is a misdemeanor of the first degree to be in possession of not more than a specified amount of certain hallucinogenic substances; providing an exception for the powdered form of such substances; reenacting ss. 893.13(1), (2), (4), and (5), 893.135(1)(l), and 921.0022(3)(b), (c), and (e), F.S., relating to prohibited acts and penalties regarding controlled substances and the offense severity chart of the Criminal Punishment Code, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 204** and read the second time by title.

On motion by Senator Wise, by two-thirds vote **CS for CS for HB 39** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

Vote after roll call:

Yea—Ring

CS for SB 224—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S., relating to the Legislative Auditing Committee; clarifying when the Department of Community Affairs may institute procedures for declaring that a special district is inactive; amending s. 30.49, F.S.; specifying the level of detail required for each fund in the sheriff's proposed budget; revising the categories for expenditures; amending s. 112.63, F.S., relating to the review of the actuarial reports and statements of retirement plans of governmental entities by the Department of Management Services; providing that the failure of a special district to make appropriate adjustments or provide additional information authorizes the department to seek a writ of certiorari; amending s. 129.01, F.S.; revising provisions relating to the preparation of county budgets; specifying the level of detail required for each fund in the budget; amending s. 129.02, F.S.; revising provisions relating to the preparation of special district budgets; specifying the level of detail required for each fund in the budget; amending s. 129.021, F.S.; conforming cross-references; amending s. 129.03, F.S.; deleting a time restriction on preparing and presenting a tentative county budget; requiring tentative county budgets to be posted on the county's website; amending s. 129.06, F.S.; revising provisions relating to the execution and amendment of county budgets; requiring revised budgets to be posted on the county's website; amending s. 129.07, F.S.; revising provisions relating to the prohibition against exceeding the county budget; amending s. 129.201, F.S.; conforming and revising provisions relating to the budget of the supervisor of elections; specifying the level of detail required for each fund in the proposed budget; revising expenditure categories; amending s. 166.241, F.S.; revising provisions relating to the preparation or amendment of municipal budgets; specifying the level of detail for each fund in the budget; requiring such budgets and amendments to such budgets to be posted on the website of the municipality or related county; amending s. 189.4044, F.S.; adding failure to file a registered office or agent with the department for 1 or more years as a criteria for declaring a special district inactive; amending s. 189.412, F.S.; adding the Legislative Auditing Committee to the list of entities that obtain special district noncompliance status reports; amending s. 189.418, F.S.; revising provisions relating to the preparation or amendment of special district budgets; specifying the level of detail for each fund in the budget; requiring such budgets to be posted on the website of the special district or related local general-purpose government or governing authority; specifying how the budget may be amended under certain circumstances; requiring special districts to comply with certain reporting requirements; authorizing a local governing authority to request certain financial information from special districts located solely within the boundaries of the authority; requiring special districts to cooperate with such requests; amending s. 189.419, F.S.; revising procedures relating to a special district's failure to file certain reports or information; amending s. 189.421, F.S.; revising procedures relating to the failure of a special district to disclose financial reports; authorizing the Department of Community Affairs to seek a writ of certiorari; amending s. 195.087, F.S.; requiring the final approved budget of the property appraiser and tax collector to be posted on their respective website or, if not available, the county's website; amending s. 218.32, F.S.; revising the schedule for submitting a local governmental entity's audit and annual financial reports to the Department of Financial Services; requiring the department to notify the Special District Information Program if it does not receive a financial report from a local governmental entity; requiring a local governmental entity to provide a link to the entity's financial report on the department's website; amending s. 218.35, F.S.; requiring the budget for certain county-related duties to be itemized in accordance with the uniform accounting system of the Department of Financial Services; specifying the level of detail for each fund in the clerk of the court's budget; requiring the court clerk's approved budget to be posted on the county's website; amending s. 218.39, F.S.; revising the timeframe for completing a local governmental entity's annual financial audit; requiring that an auditor prepare an audit report; requiring that such report be filed with the Auditor General within a specified time; requiring that the Auditor General notify the Legislative Auditing Committee of any audit report indicating that an audited entity has failed to take corrective action; requiring that the chair of a local governmental entity appear before the committee under certain circumstances; amending s. 218.503, F.S.; revising provisions relating to oversight by the Governor when an entity's financial statements show it cannot cover a deficit of funds; amending s. 373.536, F.S.; requiring that

water management district budgets be posted on the district website; amending s. 1011.03, F.S.; requiring the summary of the tentative budget, the tentative budget, and the budget of a district school board to be posted on the district's official website; amending s. 1011.051, F.S.; revising provisions relating to the guidelines for district school boards to maintain an ending fund balance for the general fund; amending s. 1011.64, F.S.; updating obsolete accounting terminology for school districts; providing an effective date.

—was read the second time by title. On motion by Senator Dean, by two-thirds vote **CS for SB 224** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Sachs
Bennett	Hill	Simmons
Bogdanoff	Jones	Siplin
Braynon	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

Vote after roll call:

Yea—Ring

CS for CS for SB 236—A bill to be entitled An act relating to state parks; amending s. 258.0145, F.S.; providing for the parents of certain deceased veterans and the spouse and parents of law enforcement officers and firefighters who die in the line of duty to receive annual entrance passes to state parks at no charge; designating the Jack Mashburn Marina at St. Andrews State Park in Bay County; directing the Department of Environmental Protection to erect suitable markers; exempting parks within the state park system which have free-roaming animal populations from the liability provisions in s. 588.15, F.S.; amending s. 380.0685, F.S., relating to a surcharge imposed on admission fees to state parks in areas of critical state concern located in certain counties; providing for certain municipalities to use the proceeds of the surcharge for land acquisition or beach renourishment or restoration; providing limitations for purposes of determining state matching funds; providing an effective date.

—was read the second time by title.

Senator Oelrich offered the following amendment which was moved by Senator Hays and adopted:

Amendment 1 (651792)—Delete lines 48-50 and insert:

Section 3. *The state is exempt from the provisions of s. 588.15, Florida Statutes, with respect to any property within the state park system that has free-roaming animal populations.*

SENATOR FASANO PRESIDING

On motion by Senator Hays, further consideration of **CS for CS for SB 236** as amended was deferred.

SB 474—A bill to be entitled An act relating to sales representative contracts; repealing s. 686.201, F.S., relating to sales representative contracts, commissions, requirements, termination of agreements, and civil remedies; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 474**, on motion by Senator Evers, by two-thirds vote **HB 4023** was withdrawn from the Committees on Commerce and Tourism; Judiciary; and Rules.

On motion by Senator Evers—

HB 4023—A bill to be entitled An act relating to sales representative contracts involving commissions; repealing s. 686.201, F.S., relating to sales representative contracts involving commissions; providing an effective date.

—a companion measure, was substituted for **SB 474** and read the second time by title.

On motion by Senator Evers, by two-thirds vote **HB 4023** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Dean	Jones	Simmons
Detert	Latvala	Siplin
Diaz de la Portilla	Lynn	Smith
Dockery	Margolis	Sobel
Evers	Montford	Storms
Fasano	Negron	Thrasher
Flores	Norman	Wise

Nays—1

Joyner

Vote after roll call:

Yea—Benacquisto

CS for SB 524—A bill to be entitled An act relating to seaports; amending s. 311.12, F.S.; deleting provisions relating to statewide minimum standards for seaport security; deleting provisions authorizing the Department of Law Enforcement to exempt all or part of a seaport from specified requirements in certain circumstances; revising provisions relating to seaport security plans; revising requirements for certain secure or restricted areas; removing the Department of Law Enforcement and seaport security directors as entities authorized to designate a high terrorist threat level; deleting provisions requiring that the Department of Law Enforcement administer a statewide seaport access eligibility reporting system; deleting provisions requiring that persons seeking authorization to access secure and restricted areas of a seaport execute an affidavit; prohibiting a seaport from charging any fee for administration or production of access control credentials that require or are associated with a fingerprint-based background check, in addition to the fee for the federal TWIC; providing for issuance of seaport-specific access credentials; deleting provisions requiring fingerprint-based state criminal history checks on seaport employee applicants, current employees, and other authorized persons; deleting provisions authorizing waivers from security requirements in certain circumstances; revising provisions relating to inspections; revising reporting requirements; revising the parties that determine the allocation of appropriated funds for security project needs; amending ss. 311.121, 311.123, and 311.124, F.S.; conforming provisions to changes made by the act; repealing s. 311.115, F.S., relating to the Seaport Security Standards Advisory Council; amending s. 310.002, F.S.; redefining the term “port” to include Port Citrus; amending s. 311.09, F.S.; including a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council; amending s. 374.976, F.S.; conforming provisions to include Port Citrus in provisions relating to the authority of inland navigation districts; amending s. 403.021, F.S.; conforming provisions to include Port Citrus in legislative

declarations relating to environmental control; amending s. 403.061, F.S.; conforming provisions to include Port Citrus in provisions relating to powers of the Department of Environmental Protection; amending s. 403.813, F.S.; conforming provisions to include Port Citrus in provisions relating to permits issued at Department of Environmental Protection district centers; amending s. 403.816, F.S.; conforming provisions to include Port Citrus in provisions relating to certain maintenance projects at deepwater ports and beach restoration projects; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (281852) (with directory and title amendments)—Delete lines 465-630 and insert:

Section 2. Subsection (2) of section 311.121, Florida Statutes, is amended to read:

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(2) The authority or governing board of each seaport identified under s. 311.09 that is subject to the ~~statewide minimum~~ seaport security standards ~~referenced established~~ in s. 311.12 shall require that a candidate for certification as a seaport security officer:

(a) Has received a Class D license as a security officer under chapter 493.

(b) Has successfully completed the certified training curriculum for a Class D license or has been determined by the Department of Agriculture and Consumer Services to have equivalent experience as established by rule of the department.

(c) Has completed the training or training equivalency and testing process established by this section for becoming a certified seaport security officer.

Section 3. Subsection (1) of section 311.123, Florida Statutes, is amended to read:

311.123 Maritime domain security awareness training program.—

(1) The Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement ~~and the Office of Drug Control within the Executive Office of the Governor~~, shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport’s boundaries about the security procedures required of them for implementation of the seaport security plan required under s. 311.12(2)(~~2~~).

Section 4. Subsection (1) of section 311.124, Florida Statutes, is amended to read:

311.124 Trespassing; detention by a certified seaport security officer.—

(1) Any Class D or Class G seaport security officer certified under the federal Maritime Transportation Security Act of 2002 guidelines ~~and s. 311.121~~ or any employee of the seaport security force certified under the federal Maritime Transportation Security Act of 2002 guidelines ~~and s. 311.121~~ who has probable cause to believe that a person is trespassing pursuant to s. 810.08 or s. 810.09 or this chapter in a designated secure or restricted area pursuant to s. 311.12(3)(~~4~~) is authorized to detain such person in a reasonable manner for a reasonable period of time pending the arrival of a law enforcement officer, and such action does not render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

Section 5. *Section 311.115, Florida Statutes, is repealed.*

Section 6. Subsection (4) of section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this chapter, except where the context clearly indicates otherwise:

(4) “Port” means any place in the state into which vessels enter or depart and includes, without limitation, Fernandina, Nassau Inlet, Jacksonville, St. Augustine, Canaveral, *Port Citrus*, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola, Carrabelle, Panama City, Port St. Joe, and Pensacola.

Section 7. Subsection (1) of section 311.09, Florida Statutes, is amended, and subsection (13) is added to that section to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 18 ~~17~~ members: the port director, or the port director’s designee, of each of the ports of Jacksonville, Port Canaveral, *Port Citrus*, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; the director of the Office of Tourism, Trade, and Economic Development or his or her designee; and the secretary of the Department of Community Affairs or his or her designee.

(13) *Until July 1, 2014, Citrus County may apply for a grant through the council to perform a feasibility study regarding the establishment of a port in Citrus County. The council shall evaluate such application in accordance with subsections (5) – (9) and, if approved, the Department of Transportation shall include the feasibility in its budget request pursuant to subsection (1). After such feasibility study is funded and performed and the study determines that a port in Citrus is not feasible, the membership of Port Citrus on the council shall terminate.*

And the directory clause is amended as follows:

Delete lines 60 and 61 and insert:

Section 1. Subsections (9) through (11) of section 311.12, Florida Statutes, are redesignated as subsections (5) through (7), respectively, and present subsections (1) through (8) of that section are amended to read:

And the title is amended as follows:

Delete lines 28-40 and insert: requirements in certain circumstances; amending ss. 311.121, 311.123, and 311.124, F.S.; conforming provisions to changes made by the act; repealing s. 311.115, F.S., relating to the Seaport Security Standards Advisory Council; amending s. 310.002, F.S.; redefining the term “port” to include Port Citrus; amending s. 311.09, F.S.; including a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council; authorizing Citrus County to apply for a grant through the council to perform a feasibility study regarding the establishment of a port in Citrus County; amending s. 374.976, F.S.;

On motion by Senator Latvala, further consideration of **CS for SB 524** as amended was deferred.

SB 534—A bill to be entitled An act relating to firesafety; amending s. 633.01, F.S.; revising the rulemaking authority and responsibilities of the State Fire Marshal relating to educational and ancillary plants; amending s. 633.021, F.S.; revising the definition of the term “firesafety inspector”; amending s. 633.081, F.S.; revising requirements and procedures for inspections of buildings and equipment; abolishing special state firesafety inspector classifications and certifications; providing criteria, procedures, and requirements for special state firesafety inspectors to be certified as firesafety inspectors; amending s. 1013.12, F.S.; revising procedures and requirements for certain standards and inspection of educational property; providing procedures, criteria, and requirements for inspections of charter schools; providing reporting requirements; revising requirements for inspections of public post-

secondary education facilities; deleting a provision requiring that the State Fire Marshal publish an annual report; amending s. 1013.371, F.S.; revising firesafety inspection requirements for educational institution boards to conform to certain codes; revising certain code enforcement authority of such boards; amending s. 1013.38, F.S.; requiring educational institution boards to submit certain facility site plans to certain local governmental entities for review; authorizing such entities to review site plans for compliance with certain provisions of the Florida Fire Prevention Code; specifying that site plans are not subject to local ordinances or local amendments to the Florida Fire Prevention Code; providing criteria for approving site plans and correcting firesafety compliance deficiencies; providing for referral of disputes to the State Fire Marshal; authorizing such boards to use certain firesafety inspectors for certain compliance reviews; imposing additional requirements for such boards relating to construction, renovation, or remodeling of educational facilities; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 534**, on motion by Senator Wise, by two-thirds vote **HB 331** was withdrawn from the Committees on Banking and Insurance; Education Pre-K - 12; Community Affairs; Higher Education; and Budget.

On motion by Senator Wise—

HB 331—A bill to be entitled An act relating to firesafety; amending s. 633.01, F.S.; revising the rulemaking authority and responsibilities of the State Fire Marshal relating to educational and ancillary plants; amending s. 633.021, F.S.; revising the definition of the term “firesafety inspector”; amending s. 633.081, F.S.; revising requirements and procedures for inspections of buildings and equipment; abolishing special state firesafety inspector classifications and certifications; providing criteria, procedures, and requirements for special state firesafety inspectors to be certified as firesafety inspectors; amending s. 1013.12, F.S.; revising procedures and requirements for certain standards and inspection of educational property; providing procedures, criteria, and requirements for inspections of charter schools; providing reporting requirements; revising requirements for inspections of public post-secondary education facilities; deleting a provision requiring that the State Fire Marshal publish an annual report; amending s. 1013.371, F.S.; revising firesafety inspection requirements for educational institution boards to conform to certain codes; revising certain code enforcement authority of such boards; amending s. 1013.38, F.S.; requiring educational institution boards to submit certain facility site plans to certain local governmental entities for review; authorizing such entities to review site plans for compliance with certain provisions of the Florida Fire Prevention Code; specifying that site plans are not subject to local ordinances or local amendments to the Florida Fire Prevention Code; providing criteria for approving site plans and correcting firesafety compliance deficiencies; providing for referral of disputes to the State Fire Marshal; authorizing such boards to use certain firesafety inspectors for certain compliance reviews; imposing additional requirements for such boards relating to construction, renovation, or remodeling of educational facilities; providing an effective date.

—a companion measure, was substituted for **SB 534** and read the second time by title.

On motion by Senator Wise, by two-thirds vote **HB 331** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Gardiner	Rich
Bennett	Hays	Richter
Bogdanoff	Hill	Ring
Braynon	Jones	Sachs
Dean	Joyner	Simmons
Detert	Latvala	Siplin
Diaz de la Portilla	Lynn	Smith
Dockery	Margolis	Sobel
Evers	Montford	Storms
Fasano	Negron	Thrasher

Wise

Nays—None

Vote after roll call:

Yea—Garcia

Consideration of **CS for CS for SB 556** was deferred.

CS for SB 580—A bill to be entitled An act relating to residential building permits; amending s. 553.79, F.S.; prohibiting local enforcement agencies and building code officials or entities from requiring certain inspections of buildings, structures, or real property as a condition of issuance of certain residential building permits; providing certain exceptions to the application of the act; providing for expiration of the act following an amendment to the Florida Building Code by the Florida Building Commission which incorporates the provisions of the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 580**, on motion by Senator Oelrich, by two-thirds vote **CS for HB 407** was withdrawn from the Committees on Community Affairs; Regulated Industries; and Budget.

On motion by Senator Oelrich—

CS for HB 407—A bill to be entitled An act relating to residential building permits; amending s. 553.79, F.S.; prohibiting local enforcing agencies and building code officials or entities from requiring certain inspections of buildings, structures, or real property as a condition of issuance of certain residential building permits; providing for application; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 580** and read the second time by title.

On motion by Senator Oelrich, by two-thirds vote **CS for HB 407** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

CS for SJR 592—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 32 of Article XII of the State Constitution to expand the availability of the property tax discount on the homesteads of veterans who became disabled as the result of a combat injury to veterans who were not Florida residents when they entered the military and to provide an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VII and the creation of Section 32 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or

rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, ~~the veteran was a resident of this state at the time of entering the military service of the United States,~~ and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, ~~proof of residency at the time of entering military service,~~ an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related; and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent

years. This subsection ~~shall take effect December 7, 2006~~, is self-executing, and does not require implementing legislation.

ARTICLE XII
SCHEDULE

SECTION 32. Veterans disabled due to combat injury; homestead property tax discount.—The amendment to subsection (e) of Section 6 of Article VII relating to the homestead property tax discount for veterans who became disabled as the result of a combat injury shall take effect January 1, 2013.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

ARTICLE XII, SECTION 32

VETERANS DISABLED DUE TO COMBAT INJURY; HOMESTEAD PROPERTY TAX DISCOUNT.—Proposing an amendment to Section 6 of Article VII and the creation of Section 32 of Article XII of the State Constitution to expand the availability of the property discount on the homesteads of veterans who became disabled as the result of a combat injury to include those who were not Florida residents when they entered the military and schedule the amendment to take effect January 1, 2013.

—was read the second time in full. On motion by Senator Bennett, by two-thirds vote **CS for SJR 592** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

CS for SB 664—A bill to be entitled An act relating to missing person investigations; amending s. 937.0201, F.S.; defining terms; amending s. 937.021, F.S.; providing that certain specified persons are immune from civil liability for damages for complying with the request to release Silver Alert information to appropriate agencies; providing a presumption that a person recording, reporting, transmitting, displaying, or releasing such information acted in good faith; amending s. 937.022, F.S., relating to the Missing Endangered Persons Information Clearinghouse; authorizing only the law enforcement agency having jurisdiction over a case to request that the clearinghouse activate a state Silver Alert involving a missing adult who is suspected by a law enforcement agency of meeting the criteria for activation of the Silver Alert Plan; providing an effective date.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote **CS for SB 664** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	
Flores	Norman	

Nays—None

Consideration of **CS for SB 670** was deferred.

On motion by Senator Hays—

SB 762—A bill to be entitled An act relating to the Florida Climate Protection Act; repealing s. 403.44, F.S., relating to a cap-and-trade regulatory program to reduce greenhouse gas emissions from electric utilities; amending s. 366.8255, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 762** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 768** and **CS for CS for SB 786** was deferred.

CS for SB 828—A bill to be entitled An act relating to public records; amending s. 119.0713, F.S.; expanding an exemption from public-records requirements to include certain records relating to investigations in the custody of an inspector general of a local government; providing for future repeal and legislative review of such revisions to the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 828**, on motion by Senator Bogdanoff, by two-thirds vote **CS for HB 667** was withdrawn from the Committees on Community Affairs; Judiciary; and Governmental Oversight and Accountability.

On motion by Senator Bogdanoff—

CS for HB 667—A bill to be entitled An act relating to public records; amending s. 119.0713, F.S.; expanding an exemption from public records requirements to include certain records relating to investigations in the custody of an inspector general of a local government; providing for future repeal and legislative review of such revisions to the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 828** and read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote **CS for HB 667** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

Alexander	Benacquisto	Braynon
Altman	Bogdanoff	Dean

Detert	Jones	Ring
Diaz de la Portilla	Joyner	Sachs
Dockery	Latvala	Simmons
Evers	Lynn	Siplin
Fasano	Margolis	Smith
Flores	Montford	Sobel
Gaetz	Negron	Storms
Garcia	Norman	Thrasher
Gardiner	Oelrich	Wise
Hays	Rich	
Hill	Richter	

Nays—None

CS for CS for SB 786—A bill to be entitled An act relating to landlord and tenant; amending ss. 810.08 and 810.09, F.S.; allowing a law enforcement officer to remove persons who trespass in a structure or conveyance or on property if the law enforcement officer receives an affidavit from an owner or mortgagee of the property; providing an effective date.

—was read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for CS for SB 786** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

SB 898—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Council; repealing s. 14.31(8), F.S.; abrogating the repeal of provisions governing the Florida Faith-based and Community-based Advisory Council; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Bennett, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (326538) (with title amendment)—Between lines 11 and 12 insert:

Section 2. Present subsection (4) of section 14.23, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section to read:

14.23 State-Federal relations.—

(4) *ANNUAL REPORT.*—By January 1 of each year, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the office's budget, personnel, and activities.

And the title is amended as follows:

Delete lines 2-6 and insert: An act relating to the Executive Office of the Governor; repealing s. 14.31(8), F.S.; abrogating the repeal of provisions governing the Florida Faith-based and Community-based Advisory Council; amending s. 14.23, F.S.; requiring the Office of State-Federal Relations to submit an annual report to the Governor and Legislature detailing its budget, personnel, and activities; providing an effective date.

On motion by Senator Bennett, by two-thirds vote **SB 898** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

CS for SB 106—A bill to be entitled An act relating to public records; defining the term “publicly owned performing arts center”; creating an exemption from public-records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center if the donor desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 272.136, F.S.; creating an exemption from public-records requirements for information identifying a donor or prospective donor to the direct-support organization of the Legislative Research Center and Museum at the Historic Capitol; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for SB 106** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

CS for SB 994—A bill to be entitled An act relating to public records; creating s. 332.16, F.S.; providing definitions; providing an exemption from public-records requirements for proprietary confidential business information and trade secrets held by a public airport and for any proposal or counterproposal exchanged between a public airport and a nongovernmental entity relating to the sale, use, development, or lease

of airport facilities; providing for expiration of the exemptions; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 994**, on motion by Senator Latvala, by two-thirds vote **CS for HB 913** was withdrawn from the Committees on Community Affairs; Commerce and Tourism; and Governmental Oversight and Accountability.

On motion by Senator Latvala—

CS for HB 913—A bill to be entitled An act relating to public records; creating s. 332.16, F.S.; providing definitions; providing an exemption from public records requirements for proprietary confidential business information and trade secrets held by a public airport and for any proposal or counterproposal exchanged between a public airport and a nongovernmental entity relating to the sale, use, development, or lease of airport facilities; providing for expiration of the exemptions; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 994** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 913** was placed on the calendar of Bills on Third Reading.

CS for SB 1072—A bill to be entitled An act relating to the recording of real property documents; creating s. 695.28, F.S.; establishing that certain electronic documents accepted for recordation are validly recorded; providing legislative intent; providing for prospective and retroactive application; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1072**, on motion by Senator Latvala, by two-thirds vote **HB 951** was withdrawn from the Committees on Judiciary; Banking and Insurance; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Latvala—

HB 951—A bill to be entitled An act relating to the recording of real property documents; creating s. 695.28, F.S.; establishing that certain electronic documents accepted for recordation are validly recorded; providing legislative intent; providing for prospective and retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1072** and read the second time by title.

On motion by Senator Latvala, by two-thirds vote **HB 951** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

SB 1144—A bill to be entitled An act relating to local government; amending s. 125.35, F.S.; authorizing a board of county commissioners to negotiate the lease of certain real property for a limited period; amending s. 337.29, F.S.; authorizing transfers of right-of-way between local governments by deed; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1144**, on motion by Senator Margolis, by two-thirds vote **HB 767** was withdrawn from the Committees on Community Affairs; Judiciary; and Transportation.

On motion by Senator Margolis—

HB 767—A bill to be entitled An act relating to local government; amending s. 125.35, F.S.; authorizing a board of county commissioners to negotiate the lease of certain real property for a limited period; amending s. 337.29, F.S.; authorizing transfers of right-of-way between local governments by deed; providing an effective date.

—a companion measure, was substituted for **SB 1144** and read the second time by title.

On motion by Senator Margolis, by two-thirds vote **HB 767** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

CS for SB 670—A bill to be entitled An act relating to powers of attorney; providing directives to the Division of Statutory Revision; creating s. 709.2101, F.S.; providing a short title; creating s. 709.2102, F.S.; providing definitions; creating s. 709.2103, F.S.; providing applicability; providing exceptions; creating s. 709.2104, F.S.; providing for a durable power of attorney; creating s. 709.2105, F.S.; specifying the qualifications for an agent; providing requirements for the execution of a power of attorney; creating s. 709.2106, F.S.; providing for the validity of powers of attorney created by a certain date or in another jurisdiction; providing for the validity of a military power of attorney; providing for the validity of a photocopy or electronic copy of a power of attorney; creating s. 709.2107, F.S.; providing for the meaning and effectiveness of a power of attorney; creating s. 709.2108, F.S.; specifying when a power of attorney is effective; providing limitations with respect to a future power of attorney; creating s. 709.2109, F.S.; providing for the termination or suspension of a power of attorney or an agent's authority; creating s. 709.2110, F.S.; providing for the revocation of a power of attorney; creating s. 709.2111, F.S.; providing for the designation of co-agents and successor agents; specifying the responsibility of a successor agent for a predecessor agent; authorizing a co-agent to delegate certain banking transaction to a co-agent; creating s. 709.2112, F.S.; providing for the reimbursement and compensation of agents; creating s. 709.2113, F.S.; providing for the agent's acceptance of appointment; creating s. 709.2114, F.S.; providing for an agent's duties; limiting an agent's liability, absent a breach of duty; requiring that an agent make certain disclosures upon order of a court, upon the death of the principal, or under certain other circumstances; creating s. 709.2115, F.S.; providing for the exoneration of an agent; providing exceptions; creating s.

709.2116, F.S.; providing for judicial relief; authorizing the award of attorney's fees and costs; providing for a judicial challenge to an agent's exercise of power based on a conflict of interest; specifying the burden of proof required to overcome that challenge; creating s. 709.2117, F.S.; providing for an agent's liability; creating s. 709.2118, F.S.; providing for an agent's resignation; creating s. 709.2119, F.S.; providing for the acceptance of and reliance upon a power of attorney; authorizing a third party to require an affidavit; providing for the validity of acts taken on behalf of a principal who is reported as missing by a branch of the United States Armed Forces; providing a restriction on the conveyance of homestead property held by such a principal; creating s. 709.2120, F.S.; providing for liability if a third person refuses to accept a power of attorney under certain circumstances; providing for an award of damages and attorney's fees and costs; creating s. 709.2121, F.S.; requiring that notice of certain events be provided to an agent or other third person; specifying the form of the notice and when it is effective; creating s. 709.2201, F.S.; providing for the authority of an agent; providing limitations; providing that an agent's authority extends to property later acquired by the principal; creating s. 709.2202, F.S.; specifying that certain authority requires separate signed enumeration; restricting the amount of certain gifts made by an agent; specifying certain acts that do not require specific authority if the agent is authorized to conduct banking transactions; limiting the application of such provision; creating s. 709.2208, F.S.; providing for authority to conduct banking and security transactions; creating s. 709.2301, F.S.; specifying the role of common law; creating s. 709.2302, F.S.; providing for the preemption of laws relating to financial institutions; creating s. 709.2303, F.S.; providing for the recognition of other remedies; creating s. 709.2401, F.S.; specifying the relationship of the act to federal law regulating electronic signatures; creating s. 709.2402, F.S.; providing for powers of attorney executed before the effective date of the act; amending s. 736.0602, F.S.; conforming a cross-reference; repealing s. 709.01, F.S., relating to the authority of an agent when the principal is dead; repealing s. 709.015, F.S., relating to the authority of an agent when the principal is missing; repealing s. 709.08, F.S., relating to durable powers of attorney; repealing s. 709.11, F.S., relating to a deployment-contingent power of attorney; providing an effective date.

—was read the second time by title.

Senator Joyner moved the following amendments which were adopted:

Amendment 1 (170018)—Delete lines 259 and 260 and insert: *is conditioned on the principal's lack of capacity and the power of*

Amendment 2 (211542)—Delete lines 1004-1008 and insert:

(1) *With respect to formalities of execution, this part applies to a power of attorney created on or after October 1, 2011.*

(2) *With respect to all matters other than formalities of execution, this part applies to a power of attorney regardless of the date of creation.*

(3) *With respect to a power of attorney existing on October 1, 2011, this part does not invalidate such power of attorney and it shall remain in effect. If a right was acquired under any other law before October 1, 2011, that law continues to apply to the right even if it has been repealed or superseded.*

(4) *An act of an agent occurring before October 1, 2011, is not affected by this part.*

MOTION

On motion by Senator Richter, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Richter moved the following amendment which was adopted:

Amendment 3 (619742)—Delete lines 576-579 and insert:

(1)(a) *A third person who in good faith accepts a power of attorney that appears to be executed in the manner required by law at the time of its execution may rely upon the power of attorney and the actions of the agent which are reasonably within the scope of the agent's authority and may enforce any obligation created by the actions of the agent as if:*

On motion by Senator Joyner, by two-thirds vote **CS for SB 670** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

CS for SB 1168—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public-records requirements for the dissemination of a photograph, videotape, or other image of any part of the body of a victim of a sexual offense which is made or broadcast by a video voyeur and which constitutes criminal investigation information or criminal intelligence information in an agency investigation; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; reenacting s. 92.56(1)(a), F.S., relating to judicial proceedings and court records involving sexual offenders, to incorporate the amendment made to s. 119.071, F.S., in a reference thereto; reenacting s. 119.0714(1)(h), F.S., relating to court files and records, to incorporate the amendment made to s. 119.071, F.S., in a reference thereto; reenacting s. 794.024(1), F.S., relating to the unlawful disclosure of identifying information, to incorporate the amendment made to s. 119.071, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1168**, on motion by Senator Oelrich, by two-thirds vote **CS for HB 409** was withdrawn from the Committees on Criminal Justice; Judiciary; and Governmental Oversight and Accountability.

On motion by Senator Oelrich—

CS for HB 409—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; expanding the exemption from public records requirements for criminal intelligence information and criminal investigative information to include photographs, videotapes, or images of any part of the body of a victim of the sexual offense of video voyeurism; providing for future review and repeal of the exemption; providing a statement of public necessity; reenacting s. 92.56(1)(a), F.S., relating to judicial proceedings and court records involving sexual offenders, to incorporate the amendment made to s. 119.071, F.S., in a reference thereto; reenacting s. 119.0714(1)(h), F.S., relating to court files and records, to incorporate the amendment made to s. 119.071, F.S., in a reference thereto; reenacting s. 794.024(1), F.S., relating to the unlawful disclosure of identifying information, to incorporate the amendment made to s. 119.071, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1168** and read the second time by title.

On motion by Senator Oelrich, by two-thirds vote **CS for HB 409** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Alexander	Altman
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Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Rich
Bogdanoff	Hays	Richter
Braynon	Hill	Ring
Dean	Jones	Sachs
Detert	Joyner	Simmons
Diaz de la Portilla	Latvala	Siplin
Dockery	Lynn	Smith
Evers	Margolis	Sobel
Fasano	Montford	Storms
Flores	Negron	Thrasher
Gaetz	Norman	Wise

Nays—None

SB 1190—A bill to be entitled An act relating to driver's licenses and identification cards; amending ss. 322.14 and 322.051, F.S.; providing for a person's status as a veteran to be indicated on his or her driver's license or identification card upon payment of an additional fee and presentation of the person's Form DD 214; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1190**, on motion by Senator Detert, by two-thirds vote **HB 1165** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Transportation; and Budget.

On motion by Senator Detert—

HB 1165—A bill to be entitled An act relating to driver's licenses and identification cards; amending ss. 322.14 and 322.051, F.S.; providing for a person's status as a veteran to be indicated on his or her driver's license or identification card upon payment of an additional fee and presentation of the person's Form DD 214; providing an effective date.

—a companion measure, was substituted for **SB 1190** and read the second time by title.

Senator Detert moved the following amendment which was adopted:

Amendment 1 (874872)—Delete lines 39-63 and insert:

(c) A capital "V" shall be exhibited on the driver's license of a veteran upon the payment of an additional \$1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense.

(2) The department may require other pertinent information to be exhibited on a driver's license.

Section 2. Subsection (8) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(8)(a) The department shall, upon receipt of the required fee, issue to each qualified applicant for an identification card a color photographic or digital image identification card bearing a fullface photograph or digital image of the identification cardholder. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the identification cardholder may not be waived. A space shall be provided upon which the identification cardholder shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the identification card.

(b) A capital "V" shall be exhibited on the identification card of a veteran upon the payment of an additional \$1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense.

MOTION

On motion by Senator Detert, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Detert moved the following amendment which was adopted:

Amendment 2 (436842)—Delete lines 38-64 and insert:

(c) A capital "V" shall be exhibited on the driver's license of a veteran upon the payment of an additional \$1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense.

(2) The department may require other pertinent information to be exhibited on a driver's license.

Section 2. Subsection (8) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(8)(a) The department shall, upon receipt of the required fee, issue to each qualified applicant for an identification card a color photographic or digital image identification card bearing a fullface photograph or digital image of the identification cardholder. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the identification cardholder may not be waived. A space shall be provided upon which the identification cardholder shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the identification card.

(b) A capital "V" shall be exhibited on the identification card of a veteran upon the payment of an additional \$1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense.

On motion by Senator Detert, by two-thirds vote **HB 1165** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

CS for CS for SB 1198—A bill to be entitled An act relating to communications services tax; amending s. 202.16, F.S.; requiring that a dealer compute the communications services tax based on a rounding algorithm; providing criteria; providing for application of the tax; providing options to the dealer for applying the rounding algorithm; providing that a dealer may apply the rounding algorithm to the aggregate tax amount under certain conditions; providing that a dealer is not required to collect the tax based on a bracket system; removing the provision requiring the Department of Revenue to make available tax amounts and applicable brackets; providing that the provisions of the act are remedial in nature and apply retroactively; providing that the act does not provide a basis for assessment of any tax not paid or create a right to certain refunds or credits; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1198**, on motion by Senator Bogdanoff, by two-thirds vote **CS for CS for CS for HB 887** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Budget Subcommittee on Finance and Tax; Budget; and Rules.

On motion by Senator Bogdanoff—

CS for CS for CS for HB 887—A bill to be entitled An act relating to communications services tax; amending s. 202.16, F.S.; requiring that a dealer compute the communications services tax based on a rounding algorithm; providing criteria; providing for application of the tax; providing options to the dealer for applying the rounding algorithm; authorizing a dealer to apply the rounding algorithm to the aggregate tax amount under certain conditions; providing that a dealer is not required to collect the tax based on a bracket system; removing the provision requiring the Department of Revenue to make available tax amounts and applicable brackets; providing that the provisions of the act are remedial in nature and apply retroactively; providing that the act does not provide a basis for assessment of any tax not paid or create a right to certain refunds or credits; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1198** and read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote **CS for CS for CS for HB 887** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

Consideration of **CS for CS for SB 1252** was deferred.

CS for CS for SB 1254—A bill to be entitled An act relating to auditory-oral education programs; providing a short title; amending s. 1002.20, F.S.; revising provisions relating to public school choice options for parents of public school students to include auditory-oral education programs; creating s. 1002.391, F.S.; providing definitions; providing that a parent of a child who is deaf or hard of hearing may enroll the child in an auditory-oral education program at a school accredited by OPTION Schools, Inc., or at a school in which the supervisor and the majority of faculty are certified as Listening and Spoken Language Specialists by the AG Bell Academy for Listening and Spoken Language; providing that the child may continue attending the school and complete the development of listening and spoken language skills if specified criteria are met; requiring that the level of services be determined by the individual educational plan team or individualized family support plan team; providing that a child is no longer eligible under certain circumstances; amending s. 1002.66, F.S.; adding Listening and Spoken Language specialists and an appropriate acoustical environment to the list of specialized instructional services from which a parent with an eligible child may choose; amending s. 1003.01, F.S.; adding services provided by a certified Listening and Spoken Language specialist to the definition of the term “special education services”; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs to require the Department of Education to review and revise the descriptions of services and supports in the matrix of services used to determine exceptional education cost factors; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **CS for CS for SB 1254** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

CS for CS for SB 1366—A bill to be entitled An act relating to administrative monitoring of providers of child welfare services, mental health services, and substance abuse services; amending s. 402.7306, F.S.; defining the term “mental health and substance abuse service provider” as it relates to the monitoring of providers of child welfare services, mental health services, and substance abuse services; requiring the Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, community-based care lead agencies, managing entities, and agencies that have contracted with monitoring agents to adopt certain revised policies for the administrative monitoring of child welfare service providers, mental health service providers, and substance abuse service providers; conforming provisions to changes made by the act; limiting the frequency of required administrative, licensure, and programmatic monitoring for mental health service providers and substance abuse service providers that are accredited by specified entities; providing certain exception to the limitations on monitoring; requiring that the corporate, fiscal, and administrative records of mental health service providers and substance abuse service providers be included in a consolidated data warehouse and archive; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendments which were adopted:

Amendment 1 (276936)—Delete line 86 and insert: *state agency requires, that documentation, except documentation relating to licensure applications and fees, must be requested by*

Amendment 2 (487474)—Delete line 106 and insert: *Federal certification and precertification reviews are exempt*

On motion by Senator Storms, by two-thirds vote **CS for CS for SB 1366** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Richter
Benacquisto	Garcia	Ring
Bennett	Gardiner	Sachs
Bogdanoff	Hays	Simmons
Braynon	Hill	Siplin
Dean	Jones	Smith
Detert	Joyner	Sobel
Diaz de la Portilla	Latvala	Storms
Dockery	Lynn	Thrasher
Evers	Montford	Wise

Nays—None

Vote after roll call:

Yea—Margolis, Oelrich, Rich

Consideration of **SB 1398** and **CS for SB 1410** was deferred.

SCR 1558—A concurrent resolution calling for the Congress of the United States to call a convention pursuant to Article V of the United States Constitution to propose a constitutional amendment permitting repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

WHEREAS, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress,” and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers, and

WHEREAS, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future, unborn generations of Americans to assume without their consent, thereby disparaging their rights, and

WHEREAS, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates, and

WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, “We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority,” and

WHEREAS, the Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states, and to prevent the denial or disparagement of the rights retained by the people, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the State of Florida hereby applies and makes application to the Congress of the United States to call a convention pursuant to Article V of the United States Constitution for the limited purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures, and the Florida delegation to such convention, when called, shall propose the following amendment: “Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed,” and

BE IT FURTHER RESOLVED that this resolution is revoked and withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of passage, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the Constitution of the United States for any purpose other than consideration of the amendment proposed in this resolution, and

BE IT FURTHER RESOLVED that the State of Florida reserves its right to add future amendments as the Legislature deems warranted to this application, and

BE IT FURTHER RESOLVED that delegates to such convention, when called, be selected according to procedures established by the legislatures of the several states, and

BE IT FURTHER RESOLVED that certified copies of the foregoing resolution be immediately forwarded by the Secretary of State of the State of Florida, under the great seal, to the President of the United

States, the Secretary of State of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Administrator of General Services of the United States, and to each member of the Florida delegation to the United States Congress so that they may be apprised of the sense of the Florida Legislature in this matter.

—was read the second time in full. On motion by Senator Benacquisto, **SCR 1558** was adopted and certified to the House.

CS for SB 1410—A bill to be entitled An act relating to a patient’s bill of rights and responsibilities; amending s. 381.026, F.S.; defining the term “primary care provider” as it relates to the Florida Patient’s Bill of Rights and Responsibilities; authorizing a primary care provider to publish and post a schedule of certain charges for medical services offered to patients; providing requirements for the schedule; providing that the schedule may group the provider’s services by price levels and list the services in each price level; providing an exemption from continuing education requirements for a primary care provider who posts such a schedule; requiring a primary care provider’s estimates of charges for medical services to be consistent with the prices listed on the posted schedule; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1410** to **CS for CS for HB 935**.

Pending further consideration of **CS for SB 1410** as amended, on motion by Senator Negron, by two-thirds vote **CS for CS for HB 935** was withdrawn from the Committees on Health Regulation; Budget Subcommittee on Health and Human Services Appropriations; and Budget.

On motion by Senator Negron the rules were waived and—

CS for CS for HB 935—A bill to be entitled An act relating to health care price transparency; amending s. 381.026, F.S.; providing a definition; authorizing a primary care provider to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the provider’s services by price levels and list the services in each price level; providing an exemption from license fee and continuing education requirements for a provider who publishes and maintains a schedule of charges; requiring a primary care provider’s estimates of charges for medical services to be consistent with the posted schedule; requiring a provider to post the schedule of charges for a certain time period; providing for repayment of license fees and compliance with continuing education requirements previously waived if the schedule of charges was not posted for a certain time period; amending s. 395.002, F.S.; providing a definition; creating s. 395.107, F.S.; requiring urgent care centers to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the urgent care center’s services by price levels and list the services in each price level; providing a fine for failure to publish and post a schedule of medical services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1410** as amended and read the second time by title.

On motion by Senator Negron, further consideration of **CS for CS for HB 935** was deferred.

CS for CS for SB 1568—A bill to be entitled An act relating to insurer insolvency; amending s. 215.5595, F.S.; authorizing a residential property insurer to renegotiate a note issued by the Insurance Capital Build-Up Incentive Program under certain circumstances; amending s. 624.424, F.S.; revising the time limitations on an insurer’s use of the same accountant for preparing its annual statement; amending s. 624.610, F.S.; specifying the rating organizations that are deemed acceptable by the Financial Services Commission to assess certain insurers providing reinsurance; amending s. 631.152, F.S.; authorizing the Department of Financial Services to request appointment as ancillary re-

ceiver if necessary in order to obtain records to adjudicate covered claims; providing for the reimbursement of specified costs associated with ancillary delinquency proceedings; creating s. 631.2715, F.S.; providing for the State Risk Management Trust Fund to cover specified officers, employees, agents, and other representatives of the Department of Financial Services for liability under specified federal laws relating to receiverships; amending s. 631.391, F.S.; imposing penalties on persons who fail to cooperate in providing records; amending s. 631.54, F.S.; revising the definition of the term “covered claim” to exclude a claim rejected or denied by another state’s guaranty fund based upon that state’s statutory exclusions; amending s. 631.56, F.S.; providing that a board member of the Florida Insurance Guaranty Association representing an insurer in receivership shall be terminated as a board member; specifying a termination date; amending s. 631.904, F.S.; revising the definition of the term “covered claim” to exclude a claim rejected or denied by another state’s guaranty fund based upon that state’s statutory exclusions; amending s. 631.912, F.S.; providing that any board member of the Florida Workers’ Compensation Insurance Guaranty Association who is employed by, or has a material relationship with, an insurer in receivership shall be terminated as a board member; specifying a termination date; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1568** to **CS for HB 1007**.

Pending further consideration of **CS for CS for SB 1568** as amended, on motion by Senator Montford, by two-thirds vote **CS for HB 1007** was withdrawn from the Committees on Banking and Insurance; Budget; and Rules.

On motion by Senator Montford, by two-thirds vote—

CS for HB 1007—A bill to be entitled An act relating to insurer insolvency; amending s. 215.5595, F.S., relating to the Insurance Capital Build-Up Incentive Program; providing for renegotiation of surplus notes issued before a specified date; providing for an exemption from certain premium-to-surplus ratios in certain circumstances; amending s. 624.610, F.S.; revising surplus requirements for assuming insurers in connection with reinsurance credits; specifying rating agencies that may rate such assuming insurers; creating s. 631.400, F.S.; providing for rehabilitation plans for title insurers; providing that each title insurer doing business in this state is liable for an assessment for claims against title insurers ordered into rehabilitation; providing for an annual assessment upon request of a receiver; providing for emergency assessments in certain circumstances; providing limits on the amount of an assessment; providing that assessments are considered an asset of the estate and subject to specified provisions; providing for use of assessment proceeds; providing for availability of information concerning unpaid claims; specifying circumstances for release of title insurers from rehabilitation; prohibiting a title insurer in rehabilitation from issuing new policies until released from rehabilitation and permission to issue new policies granted; providing that officers, directors, and shareholders of a title insurer who served in that capacity within the 2-year period prior to the date the insurer was ordered into rehabilitation or liquidation may not thereafter serve in that capacity unless the officer, director, and shareholder meets specified criteria; creating s. 631.401, F.S.; providing for surcharges on title insurance policies to collect the amount needed to cover an assessment for an insolvent insurer; providing for a maximum period for a surcharge; providing a maximum for a surcharge; providing for responsibility for payment of a surcharge; providing for collection of surcharges by a title insurer doing business in the state writing no premiums in the prior calendar year; providing for remission and collection of surcharges within a specified period; specifying a limit on the amount in surcharges that may be retained by a title insurer; requiring notification when the collection of an assessment is completed; requiring an accounting of assessments paid and surcharges collected; providing for disposition of surcharges collected in excess of the amount assessed; amending s. 631.152, F.S.; authorizing the Department of Financial Services to request appointment as ancillary receiver if necessary for obtaining records to adjudicate covered claims; providing for the reimbursement of specified costs associated with ancillary delinquency proceedings; creating s. 631.2715, F.S.; providing for State Risk Management Trust Fund coverage for specified officers, employees, agents, and other representatives of the Department of Financial Services for liability under specified federal laws relating to receiverships; amending s. 631.391, F.S.; providing liability to persons who fail to cooperate in the

providing of records; amending s. 631.54, F.S.; providing that a covered claim for purposes of specified guaranty provisions does not include a claim rejected or denied by another state’s guaranty fund based upon that state’s statutory exclusions; amending s. 631.56, F.S.; providing that any board member of the Florida Insurance Guaranty Association representing an insurer in receivership shall be terminated as a board member; specifying a termination date; amending s. 631.904, F.S.; providing that a covered claim for purposes of specified guaranty provisions does not include a claim rejected or denied by another state’s guaranty fund based upon that state’s statutory exclusions; amending s. 631.912, F.S.; providing that any board member of the Florida Workers’ Compensation Insurance Guaranty Association who is employed by, or has a material relationship with, an insurer in receivership shall be terminated as a board member; specifying a termination date; amending s. 631.717, F.S.; providing that specified provisions relieving the Florida Life and Health Insurance Guaranty Association of liability for certain acts of a member insurer do not relieve the association of liability for valid insurance policy or contract claims if warranted after a specified review; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1568** as amended and by two-thirds vote read the second time by title.

On motion by Senator Montford, by two-thirds vote **CS for HB 1007** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Lynn	Storms
Detert	Margolis	Thrasher
Diaz de la Portilla	Montford	Wise
Dockery	Negron	
Evers	Norman	

Nays—None

Vote after roll call:

Yea—Joyner, Smith, Sobel

Consideration of **CS for CS for SB 1696** was deferred.

SB 1778—A bill to be entitled An act relating to clove cigarettes; repealing s. 859.058, F.S., relating to prohibitions against sale, use, possession, transfer, or other disposing of clove cigarettes or similar products; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1778** to **HB 4121**.

Pending further consideration of **SB 1778** as amended, on motion by Senator Bogdanoff, by two-thirds vote **HB 4121** was withdrawn from the Committee on Health Regulation.

On motion by Senator Bogdanoff—

HB 4121—A bill to be entitled An act relating to clove cigarettes; repealing s. 859.058, F.S., relating to prohibitions against sale, use, possession, transfer, or other disposing of clove cigarettes or similar products; providing an effective date.

—a companion measure, was substituted for **SB 1778** as amended and read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote **HB 4121** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Sachs
Braynon	Hill	Simmons
Dean	Jones	Smith
Detert	Joyner	Sobel
Diaz de la Portilla	Latvala	Storms
Dockery	Margolis	Thrasher
Evers	Montford	
Fasano	Negron	

Nays—4

Altman	Lynn	Siplin
Wise		

On motion by Senator Hays—

CS for CS for SB 1824—A bill to be entitled An act relating to regulated professions and occupations; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to release certain digital images to the Department of Business and Professional Regulation to identify certain persons; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to grant waivers of renewal fees under certain circumstances; amending s. 455.271, F.S.; revising continuing education requirements for certain license reactivations; amending s. 475.42, F.S.; revising violations and penalties for real estate professionals; amending s. 477.0212, F.S.; revising continuing education requirements for cosmetology license reactivations; amending s. 477.0265, F.S.; revising prohibited acts for cosmetologists; amending s. 481.217, F.S.; revising continuing education requirements for license reactivation of architect or interior design licenses; amending s. 481.315, F.S.; revising continuing education requirements for landscape architect license reactivations; amending s. 489.116, F.S.; revising continuing education requirements for contractor license reactivations; amending s. 489.519, F.S.; revising continuing education requirements for electrical and alarm system contractor license reactivations; repealing s. 475.611(1)(v), F.S., relating to Uniform Standards of Professional Appraisal Practice; repealing s. 475.626(1)(b) and (c), F.S., relating to violations and penalties against registered appraisers; amending s. 475.624, F.S.; establishing professional standards for appraisers by board rule; amending s. 475.628, F.S.; authorizing the board to adopt rules establishing standards of professional appraisal practice; amending s. 509.032, F.S.; clarifying provisions relating to the preemption to the state of the regulation of public lodging and public food service establishments; amending s. 509.261, F.S.; providing for remedial training in response to certain violations by public lodging and food service establishments; amending s. 10, chapter 2010-84, Laws of Florida; delaying the effective date of provisions relating to the discipline of appraisal management companies; creating s. 473.3066, F.S.; authorizing the Board of Accountancy to establish a peer review oversight committee; providing for membership and duties of the oversight committee; requiring the board to adopt rules under certain circumstances; amending s. 473.311, F.S.; revising licensure renewal requirements for firms engaged in certain aspects of the practice of public accounting; requiring such firms to comply with certain peer review requirements; providing an exception; creating s. 473.3125, F.S.; defining terms for purposes of peer review requirements; requiring firms engaged in certain aspects of the practice of public accounting to enroll in peer review programs and undergo peer reviews; providing for the frequency of peer reviews; providing exceptions; requiring firms that fail a specified number of peer reviews to submit certain documentation to the board; requiring the board to adopt rules establishing minimum standards for peer review programs and requiring a peer review administering organization to submit certain information; providing for the approval of peer review administering organizations; authorizing the board to withdraw approval of peer review administering organizations under certain cir-

cumstances; providing that certain persons who perform specified administrative services for a peer review administering organization are immune from civil liability; providing that the proceedings, records, and workpapers of peer review administering organizations are confidential and privileged; providing exceptions; prohibiting persons involved in peer reviews from testifying; amending s. 473.323, F.S.; providing additional grounds for the discipline of firms engaged in certain aspects of the practice of public accounting, to which penalties apply; authorizing disciplinary actions to be taken against firms that fail to enroll in a peer review program, to undergo a peer review, or to cooperate with a peer review administering organization approved by the board; revising requirements for reissuance of licenses after compliance with disciplinary final orders; conforming provisions; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to contract with certain private entities for specific functions; repealing s. 686.201, F.S., relating to sales representative contracts involving commissions; amending s. 373.461, F.S.; requiring certain appraisers to follow specific standards of professional practice in appraisals involving the restoration of the Lake Apopka Basin; amending s. 475.25, F.S.; conforming and clarifying certain real estate appraisal standards and practices; amending s. 475.615, F.S.; conforming provisions relating to standards of professional practice for real estate appraisers; amending s. 475.617, F.S.; conforming provisions relating to appraisal practice; amending s. 475.6175, F.S.; conforming provisions relating to appraisal practice; amending s. 475.6235, F.S.; conforming provisions relating to appraisal practice; amending s. 475.6245, F.S.; conforming provisions relating to appraisal practice; providing effective dates.

—was read the second time by title.

Senator Bogdanoff moved the following amendments which were adopted:

Amendment 1 (429094) (with title amendment)—Between lines 883 and 884 insert:

Section 31. Section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

(2) Has, for that category, passed a written examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The board may not impose or make any requirements regarding the nature or content of these cited examinations.

(3) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required by this subsection.

(4) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended within the last 5 years, or been assessed a fine in excess of \$500 within the last 5 years.

(5) Is in compliance with the insurance and financial responsibility requirements in s. 489.115(5).

Applicants wishing to obtain a certificate pursuant to this section must make application by November 1, 2015 ~~2005~~.

And the title is amended as follows:

Delete line 106 and insert: provisions relating to appraisal practice; amending s. 489.118, F.S.; extending the date within which certain registered contractors may apply for certification; providing

Amendment 2 (200932) (with title amendment)—Between lines 883 and 884 insert:

Section 31. Subsection (43) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(43) “Prescription drug” means a prescription, medicinal, or legend drug, ~~including, but not limited to, finished dosage forms or active ingredients~~ subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection (11), subsection (46), or subsection (53). *The term does not mean an active pharmaceutical ingredient.*

And the title is amended as follows:

Delete line 106 and insert: provisions relating to appraisal practice; amending s. 499.003, F.S.; redefining the term “prescription drug” to exclude active pharmaceutical ingredients; providing

MOTION

On motion by Senator Hays, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Hays moved the following amendment which was withdrawn:

Amendment 3 (945556) (with title amendment)—Delete line 703 and insert: 481.205 Board of Architecture and Interior Design.—

And the title is amended as follows:

Delete lines 88 and 89 and insert: F.S.; authorizing the Board of Architecture to contract with certain private

Pursuant to Rule 4.19, **CS for CS for SB 1824** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1972** was deferred.

CS for SB 2010—A bill to be entitled An act relating to faith- and character-based correctional institution programs; amending s. 944.803, F.S.; revising legislative findings; providing legislative intent with respect to expansion of the faith- and character-based initiative; providing requirements for faith- and character-based programs; deleting provisions relating to funding; revising requirements for participation by inmates in such programs; deleting provisions requiring the assignment of chaplains to community correctional centers; providing for the faith- and character-based institutions within the state correctional system to allow peer-to-peer programming whenever appropriate; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 2010** as amended, on motion by Senator Braynon, by two-thirds vote **CS for CS for HB 369** was withdrawn from the Committees on Criminal Justice; Budget; and Rules.

On motion by Senator Braynon—

CS for CS for HB 369—A bill to be entitled An act relating to faith- and character-based correctional institution programs; amending s. 944.803, F.S.; revising legislative findings; providing legislative intent; providing requirements for faith- and character-based programs; deleting provisions relating to funding; revising requirements for participation; deleting provisions relating to assignment of chaplains; allowing peer-to-peer programming whenever appropriate; providing an effective date.

—a companion measure, was substituted for **CS for SB 2010** as amended and read the second time by title.

On motion by Senator Braynon, by two-thirds vote **CS for CS for HB 369** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Gardiner	Rich
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Dean, the Senate reconsidered the vote by which—

CS for SB 224—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S., relating to the Legislative Auditing Committee; clarifying when the Department of Community Affairs may institute procedures for declaring that a special district is inactive; amending s. 30.49, F.S.; specifying the level of detail required for each fund in the sheriff’s proposed budget; revising the categories for expenditures; amending s. 112.63, F.S., relating to the review of the actuarial reports and statements of retirement plans of governmental entities by the Department of Management Services; providing that the failure of a special district to make appropriate adjustments or provide additional information authorizes the department to seek a writ of certiorari; amending s. 129.01, F.S.; revising provisions relating to the preparation of county budgets; specifying the level of detail required for each fund in the budget; amending s. 129.02, F.S.; revising provisions relating to the preparation of special district budgets; specifying the level of detail required for each fund in the budget; amending s. 129.021, F.S.; conforming cross-references; amending s. 129.03, F.S.; deleting a time restriction on preparing and presenting a tentative county budget; requiring tentative county budgets to be posted on the county’s website; amending s. 129.06, F.S.; revising provisions relating to the execution and amendment of county budgets; requiring revised budgets to be posted on the county’s website; amending s. 129.07, F.S.; revising provisions relating to the prohibition against exceeding the county budget; amending s. 129.201, F.S.; conforming and revising provisions relating to the budget of the supervisor of elections; specifying the level of detail required for each fund in the proposed budget; revising expenditure categories; amending s. 166.241, F.S.; revising provisions relating to the preparation or amendment of municipal budgets; specifying the level of detail for each fund in the budget; requiring such budgets and amendments to such budgets to be posted on the website of the municipality or related county; amending s. 189.4044, F.S.; adding failure to file a registered office or agent with the department for 1 or more years as a criteria for declaring a special district inactive; amending s. 189.412, F.S.; adding the Legislative Auditing Committee to the list of entities that obtain special district noncompliance status reports; amending s. 189.418, F.S.; revising provisions relating to the preparation or amendment of special district budgets; specifying the level of detail for each fund in the budget; requiring such budgets to be posted on the website of the special district or related local general-purpose government or governing authority; specifying how the budget may be amended under certain circumstances; requiring special districts to comply with certain reporting requirements; authorizing a local governing authority to request certain financial information from special districts located solely within the boundaries of the authority; requiring special districts to cooperate with such requests; amending s. 189.419, F.S.; revising procedures relating to a special district’s failure to file certain reports or

information; amending s. 189.421, F.S.; revising procedures relating to the failure of a special district to disclose financial reports; authorizing the Department of Community Affairs to seek a writ of certiorari; amending s. 195.087, F.S.; requiring the final approved budget of the property appraiser and tax collector to be posted on their respective website or, if not available, the county's website; amending s. 218.32, F.S.; revising the schedule for submitting a local governmental entity's audit and annual financial reports to the Department of Financial Services; requiring the department to notify the Special District Information Program if it does not receive a financial report from a local governmental entity; requiring a local governmental entity to provide a link to the entity's financial report on the department's website; amending s. 218.35, F.S.; requiring the budget for certain county-related duties to be itemized in accordance with the uniform accounting system of the Department of Financial Services; specifying the level of detail for each fund in the clerk of the court's budget; requiring the court clerk's approved budget to be posted on the county's website; amending s. 218.39, F.S.; revising the timeframe for completing a local governmental entity's annual financial audit; requiring that an auditor prepare an audit report; requiring that such report be filed with the Auditor General within a specified time; requiring that the Auditor General notify the Legislative Auditing Committee of any audit report indicating that an audited entity has failed to take corrective action; requiring that the chair of a local governmental entity appear before the committee under certain circumstances; amending s. 218.503, F.S.; revising provisions relating to oversight by the Governor when an entity's financial statements show it cannot cover a deficit of funds; amending s. 373.536, F.S.; requiring that water management district budgets be posted on the district website; amending s. 1011.03, F.S.; requiring the summary of the tentative budget, the tentative budget, and the budget of a district school board to be posted on the district's official website; amending s. 1011.051, F.S.; revising provisions relating to the guidelines for district school boards to maintain an ending fund balance for the general fund; amending s. 1011.64, F.S.; updating obsolete accounting terminology for school districts; providing an effective date.

—passed this day.

Senator Garcia moved the following amendment:

Amendment 1 (768030) (with title amendment)—Between lines 1372 and 1373 insert:

Section 26. Subsection (1) of section 170.201, Florida Statutes, is amended to read:

170.201 Special assessments.—

(1) In addition to other lawful authority to levy and collect special assessments, the governing body of a municipality may levy and collect special assessments to fund capital improvements and municipal services, including, but not limited to, fire protection, emergency medical services, garbage disposal, sewer improvement, street improvement, and parking facilities. *Without limiting the foregoing, a municipality that has a population of fewer than 100 persons for the previous year's taxing year, may also levy and collect special assessments to fund special security and crime prevention services and facilities, including guard and gatehouse facilities for the current taxing year. However, if prior to the levy of the assessment, the cost of the services and facilities are funded by ad valorem taxes, the taxes shall be abated annually thereafter, in an amount equal to the full amount of the special assessment.* The governing body of a municipality may apportion costs of such special assessments based on:

(a) The front or square footage of each parcel of land; or

(b) An alternative methodology, so long as the amount of the assessment for each parcel of land is not in excess of the proportional benefits as compared to other assessments on other parcels of land.

And the title is amended as follows:

Delete line 112 and insert: obsolete accounting terminology for school districts; amending s. 170.201, F.S.; authorizing certain municipalities to levy and collect special assessments to fund special security and crime prevention services and facilities; providing for the abatement of taxes if the cost of those services and facilities are funded by ad valorem taxes;

On motion by Senator Dean, further consideration of **CS for SB 224** with pending **Amendment 1 (768030)** was deferred.

RECONSIDERATION OF BILL

On motion by Senator Detert, the Senate reconsidered the vote by which—

HB 1165—A bill to be entitled An act relating to driver's licenses and identification cards; amending ss. 322.14 and 322.051, F.S.; providing for a person's status as a veteran to be indicated on his or her driver's license or identification card upon payment of an additional fee and presentation of the person's Form DD 214; providing an effective date.

—as amended passed this day.

On motion by Senator Detert, the Senate reconsidered the vote by which **Amendment 1 (874872)** was adopted.

Amendment 1 (874872) was withdrawn.

On motion by Senator Detert, **HB 1165** was passed as amended and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

Consideration of **CS for SB 2040**, **CS for CS for SB 1122** and **CS for SB 1590** was deferred.

CS for SB 1328—A bill to be entitled An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public-records requirements for information held by the Office of Financial Regulation which is received from another state or federal agency and which is otherwise confidential or exempt pursuant to the laws of that state or federal law; providing an exemption from public-records requirements for information held by the office which is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal agency; specifying conditions under which the Office of Financial Regulation may obtain and use such information; providing for retroactive application; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1328**, on motion by Senator Hays, by two-thirds vote **CS for HB 677** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; and Governmental Oversight and Accountability.

On motion by Senator Hays—

CS for HB 677—A bill to be entitled An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for information held by the Office of Financial Regulation that is received from another state or federal regulatory, administrative, or criminal justice agency and that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law; providing

an exemption from public records requirements for information held by the office that is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency; specifying conditions under which the Office of Financial Regulation may obtain and use such information; providing for retroactive application; providing for future review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1328** and read the second time by title.

On motion by Senator Hays, by two-thirds vote **CS for HB 677** was read the third time by title, passed by the required two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

CS for CS for SB 1502—A bill to be entitled An act relating to an ad valorem tax exemption for deployed servicemembers; creating s. 196.173, F.S.; providing for certain servicemembers who receive a homestead exemption and who are deployed in certain military operations to receive an additional ad valorem tax exemption; designating qualifying military operations; requiring the Department of Revenue to notify property appraisers and tax collectors of the designated military operations; requiring the Department of Military Affairs to submit a report annually of military operations to the President of the Senate, the Speaker of the House of Representatives, and the tax committees of each house of the Legislature; specifying the calculation to be used in determining the exemption amount; requiring that a servicemember apply to the property appraiser to receive the exemption in the year following the year of a qualifying deployment; providing for the application forms to be prescribed by the Department of Revenue and furnished to an applicant by the property appraiser; requiring that a property appraiser consider applications for an exemption within a certain time; providing a definition; amending s. 194.011, F.S.; requiring a person appealing the denial of a deployed servicemember exemption to the value adjustment board to file the appeal within a certain time; amending s. 196.011, F.S.; providing requirements for the forms used for claims for the exemption for deployed servicemembers; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act to qualifying deployments in the 2010 calendar year; providing for the act to apply to tax rolls beginning in 2011; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1502**, on motion by Senator Simmons, by two-thirds vote **CS for CS for HB 1141** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Community Affairs; and Budget.

On motion by Senator Simmons—

CS for CS for HB 1141—A bill to be entitled An act relating to an ad valorem tax exemption for deployed servicemembers; creating s. 196.173, F.S.; providing for certain servicemembers who receive a homestead exemption and who are deployed in certain military operations to receive an additional ad valorem tax exemption; designating military operations to receive the additional ad valorem tax exemption; requiring the Department of Revenue to notify property appraisers and

tax collectors of the designated military operations; requiring the Department of Military Affairs to submit a report annually of military operations to the President of the Senate, the Speaker of the House of Representatives, and the tax committees of each house of the Legislature; specifying the calculation to be used in determining the exemption amount; requiring that a servicemember apply to the property appraiser to receive the exemption in the year following the year of a qualifying deployment; providing for the application forms to be prescribed by the Department of Revenue and furnished to an applicant by the property appraiser; authorizing certain persons to apply to the property appraiser to receive an exemption on behalf of a servicemember; requiring that a property appraiser consider applications for an exemption within a certain time; providing a definition; amending s. 194.011, F.S.; requiring a person appealing the denial of a deployed service member exemption to the value adjustment board to file the appeal within a certain time; amending s. 196.011, F.S.; providing requirements for the forms used for claims for the exemption for deployed servicemembers; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act to qualifying deployments in the 2010 calendar year; providing for the act to apply to tax rolls beginning in 2011; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1502** and read the second time by title.

On motion by Senator Simmons, by two-thirds vote **CS for CS for HB 1141** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

CS for SB 1850—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 985.02, F.S.; revising legislative intent for the juvenile justice system; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities, and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs and to give first-time misdemeanor offenders and offenders who are 9 years of age or younger an opportunity to participate in the programs; amending s. 985.145, F.S.; requiring a juvenile probation officer to make a referral to the appropriate shelter if the completed risk assessment instrument shows that the child is ineligible for secure detention; amending s. 985.24, F.S.; prohibiting a child alleged to have committed a delinquent act or violation of law from being placed into secure, nonsecure, or home detention care because of a misdemeanor charge of domestic violence if the child lives in a family that has a history of family violence or if the child is a victim of abuse or neglect unless the child would otherwise be subject to secure detention based on prior history; prohibiting a child 9 years of age or younger from being placed into secure detention care unless the child is charged with a capital felony, a life felony, or a felony of the first degree; amending s. 985.245, F.S.; revising the development process for the risk assessment instrument; revising factors to be considered in assessing a child's risk of re-arrest or failure to appear; amending s. 985.255, F.S.; providing that a child may be placed in home detention care or detained in secure detention care under certain circumstances; providing that a child who is charged with committing a felony offense of domestic violence and who

does not meet detention criteria may nevertheless be held in secure detention care if the court makes certain specific written findings; amending s. 985.441, F.S.; removing obsolete provisions relating to committing a child to a program or facility for serious or habitual juvenile offenders; authorizing a court to commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents; amending s. 985.45, F.S.; providing that whenever a child is required by the court to participate in any juvenile justice work program, the child is considered an employee of the state for the purpose of workers' compensation; amending s. 985.632, F.S.; establishing legislative intent that the Department of Juvenile Justice collect and analyze available statistical data for the purpose of ongoing evaluation of all juvenile justice programs; redefining terms; requiring the department to use a standard methodology to annually measure, evaluate, and report program outputs and youth outcomes for each program and program group; requiring that the department submit an annual report to the appropriate committees of the Legislature and the Governor; requiring that the department notify specified parties of substantive changes to the standard methodology used in its evaluation; requiring that the department apply a program accountability measures analysis to each commitment program; deleting obsolete provisions; amending s. 985.652, F.S.; removing a private corporation operating a state-owned training school under a contract with the Department of Juvenile Justice from insurance coverage provided by the Division of Risk Management of the Department of Financial Services; repealing ss. 985.03(48), 985.03(56), 985.47, 985.483, 985.486, and 985.636, F.S., relating to, respectively, legislative intent for serious or habitual juvenile offenders in the juvenile justice system, definitions of terms for a training school and the serious or habitual juvenile offender program, the serious or habitual juvenile offender program in the juvenile justice system, the intensive residential treatment program for offenders less than 13 years of age, and the designation of persons holding law enforcement certification within the Office of the Inspector General to act as law enforcement officers; amending s. 985.494, F.S.; requiring a child who is adjudicated delinquent, or for whom adjudication is withheld, to be committed to a maximum-risk residential program for an act that would be a felony if committed by an adult if the child has completed two different high-risk residential commitment programs; repealing s. 985.445, F.S., relating to cases involving grand theft of a motor vehicle committed by a child; amending ss. 985.0301 and 985.565, F.S.; conforming references to changes made by the act; amending s. 985.66, F.S.; removing all references to the Juvenile Justice Standards and Training Commission; requiring the Department of Juvenile Justice to be responsible for staff development and training; specifying the duties and responsibilities of the department for staff development; removing obsolete provisions to conform to changes made by the act; repealing s. 985.48(8), F.S., relating to activities of the Juvenile Justice Standards and Training Commission with respect to training and treatment services for juvenile sexual offenders; amending ss. 984.14 and 985.14, F.S.; revising provisions to conform to changes made by the act; reenacting s. 914.13(3), F.S., relating to taking a child into custody allegedly from a family or a child in need of services, to incorporate the amendment made to s. 984.14, F.S., in a reference thereto; providing an effective date.

—was read the second time by title. On motion by Senator Evers, by two-thirds vote **CS for SB 1850** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

CS for SB 224—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S., relating to the Legislative Auditing Committee; clarifying when the Department of Community Affairs may institute procedures for declaring that a special district is inactive; amending s. 30.49, F.S.; specifying the level of detail required for each fund in the sheriff's proposed budget; revising the categories for expenditures; amending s. 112.63, F.S., relating to the review of the actuarial reports and statements of retirement plans of governmental entities by the Department of Management Services; providing that the failure of a special district to make appropriate adjustments or provide additional information authorizes the department to seek a writ of certiorari; amending s. 129.01, F.S.; revising provisions relating to the preparation of county budgets; specifying the level of detail required for each fund in the budget; amending s. 129.02, F.S.; revising provisions relating to the preparation of special district budgets; specifying the level of detail required for each fund in the budget; amending s. 129.021, F.S.; conforming cross-references; amending s. 129.03, F.S.; deleting a time restriction on preparing and presenting a tentative county budget; requiring tentative county budgets to be posted on the county's website; amending s. 129.06, F.S.; revising provisions relating to the execution and amendment of county budgets; requiring revised budgets to be posted on the county's website; amending s. 129.07, F.S.; revising provisions relating to the prohibition against exceeding the county budget; amending s. 129.201, F.S.; conforming and revising provisions relating to the budget of the supervisor of elections; specifying the level of detail required for each fund in the proposed budget; revising expenditure categories; amending s. 166.241, F.S.; revising provisions relating to the preparation or amendment of municipal budgets; specifying the level of detail for each fund in the budget; requiring such budgets and amendments to such budgets to be posted on the website of the municipality or related county; amending s. 189.4044, F.S.; adding failure to file a registered office or agent with the department for 1 or more years as a criteria for declaring a special district inactive; amending s. 189.412, F.S.; adding the Legislative Auditing Committee to the list of entities that obtain special district noncompliance status reports; amending s. 189.418, F.S.; revising provisions relating to the preparation or amendment of special district budgets; specifying the level of detail for each fund in the budget; requiring such budgets to be posted on the website of the special district or related local general-purpose government or governing authority; specifying how the budget may be amended under certain circumstances; requiring special districts to comply with certain reporting requirements; authorizing a local governing authority to request certain financial information from special districts located solely within the boundaries of the authority; requiring special districts to cooperate with such requests; amending s. 189.419, F.S.; revising procedures relating to a special district's failure to file certain reports or information; amending s. 189.421, F.S.; revising procedures relating to the failure of a special district to disclose financial reports; authorizing the Department of Community Affairs to seek a writ of certiorari; amending s. 195.087, F.S.; requiring the final approved budget of the property appraiser and tax collector to be posted on their respective website or, if not available, the county's website; amending s. 218.32, F.S.; revising the schedule for submitting a local governmental entity's audit and annual financial reports to the Department of Financial Services; requiring the department to notify the Special District Information Program if it does not receive a financial report from a local governmental entity; requiring a local governmental entity to provide a link to the entity's financial report on the department's website; amending s. 218.35, F.S.; requiring the budget for certain county-related duties to be itemized in accordance with the uniform accounting system of the Department of Financial Services; specifying the level of detail for each fund in the clerk of the court's budget; requiring the court clerk's approved budget to be posted on the county's website; amending s. 218.39, F.S.; revising the timeframe for completing a local governmental entity's annual financial audit; requiring that an auditor prepare an audit report; requiring that such report be filed with the Auditor General within a specified time; requiring that the Auditor General notify the Legislative Auditing Committee of any audit report indicating that an audited entity has failed to take corrective action; requiring that the chair of a local governmental entity appear before the committee under certain circumstances; amending s. 218.503, F.S.; revising provisions relating to oversight by the Governor when an entity's financial statements show it

cannot cover a deficit of funds; amending s. 373.536, F.S.; requiring that water management district budgets be posted on the district website; amending s. 1011.03, F.S.; requiring the summary of the tentative budget, the tentative budget, and the budget of a district school board to be posted on the district's official website; amending s. 1011.051, F.S.; revising provisions relating to the guidelines for district school boards to maintain an ending fund balance for the general fund; amending s. 1011.64, F.S.; updating obsolete accounting terminology for school districts; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (768030)** by Senator Garcia was adopted by two-thirds vote.

On motion by Senator Dean, **CS for SB 224** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

SB 1494—A bill to be entitled An act relating to the Interstate Compact for Juveniles; reenacting s. 985.802, F.S., which expired by operation of law on August 26, 2010; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state's withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; reenacting s. 985.5025, F.S., which expired by operation of law on August 26, 2010; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1494**, on motion by Senator Evers, by two-thirds vote **HB 1029** was withdrawn from the Committees on Criminal Justice; Budget Subcommittee on Criminal and Civil Justice Appropriations; Budget; and Rules.

On motion by Senator Evers—

HB 1029—A bill to be entitled An act relating to the Interstate Compact for Juveniles; reenacting s. 985.802, F.S.; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing

powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state's withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; reenacting s. 985.8025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; providing an effective date.

—a companion measure, was substituted for **SB 1494** and read the second time by title.

On motion by Senator Evers, by two-thirds vote **HB 1029** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

Consideration of **CS for SB 1922** was deferred.

CS for CS for SJR 1954—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors; providing requirements for a bill proposing such a special law; authorizing the Miami-Dade County charter to provide for fixed term limits of commissioners.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this

article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) ORDINANCES. Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the *Miami-Dade Metropolitan Dade County Home Rule Charter*, heretofore or hereafter adopted by the electors of *Miami-Dade Dade County* pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended. *However, notwithstanding any provision of Article VIII, Section 11, of the Constitution of 1885, as amended, or any limitations under this subsection, the Miami-Dade County Home Rule Charter may be amended or revised by special law approved by the electors of Miami-Dade County and, if approved, shall be deemed an amendment or revision of the charter by the electors of Miami-Dade County. A bill proposing such a special law must be approved at a meeting of the local legislative delegation and filed by a member of that delegation. The charter may provide for fixed term limits of Miami-Dade County Commissioners.*

(f) MIAMI-DADE DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of *Miami-Dade Dade County* may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 6

AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME RULE CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—Authorizes amendments or revisions to the Miami-Dade County Home Rule Charter by a special law when the law is approved by a vote of the electors of Miami-Dade County. A bill proposing such a special law must be approved at a meeting of the local legislative delegation and filed by a member of that delegation. It also conforms references in the State Constitution to reflect the county’s current name and states that the charter may provide for fixed term limits of Miami-Dade County Commissioners.

—was read the second time in full. On motion by Senator Garcia, by two-thirds vote **CS for CS for SJR 1954** was read the third time by title and failed to receive the required constitutional three-fifths vote of the membership. The vote was:

Yeas—15

Alexander	Fasano	Negron
Altman	Flores	Richter
Bennett	Gaetz	Ring
Detert	Garcia	Simmons
Evers	Gardiner	Thrasher

Nays—21

Bogdanoff	Jones	Oelrich
Braynon	Joyner	Rich
Dean	Latvala	Sachs
Diaz de la Portilla	Lynn	Siplin
Dockery	Margolis	Smith
Hays	Montford	Sobel
Hill	Norman	Wise

Vote after roll call:

Nay—Storms

Consideration of **CS for CS for SB 1128** was deferred.

CS for SB 380—A bill to be entitled An act relating to the training and certification of child welfare personnel; amending s. 402.40, F.S.; revising legislative intent; defining the terms “child welfare certification,” “core competency,” “preservice curriculum,” and “third-party credentialing entity”; providing required criteria for the approval of credentialing entities that develop and administer certification programs for persons who provide child welfare services; revising the use of the Child Welfare Training Trust Fund within the Department of Children and Family Services; revising provisions relating to preservice curricula; requiring persons who provide child welfare services to be certified by a third-party credentialing entity; allowing entities to add to or augment preservice curriculum; allowing entities to contract for training; requiring persons to master core competencies; providing for recognition for currently certified persons; deleting requirements relating to certification and trainer qualifications; deleting provisions relating to training academies; amending s. 402.731, F.S.; authorizing approval of third-party credentialing entities; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 380**, on motion by Senator Wise, by two-thirds vote **CS for HB 279** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Budget.

On motion by Senator Wise—

CS for HB 279—A bill to be entitled An act relating to the training and certification of child welfare personnel; amending s. 402.40, F.S.; revising legislative intent; defining the terms “child welfare certification,” “core competency,” “preservice curriculum,” and “third-party credentialing entity”; providing required criteria for the approval of credentialing entities that develop and administer certification programs for persons who provide child welfare services; revising the use of the Child Welfare Training Trust Fund within the Department of Children and Family Services; revising provisions relating to preservice curricula; requiring persons who provide child welfare services to be certified by a third-party credentialing entity; allowing entities to add to or augment preservice curriculum; allowing entities to contract for training; requiring persons to master core competencies; providing for recognition for currently certified persons; deleting requirements relating to certification and trainer qualifications; deleting provisions relating to training academies; amending s. 402.731, F.S.; authorizing approval of third-party credentialing entities; providing an effective date.

—a companion measure, was substituted for **CS for SB 380** and read the second time by title.

On motion by Senator Wise, by two-thirds vote **CS for HB 279** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Oelrich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	
Flores	Norman	

Nays—None

THE PRESIDENT PRESIDING

CS for CS for SB 236—A bill to be entitled An act relating to state parks; amending s. 258.0145, F.S.; providing for the parents of certain deceased veterans and the spouse and parents of law enforcement officers and firefighters who die in the line of duty to receive annual entrance passes to state parks at no charge; designating the Jack Mashburn Marina at St. Andrews State Park in Bay County; directing the Department of Environmental Protection to erect suitable markers; exempting parks within the state park system which have free-roaming animal populations from the liability provisions in s. 588.15, F.S.; amending s. 380.0685, F.S., relating to a surcharge imposed on admission fees to state parks in areas of critical state concern located in certain counties; providing for certain municipalities to use the proceeds of the surcharge for land acquisition or beach renourishment or restoration; providing limitations for purposes of determining state matching funds; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 236**, on motion by Senator Hays, by two-thirds vote **CS for CS for HB 95** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Hays—

CS for CS for HB 95—A bill to be entitled An act relating to state parks; amending s. 258.0145, F.S.; providing for the parents of certain deceased veterans to receive annual entrance passes to state parks at no charge; amending s. 380.0685, F.S., relating to a surcharge imposed on admission fees to state parks in areas of critical state concern located in certain counties; providing for certain municipalities to use the proceeds of the surcharge for land acquisition or beach renourishment or restoration; providing limitations for purposes of determining state matching funds; exempting the state from specified liability provisions with respect to parks within the state park system that have free-roaming animal populations; designating Jack Mashburn Marina in Bay County; directing the Department of Environmental Protection to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 236** and read the second time by title.

MOTION

On motion by Senator Hays, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Hays moved the following amendment which was adopted:

Amendment 1 (748168) (with directory and title amendments)—Between lines 31 and 32 insert:

(4) *The surviving spouse and parents of a law enforcement officer, as defined in s. 943.10(1), or a firefighter, as defined in s. 633.30(1), who has*

died in the line of duty shall receive lifetime family annual entrance passes at no charge.

And the directory clause is amended as follows:

Delete line 22 and insert: Statutes, is amended, and subsection (4) is added to that section, to read:

And the title is amended as follows:

Delete line 4 and insert: veterans and the spouse and parents of law enforcement officers and firefighters who die in the line of duty to receive annual entrance passes to state parks

On motion by Senator Hays, by two-thirds vote **CS for CS for HB 95** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

ADOPTION OF RESOLUTIONS

On motion by Senator Latvala—

By Senators Latvala, Haridopolos, Alexander, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Garcia, Gardiner, Hays, Hill, Jones, Joyner, Lynn, Margolis, Montford, Negron, Norman, Oelrich, Rich, Richter, Ring, Sachs, Simmons, Siplin, Smith, Sobel, Storms, Thrasher, and Wise—

SR 2214—A resolution recognizing the Florida State Lodge, Fraternal Order of Police, on the occasion of the 29th Annual Florida Law Enforcement Memorial Service and paying tribute to those who gave their lives in the line of duty.

WHEREAS, the mission of the Florida State Lodge, Fraternal Order of Police, includes promoting impartial enforcement of the law and enhancing the efficiency of the police profession in order to increase the confidence of the public in members of the profession, and

WHEREAS, the Florida State Lodge, Fraternal Order of Police, annually recognizes Florida law enforcement officers and federal officers assigned to Florida who are killed in the line of duty, and

WHEREAS, the annual memorial service of the Florida State Lodge, Fraternal Order of Police, is held at the Florida Law Enforcement Memorial Monument, which is located on the grounds of the Florida Capitol and contains the names of fallen law enforcement officers, and

WHEREAS, on May 2, 2011, the Florida State Lodge, Fraternal Order of Police, will honor these officers who died in 2010: Wesley Richard Whitmore, Jr., Polk County Sheriff's Office; Brandon L. Coates, Orange County Sheriff's Office; Mark A. Longway, Hillsborough County Sheriff's Office; David L. Curtis and Jeffrey A. Kocab, Tampa Police Department; Melissa J. Powers, Monroe County Sheriff's Office; Patrick Ambroise, Florida Highway Patrol; Chad A. Reed, Sr., Dixie County Sheriff's Office; and James Louis Anderson, St. Johns County Sheriff's Office, and

WHEREAS, these special men and women were dedicated to the protection of life and property and sacrificed their lives for their communities and for all Floridians, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Senate pay tribute to Wesley Richard Whitmore, Jr., Brandon L. Coates, Mark A. Longway, David L. Curtis, Jeffrey A. Kocab, Melissa J. Powers, Patrick Ambrose, Chad A. Reed, Sr., and James Louis Anderson and convey our deepest sympathy to their families, friends, and colleagues on the occasion of the 29th Annual Florida Law Enforcement Memorial Service.

—was introduced out of order and read by title. On motion by Senator Latvala, **SR 2214** was read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **SB 1980, HB 229, CS for HB 231, HB 233, HB 529, CS for HB 555, HB 657, HB 659, HB 699, HB 741, CS for HB 745, HB 861, HB 865, CS for HB 869, HB 985, HB 1009, HB 1045, CS for HB 1063, CS for HB 1293, HB 1307, HB 1311, CS for HB 1317, CS for HB 1345, HB 1351, CS for HB 1489, HB 4191, HB 4197, HB 4203, and HB 4205** were withdrawn from the Committee on Rules.

LOCAL BILL CALENDAR

SB 1980—A bill to be entitled An act relating to the Lealman Special Fire Control District, Pinellas County; amending chapter 2000-426, Laws of Florida, as amended; reducing the maximum ad valorem millage rate that may be levied by the district; providing requirements for the annexation of the unincorporated territory of the district by a municipality; requiring the approval of an annexation by a referendum of the electors within the district; providing for future expiration of the requirements for annexation; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Latvala, further consideration of **SB 1980** was deferred.

HB 229—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the General Employees' Pension Plan for the City of Tampa; revising the definitions of the terms "Salaries or Wages," "Employee," and "Military Service Time"; revising application of the term "Actuarial Equivalent"; defining the term "Limitation Year"; providing that all employee contributions to the pension fund after a certain date are mandatory and that the city shall pay such contributions to the fund on behalf of the employee; providing certain beneficiaries an option to roll over certain death benefits; providing for a refund of employee contributions; revising the provision that addresses the reemployment of retired employees; revising construction of the act; allowing DROP members the opportunity to elect an investment option, as determined by the board of trustees, to be applied to the participant's account for the plan year entering the DROP program and for each subsequent plan year; revising benefit limitations; revising requirements for distribution of benefits; providing a default distribution when a member fails to elect a distribution option; revising direct rollover options; revising the definitions of the terms "eligible rollover distribution," "eligible rollover plan," and "distributee"; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Joyner, further consideration of **HB 229** was deferred.

CS for HB 231—A bill to be entitled An act relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to

comply with chapter 2009-97, Laws of Florida; revising the manner in which elective trustees are elected; increasing the maximum length of time prior to term commencement in which to conduct trustee elections; allowing the board to retain the services of more than one nationally recognized professional investment counselor; increasing the investment cap on foreign securities; providing that the investment cap on foreign securities is measured on a market value basis and may not be revised, amended, increased, or repealed except as provided by general law; allowing retired members to elect to receive a reduced retirement benefit in order to provide a surviving spouse benefit under certain circumstances; allowing members to purchase up to an additional 5 years of credited service based upon prior service as a full-time certified firefighter or certified police officer or for military service in the Armed Forces of the United States subject to certain conditions; allowing DROP participants upon entering DROP and annually thereafter to elect an option for accruing annual interest at a low-risk variable rate selected annually by the board of trustees, in its sole discretion, in lieu of a rate reflecting the fund's net investment performance, as determined by the board of trustees; prohibiting members from selecting certain pension contract changes and rejecting others; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing for severability; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Joyner, further consideration of **CS for HB 231** was deferred.

HB 233—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the City of Tampa for use within the buildings and adjoining grounds of Curtis Hixon Waterfront Park and Kiley Garden Park; providing for payment of the license fee; authorizing sale of alcoholic beverages for consumption within the buildings and their adjoining grounds; prohibiting sales for consumption off premises; providing for construction of this act; authorizing transfer and providing for subsequent reversion of the license under certain circumstances; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Joyner, further consideration of **HB 233** was deferred.

HB 529—A bill to be entitled An act relating to the Lee County Sheriff's Office; amending chapter 74-522, Laws of Florida, as amended; providing that certain retirement health insurance benefits shall not be available to specified employees; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Benacquisto, further consideration of **HB 529** was deferred.

CS for HB 555—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; amending chapter 2006-344, Laws of Florida; revising the powers of the board of commissioners relating to the employment of certain persons; specifying the provisions of law governing the election of commissioners and removing obsolete provisions for the staggering of initial terms; requiring the district to pay for the surety bonds required of commissioners before they assume office; requiring commissioners to elect a secretary/treasurer for the board; revising per diem and travel expense provisions for commissioners and employees; revising powers of the board relating to the control of mosquitoes and sandflies and deleting the power of the board to eliminate all species of mosquitoes and sandflies in the district; revising provisions relating to the board's purchasing, borrowing, and insurance requirements; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Negrón, further consideration of **CS for HB 555** was deferred.

HB 657—A bill to be entitled An act relating to Martin County; amending chapter 63-1619, Laws of Florida, as amended; limiting the issuance of special alcoholic beverage licenses to restaurants that serve a certain number of patrons, occupy a certain amount of floor space, and are located within the legal boundaries of the community redevelopment areas of the county; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Negrón, further consideration of **HB 657** was deferred.

HB 659—A bill to be entitled An act relating to Martin County; amending chapter 65-1906, as amended; revising the membership of the County Health Care Review Board; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Negrón, further consideration of **HB 659** was deferred.

HB 699—A bill to be entitled An act relating to the Southeast Volusia Hospital District, Volusia County; amending chapter 2003-310, Laws of Florida; expanding the representation of the Southeast Volusia Hospital District governing body; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Lynn, further consideration of **HB 699** was deferred.

HB 741—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; amending chapter 2009-258, Laws of Florida; authorizing the district to develop and operate water supply sources and facilities and to enter into interlocal agreements with local governments and public and private utilities for such purpose; providing for issuance of notes and bonds; prohibiting the district from engaging in retail water sales; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Benacquisto, further consideration of **HB 741** was deferred.

CS for HB 745—A bill to be entitled An act relating to the Polk County Historical Commission, Polk County; amending chapter 96-462, Laws of Florida; revising the number of commission members; providing for membership eligibility, terms of membership, meetings, attendance at meetings, and rules of procedure; providing for staff; providing powers and duties; providing for funding and the creation of dedicated accounts for the Polk County Historical Museum and the Genealogical Library; deleting provisions relating to the Polk County Historical Association; requiring the board of county commissioners to provide a repository for certain materials; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Alexander, further consideration of **CS for HB 745** was deferred.

HB 861—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 2005-341, Laws of Florida, as amended; extending and enlarging the boundaries of the district; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Smith, further consideration of **HB 861** was deferred.

HB 865—A bill to be entitled An act relating to the Town of Southwest Ranches, Broward County; amending chapter 2000-475, Laws of Florida; amending the town's charter to remove inapplicable provisions and to make ministerial changes; providing further description of the town's rural residential character; eliminating previously repealed language; providing additional language relating to filling council vacancies; clarifying that only the town council is required to vote by roll call; clarifying that a roll call vote is required by the town council on all land use and quasi-judicial items; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Smith, further consideration of **HB 865** was deferred.

CS for HB 869—A bill to be entitled An act relating to the Manatee County Port Authority; amending chapter 2003-351, Laws of Florida; providing for the conveyance of title to submerged lands adjacent to the port authority's boundaries from the Board of Trustees of the Internal Improvement Trust Fund; defining the territorial boundaries of the submerged lands; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Bennett, further consideration of **CS for HB 869** was deferred.

HB 985—A bill to be entitled An act relating to Hillsborough County; amending chapter 2004-414, Laws of Florida, as amended, which relates to projects for which payment and performance bonds may be waived for the construction of a public building, for the prosecution and completion of a public work, or for repairs on a public building or public work when the cost of the project is at or below a certain threshold and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in county procurement programs; deferring the future repeal of the law; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Joyner, further consideration of **HB 985** was deferred.

HB 1009—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 87-471, Laws of Florida; adding a special zone in downtown Jacksonville; providing exception for space and seating requirements for liquor licenses for restaurants in the zone; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Wise, further consideration of **HB 1009** was deferred.

HB 1045—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws of Florida, as amended; providing for the dedication of the width of roads to the public; providing requirements for such dedication; providing for prima facie evidence of public road easements; exempting certain property of an electric utility; assigning traffic control jurisdiction on all public roads within the district to the Town of Loxahatchee Groves; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Smith, further consideration of **HB 1045** was deferred.

CS for HB 1063—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida, as amended; increasing the amount for which the Canaveral Port Authority may encumber personal properties and facilities of the authority; increasing the amount for which contracts for construction, improvement, repair, or building may be entered into or goods, supplies, or materials may be purchased by the district or authority; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Altman, further consideration of **CS for HB 1063** was deferred.

CS for HB 1293—A bill to be entitled An act relating to Brevard County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Brevard Art Museum, Inc., for use within the museum's buildings; requiring payment of a license fee; providing for the sale of beverages for consumption at the museum; providing for transfer of the license; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Altman, further consideration of **CS for HB 1293** was deferred.

HB 1307—A bill to be entitled An act relating to the City of Mount Dora, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Mount Dora; providing that such events require a street-closure permit from the City of Mount Dora; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Dockery, further consideration of **HB 1307** was deferred.

HB 1311—A bill to be entitled An act relating to Walton County; providing that certain rigid coastal armoring structures constructed during a specified time may remain without the need to obtain a Department of Environmental Protection permit; providing conditions applicable to such structures; providing definitions; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Gaetz, further consideration of **HB 1311** was deferred.

CS for HB 1317—A bill to be entitled An act relating to Nassau County; creating the Nassau County targeted job creation zone pilot project; authorizing Nassau County to designate specified areas as targeted job creation zones and to implement specified exceptions, strategies, and incentives; providing for an alternative process for adoption and review of specified local government comprehensive plan amend-

ments; providing for repeal of the pilot project; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Wise, further consideration of **CS for HB 1317** was deferred.

CS for HB 1345—A bill to be entitled An act relating to the Charlotte County Airport Authority, Charlotte County; amending chapter 98-508, Laws of Florida, as amended; revising various provisions of the Charlotte County Airport Authority Act; revising definitions; expanding the purpose of the authority; revising provisions relating to members, officers, compensation, and meetings; revising powers of the authority; revising requirements for the expenditure of funds; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Detert, further consideration of **CS for HB 1345** was deferred.

HB 1351—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida, as amended; revising and providing definitions; conforming terminology; deleting and updating obsolete provisions; revising inconsistent provisions; revising the method of deciding elections of commissioners in the event of a tie vote; clarifying language relating to the imposition of district assessments and taxes; clarifying the type of property subject to district rules, criteria, and regulations; authorizing the board to take appropriate action as may be required of the district by another governmental agency; requiring the district to take designated water control elevations into consideration for all projects within the district; authorizing the treasurer, rather than the secretary, of the board to be involved in the preparation of the district's budget; clarifying procedures relating to special assessments; authorizing the treasurer to prepare the district tax record; requiring the district to prepare plans, specifications, and estimates for improvements; authorizing the district director to implement certain activities and receive documents relating to special assessments; conforming cross-references; prohibiting obstruction, damage, or destruction of district facilities and noncompliance with the district's 5-year recertification program rules, criteria, or regulations; clarifying applicability; providing severability; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Smith, further consideration of **HB 1351** was deferred.

CS for HB 1489—A bill to be entitled An act relating to Sebring Airport Authority, Highlands County; amending chapter 2005-300, Laws of Florida; revising powers of the authority; providing that the authority may acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate commercial and industrial facilities; providing that the authority may establish, operate, and maintain foreign-trade zone status under the alternative site framework in DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the Cities of Belle Glade, Pahokee, and South Bay; expanding the power of the authority to purchase commodities or contractual services; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Alexander, further consideration of **CS for HB 1489** was deferred.

HB 4191—A bill to be entitled An act relating to Palm Beach County; amending chapter 96-466, Laws of Florida; deleting obsolete provisions relating to the establishment of an advisory committee to advise the

Palm Beach County Board of County Commissioners on improvements, operations, maintenance, and enhancement of the South Lake Worth Inlet and adjacent property and to assist in the development, coordination, and public review of the Inlet Management Plan; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Bogdanoff, further consideration of **HB 4191** was deferred.

HB 4197—A bill to be entitled An act relating to Okaloosa County; repealing chapter 81-442, Laws of Florida, relating to the establishment and duties of the Personnel Standards and Review Board for the Okaloosa County Sheriff's Department; repealing chapters 85-472 and 90-492, Laws of Florida, to conform; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Gaetz, further consideration of **HB 4197** was deferred.

HB 4203—A bill to be entitled An act relating to Okaloosa County; repealing chapter 69-798, Laws of Florida, relating to an exception for certain restaurants in the county to the limitation under general law on the number of alcoholic beverage licenses allowed to be issued in the county, to provide for the issuance of such licenses to restaurants in the county in excess of such limitation in accordance with the criteria and conditions specified in general law; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Gaetz, further consideration of **HB 4203** was deferred.

HB 4205—A bill to be entitled An act relating to the Pinecraft Lighting District, Sarasota County; abolishing the district; repealing chapters 67-2050, 69-1588, 70-931, 71-911, 72-689, and 76-486, Laws of Florida; transferring all assets and liabilities of the district to Sarasota County; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title.

On motion by Senator Gaetz, further consideration of **HB 4205** was deferred.

SPECIAL ORDER CALENDAR

CS for CS for SB 1128—A bill to be entitled An act relating to public retirement plans; amending s. 112.63, F.S.; requiring plans to regularly disclose the plan's accrued benefits; amending s. 112.66, F.S.; providing for the calculation of local government retirement benefits after a certain date; providing a prohibition on the use of certain compensation; prohibiting the use of surpluses for expenses outside the plan; prohibiting a reduction in certain contributions to a plan; amending s. 112.665, F.S.; requiring the Department of Management Services to provide a fact sheet on each local plan; amending s. 121.051, F.S.; providing that a local government employer is eligible for participation in the Florida Retirement System if it has no unfunded actuarial liabilities; amending s. 175.032, F.S.; revising the definition of the term "compensation" or "salary" for purposes of firefighters' pensions; amending s. 175.061, F.S.; authorizing a municipality to change the municipality's membership on the board of trustees operating its firefighters' pension plan under certain circumstances; amending s. 175.351, F.S.; revising provisions relating to benefits paid from the premium tax by a municipality or special fire control district that has its own pension plan; providing for the use of accumulated additional premium tax revenues; requiring such revenues to be used to fund a defined contribution supplemental plan under certain circumstances; conforming a cross-reference; amending s. 185.02, F.S.; revising the definition of the terms "compensation" and "salary" for purposes of police officers' pensions; amending s. 185.05, F.S.; author-

izing a municipality to change the municipality's membership on the board of trustees operating its police officers' pension plan under certain circumstances; amending s. 185.35, F.S.; revising provisions relating to benefits paid by a municipality that has its own pension plan; providing for the use of accumulated additional premium tax revenues; requiring such revenues to be used to fund a defined contribution supplemental plan under certain circumstances; directing the Department of Financial Services to rate the financial strength of local government defined benefit plans; specifying the factors for assigning the ratings; requiring local pension boards, local governments, the Division of Retirement, and all relevant entities to cooperate in providing data for the ratings; requiring the ratings to be posted on the department's website; creating the Task Force on Public Employee Disability Presumptions; providing for appointment and membership; specifying the issues for the task force to address; providing for a report to be submitted to the Governor, Chief Financial Officer, and Legislature by a certain date; providing for future expiration; directing the Department of Financial Services to submit a report on the financial health of local government pension plans to the Governor and Legislature by a certain date; specifying the issues the report must address; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Ring, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Ring moved the following amendment which was adopted:

Amendment 1 (905716) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present paragraph (f) of subsection (1) of section 112.63, Florida Statutes, is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection, to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(1) Each retirement system or plan subject to the provisions of this act shall have regularly scheduled actuarial reports prepared and certified by an enrolled actuary. The actuarial report shall consist of, but shall not be limited to, the following:

(f) *A disclosure of the present value of the plan's accrued vested, nonvested, and total benefits, as adopted by the Financial Accounting Standards Board, using the Florida Retirement System's assumed rate of return, in order to promote the comparability of actuarial data between local plans.*

The actuarial cost methods utilized for establishing the amount of the annual actuarial normal cost to support the promised benefits shall only be those methods approved in the Employee Retirement Income Security Act of 1974 and as permitted under regulations prescribed by the Secretary of the Treasury.

Section 2. Subsections (11) through (13) are added to section 112.66, Florida Statutes, to read:

112.66 General provisions.—The following general provisions relating to the operation and administration of any retirement system or plan covered by this part shall be applicable:

(11) *For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, when calculating retirement benefits, a defined benefit pension system or plan sponsored by a local government may include up to 300 hours per year of overtime compensation as specified in the plan or collective bargaining agreement, but may not include any payments for accrued unused sick leave or annual leave. For those members whose terms and conditions of employment are collectively bargained, this subsection is effective for the first agreement entered into on or after July 1, 2011. This subsection does not apply to state-administered retirement systems or plans.*

(12) *An actuarial or cash surplus in any system or plan may not be used for any expenses outside the plan.*

(13) *A local government sponsor of a retirement system or plan may not reduce contributions required to fund the normal cost. This subsection does not apply to state-administered retirement systems or plans.*

Section 3. Present paragraphs (e) and (f) of subsection (1) of section 112.665, Florida Statutes, are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added to that subsection, to read:

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

(e) *Provide a fact sheet for each participating local government defined benefit pension plan summarizing the plan's actuarial status. The fact sheet should provide a summary of the plan's most current actuarial data, minimum funding requirements as a percentage of pay, and a 5-year history of funded ratios. The fact sheet must include a brief explanation of each element in order to maximize the transparency of the local government plans. These documents shall be posted on the department's website. Plan sponsors that have websites must provide a link to the department's website.*

Section 4. Subsection (3) of section 175.032, Florida Statutes, is amended to read:

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the following words and phrases have the following meanings:

(3) “Compensation” or “salary” means, *for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the fixed monthly remuneration paid a firefighter. If, where, as in the case of a volunteer firefighter, remuneration is based on actual services rendered, as in the case of a volunteer firefighter, the term means the total cash remuneration received yearly for such services, prorated on a monthly basis. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.*

(a) ~~A retirement trust fund or plan may use a definition of salary other than the definition in this subsection but only if the monthly retirement income payable to each firefighter covered by the retirement trust fund or plan, as determined under s. 175.162(2)(a) and using such other definition, equals or exceeds the monthly retirement income that would be payable to each firefighter if his or her monthly retirement income were determined under s. 175.162(2)(a) and using the definition in this subsection.~~

(a)(b) ~~Any retirement trust fund or plan that which now or hereafter meets the requirements of this chapter does shall not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each firefighter covered by the retirement trust fund or plan.~~

(b)(c) ~~The member's compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter.~~

(c)(d) ~~For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for that any plan year may shall not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, (as amended by the Omnibus Budget Reconciliation Act of 1993), which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and shall be further adjusted for changes in the cost of living in the manner~~

provided by Internal Revenue Code s. 401(a)(17)(B). For any person who first became a member ~~before~~ ~~prior~~ to the first plan year beginning on or after January 1, 1996, the limitation on compensation ~~may shall be not~~ less than the maximum compensation amount that was allowed to be taken into account under the plan ~~as~~ in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

Section 5. Paragraph (b) of subsection (1) of section 175.061, Florida Statutes, is amended to read:

175.061 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) In each municipality and in each special fire control district there is hereby created a board of trustees of the firefighters' pension trust fund, which shall be solely responsible for administering the trust fund. Effective October 1, 1986, and thereafter:

(b) The membership of boards of trustees for local law plans shall be as follows:

1. If a municipality or special fire control district has a pension plan for firefighters only, the provisions of paragraph (a) ~~shall~~ apply.

2. If a municipality has a pension plan for firefighters and police officers, the provisions of paragraph (a) ~~shall~~ apply, except that one member of the board ~~must shall~~ be a firefighter ~~as defined in s. 175.022~~ and one member of the board ~~must shall~~ be a police officer as defined in s. 185.02, respectively elected by a majority of the active firefighters or police officers who are members of the plan.

3. ~~A any~~ board of trustees operating a local law plan on July 1, 1999, which is combined with a plan for general employees shall hold an election of the firefighters, or firefighters and police officers, if included, to determine whether a plan is to be established for firefighters only, or for firefighters and police officers where included. Based on the election results, a new board shall be established as provided in subparagraph 1. or subparagraph 2., as appropriate. The municipality or fire control district shall enact an ordinance or resolution to implement the new board by October 1, 1999. The newly established board shall take whatever action is necessary to determine the amount of assets ~~which is~~ attributable to firefighters, or firefighters and police officers where included. Such assets ~~shall~~ include all employer, employee, and state contributions made by or on behalf of firefighters, or firefighters and police officers where included, and any investment income derived from such contributions. All such moneys shall be transferred into the newly established retirement plan, as directed by the board.

With respect to ~~a any~~ board of trustees operating a local law plan on June 30, 1986, ~~nothing in~~ this paragraph ~~does not shall~~ permit the reduction of the membership percentage of firefighters, or of firefighters and police officers where a joint or mixed fund exists. *However, for the sole purpose of changing municipal representation, a municipality may by ordinance change the municipal representation on the board of trustees operating a local law plan by ordinance, only if such change does not reduce the membership percentage of firefighters, or firefighters and police officers, or the membership percentage of the municipal representation.*

Section 6. Paragraph (b) of subsection (2) of section 175.091, Florida Statutes, is amended to read:

175.091 Creation and maintenance of fund.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(2) Member contribution rates may be adjusted as follows:

(b) Firefighter member contributions may be increased by consent of the members' collective bargaining representative or, if none, by majority consent of firefighter members of the fund ~~to provide greater benefits.~~

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law,

including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

Section 7. Section 175.351, Florida Statutes, is amended to read:

175.351 Municipalities and special fire control districts having their own pension plans for firefighters.—For any municipality, special fire control district, local law municipality, local law special fire control district, or local law plan under this chapter, in order for municipalities and special fire control districts with their own pension plans for firefighters, or for firefighters and police officers ~~if, where~~ included, to participate in the distribution of the tax fund established pursuant to s. 175.101, local law plans must meet the minimum benefits and minimum standards set forth in this chapter.

(1) ~~PREMIUM TAX INCOME.~~—If a municipality has a pension plan for firefighters, or a pension plan for firefighters and police officers ~~if, where~~ included, which in the opinion of the division meets the minimum benefits and minimum standards set forth in this chapter, the board of trustees of the pension plan, as approved by a majority of firefighters of the municipality, may:

(a) Place the income from the premium tax in s. 175.101 in such pension plan for the sole and exclusive use of its firefighters, or for firefighters and police officers ~~if, where~~ included, where it shall become an integral part of that pension plan and shall be used to pay extra benefits to the firefighters included in that pension plan; or

(b) Place the income from the premium tax in s. 175.101 in a separate supplemental plan to pay extra benefits to firefighters, or to firefighters and police officers ~~if, where~~ included, participating in such separate supplemental plan.

(2) The premium tax provided by this chapter shall in all cases be used in its entirety to provide extra benefits to firefighters, or to firefighters and police officers ~~if, where~~ included. However, local law plans in effect on October 1, 1998, ~~must shall be required to~~ comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). ~~If When~~ a plan is in compliance with such minimum benefit provisions, as subsequent additional premium tax revenues become available, they ~~must shall~~ be used to provide extra benefits. ~~Local law plans created by special act before May 27, 1939, are deemed to comply with this chapter.~~ For the purpose of this chapter, ~~the term:~~

(a) “Additional premium tax revenues” means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed that amount received for calendar year 1997, ~~and the term~~

(b) “Extra benefits” means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for firefighters on March 12, 1999. ~~Local law plans created by special act before May 23, 1939, shall be deemed to comply with this chapter.~~

~~(3)(2) A ADOPTION OR REVISION OF A LOCAL LAW PLAN.~~—No retirement plan or amendment to a retirement plan ~~may not shall~~ be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. ~~No~~ Such proposed plan or proposed plan change ~~may not shall~~ be adopted without the approval of the municipality, special fire control district, or, where permitted, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division ~~before prior to~~ the last public hearing thereon. Such statement ~~must shall~~ also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation ~~before prior to~~ May 27 23, 1939, ~~are shall~~ be deemed to meet the minimum benefits and minimum standards only in this chapter.

~~(4)(3)~~ Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) ~~Section 175.032(3)(a) shall not apply, and~~ A local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on ~~March 12, 1999~~ the effective date of this act.

(b) Section 175.061(1)(b) ~~does shall~~ not apply, and a local law plan and a supplemental plan shall continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

(c) The election set forth in paragraph (1)(b) ~~is shall~~ be deemed to have been made.

~~(5)(4)~~ The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing, and copies ~~thereof must be~~ made available to the participants and to the general public.

Section 8. Subsection (4) of section 185.02, Florida Statutes, is amended to read:

185.02 Definitions.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is plainly required by the context:

(4) “Compensation” or “salary” means, *for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011*, the total cash remuneration including “overtime” paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or a special detail work performed on behalf of a second party employer. ~~However,~~ A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; ~~however, but in no event shall~~ such overtime limit ~~may not~~ be less than 300 hours per officer per calendar year. *For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.*

(a) Any retirement trust fund or plan ~~that which now or hereafter~~ meets the requirements of this chapter ~~does shall~~ not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each police officer covered by the retirement trust fund or plan.

(b) The member’s compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter.

(c) For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for ~~that any~~ plan year ~~may shall~~ not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, (as amended by the Omnibus Budget Reconciliation Act of 1993), which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and shall be further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code s. 401(a)(17)(B). For any person who first became a member ~~before prior to~~ the first plan year beginning on or after January 1, 1996, the limitation on compensation ~~may shall~~ be not be less than the maximum compensation amount that was allowed to be taken into account under the plan as in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

Section 9. Paragraph (b) of subsection (1) of section 185.05, Florida Statutes, is amended to read:

185.05 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney’s fees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) In each municipality described in s. 185.03 there is hereby created a board of trustees of the municipal police officers' retirement trust fund, which shall be solely responsible for administering the trust fund. Effective October 1, 1986, and thereafter:

(b) The membership of boards of trustees for local law plans ~~is shall~~ be as follows:

1. If a municipality has a pension plan for police officers only, the provisions of paragraph (a) shall apply.

2. If a municipality has a pension plan for police officers and firefighters, the provisions of paragraph (a) ~~shall~~ apply, except that one member of the board shall be a police officer ~~as defined in s. 185.02~~ and one member shall be a firefighter as defined in s. 175.032, respectively, elected by a majority of the active firefighters and police officers who are members of the plan.

3. Any board of trustees operating a local law plan on July 1, 1999, which is combined with a plan for general employees shall hold an election of the police officers, or police officers and firefighters if included, to determine whether a plan is to be established for police officers only, or for police officers and firefighters where included. Based on the election results, a new board shall be established as provided in subparagraph 1. or subparagraph 2., as appropriate. The municipality shall enact an ordinance to implement the new board by October 1, 1999. The newly established board shall take whatever action is necessary to determine the amount of assets which is attributable to police officers, or police officers and firefighters where included. Such assets shall include all employer, employee, and state contributions made by or on behalf of police officers, or police officers and firefighters where included, and any investment income derived from such contributions. All such moneys shall be transferred into the newly established retirement plan, as directed by the board.

With respect to any board of trustees operating a local law plan on June 30, 1986, ~~nothing in this paragraph does not shall~~ permit the reduction of the membership percentage of police officers or police officers and firefighters. *However, for the sole purpose of changing municipal representation, a municipality may by ordinance change the municipal representation on the board of trustees operating a local law plan by ordinance, only if such change does not reduce the membership percentage of police officers, or police officers and firefighters, or the membership percentage of the municipal representation.*

Section 10. Paragraph (b) of subsection (2) of section 185.07, Florida Statutes, is amended to read:

185.07 Creation and maintenance of fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(2) Member contribution rates may be adjusted as follows:

(b) Police officer member contributions may be increased by consent of the members' collective bargaining representative or, if none, by majority consent of police officer members of the fund ~~to provide greater benefits.~~

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

Section 11. Section 185.35, Florida Statutes, is amended to read:

185.35 Municipalities having their own pension plans for police officers.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, in order for municipalities with their own pension plans for police officers, or for police officers and firefighters *if where* included, to participate in the distribution of the tax fund established pursuant to s. 185.08, local law plans must meet the minimum benefits and minimum standards set forth in this chapter:

(1) ~~PREMIUM TAX INCOME.~~—If a municipality has a pension plan for police officers, or for police officers and firefighters *if where* included, which, in the opinion of the division, meets the minimum benefits and minimum standards set forth in this chapter, the board of trustees of the

pension plan, as approved by a majority of police officers of the municipality, may:

(a) Place the income from the premium tax in s. 185.08 in such pension plan for the sole and exclusive use of its police officers, or its police officers and firefighters *if where* included, where it shall become an integral part of that pension plan and shall be used to pay extra benefits to the police officers included in that pension plan; or

(b) May place the income from the premium tax in s. 185.08 in a separate supplemental plan to pay extra benefits to the police officers, or police officers and firefighters *if where* included, participating in such separate supplemental plan.

(2) The premium tax provided by this chapter shall in all cases be used in its entirety to provide extra benefits to police officers, or to police officers and firefighters *if where* included. However, local law plans in effect on October 1, 1998, ~~must shall be required to~~ comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 185.16(2). *If When* a plan is in compliance with such minimum benefit provisions, as subsequent additional tax revenues become available, they shall be used to provide extra benefits. *Local law plans created by special act before May 27, 1939, shall be deemed to comply with this chapter.* For the purpose of this chapter, *the term:*

(a) "Additional premium tax revenues" means revenues received by a municipality pursuant to s. 185.10 which exceed the amount received for calendar year 1997, ~~and the term~~

(b) "Extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for police officers on March 12, 1999. ~~Local law plans created by special act before May 23, 1939, shall be deemed to comply with this chapter.~~

~~(3)(2) A ADOPTION OR REVISION OF A LOCAL LAW PLAN. No retirement plan or amendment to a retirement plan may not shall be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. No Such proposed plan or proposed plan change may not shall be adopted without the approval of the municipality or, where permitted, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before prior to the last public hearing thereon. Such statement must shall also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before prior to May 27 23, 1939, are shall be deemed to meet the minimum benefits and minimum standards only in this chapter.~~

~~(4)(3) Notwithstanding any other provision, with respect to any supplemental plan municipality:~~

(a) Section 185.02(4)(a) ~~does shall~~ not apply, and a local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on *March 12, 1999 the effective date of this act.*

(b) ~~Section 185.05(1)(b) shall not apply, and~~ A local law plan and a supplemental plan ~~must shall~~ continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

(c) The election set forth in paragraph (1)(b) ~~is shall be~~ deemed to have been made.

~~(5)(4) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing and copies made available to the participants and to the general public.~~

Section 12. *Financial rating of local pension plans.—The Department of Management Services shall develop a plan for creating standardized ratings for classifying the financial strength of all local government defined benefit pension plans.*

(1) In developing the plan, the department shall consider, without limitation:

- (a) The plan's current and future unfunded liabilities.
- (b) The plan's net asset value, managed returns, and funded ratio.
- (c) Metrics related to the sustainability of the plan, including, but not limited to, the percentage that the annual contribution is of the participating employee payroll.
- (d) Municipal bond ratings for the local government, if applicable.
- (e) Whether the local government has reduced contribution rates to the plan when the plan has an actuarial surplus.
- (f) Whether the local government uses any actuarial surplus in the plan for obligations outside the plan.

(2) The department may obtain data, information, and assistance from state agencies, local governments, or political subdivisions thereof, which shall provide the department with all relevant information and assistance on any matter within their knowledge or control.

(3) The department shall submit the plan, plus any related findings and recommendations, to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2012. The report must also include specific recommendations for legislative action during the 2012 Regular Session of the Legislature.

Section 13. *Task Force on Public Employee Disability Presumptions.*—

(1) The Task Force on Public Employee Disability Presumptions is created for the purpose of developing findings and issuing recommendations on the disability presumptions in ss. 112.18, 175.231, and 185.34, Florida Statutes.

(2) All members of the task force shall be appointed on or before July 15, 2011, and the task force shall hold its first meeting on or before August 15, 2011. The task force shall be composed of eight members as follows:

(a) Three members appointed by the President of the Senate, one of whom must be an attorney who primarily represents plaintiffs and has experience in the relevant laws, one of whom must be a representative of organized labor and a member of a pension plan under chapter 175, Florida Statutes, and one of whom must be from the Florida Association of Counties.

(b) Three members appointed by the Speaker of the House of Representatives, one of whom must be an attorney who primarily represents defendants and has experience in the relevant laws, one of whom must be a representative of organized labor and a member of a pension plan under chapter 185, Florida Statutes, and one of whom must be from the Florida League of Cities.

(c) A member employed by the Division of Retirement of the Department of Management Services who has experience in local government pension plans, appointed by the Governor.

(d) A member employed by the Department of Financial Services who has relevant expertise in state risk management, appointed by the Chief Financial Officer.

(3) The task force shall address issues, including, but not limited to:

(a) Data related to the operation of the statutory disability presumptions, and the fiscal impact on public employers in the areas of pensions and workers' compensation.

(b) The manner in which other states handle disability presumptions, and the fiscal impact on public employers.

(c) Proposals for changes to the existing disability presumptions.

(d) Evidentiary standards and burdens of proof for overcoming statutory disability presumptions, and whether consideration of risk factors and epidemiological data relating to nonwork-related conditions unique

to an individual employee, such as blood cholesterol, body mass index, history of tobacco and alcohol use, and other medical conditions or behaviors that are associated with the diseases or conditions listed in disability presumptions, are appropriate for consideration.

(4) The Department of Financial Services shall provide administrative support to the task force.

(5) Members of the task force shall serve without compensation while in the performance of their duties, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, Florida Statutes.

(6) The task force may obtain data, information, and assistance from any state agency, local government, or any political subdivision thereof, which shall provide the task force with all relevant information and assistance on any matter within their knowledge or control.

(7) The task force shall submit a report, including findings and recommendations, to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2012. The report must include specific recommendations for legislative action during the 2012 Regular Session of the Legislature.

(8) The task force is dissolved upon submission of its report.

Section 14. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of those employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 15. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to public retirement plans; amending s. 112.63, F.S.; requiring plans to regularly disclose the plan's accrued benefits; amending s. 112.66, F.S.; providing for the calculation of local government retirement benefits after a certain date; providing a prohibition on the use of certain compensation for calculating retirement benefits; prohibiting the use of surpluses for expenses outside the plan; prohibiting a reduction in certain contributions to a plan; amending s. 112.665, F.S.; requiring the Department of Management Services to provide a fact sheet on each local plan; amending s. 175.032, F.S.; revising the definition of the term "compensation" or "salary" for purposes of firefighters' pensions; providing a prohibition on the use of certain compensation; amending s. 175.061, F.S.; authorizing a municipality to change the municipality's membership on the board of trustees operating its firefighters' pension plan under certain circumstances; amending s. 175.091, F.S.; deleting a limitation on the justification for approving an increase in member contributions; amending s. 175.351, F.S.; revising a date relating to local law plans; conforming a cross-reference; amending s. 185.02, F.S.; revising the definition of the terms "compensation" and "salary" for purposes of police officers' pensions; providing a prohibition on the use of certain compensation for calculating retirement benefits; amending s. 185.05, F.S.; authorizing a municipality to change the municipality's membership on the board of trustees operating its police officers' pension plan under certain circumstances; amending s. 185.07, F.S.; deleting a limitation on the justification for approving an increase in member contributions; amending s. 185.35, F.S.; revising a date relating to local law plans; directing the Department of Financial Services to develop a plan for rating the financial strength of local government defined benefit plans; specifying factors for consideration; requiring certain entities to cooperate in providing data for the plan; requiring the department to submit the plan to the Governor, Chief Financial Officer, and Legislature by a certain date; creating the Task Force on Public Employee Disability Presumptions; providing for appointment and membership; specifying the issues for the task force to address; providing for a report to be submitted to the Governor, Chief Financial Officer, and Legislature by a certain date; providing for future dissolution; providing a declaration of important state interest; providing an effective date.

On motion by Senator Ring, by two-thirds vote **CS for CS for SB 1128** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Flores	Negron
Alexander	Gaetz	Norman
Altman	Garcia	Oelrich
Bennett	Gardiner	Rich
Bogdanoff	Hays	Richter
Dean	Hill	Ring
Detert	Jones	Simmons
Diaz de la Portilla	Latvala	Sobel
Dockery	Lynn	Storms
Evers	Margolis	Thrasher
Fasano	Montford	Wise

Nays—4

Braynon	Joyner	Siplin
Smith		

Vote after roll call:

Yea—Benacquisto

RECESS

On motion by Senator Thrasher, the Senate recessed at 11:51 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Haridopolos at 1:40 p.m. A quorum present—39:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

SPECIAL ORDER CALENDAR

CS for CS for SB 1252—A bill to be entitled An act relating to insurance; amending s. 120.80, F.S.; allowing the Division of Administrative Hearings to have final order authority with respect to certain license applicants; amending s. 316.066, F.S.; revising the type of information that must be included in crash reports; authorizing the investigating officer to testify at trial or provide an affidavit concerning the content of the reports; amending ss. 440.12 and 440.20, F.S.; authorizing the payment of workers' compensation benefits through the use of a prepaid card; providing requirements; amending s. 440.49, F.S.; specifying that the assessment for the Special Disability Trust Fund be applied on a calendar year basis; amending s. 624.402, F.S.; revising provisions relating to certain insurers covering nonresidents domiciled outside the United States who are exempt from requirements to obtain a certificate of authority; amending s. 626.207, F.S., relating to penalties; providing definitions; barring persons convicted of certain crimes from licensure as an insurance agent; revising provisions relating to disqualifying periods for persons convicted of other crimes; providing an exemption from the limitation against state employment for persons convicted of certain crimes; amending s. 627.4133, F.S.; changing the designated person or persons who must be notified by an insurer from

the "insured" to the "first-named insured" in situations involving the nonrenewal, renewal premium, cancellation, or termination of workers' compensation, employer liability, or certain property and casualty insurance coverage; specifying the effective date for the cancellation of a policy requested in writing by the insured; amending s. 627.4137, F.S.; requiring a claimant's request about insurance coverage to be appropriately served upon the disclosing entity; amending s. 627.442, F.S.; providing that premium audits for workers' compensation coverage is not required; providing exceptions; amending s. 627.7277, F.S.; making a conforming change that specifies the "first-named insured" as the person who is to receive notification of a renewal premium; amending s. 627.728, F.S.; changing the designated person or persons who must be notified by an insurer from the "insured" to the "first-named insured" in certain situations involving the cancellation or nonrenewal of motor vehicle insurance coverage; making a conforming change that specifies the "first-named insured's insurance agent" as a person who is to receive certain notifications relating to motor vehicle insurance coverage; amending s. 627.7281, F.S.; making a conforming change that specifies the "first-named insured" as the person who is to receive notification of cancellation of motor vehicle insurance coverage; amending s. 627.7295, F.S.; providing that a binder or policy for motor vehicle insurance is not effective until a certain amount of the premium is paid; amending s. 628.901, F.S.; providing definitions; repealing s. 628.903, F.S., relating to the definition of the term "industrial insured captive insurer"; amending s. 628.905, F.S.; requiring a captive insurer to obtain a license and to file evidence that a person or firm with whom it intends to conduct business is reputable; providing that a certificate of insurance for an association captive insurer does not exceed the total funds of the association members; creating s. 628.908, F.S.; requiring a licensed captive insurer to maintain its principal place of business in this state and hold an annual meeting in this state; amending s. 628.909, F.S.; applying additional provisions of the insurance code to captive insurers; amending s. 634.403, F.S.; exempting certain persons from service warranty licensure requirements under certain circumstances; amending s. 817.234, F.S.; providing civil penalties for fraudulent insurance claims; providing effective dates.

—was read the second time by title.

MOTION

On motion by Senator Smith, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Smith moved the following amendment:

Amendment 1 (694784) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(1) ~~No~~ Compensation ~~is not shall be~~ allowed for the first 7 days of the disability, except for benefits provided ~~under for in~~ s. 440.13. However, if the injury results in disability of more than 21 days, compensation shall be allowed from the commencement of the disability.

(a) All weekly compensation payments, except for the first payment, shall be paid by check or, if authorized by the employee, on a prepaid card pursuant to paragraph (b) or deposited directly into the employee's account at a financial institution. As used in this subsection, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h).

(b) Upon receipt of authorization by the employee as provided in paragraph (a), a carrier may use a prepaid card to deliver the payment of compensation to an employee if the employee is:

1. Provided with at least one means of accessing his or her entire compensation payment once per week without incurring fees;

2. Provided with the ability to make point-of-sale purchases without incurring fees from the financial institution issuing the prepaid card; and

3. *Provided with the terms and conditions of the prepaid card program, including a description of any fees that may be assessed.*

(c) *Each carrier shall keep a record of all payments made under this subsection, including the time and manner of such payments, and shall furnish these records or a report based on these records to the Division of Insurance Fraud and the Division of Workers' Compensation, upon request.*

(d) *The department may adopt rules to administer this section.*

Section 2. Paragraph (a) of subsection (1) of section 440.20, Florida Statutes, is amended to read:

440.20 Time for payment of compensation and medical bills; penalties for late payment.—

(1)(a) Unless it denies compensability or entitlement to benefits, the carrier shall pay compensation directly to the employee as required by ss. 440.14, 440.15, and 440.16, in accordance with the obligations set forth in those ~~such~~ sections. *Upon receipt of the employee's authorization as provided for in s. 440.12(1)(a) If authorized by the employee,* the carrier's obligation to pay compensation directly to the employee is satisfied when the carrier directly deposits, by electronic transfer or other means, compensation into the employee's account at a financial institution or onto a prepaid card in accordance with s. 440.12(1). As used in this paragraph, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h). Compensation by direct deposit or through the use of a prepaid card is considered paid on the date the funds become available for withdrawal by the employee.

Section 3. Paragraph (b) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals as defined in s. 628.6011, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The department shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the next calendar ~~ensuing fiscal~~ year an amount which, when combined with that part of the balance anticipated to be in the fund on December 31 ~~June 30~~ of the current ~~fiscal~~ year which is in excess of \$100,000, is equal to the average of:

a. The sum of disbursements from the fund during the immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

c. *Such assessment rate shall first apply on a calendar year basis for the period beginning January 1, 2012, and shall be included in workers' compensation rate filings approved by the office which become effective on or after January 1, 2012. The assessment rate effective January 1, 2011, shall also apply to the interim period from July 1, 2011, through December 31, 2011, and shall be included in workers' compensation rate filings, whether regular or amended, approved by the office which become effective on or after July 1, 2011. Thereafter, the annual assessment rate shall take effect January 1 of the next calendar year and shall be included in workers' compensation rate filings approved by the office which become effective on or after January 1 of the next calendar year. Assessments shall become due and be paid quarterly.*

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers. Provided however, for those carriers that have excluded ceded reinsurance premiums from their assessments on or before January 1, 2000, no assessments on ceded reinsurance premiums shall be paid by those car-

riers until such time as the former Division of Workers' Compensation of the Department of Labor and Employment Security or the department advises each of those carriers of the impact that the inclusion of ceded reinsurance premiums has on their assessment. The department may not recover any past underpayments of assessments levied against any carrier that on or before January 1, 2000, excluded ceded reinsurance premiums from their assessment prior to the point that the former Division of Workers' Compensation of the Department of Labor and Employment Security or the department advises of the appropriate assessment that should have been paid.

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-insurer to the department for the Special Disability Trust Fund in accordance with such regulations as the department prescribes.

4. The Chief Financial Officer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

Section 4. Subsection (8) of section 624.402, Florida Statutes, is amended to read:

624.402 Exceptions, certificate of authority required.—A certificate of authority shall not be required of an insurer with respect to:

(8)(a) *An insurer domiciled outside the United States covering only persons who, at the time of issuance or renewal, are nonresidents of the United States if:*

1. *The insurer or any affiliated person as defined in s. 624.04 under common ownership or control with the insurer does not solicit, sell, or accept application for any insurance policy or contract to be delivered or issued for delivery to any person in any state;*

2. *The insurer registers with the office via a letter of notification upon commencing business from this state;*

3. *The insurer provides the following information, in English, to the office annually by March 1:*

a. *The name of the insurer, the country of domicile, the address of the insurer's principal office and office in this state, the names of the owners of the insurer and their percentage of ownership, the names of the officers and directors of the insurer, the name, e-mail, and telephone number of a contact person for the insurer, and the number of individuals who are employed by the insurer or its affiliates in this state;*

b. *The lines of insurance and types of products offered by the insurer;*

c. *A statement from the applicable regulatory body of the insurer's domicile certifying that the insurer is licensed or registered for those lines of insurance and types of products in that domicile; and*

d. *A copy of the filings required by the applicable regulatory body of the insurer's country of domicile in that country's official language or in English, if available;*

4. *All certificates, policies, or contracts issued in this state showing coverage under the insurer's policy include the following statement in a contrasting color and at least 10-point type: "The policy providing your coverage and the insurer providing this policy have not been approved by the Florida Office of Insurance Regulation"; and*

5. *In the event the insurer ceases to do business from this state, the insurer will provide written notification to the office within 30 days after cessation.*

(b) *For purposes of this subsection, "nonresident" means a person who resides in and maintains a physical place of domicile in a country other than the United States, which he or she recognizes as and intends to maintain as his or her permanent home. A nonresident does not include an unauthorized immigrant present in the United States. Notwithstanding any other provision of law, it is conclusively presumed, for*

purposes of this subsection, that a person is a resident of the United States if such person has:

1. Had his or her principal place of domicile in the United States for 180 days or more in the 365 days prior to issuance or renewal of the policy;
2. Registered to vote in any state;
3. Made a statement of domicile in any state; or
4. Filed for homestead tax exemption on property in any state.

(c) Subject to the limitations provided in this subsection, services, including those listed in s. 624.10, may be provided by the insurer or an affiliated person as defined in s. 624.04 under common ownership or control with the insurer.

(d) An alien insurer transacting insurance in this state without complying with this subsection shall be in violation of this chapter and subject to the penalties provided in s. 624.15. (a) Life insurance policies or annuity contracts issued by an insurer domiciled outside the United States covering only persons who, at the time of issuance, are not residents of the United States and are not nonresidents illegally residing in the United States, provided:

1. The insurer must currently be an authorized insurer in its country of domicile as to the kind or kinds of insurance proposed to be offered and must have been such an insurer for not fewer than the immediately preceding 3 years, or must be the wholly owned subsidiary of such authorized insurer or must be the wholly owned subsidiary of an already eligible authorized insurer as to the kind or kinds of insurance proposed for a period of not fewer than the immediately preceding 3 years. However, the office may waive the 3 year requirement if the insurer has operated successfully for a period of at least the immediately preceding year and has capital and surplus of not less than \$25 million.

2. Before the office may grant eligibility, the requesting insurer shall furnish the office with a duly authenticated copy of its current annual financial statement, in English, and with all monetary values therein expressed in United States dollars, at an exchange rate then current and shown in the statement, in the case of statements originally made in the currencies of other countries, and with such additional information relative to the insurer as the office may request.

3. The insurer must have and maintain surplus as to policyholders of not less than \$15 million. Any such surplus as to policyholders shall be represented by investments consisting of eligible investments for like funds of like domestic insurers under part II of chapter 625; however, any such surplus as to policyholders may be represented by investments permitted by the domestic regulator of such alien insurance company if such investments are substantially similar in terms of quality, liquidity, and security to eligible investments for like funds of like domestic insurers under part II of chapter 625.

4. The insurer must be of good reputation as to the providing of service to its policyholders and the payment of losses and claims.

5. To maintain eligibility, the insurer shall furnish the office within the time period specified in s. 624.424(1)(a) a duly authenticated copy of its current annual and quarterly financial statements, in English, and with all monetary values therein expressed in United States dollars, at an exchange rate then current and shown in the statement, in the case of statements originally made in the currencies of other countries, and with such additional information relative to the insurer as the office may request.

6. An insurer receiving eligibility under this subsection shall agree to make its books and records pertaining to its operations in this state available for inspection during normal business hours upon request of the office.

7. The insurer shall provide to the applicant for the policy or contract a copy of the most recent quarterly financial statements of the insurer providing, in clear and conspicuous language:

a. The date of organization of the insurer.

b. The identity of and rating assigned by each recognized insurance company rating organization that has rated the insurer or, if applicable, that the insurer is unrated.

e. That the insurer does not hold a certificate of authority issued in this state and that the office does not exercise regulatory oversight over the insurer.

d. The identity and address of the regulatory authority exercising oversight of the insurer.

This paragraph does not impose upon the office any duty or responsibility to determine the actual financial condition or claims practices of any unauthorized insurer, and the status of eligibility, if granted by the office, indicates only that the insurer appears to be financially sound and to have satisfactory claims practices and that the office has no credible evidence to the contrary.

(b) If at any time the office has reason to believe that an insurer issuing policies or contracts pursuant to this subsection is insolvent or is in unsound financial condition, does not make reasonable prompt payment of benefits, or is no longer eligible under the conditions specified in this subsection, the office may conduct an examination or investigation in accordance with s. 624.316, s. 624.3161, or s. 624.320 and, if the findings of such examination or investigation warrant, may withdraw the eligibility of the insurer to issue policies or contracts pursuant to this subsection without having a certificate of authority issued by the office.

(c) This subsection does not provide an exception to the agent licensure requirements of chapter 626. Any insurer issuing policies or contracts pursuant to this subsection shall appoint the agents that the insurer uses to sell such policies or contracts as provided in chapter 626.

(d) An insurer issuing policies or contracts pursuant to this subsection is subject to part IX of chapter 626, Unfair Insurance Trade Practices, and the office may take such actions against the insurer for a violation as are provided in that part.

(e) Policies and contracts issued pursuant to this subsection are not subject to the premium tax specified in s. 624.509.

(f) Applications for life insurance coverage offered under this subsection must contain, in contrasting color and not less than 12 point type, the following statement on the same page as the applicant's signature:

This policy is primarily governed by the laws of a foreign country. As a result, all of the rating and underwriting laws applicable to policies filed in this state do not apply to this coverage, which may result in your premiums being higher than would be permissible under a Florida approved policy. Any purchase of individual life insurance should be considered carefully, as future medical conditions may make it impossible to qualify for another individual life policy. If the insurer issuing your policy becomes insolvent, this policy is not covered by the Florida Life and Health Insurance Guaranty Association. For information concerning individual life coverage under a Florida approved policy, consult your agent or the Florida Department of Financial Services.

(g) All life insurance policies and annuity contracts issued pursuant to this subsection must contain on the first page of the policy or contract, in contrasting color and not less than 10 point type, the following statement:

The benefits of the policy providing your coverage are governed primarily by the law of a country other than the United States.

(h) All single premium life insurance policies and single premium annuity contracts issued to persons who are not residents of the United States and are not nonresidents illegally residing in the United States pursuant to this subsection shall be subject to the provisions of chapter 896.

Section 5. Paragraph (d) of subsection (8) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(8)

(d) An insurer may not use the same accountant or partner of an accounting firm responsible for preparing the report required by this subsection for more than 5 7 consecutive years. Following this period, the insurer may not use such accountant or partner for a period of 5 2 years, but may use another accountant or partner of the same firm. An insurer may request the office to waive this prohibition based upon an unusual hardship to the insurer and a determination that the accountant is exercising independent judgment that is not unduly influenced by the insurer considering such factors as the number of partners, expertise of the partners or the number of insurance clients of the accounting firm; the premium volume of the insurer; and the number of jurisdictions in which the insurer transacts business.

Section 6. Effective upon this act becoming a law, section 626.207, Florida Statutes, is amended to read:

~~626.207 Disqualification of applicants and licensees; penalties against licensees; rulemaking authority Department rulemaking authority; waiting periods for applicants; penalties against licensees.—~~

~~(1) For purposes of this section, the term “financial services business” means any financial activity regulated by the Department of Financial Services, the Office of Insurance Regulation, or the Office of Financial Regulation. The department shall adopt rules establishing specific waiting periods for applicants to become eligible for licensure following denial, suspension, or revocation pursuant to s. 626.611, s. 626.621, s. 626.8437, s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The purpose of the waiting periods is to provide sufficient time to demonstrate reformation of character and rehabilitation. The waiting periods shall vary based on the type of conduct and the length of time since the conduct occurred and shall also be based on the probability that the propensity to commit illegal conduct has been overcome. The waiting periods may be adjusted based on aggravating and mitigating factors established by rule and consistent with this purpose.~~

~~(2) For purposes of this section, the terms “felony of the first degree” and “capital felony” include all felonies designated as such by the Florida Statutes, as well as any felony so designated in the jurisdiction in which the plea is entered or judgment is rendered.~~

~~(3) An applicant who commits a felony of the first degree, a capital felony, a felony involving money laundering, fraud, or embezzlement, or a felony directly related to the financial services business is permanently barred from applying for a license under this part. This bar applies to convictions, guilty pleas, or nolo contendere pleas, regardless of adjudication, by any applicant, officer, director, majority owner, partner, manager, or other person who manages or controls any applicant.~~

~~(4) For all other crimes not included in subsection (3), the department shall adopt rules establishing the process and application of disqualifying periods that include:~~

~~(a) A 15-year disqualifying period for all felonies involving moral turpitude that are not specifically included in the permanent bar contained in subsection (3).~~

~~(b) A 7-year disqualifying period for all felonies to which neither the permanent bar in subsection (3) nor the 15-year disqualifying period in paragraph (a) applies.~~

~~(c) A 7-year disqualifying period for all misdemeanors directly related to the financial services business.~~

~~(5) The department shall adopt rules providing for additional disqualifying periods due to the commitment of multiple crimes and other factors reasonably related to the applicant’s criminal history. The rules shall provide for mitigating and aggravating factors. However, mitigation may not result in a period of disqualification of less than 7 years and may not mitigate the disqualifying periods in paragraphs (4)(b) and (c).~~

~~(6) For purposes of this section, the disqualifying periods begin upon the applicant’s final release from supervision or upon completion of the applicant’s criminal sentence, including payment of fines, restitution, and court costs for the crime for which the disqualifying period applies.~~

~~(7) After the disqualifying period has been met, the burden is on the applicant to demonstrate that the applicant has been rehabilitated, does not pose a risk to the insurance-buying public, is fit and trustworthy to~~

~~engage in the business of insurance pursuant to s. 626.611(7), and is otherwise qualified for licensure.~~

~~(8)(2) The department shall adopt rules establishing specific penalties against licensees in accordance with ss. 626.641 and 626.651 for violations of s. 626.611, s. 626.621, s. 626.8437, s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The purpose of the revocation or suspension is to provide a sufficient penalty to deter future violations of the Florida Insurance Code. The imposition of a revocation or the length of suspension shall be based on the type of conduct and the probability that the propensity to commit further illegal conduct has been overcome at the time of eligibility for relicensure. The revocation or the length of suspension may be adjusted based on aggravating or mitigating factors, established by rule and consistent with this purpose.~~

~~(9) Section 112.011 does not apply to any applicants for licensure under the Florida Insurance Code, including, but not limited to, agents, agencies, adjusters, adjusting firms, customer representatives, or managing general agents.~~

Section 7. Subsection (3) of section 626.7451, Florida Statutes, is amended to read:

626.7451 Managing general agents; required contract provisions.— No person acting in the capacity of a managing general agent shall place business with an insurer unless there is in force a written contract between the parties which sets forth the responsibility for a particular function, specifies the division of responsibilities, and contains the following minimum provisions:

(3) All funds collected for the account of the insurer shall be held by the managing general agent in a fiduciary capacity in a bank which is insured by the Federal Deposit Insurance Corporation ~~a member of the Federal Reserve System~~. ~~The~~ This account shall be used for all payment as directed by the insurer. The managing general agent may retain up to ~~no more than~~ 60 days of estimated claims payments and allocated loss adjustment expenses.

For the purposes of this section and ss. 626.7453 and 626.7454, the term “controlling person” or “controlling” has the meaning set forth in s. 625.012(5)(b)1., and the term “controlled person” or “controlled” has the meaning set forth in s. 625.012(5)(b)2.

Section 8. Subsection (4) of section 626.8651, Florida Statutes, is amended to read:

626.8651 Public adjuster apprentice license; qualifications.—

(4) An applicant must have received designation as an Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA), or as a Certified Claims Adjuster (CCA) after completion of training that qualifies the applicant to engage in the business of a public adjuster apprentice fairly and without injury to the public. Such training and instruction must address adjusting damages and losses under insurance contracts, the terms and effects of insurance contracts, and knowledge of the laws of this state relating to insurance contracts.

Section 9. Paragraphs (a) and (b) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (4) of section 627.4133, Florida Statutes, are amended to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(1) Except as provided in subsection (2):

(a) An insurer issuing a policy providing coverage for workers’ compensation and employer’s liability insurance, property, casualty, except mortgage guaranty, surety, or marine insurance, other than motor vehicle insurance subject to s. 627.728, shall give the ~~first-named named~~ insured at least 45 days’ advance written notice of nonrenewal or of the renewal premium. If the policy is not to be renewed, the written notice shall state the reason or reasons as to why the policy is not to be renewed. This requirement applies only if the insured has furnished all of the necessary information so as to enable the insurer to develop the renewal premium prior to the expiration date of the policy to be renewed.

(b) An insurer issuing a policy providing coverage for property, casualty, except mortgage guaranty, surety, or marine insurance, other

than motor vehicle insurance subject to s. 627.728 or s. 627.7281, shall give the *first-named named* insured written notice of cancellation or termination other than nonrenewal at least 45 days prior to the effective date of the cancellation or termination, including in the written notice the reason or reasons for the cancellation or termination, except that:

1. When cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor shall be given. As used in this subparagraph *and s. 440.42(3)*, the term "nonpayment of premium" means failure of the named insured to discharge when due any of her or his obligations in connection with the payment of premiums on a policy or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit, or failure to maintain membership in an organization if such membership is a condition precedent to insurance coverage. "Nonpayment of premium" also means the failure of a financial institution to honor an insurance applicant's check after delivery to a licensed agent for payment of a premium, even if the agent has previously delivered or transferred the premium to the insurer. If a dishonored check represents the initial premium payment, the contract and all contractual obligations shall be void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail, and if the contract is void, any premium received by the insurer from a third party shall be refunded to that party in full; and

2. When such cancellation or termination occurs during the first 90 days during which the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor shall be given except where there has been a material misstatement or misrepresentation or failure to comply with the underwriting requirements established by the insurer.

After the policy has been in effect for 90 days, no such policy shall be canceled by the insurer except when there has been a material misstatement, a nonpayment of premium, a failure to comply with underwriting requirements established by the insurer within 90 days of the date of effectuation of coverage, or a substantial change in the risk covered by the policy or when the cancellation is for all insureds under such policies for a given class of insureds. This subsection does not apply to individually rated risks having a policy term of less than 90 days.

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

(a) The insurer shall give the *first-named named* insured at least 45 days' advance written notice of the renewal premium.

(b) The insurer shall give the *first-named named* insured written notice of nonrenewal, cancellation, or termination at least 100 days prior to the effective date of the nonrenewal, cancellation, or termination. However, the insurer shall give at least 100 days' written notice, or written notice by June 1, whichever is earlier, for any nonrenewal, cancellation, or termination that would be effective between June 1 and November 30. The notice must include the reason or reasons for the nonrenewal, cancellation, or termination, except that:

1. The insurer shall give the *first-named named* insured written notice of nonrenewal, cancellation, or termination at least 180 days prior to the effective date of the nonrenewal, cancellation, or termination for a *first-named named* insured whose residential structure has been insured by that insurer or an affiliated insurer for at least a 5-year period immediately prior to the date of the written notice.

2. When cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor shall be given. As used in this subparagraph, the term "nonpayment of premium" means failure of the named insured to discharge when due any of her or his obligations in connection with the payment of premiums on a policy or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit, or failure to maintain membership in an organization if such membership is a condition precedent

to insurance coverage. "Nonpayment of premium" also means the failure of a financial institution to honor an insurance applicant's check after delivery to a licensed agent for payment of a premium, even if the agent has previously delivered or transferred the premium to the insurer. If a dishonored check represents the initial premium payment, the contract and all contractual obligations shall be void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail, and if the contract is void, any premium received by the insurer from a third party shall be refunded to that party in full.

3. When such cancellation or termination occurs during the first 90 days during which the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor shall be given except where there has been a material misstatement or misrepresentation or failure to comply with the underwriting requirements established by the insurer.

4. The requirement for providing written notice of nonrenewal by June 1 of any nonrenewal that would be effective between June 1 and November 30 does not apply to the following situations, but the insurer remains subject to the requirement to provide such notice at least 100 days prior to the effective date of nonrenewal:

a. A policy that is nonrenewed due to a revision in the coverage for sinkhole losses and catastrophic ground cover collapse pursuant to s. 627.706, as amended by s. 30, chapter 2007-1, Laws of Florida.

b. A policy that is nonrenewed by Citizens Property Insurance Corporation, pursuant to s. 627.351(6), for a policy that has been assumed by an authorized insurer offering replacement or renewal coverage to the policyholder.

After the policy has been in effect for 90 days, the policy shall not be canceled by the insurer except when there has been a material misstatement, a nonpayment of premium, a failure to comply with underwriting requirements established by the insurer within 90 days of the date of effectuation of coverage, or a substantial change in the risk covered by the policy or when the cancellation is for all insureds under such policies for a given class of insureds. This paragraph does not apply to individually rated risks having a policy term of less than 90 days.

(4) Notwithstanding the provisions of s. 440.42(3), if cancellation of a policy providing coverage for workers' compensation and employer's liability insurance is requested *in writing* by the insured, such cancellation shall be effective on the date requested by the insured or, if no date is specified by the insured, cancellation shall be effective on the date of the written request. ~~The carrier is not required to send notice of cancellation to the insured if the cancellation is requested in writing by the insured the carrier sends the notice of cancellation to the insured.~~ Any retroactive assumption of coverage and liabilities under a policy providing workers' compensation and employer's liability insurance may not exceed 21 days.

Section 10. Subsection (3) is added to section 627.4137, Florida Statutes, to read:

627.4137 Disclosure of certain information required.—

(3) Any request made to a self-insured corporation pursuant to this section shall be sent by certified mail to the registered agent of the disclosing entity.

Section 11. Subsection (2) of section 627.7277, Florida Statutes, is amended to read:

627.7277 Notice of renewal premium.—

(2) An insurer shall mail or deliver to the *first-named insured* ~~its policyholder~~ at least 30 days' advance written notice of the renewal premium for the policy.

Section 12. Paragraph (a) of subsection (3), paragraphs (a) and (d) of subsection (4), and subsections (5) and (6) of section 627.728, Florida Statutes, are amended to read:

627.728 Cancellations; nonrenewals.—

(3)(a) No notice of cancellation of a policy to which this section applies shall be effective unless mailed or delivered by the insurer to the *first-named named* insured and to the *first-named named* insured's insurance agent at least 45 days prior to the effective date of cancellation, except that, when cancellation is for nonpayment of premium, at least 10 days' notice of cancellation accompanied by the reason therefor shall be given. No notice of cancellation of a policy to which this section applies shall be effective unless the reason or reasons for cancellation accompany the notice of cancellation.

(4)(a) No insurer shall fail to renew a policy unless it mails or delivers to the *first-named named* insured, at the address shown in the policy, and to the *first-named named* insured's insurance agent at her or his business address, at least 45 days' advance notice of its intention not to renew; and the reasons for refusal to renew must accompany such notice. This subsection does not apply:

1. If the insurer has manifested its willingness to renew; or
2. In case of nonpayment of premium.

Notwithstanding the failure of an insurer to comply with this subsection, the policy shall terminate on the effective date of any other automobile liability insurance policy procured by the insured with respect to any automobile designated in both policies. Unless a written explanation for refusal to renew accompanies the notice of intention not to renew, the policy shall remain in full force and effect.

(d) Instead of canceling or nonrenewing a policy, an insurer may, upon expiration of the policy term, transfer a policy to another insurer under the same ownership or management as the transferring insurer, by giving the *first-named named* insured at least 45 days' advance notice of its intent to transfer the policy and of the premium and the specific reasons for any increase in the premium.

(5) United States postal proof of mailing or certified or registered mailing of notice of cancellation, of intention not to renew, or of reasons for cancellation, or of the intention of the insurer to issue a policy by an insurer under the same ownership or management, to the *first-named named* insured at the address shown in the policy shall be sufficient proof of notice.

(6) When a policy is canceled, other than for nonpayment of premium, or in the event of failure to renew a policy to which subsection (4) applies, the insurer shall notify the *first-named named* insured of her or his possible eligibility for insurance through the Automobile Joint Underwriting Association. Such notice shall accompany or be included in the notice of cancellation or the notice of intent not to renew and shall state that such notice of availability of the Automobile Joint Underwriting Association is given pursuant to this section.

Section 13. Section 627.7281, Florida Statutes, is amended to read:

627.7281 Cancellation notice.—An insurer issuing a policy of motor vehicle insurance not covered under the cancellation provisions of s. 627.728 shall give the *first-named named* insured notice of cancellation at least 45 days prior to the effective date of cancellation, except that, when cancellation is for nonpayment of premium, at least 10 days' notice of cancellation accompanied by the reason therefor shall be given. As used in this section, "policy" does not include a binder as defined in s. 627.420 unless the duration of the binder period exceeds 60 days.

Section 14. Section 634.403, Florida Statutes, is amended to read:

634.403 License required; exemptions.—

(1) No person in this state shall provide or offer to provide service warranties to residents of this state unless authorized therefor under a subsisting license issued by the office. The service warranty association shall pay to the office a license fee of \$200 for such license for each license year, or part thereof, the license is in force.

(2) An insurer, while authorized to transact property or casualty insurance in this state, may also transact a service warranty business without additional qualifications or authority, but shall be otherwise subject to the applicable provisions of this part.

(3) The office may, pursuant to s. 120.569, in its discretion and without advance notice and hearing, issue an immediate final order to

cease and desist to any person or entity which violates this section. The Legislature finds that a violation of this section constitutes an imminent and immediate threat to the public health, safety, and welfare of the residents of this state.

(4) Any person that is an affiliate of a domestic insurer as defined in chapter 624 is exempt from application of this part if the person does not issue, or market or cause to be marketed, service warranties to residents of this state and does not administer service warranties that were originally issued to residents of this state. The domestic insurer or its wholly owned Florida licensed insurer must be the direct obligor of all service warranties issued by such affiliate or must issue a contractual liability insurance policy to such affiliate that meets the conditions described in s. 634.406(3). If the Office of Insurance Regulation determines, after notice and opportunity for a hearing, that a person's intentional business practices do not comply with any of the exemption requirements of this subsection, the person shall be subject to this part.

(5) A person is exempt from the license requirement in this section if the person complies with the following:

(a) The service warranties are only sold to nonresidents of this state and the person does not issue, market, or cause to be marketed service warranties to residents of this state.

(b) The person submits a letter of notification that provides the following information to the office upon the start of business from this state and annually thereafter by March 1:

1. The type of products offered and a statement certifying that the products are not regulated in the state in which the person is transacting business or that the person is licensed in the state in which the person is transacting business.

2. The name of the person, the state of domicile, the home address and address in this state of the person, the names of the owners and their percentage of ownership, the names of the officers and directors, the name, e-mail, and telephone number of a contact person, the states in which the person is transacting business, and how many individuals are employed in this state.

(c) If the person ceases to do business from this state, the person shall provide written notification to the office within 30 days after cessation of business.

(6)(5) Any person who provides, offers to provide, or holds oneself out as providing or offering to provide a service warranty to residents of ~~in~~ this state ~~or from this state~~ without holding a subsisting license commits, in addition to any other violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 627.442, Florida Statutes, is amended to read:

627.442 Insurance contracts.—

(1) A person who requires a workers' compensation insurance policy pursuant to a construction contract may not reject a workers' compensation insurance policy issued by a self-insurance fund that is subject to part V of chapter 631 based upon the self-insurance fund not being rated by a nationally recognized insurance rating service.

(2) Notwithstanding s. 440.381(3), premium audits are not required for workers' compensation coverage, other than an audit required by the insurance policy or an order of the office, or at least once each policy period, if requested by the insured.

Section 16. Subsections (4) and (7) of section 627.7295, Florida Statutes, are amended to read:

627.7295 Motor vehicle insurance contracts.—

(4) If subsection (7) does not apply, the insurer may cancel the policy in accordance with this code except that, notwithstanding s. 627.728, an insurer may not cancel a new policy or binder during the first 60 days immediately following the effective date of the policy or binder ~~except for nonpayment of premium unless the reason for the cancellation is the issuance of a check for the premium that is dishonored for any reason.~~

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if, *before the effective date of such binder or policy*, the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not, directly or indirectly, take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply if all policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, ~~provided that the first policy payment is made by cash, cashier's check, check, or a money order.~~ This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent, a managing general agent, or a premium finance company and if the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 17. Subsection (3) of section 626.916, Florida Statutes, is amended to read:

626.916 Eligibility for export.—

(3)(a) Subsection (1) does not apply to wet marine and transportation or aviation risks which are subject to s. 626.917.

(b) Paragraphs (1)(a)–(d) do not apply to classes of insurance which are subject to s. 627.062(3)(d)1. These classes may be exportable under the following conditions:

1. The insurance must be placed only by or through a surplus lines agent licensed in this state;
2. The insurer must be made eligible under s. 626.918; and
3. The insured must sign a disclosure that substantially provides the following: "You are agreeing to place coverage in the surplus lines market. Superior coverage may be available in the admitted market and at a lesser cost. Persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer." If the notice is signed by the insured, the insured is presumed to have been informed and to know that other coverage may be available, and, with respect to the diligent-effort requirement under subsection (1), there is no liability on the part of, and no cause of action arises against, the retail agent presenting the form.

Section 18. The amendments to s. 626.207, Florida Statutes, made by this act do not apply retroactively and apply only to applicants whose applications are pending or submitted on or after the date that the amendments to s. 626.207, Florida Statutes, made by this act become law. This section shall take effect upon this act becoming a law.

Section 19. Paragraph (c) of subsection (7) of section 817.234, Florida Statutes, is amended, present subsection (12) of that section is renumbered as subsection (13), and a new subsection (12) is added to that section, to read:

817.234 False and fraudulent insurance claims.—

(7)

(c) An insurer, or any person acting at the direction of or on behalf of an insurer, may not change an opinion in a mental or physical report prepared under s. 627.736(8)(7) or direct the physician preparing the report to change such opinion; however, this provision does not preclude the insurer from calling to the attention of the physician errors of fact in the report based upon information in the claim file. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) *In addition to any criminal liability, a person convicted of violating any provision of this section for the purpose of receiving insurance proceeds from a motor vehicle insurance contract is subject to a civil penalty.*

(a) *Except for a violation of subsection (9), the civil penalty shall be:*

1. *A fine up to \$5,000 for a first offense.*
2. *A fine greater than \$5,000, but not to exceed \$10,000, for a second offense.*
3. *A fine greater than \$10,000, but not to exceed \$15,000, for a third or subsequent offense.*

(b) *The civil penalty for a violation of subsection (9) must be at least \$15,000 but may not exceed \$50,000.*

(c) *The civil penalty shall be paid to the Insurance Regulatory Trust Fund within the Department of Financial Services and used by the department for the investigation and prosecution of insurance fraud.*

(d) *This subsection does not prohibit a state attorney from entering into a written agreement in which the person charged with the violation does not admit to or deny the charges but consents to payment of the civil penalty.*

Section 20. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; amending s. 440.12, F.S.; authorizing payment of workers' compensation benefits on a prepaid card under certain circumstances; requiring the keeping and furnishing, upon request, of certain records; providing for the adoption of rules; amending s. 440.20, F.S.; specifying when an insurer's obligation to pay workers' compensation benefits is satisfied if payment is made on a prepaid card; amending s. 440.49, F.S.; revising the dates applicable to calculations of annual assessments upon certain workers' compensation insurers relating to the special disability trust fund; providing application to specified years and rate filings; amending s. 624.402, F.S.; providing an exemption from having to obtain a certificate of authority to insurers that cover only nonresidents of the United States under certain conditions; requiring such insurers to provide certain documentation to the Office of Insurance Regulation; requiring certificates, policies, or contracts issued by such insurers to include a disclaimer relating to the coverage provided; defining a "nonresident" for purposes of applying the exemption provided to such insurers from having to obtain a certificate of authority; providing penalties applicable to alien insurers who transact insurance without complying with certain provisions; deleting procedures and requirements relating to an exemption from obtaining a certificate of authority provided to alien insurers who issue life insurance policies and annuity contracts to certain nonresidents; amending s. 624.424, F.S.; revising the timeframes that limit how frequently an insurer may use the same accountant or partner to prepare an annual audited financial report; amending s. 626.207, F.S.; defining the term "financial services business"; precluding licensure under the Florida Insurance Code of specified persons who commit specified offenses; providing application to convictions and certain pleas, regardless of adjudication; establishing waiting periods relating to other specified offenses during which time an applicant is disqualified for licensure; granting rulemaking authority to the Department of Financial Services relating to specific penalties against licensees; clarifying rulemaking authority relating to penalties against licensees; providing that specified statutory provisions prohibiting prior crimes from being a bar to employment are not applicable to applicants for licensure under the Florida

Insurance Code; amending s. 626.7451, F.S.; requiring funds collected for an insurer to be held in a bank insured by the Federal Deposit Insurance Corporation; amending s. 626.8651, F.S.; revising requirements for a public adjuster apprentice license to include additional qualifying designations; amending s. 627.4133, F.S.; changing the designated person or persons who must be notified by an insurer from the “insured” to the “first-named insured” in situations involving the nonrenewal, renewal premium, cancellation, or termination of workers’ compensation, employer liability, or certain property and casualty insurance coverage; specifying that the date of cancellation of a workers’ compensation or employer’s liability policy is the date of the insured’s written request to cancel; amending s. 627.4137, F.S.; requiring a claimant’s request concerning insurance coverage to be served upon the disclosing entity in a specified manner; amending s. 627.7277, F.S.; making a conforming change that specifies the “first-named insured” as the person who is to receive notification of a renewal premium; amending s. 627.728, F.S.; changing the designated person or persons who must be notified by an insurer from the “insured” to the “first-named insured” in certain situations involving the cancellation or nonrenewal of motor vehicle insurance coverage; making a conforming change that specifies the “first-named insured’s insurance agent” as a person who is to receive certain notifications relating to motor vehicle insurance coverage; amending s. 627.7281, F.S.; making a conforming change that specifies the “first-named insured” as the person who is to receive notification of cancellation of motor vehicle insurance coverage; amending s. 634.403, F.S.; exempting certain persons providing service warranties relating to consumer products from licensing requirements under certain circumstances; amending s. 627.442, F.S.; limiting the requirement for premium audits of workers’ compensation coverage to specified instances; amending s. 627.7295, F.S.; providing application; requiring a certain amount of motor vehicle insurance premium to be paid before the effective date of a policy binder or policy in order to issue the binder or policy; authorizing an insurer to cancel certain motor vehicle insurance policies or binders for nonpayment of premium; removing a restriction requiring payment of the first policy payment of a motor vehicle insurance policy before issuance of a binder or policy when payments are being made in a specified manner; amending s. 626.916, F.S.; revising provisions relating to insurance coverage eligibility for export under the Surplus Lines Law; providing applicability; amending s. 817.234, F.S.; revising a cross-reference; providing civil penalties consisting of monetary fines relating to making false and fraudulent insurance claims for the purpose of receiving motor vehicle insurance proceeds; providing escalating monetary fines for repeat offenses; providing a mandatory minimum civil fine relating to certain international motor vehicle accident schemes; allocating fine revenues to a specified trust fund for specified purposes; authorizing certain agreements between a defendant and a state attorney relating to the payment of civil fines for making false and fraudulent insurance claims for the purpose of receiving motor vehicle insurance proceeds; providing effective dates.

MOTION

On motion by Senator Richter, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Richter moved the following amendment to **Amendment 1**:

Amendment 1A (570070) (with title amendment)—Between lines 861 and 862 insert:

Section 19. Subsection (17) is added to section 627.736, Florida Statutes, to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(17) *ATTORNEY’S FEES.*—Notwithstanding s. 627.428, the attorney’s fees recoverable under ss. 627.730-627.7407 shall be calculated without regard to any contingency risk multiplier.

And the title is amended as follows:

Delete line 1009 and insert: providing applicability; amending s. 627.736, F.S.; providing for certain awards of attorney’s fees to be calculated without regard to any contingency risk multiplier; amending s. 817.234, F.S.;

On motion by Senator Smith, further consideration of **CS for CS for SB 1252** with pending **Amendment 1 (694784)** and **Amendment 1A (570070)** was deferred.

LOCAL BILL CALENDAR

The Senate resumed consideration of—

SB 1980—A bill to be entitled An act relating to the Lealman Special Fire Control District, Pinellas County; amending chapter 2000-426, Laws of Florida, as amended; reducing the maximum ad valorem millage rate that may be levied by the district; providing requirements for the annexation of the unincorporated territory of the district by a municipality; requiring the approval of an annexation by a referendum of the electors within the district; providing for future expiration of the requirements for annexation; providing an effective date.

—which was previously considered this day.

On motion by Senator Latvala, **SB 1980** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 229—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the General Employees’ Pension Plan for the City of Tampa; revising the definitions of the terms “Salaries or Wages,” “Employee,” and “Military Service Time”; revising application of the term “Actuarial Equivalent”; defining the term “Limitation Year”; providing that all employee contributions to the pension fund after a certain date are mandatory and that the city shall pay such contributions to the fund on behalf of the employee; providing certain beneficiaries an option to roll over certain death benefits; providing for a refund of employee contributions; revising the provision that addresses the reemployment of retired employees; revising construction of the act; allowing DROP members the opportunity to elect an investment option, as determined by the board of trustees, to be applied to the participant’s account for the plan year entering the DROP program and for each subsequent plan year; revising benefit limitations; revising requirements for distribution of benefits; providing a default distribution when a member fails to elect a distribution option; revising direct rollover options; revising the definitions of the terms “eligible rollover distribution,” “eligible rollover plan,” and “distributee”; providing an effective date.

—which was previously considered this day.

On motion by Senator Joyner, **HB 229** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bogdanoff	Dockery
Alexander	Braynon	Evers
Altman	Dean	Fasano
Benacquisto	Detert	Flores
Bennett	Diaz de la Portilla	Gaetz

Garcia	Margolis	Sachs
Gardiner	Montford	Simmons
Hays	Negron	Siplin
Hill	Norman	Smith
Jones	Oelrich	Sobel
Joyner	Rich	Storms
Latvala	Richter	Thrasher
Lynn	Ring	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 231—A bill to be entitled An act relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to comply with chapter 2009-97, Laws of Florida; revising the manner in which elective trustees are elected; increasing the maximum length of time prior to term commencement in which to conduct trustee elections; allowing the board to retain the services of more than one nationally recognized professional investment counselor; increasing the investment cap on foreign securities; providing that the investment cap on foreign securities is measured on a market value basis and may not be revised, amended, increased, or repealed except as provided by general law; allowing retired members to elect to receive a reduced retirement benefit in order to provide a surviving spouse benefit under certain circumstances; allowing members to purchase up to an additional 5 years of credited service based upon prior service as a full-time certified firefighter or certified police officer or for military service in the Armed Forces of the United States subject to certain conditions; allowing DROP participants upon entering DROP and annually thereafter to elect an option for accruing annual interest at a low-risk variable rate selected annually by the board of trustees, in its sole discretion, in lieu of a rate reflecting the fund's net investment performance, as determined by the board of trustees; prohibiting members from selecting certain pension contract changes and rejecting others; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing for severability; providing an effective date.

—which was previously considered this day.

On motion by Senator Joyner, **CS for HB 231** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 233—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the City of Tampa for use within the buildings and adjoining grounds of Curtis Hixon Waterfront Park and Kiley Garden Park; providing for payment of the license fee; authorizing sale of alcoholic beverages for consumption within the buildings and their adjoining grounds; prohibiting sales for consumption off

premises; providing for construction of this act; authorizing transfer and providing for subsequent reversion of the license under certain circumstances; providing an effective date.

—which was previously considered this day.

On motion by Senator Joyner, **HB 233** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 529—A bill to be entitled An act relating to the Lee County Sheriff's Office; amending chapter 74-522, Laws of Florida, as amended; providing that certain retirement health insurance benefits shall not be available to specified employees; providing an effective date.

—which was previously considered this day.

On motion by Senator Benacquisto, **HB 529** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 555—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; amending chapter 2006-344, Laws of Florida; revising the powers of the board of commissioners relating to the employment of certain persons; specifying the provisions of law governing the election of commissioners and removing obsolete provisions for the staggering of initial terms; requiring the district to pay for the surety bonds required of commissioners before they assume office; requiring commissioners to elect a secretary/treasurer for the board; revising per diem and travel expense provisions for commissioners and employees; revising powers of the board relating to the control of mosquitoes and sandflies and deleting the power of the board to eliminate all species of mosquitoes and sandflies in the district; revising provisions relating to the board's purchasing, borrowing, and insurance requirements; providing an effective date.

—which was previously considered this day.

On motion by Senator Negron, **CS for HB 555** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 657—A bill to be entitled

An act relating to Martin County; amending chapter 63-1619, Laws of Florida, as amended; limiting the issuance of special alcoholic beverage licenses to restaurants that serve a certain number of patrons, occupy a certain amount of floor space, and are located within the legal boundaries of the community redevelopment areas of the county; providing an effective date.

—which was previously considered this day.

On motion by Senator Negron, **HB 657** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 659—A bill to be entitled An act relating to Martin County; amending chapter 65-1906, as amended; revising the membership of the County Health Care Review Board; providing an effective date.

—which was previously considered this day.

On motion by Senator Negron, **HB 659** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Benacquisto	Braynon
Alexander	Bennett	Dean
Altman	Bogdanoff	Detert

Diaz de la Portilla	Jones	Richter
Dockery	Joyner	Ring
Evers	Latvala	Sachs
Fasano	Lynn	Simmons
Flores	Margolis	Siplin
Gaetz	Montford	Smith
Garcia	Negron	Sobel
Gardiner	Norman	Storms
Hays	Oelrich	Thrasher
Hill	Rich	Wise

Nays—None

The Senate resumed consideration of—

HB 699—A bill to be entitled An act relating to the Southeast Volusia Hospital District, Volusia County; amending chapter 2003-310, Laws of Florida; expanding the representation of the Southeast Volusia Hospital District governing body; providing an effective date.

—which was previously considered this day.

On motion by Senator Lynn, **HB 699** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 741—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; amending chapter 2009-258, Laws of Florida; authorizing the district to develop and operate water supply sources and facilities and to enter into interlocal agreements with local governments and public and private utilities for such purpose; providing for issuance of notes and bonds; prohibiting the district from engaging in retail water sales; providing an effective date.

—which was previously considered this day.

On motion by Senator Benacquisto, **HB 741** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Montford
Alexander	Flores	Negron
Altman	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Rich
Bogdanoff	Hays	Richter
Braynon	Hill	Ring
Dean	Jones	Sachs
Detert	Joyner	Simmons
Diaz de la Portilla	Latvala	Siplin
Dockery	Lynn	Smith
Evers	Margolis	Sobel

Storms Thrasher Wise

Nays—None

The Senate resumed consideration of—

CS for HB 745—A bill to be entitled An act relating to the Polk County Historical Commission, Polk County; amending chapter 96-462, Laws of Florida; revising the number of commission members; providing for membership eligibility, terms of membership, meetings, attendance at meetings, and rules of procedure; providing for staff; providing powers and duties; providing for funding and the creation of dedicated accounts for the Polk County Historical Museum and the Genealogical Library; deleting provisions relating to the Polk County Historical Association; requiring the board of county commissioners to provide a repository for certain materials; providing an effective date.

—which was previously considered this day.

On motion by Senator Alexander, **CS for HB 745** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 861—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 2005-341, Laws of Florida, as amended; extending and enlarging the boundaries of the district; providing an effective date.

—which was previously considered this day.

On motion by Senator Smith, **HB 861** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 865—A bill to be entitled An act relating to the Town of Southwest Ranches, Broward County; amending chapter 2000-475, Laws of Florida; amending the town's charter to remove inapplicable provisions and to make ministerial changes; providing further description of the town's rural residential character; eliminating previously repealed language; providing additional language relating to filling council vacancies; clarifying that only the town council is required to vote by roll call; clarifying that a roll call vote is required by the town council on all land use and quasi-judicial items; providing an effective date.

—which was previously considered this day.

On motion by Senator Smith, **HB 865** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 869—A bill to be entitled An act relating to the Manatee County Port Authority; amending chapter 2003-351, Laws of Florida; providing for the conveyance of title to submerged lands adjacent to the port authority's boundaries from the Board of Trustees of the Internal Improvement Trust Fund; defining the territorial boundaries of the submerged lands; providing an effective date.

—which was previously considered this day.

On motion by Senator Bennett, **CS for HB 869** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 985—A bill to be entitled An act relating to Hillsborough County; amending chapter 2004-414, Laws of Florida, as amended, which relates to projects for which payment and performance bonds may be waived for the construction of a public building, for the prosecution and completion of a public work, or for repairs on a public building or public work when the cost of the project is at or below a certain threshold and the contract

for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in county procurement programs; deferring the future repeal of the law; providing an effective date.

—which was previously considered this day.

On motion by Senator Joyner, **HB 985** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 1009—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 87-471, Laws of Florida; adding a special zone in downtown Jacksonville; providing exception for space and seating requirements for liquor licenses for restaurants in the zone; providing an effective date.

—which was previously considered this day.

On motion by Senator Wise, **HB 1009** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 1045—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws of Florida, as amended; providing for the dedication of the width of roads to the public; providing requirements for such dedication; providing for prima facie evidence of public road easements; exempting certain property of an electric utility; assigning traffic control jurisdiction on all public roads within the district to the Town of Loxahatchee Groves; providing an effective date.

—which was previously considered this day.

On motion by Senator Smith, **HB 1045** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 1063—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida, as amended; increasing the amount for which the Canaveral Port Authority may encumber personal properties and facilities of the authority; increasing the amount for which contracts for construction, improvement, repair, or building may be entered into or goods, supplies, or materials may be purchased by the district or authority; providing an effective date.

—which was previously considered this day.

On motion by Senator Altman, **CS for HB 1063** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 1293—A bill to be entitled An act relating to Brevard County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Brevard Art Museum, Inc., for use within the museum's buildings; requiring payment of a license fee; providing for the sale of beverages for consumption at the museum; providing for transfer of the license; providing an effective date.

—which was previously considered this day.

On motion by Senator Altman, **CS for HB 1293** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Alexander	Altman
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Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Rich
Bogdanoff	Hays	Richter
Braynon	Hill	Ring
Dean	Jones	Sachs
Detert	Joyner	Simmons
Diaz de la Portilla	Latvala	Siplin
Dockery	Lynn	Smith
Evers	Margolis	Sobel
Fasano	Montford	Storms
Flores	Negron	Thrasher
Gaetz	Norman	Wise

Nays—None

The Senate resumed consideration of—

HB 1307—A bill to be entitled An act relating to the City of Mount Dora, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Mount Dora; providing that such events require a street-closure permit from the City of Mount Dora; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—which was previously considered this day.

On motion by Senator Dockery, **HB 1307** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 1311—A bill to be entitled An act relating to Walton County; providing that certain rigid coastal armoring structures constructed during a specified time may remain without the need to obtain a Department of Environmental Protection permit; providing conditions applicable to such structures; providing definitions; providing an effective date.

—which was previously considered this day.

On motion by Senator Gaetz, **HB 1311** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Detert
Alexander	Bogdanoff	Diaz de la Portilla
Altman	Braynon	Dockery
Benacquisto	Dean	Evers

Fasano	Latvala	Ring
Flores	Lynn	Sachs
Gaetz	Margolis	Simmons
Garcia	Montford	Siplin
Gardiner	Negron	Smith
Hays	Norman	Sobel
Hill	Oelrich	Storms
Jones	Rich	Thrasher
Joyner	Richter	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 1317—A bill to be entitled An act relating to Nassau County; creating the Nassau County targeted job creation zone pilot project; authorizing Nassau County to designate specified areas as targeted job creation zones and to implement specified exceptions, strategies, and incentives; providing for an alternative process for adoption and review of specified local government comprehensive plan amendments; providing for repeal of the pilot project; providing an effective date.

—which was previously considered this day.

On motion by Senator Wise, **CS for HB 1317** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 1345—A bill to be entitled An act relating to the Charlotte County Airport Authority, Charlotte County; amending chapter 98-508, Laws of Florida, as amended; revising various provisions of the Charlotte County Airport Authority Act; revising definitions; expanding the purpose of the authority; revising provisions relating to members, officers, compensation, and meetings; revising powers of the authority; revising requirements for the expenditure of funds; providing an effective date.

—which was previously considered this day.

On motion by Senator Detert, **CS for HB 1345** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Hill
Alexander	Dockery	Jones
Altman	Evers	Joyner
Benacquisto	Fasano	Latvala
Bennett	Flores	Lynn
Bogdanoff	Gaetz	Margolis
Braynon	Garcia	Montford
Dean	Gardiner	Negron
Detert	Hays	Norman

Oelrich	Sachs	Sobel
Rich	Simmons	Storms
Richter	Siplin	Thrasher
Ring	Smith	Wise

Nays—None

The Senate resumed consideration of—

HB 1351—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida, as amended; revising and providing definitions; conforming terminology; deleting and updating obsolete provisions; revising inconsistent provisions; revising the method of deciding elections of commissioners in the event of a tie vote; clarifying language relating to the imposition of district assessments and taxes; clarifying the type of property subject to district rules, criteria, and regulations; authorizing the board to take appropriate action as may be required of the district by another governmental agency; requiring the district to take designated water control elevations into consideration for all projects within the district; authorizing the treasurer, rather than the secretary, of the board to be involved in the preparation of the district’s budget; clarifying procedures relating to special assessments; authorizing the treasurer to prepare the district tax record; requiring the district to prepare plans, specifications, and estimates for improvements; authorizing the district director to implement certain activities and receive documents relating to special assessments; conforming cross-references; prohibiting obstruction, damage, or destruction of district facilities and noncompliance with the district’s 5-year recertification program rules, criteria, or regulations; clarifying applicability; providing severability; providing an effective date.

—which was previously considered this day.

On motion by Senator Smith, **HB 1351** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

CS for HB 1489—A bill to be entitled An act relating to Sebring Airport Authority, Highlands County; amending chapter 2005-300, Laws of Florida; revising powers of the authority; providing that the authority may acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate commercial and industrial facilities; providing that the authority may establish, operate, and maintain foreign-trade zone status under the alternative site framework in DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the Cities of Belle Glade, Pahokee, and South Bay; expanding the power of the authority to purchase commodities or contractual services; providing an effective date.

—which was previously considered this day.

On motion by Senator Alexander, **CS for HB 1489** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 4191—A bill to be entitled An act relating to Palm Beach County; amending chapter 96-466, Laws of Florida; deleting obsolete provisions relating to the establishment of an advisory committee to advise the Palm Beach County Board of County Commissioners on improvements, operations, maintenance, and enhancement of the South Lake Worth Inlet and adjacent property and to assist in the development, coordination, and public review of the Inlet Management Plan; providing an effective date.

—which was previously considered this day.

On motion by Senator Bogdanoff, **HB 4191** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 4197—A bill to be entitled An act relating to Okaloosa County; repealing chapter 81-442, Laws of Florida, relating to the establishment and duties of the Personnel Standards and Review Board for the Okaloosa County Sheriff’s Department; repealing chapters 85-472 and 90-492, Laws of Florida, to conform; providing an effective date.

—which was previously considered this day.

On motion by Senator Gaetz, **HB 4197** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Braynon	Fasano
Alexander	Dean	Flores
Altman	Detert	Gaetz
Benacquisto	Diaz de la Portilla	Garcia
Bennett	Dockery	Gardiner
Bogdanoff	Evers	Hays

Hill	Negron	Simmons
Jones	Norman	Siplin
Joyner	Oelrich	Smith
Latvala	Rich	Sobel
Lynn	Richter	Storms
Margolis	Ring	Thrasher
Montford	Sachs	Wise

Nays—None

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

Nays—None

The Senate resumed consideration of—

HB 4203—A bill to be entitled An act relating to Okaloosa County; repealing chapter 69-798, Laws of Florida, relating to an exception for certain restaurants in the county to the limitation under general law on the number of alcoholic beverage licenses allowed to be issued in the county, to provide for the issuance of such licenses to restaurants in the county in excess of such limitation in accordance with the criteria and conditions specified in general law; providing an effective date.

—which was previously considered this day.

On motion by Senator Gaetz, **HB 4203** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Senate resumed consideration of—

HB 4205—A bill to be entitled An act relating to the Pinecraft Lighting District, Sarasota County; abolishing the district; repealing chapters 67-2050, 69-1588, 70-931, 71-911, 72-689, and 76-486, Laws of Florida; transferring all assets and liabilities of the district to Sarasota County; providing an effective date.

—which was previously considered this day.

On motion by Senator Detert, **HB 4205** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

CS for CS for SB 1252—A bill to be entitled An act relating to insurance; amending s. 120.80, F.S.; allowing the Division of Administrative Hearings to have final order authority with respect to certain license applicants; amending s. 316.066, F.S.; revising the type of information that must be included in crash reports; authorizing the investigating officer to testify at trial or provide an affidavit concerning the content of the reports; amending ss. 440.12 and 440.20, F.S.; authorizing the payment of workers' compensation benefits through the use of a prepaid card; providing requirements; amending s. 440.49, F.S.; specifying that the assessment for the Special Disability Trust Fund be applied on a calendar year basis; amending s. 624.402, F.S.; revising provisions relating to certain insurers covering nonresidents domiciled outside the United States who are exempt from requirements to obtain a certificate of authority; amending s. 626.207, F.S., relating to penalties; providing definitions; barring persons convicted of certain crimes from licensure as an insurance agent; revising provisions relating to disqualifying periods for persons convicted of other crimes; providing an exemption from the limitation against state employment for persons convicted of certain crimes; amending s. 627.4133, F.S.; changing the designated person or persons who must be notified by an insurer from the "insured" to the "first-named insured" in situations involving the nonrenewal, renewal premium, cancellation, or termination of workers' compensation, employer liability, or certain property and casualty insurance coverage; specifying the effective date for the cancellation of a policy requested in writing by the insured; amending s. 627.4137, F.S.; requiring a claimant's request about insurance coverage to be appropriately served upon the disclosing entity; amending s. 627.442, F.S.; providing that premium audits for workers' compensation coverage is not required; providing exceptions; amending s. 627.7277, F.S.; making a conforming change that specifies the "first-named insured" as the person who is to receive notification of a renewal premium; amending s. 627.728, F.S.; changing the designated person or persons who must be notified by an insurer from the "insured" to the "first-named insured" in certain situations involving the cancellation or nonrenewal of motor vehicle insurance coverage; making a conforming change that specifies the "first-named insured's insurance agent" as a person who is to receive certain notifications relating to motor vehicle insurance coverage; amending s. 627.7281, F.S.; making a conforming change that specifies the "first-named insured" as the person who is to receive notification of cancellation of motor vehicle insurance coverage; amending s. 627.7295, F.S.; providing that a binder or policy for motor vehicle insurance is not effective until a certain amount of the premium is paid; amending s. 628.901, F.S.; providing definitions; repealing s. 628.903, F.S., relating to the definition of the term "industrial insured captive insurer"; amending s. 628.905, F.S.; requiring a captive insurer to obtain a license and to file evidence that a person or firm with whom it intends to conduct business is reputable; providing that a certificate of insurance for an association captive insurer does not exceed the total funds of the association members; creating s. 628.908, F.S.; requiring a licensed captive insurer to maintain its principal place of business in this state and hold an annual meeting in this state; amending s. 628.909, F.S.; applying additional provisions of the insurance code to captive insurers; amending s. 634.403, F.S.; exempting certain persons from service warranty licensure requirements under certain circumstances; amending s. 817.234, F.S.; providing civil penalties for fraudulent insurance claims; providing effective dates.

—which was previously considered this day with pending **Amendment 1 (694784)** by Senator Smith and **Amendment 1A (570070)** by Senator Richter.

POINT OF ORDER

Senator Jones raised a point of order that Senator Richter's amendment is the substance of a bill now residing in a Senate Committee and pursuant to Rule 7.1 **Amendment 1A (570070)** contains language of a bill not reported favorably by a Senate committee and is therefore out of order.

The President referred the point of order and the amendment to Senator Thrasher, Chair of the Committee on Rules.

On motion by Senator Smith, further consideration of **CS for CS for SB 1252** with pending **Amendment 1 (694784)** and **Amendment 1A (570070)** with pending point of order was deferred.

On motion by Senator Hays—

CS for SB 1590—A bill to be entitled An act relating to medical malpractice; creating ss. 458.3175, 459.0066, and 466.005, F.S.; requiring the Department of Health to issue expert witness certificates to certain physicians and dentists licensed outside the state; providing application and certification requirements; establishing application fees; providing for the validity and use of certifications; exempting physicians and dentists issued certifications from certain licensure and fee requirements; amending ss. 458.331, 459.015, and 466.028, F.S.; providing additional acts that constitute grounds for denial of a license or disciplinary action to which penalties apply; providing construction with respect to the doctrine of incorporation by reference; amending ss. 458.351 and 459.026, F.S.; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt within a specified period certain patient forms specifying cataract surgery risks; specifying that an incident resulting from risks disclosed in the patient form is not an adverse incident; providing for the execution and admissibility of the patient forms in civil and administrative proceedings; creating a rebuttable presumption that a physician disclosed cataract surgery risks if the patient form is executed; amending s. 627.4147, F.S.; deleting a requirement that medical malpractice insurance contracts contain a clause authorizing the insurer to make and conclude certain offers within policy limits over the insured’s veto; amending s. 766.102, F.S.; defining terms; providing that certain insurance information is not admissible as evidence in medical negligence actions; establishing the burden of proof that a claimant must meet in certain damage claims against health care providers based on death or personal injury; requiring that certain expert witnesses who provide certain expert testimony meet certain licensure or certification requirements; excluding a health care provider’s failure to comply with or breach of federal requirements from evidence in medical negligence cases in the state; amending s. 766.106, F.S.; requiring claimants for medical malpractice to execute an authorization form; allowing prospective medical malpractice defendants to interview a claimant’s treating health care provider without notice to or the presence of the claimant or the claimant’s legal representative; authorizing prospective defendants to take unsworn statements of a claimant’s health care provider; creating s. 766.1065, F.S.; requiring that presuit notice for medical negligence claims be accompanied by an authorization for release of protected health information; providing requirements for the form of such authorization; amending s. 766.206, F.S.; requiring dismissal of a medical malpractice claim if such authorization is not completed in good faith; amending s. 768.0981, F.S.; limiting the liability of hospitals related to certain medical negligence claims; providing an effective date.

—was read the second time by title.

Senator Hays moved the following amendment:

Amendment 1 (947994) (with title amendment)—Delete lines 557 and 558 and insert: *the presence of the claimant or the claimant’s legal representative.*

And the title is amended as follows:

Delete line 46 and insert: *treating health care provider without the*

MOTION

On motion by Senator Flores, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Flores moved the following substitute amendment which was adopted:

Amendment 2 (831356) (with title amendment)—Delete lines 554-559 and insert: 5. *Unsworn statements of treating health care providers*

And the title is amended as follows:

Delete lines 44-48 and insert: *authorization form; authorizing prospective defendants to*

The vote was:

Yeas—26

Altman	Flores	Rich
Bennett	Garcia	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Detert	Joyner	Siplin
Diaz de la Portilla	Margolis	Smith
Dockery	Montford	Storms
Evers	Negron	Wise
Fasano	Norman	

Nays—13

Mr. President	Gardiner	Richter
Alexander	Hays	Sobel
Benacquisto	Latvala	Thrasher
Dean	Lynn	
Gaetz	Oelrich	

Senator Hays moved the following amendment which was adopted:

Amendment 3 (391804) (with title amendment)—Between lines 727 and 728 insert:

Section 15. Section 768.135, Florida Statutes, is amended to read:

768.135 Volunteer team physicians; immunity.—

(1) *As used in this section, the term “volunteer team physician” means any person licensed to practice medicine pursuant to chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466:*

(a)(1) *Who is acting in the capacity of a volunteer team physician in attendance at an athletic event sponsored by a public or private elementary or secondary school; and*

(b)(2) *Who gratuitously and in good faith prior to the athletic event agrees to render emergency care or treatment to any participant in such event in connection with an emergency arising during or as the result of such event, without objection of such participant.;*

(2) *A volunteer team physician is shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment unless the when such care or treatment was rendered in a wrongful manner as a reasonably prudent person similarly licensed to practice medicine would have acted under the same or similar circumstances.*

(3) *A practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012 who gratuitously and in good faith conducts an evaluation pursuant to s. 1006.20(2)(c) is not liable for any civil damages arising from that evaluation unless the evaluation was conducted in a wrongful manner.*

(4) *As used in this section, the term “wrongful manner” means in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and shall be construed in conformity with the standard set forth in s. 768.28(9)(a).*

And the title is amended as follows:

Delete line 59 and insert: *medical negligence claims; amending s. 768.135, F.S.; defining the term “volunteer team physician”; providing that a volunteer team physician is not liable for civil damages unless treatment was rendered in a wrongful manner; providing that certain practitioners who conduct certain evaluations are not liable for civil damages unless the evaluation was conducted in a wrongful manner; defining the term “wrongful manner”; providing an effective*

MOTION

On motion by Senator Hays, by the required two-thirds vote, consideration of the following amendments was allowed:

Senator Hays moved the following amendments which were adopted:

Amendment 4 (653180)—Delete line 171 and insert: *expert witness certificate within 10 business days after receipt*

Amendment 5 (729322)—Delete line 81 and insert: *expert witness certificate within 10 business days after receipt*

Amendment 6 (661722)—Delete line 233 and insert: *expert witness certificate within 10 business days after receipt*

Amendment 7 (525928)—Delete line 119 and insert:

(oo) *Providing deceptive or fraudulent expert*

Amendment 8 (101794)—Delete line 209 and insert:

(qq) *Providing deceptive or fraudulent expert*

Amendment 9 (372048)—Delete line 269 and insert:

(11) *Providing deceptive or fraudulent expert*

MOTION

On motion by Senator Diaz de la Portilla, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 10 (939424) (with title amendment)—Delete lines 716-727.

And the title is amended as follows:

Delete lines 57-59 and insert: *completed in good faith; providing an effective*

SENATOR FASANO PRESIDING**THE PRESIDENT PRESIDING****MOTION**

On motion by Senator Storms, by the required two-thirds vote, consideration of the following amendments was allowed:

Senator Storms moved the following amendments which failed:

Amendment 11 (902516) (with title amendment)—Delete lines 462-468 and insert:

(12) *In any action for medical negligence brought pursuant to this chapter, if the court finds by clear and convincing evidence that a health care provider as defined in s. 766.101(1)(b) has knowingly provided misleading, deceptive, or fraudulent expert witness testimony in the proceeding, the court shall certify its findings to the applicable agency by which the health care provider is licensed for disciplinary action and to the appropriate state attorney for prosecution pursuant to chapter 837.*

And the title is amended as follows:

Delete lines 36-39 and insert: *providers based on death or personal injury; requiring the court in certain proceedings to certify its findings to certain agencies for disciplinary action or prosecution if the health care provider knowingly provided misleading, deceptive, or fraudulent expert witness testimony; excluding a health care*

Amendment 12 (178504) (with title amendment)—Delete lines 217-260.

And the title is amended as follows:

Delete lines 2-11 and insert: *An act relating to medical malpractice; amending ss. 458.331, 459.015, and*

Amendment 13 (359742)—Delete lines 154-199.

Amendment 14 (183118)—Delete lines 64-109.

MOTION

On motion by Senator Garcia, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Garcia moved the following amendment which was adopted:

Amendment 15 (730546) (with title amendment)—Delete lines 395-401.

And the title is amended as follows:

Delete lines 34-36 and insert: *requiring*

The vote was:

Yeas—22

Altman	Garcia	Ring
Bennett	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Margolis	Smith
Dockery	Montford	Storms
Evers	Negron	
Flores	Rich	

Nays—17

Mr. President	Gaetz	Oelrich
Alexander	Gardiner	Richter
Benacquisto	Hays	Sobel
Bogdanoff	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Fasano	Norman	

Pursuant to Rule 4.19, **CS for SB 1590** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 488, CS for SB 584, CS for CS for SJR 658, CS for CS for SB 728, SB 912, CS for SB 1388, CS for CS for SB 1588, CS for SB 1622, CS for CS for CS for SB 1698, CS for SB 1722, CS for SB 1744, SB 1770, and CS for CS for SB 1916** were withdrawn from the Committee on Budget; and **CS for SB 584, CS for CS for SJR 658, CS for SB 1388, CS for SB 1722, and CS for SB 1744** were withdrawn from the Committee on Rules.

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

CS for CS for SB 1252—A bill to be entitled An act relating to insurance; amending s. 120.80, F.S.; allowing the Division of Administrative Hearings to have final order authority with respect to certain license applicants; amending s. 316.066, F.S.; revising the type of information that must be included in crash reports; authorizing the investigating officer to testify at trial or provide an affidavit concerning the content of the reports; amending ss. 440.12 and 440.20, F.S.; authorizing the payment of workers' compensation benefits through the use of a prepaid card; providing requirements; amending s. 440.49, F.S.; specifying that the assessment for the Special Disability Trust Fund be applied on a calendar year basis; amending s. 624.402, F.S.; revising provisions relating to certain insurers covering nonresidents domiciled outside the United States who are exempt from requirements to obtain a

certificate of authority; amending s. 626.207, F.S., relating to penalties; providing definitions; barring persons convicted of certain crimes from licensing as an insurance agent; revising provisions relating to disqualifying periods for persons convicted of other crimes; providing an exemption from the limitation against state employment for persons convicted of certain crimes; amending s. 627.4133, F.S.; changing the designated person or persons who must be notified by an insurer from the “insured” to the “first-named insured” in situations involving the nonrenewal, renewal premium, cancellation, or termination of workers’ compensation, employer liability, or certain property and casualty insurance coverage; specifying the effective date for the cancellation of a policy requested in writing by the insured; amending s. 627.4137, F.S.; requiring a claimant’s request about insurance coverage to be appropriately served upon the disclosing entity; amending s. 627.442, F.S.; providing that premium audits for workers’ compensation coverage is not required; providing exceptions; amending s. 627.7277, F.S.; making a conforming change that specifies the “first-named insured” as the person who is to receive notification of a renewal premium; amending s. 627.728, F.S.; changing the designated person or persons who must be notified by an insurer from the “insured” to the “first-named insured” in certain situations involving the cancellation or nonrenewal of motor vehicle insurance coverage; making a conforming change that specifies the “first-named insured’s insurance agent” as a person who is to receive certain notifications relating to motor vehicle insurance coverage; amending s. 627.7281, F.S.; making a conforming change that specifies the “first-named insured” as the person who is to receive notification of cancellation of motor vehicle insurance coverage; amending s. 627.7295, F.S.; providing that a binder or policy for motor vehicle insurance is not effective until a certain amount of the premium is paid; amending s. 628.901, F.S.; providing definitions; repealing s. 628.903, F.S., relating to the definition of the term “industrial insured captive insurer”; amending s. 628.905, F.S.; requiring a captive insurer to obtain a license and to file evidence that a person or firm with whom it intends to conduct business is reputable; providing that a certificate of insurance for an association captive insurer does not exceed the total funds of the association members; creating s. 628.908, F.S.; requiring a licensed captive insurer to maintain its principal place of business in this state and hold an annual meeting in this state; amending s. 628.909, F.S.; applying additional provisions of the insurance code to captive insurers; amending s. 634.403, F.S.; exempting certain persons from service warranty licensure requirements under certain circumstances; amending s. 817.234, F.S.; providing civil penalties for fraudulent insurance claims; providing effective dates.

—which was previously considered this day with pending **Amendment 1 (694784)** by Senator Smith and pending **Amendment 1A (570070)** by Senator Richter with pending point of order.

RULING ON POINT OF ORDER

On recommendation by Senator Thrasher, Chair of the Committee on Rules, Senator Richter’s amendment was determined to be substantially the same as **SB 1694**, now in the Committee on Judiciary. The President ruled that Senator Jones’ point was well taken and the amendment to the amendment was out of order.

The question recurred on **Amendment 1 (694784)** which was adopted.

Pending further consideration of **CS for CS for SB 1252** as amended, on motion by Senator Smith, by two-thirds vote **CS for HB 1087** was withdrawn from the Committees on Banking and Insurance; Budget; and Rules.

On motion by Senator Smith, by two-thirds vote—

CS for HB 1087—A bill to be entitled An act relating to insurance; amending s. 440.12, F.S.; authorizing payment of workers’ compensation benefits on a prepaid card under certain circumstances; requiring the keeping and furnishing, upon request, of certain records; providing for the adoption of rules; amending s. 440.20, F.S.; specifying when an insurer’s obligation to pay workers’ compensation benefits is satisfied if payment is made on a prepaid card; amending s. 440.49, F.S.; revising the dates applicable to calculations of annual assessments upon certain workers’ compensation insurers relating to the special disability trust fund; providing application to specified years and rate filings; amending s. 624.402, F.S.; providing an exemption from having to obtain a certi-

ificate of authority to insurers that cover only nonresidents of the United States under certain conditions; requiring such insurers to provide certain documentation to the Office of Insurance Regulation; requiring certificates, policies, or contracts issued by such insurers to include a disclaimer relating to the coverage provided; defining a “nonresident” for purposes of applying the exemption provided to such insurers from having to obtain a certificate of authority; providing penalties applicable to alien insurers who transact insurance without complying with certain provisions; deleting procedures and requirements relating to an exemption from obtaining a certificate of authority provided to alien insurers who issue life insurance policies and annuity contracts to certain nonresidents; amending s. 624.424, F.S.; revising the timeframes that limit how frequently an insurer may use the same accountant or partner to prepare an annual audited financial report; amending s. 626.207, F.S.; defining the term “financial services business”; precluding licensure under the Florida Insurance Code of specified persons who commit specified offenses; providing application to convictions and certain pleas, regardless of adjudication; establishing waiting periods relating to other specified offenses during which time an applicant is disqualified for licensure; granting rulemaking authority to the Department of Financial Services relating to specific penalties against licensees; clarifying rule-making authority relating to penalties against licensees; providing that specified statutory provisions prohibiting prior crimes from being a bar to employment are not applicable to applicants for licensure under the Florida Insurance Code; amending s. 626.7451, F.S.; requiring funds collected for an insurer to be held in a bank insured by the Federal Deposit Insurance Corporation; amending s. 626.8651, F.S.; revising requirements for a public adjuster apprentice license to include additional qualifying designations; amending s. 627.4133, F.S.; changing the designated person or persons who must be notified by an insurer from the “insured” to the “first-named insured” in situations involving the nonrenewal, renewal premium, cancellation, or termination of workers’ compensation, employer liability, or certain property and casualty insurance coverage; specifying that the date of cancellation of a workers’ compensation or employer’s liability policy is the date of the insured’s written request to cancel; amending s. 627.4137, F.S.; requiring a claimant’s request concerning insurance coverage to be served upon the disclosing entity in a specified manner; amending s. 627.7277, F.S.; making a conforming change that specifies the “first-named insured” as the person who is to receive notification of a renewal premium; amending s. 627.728, F.S.; changing the designated person or persons who must be notified by an insurer from the “insured” to the “first-named insured” in certain situations involving the cancellation or nonrenewal of motor vehicle insurance coverage; making a conforming change that specifies the “first-named insured’s insurance agent” as a person who is to receive certain notifications relating to motor vehicle insurance coverage; amending s. 627.7281, F.S.; making a conforming change that specifies the “first-named insured” as the person who is to receive notification of cancellation of motor vehicle insurance coverage; amending s. 634.403, F.S.; exempting certain persons providing service warranties relating to consumer products from licensing requirements under certain circumstances; amending s. 627.442, F.S.; limiting the requirement for premium audits of workers’ compensation coverage to specified instances; amending s. 627.7295, F.S.; providing application; requiring a certain amount of motor vehicle insurance premium to be paid before the effective date of a policy binder or policy in order to issue the binder or policy; authorizing an insurer to cancel certain motor vehicle insurance policies or binders for nonpayment of premium; removing a restriction requiring payment of the first policy payment of a motor vehicle insurance policy before issuance of a binder or policy when payments are being made in a specified manner; amending s. 626.916, F.S.; revising provisions relating to insurance coverage eligibility for export under the Surplus Lines Law; providing applicability; amending s. 817.234, F.S.; revising a cross-reference; providing civil penalties consisting of monetary fines relating to making false and fraudulent insurance claims for the purpose of receiving motor vehicle insurance proceeds; providing escalating monetary fines for repeat offenses; providing a mandatory minimum civil fine relating to certain international motor vehicle accident schemes; allocating fine revenues to a specified trust fund for specified purposes; authorizing certain agreements between a defendant and a state attorney relating to the payment of civil fines for making false and fraudulent insurance claims for the purpose of receiving motor vehicle insurance proceeds; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1252** and by two-thirds vote read the second time by title.

Senator Diaz de la Portilla moved the following amendment which failed:

Amendment 1 (137808) (with title amendment)—Between lines 968 and 969 insert:

Section 19. Section 628.901, Florida Statutes, is amended to read:

~~628.901 Definitions “Captive insurer” defined.—As used in For the purposes of this part, the term: except as provided in s. 628.903, a “captive insurer” is a domestic insurer established under part I to insure the risks of a specific corporation or group of corporations under common ownership owned by the corporation or corporations from which it accepts risk under a contract of insurance.~~

(1) “Association” means a legal association of nursing homes, hospitals, skilled nursing facilities, assisted living facilities, or continuing care retirement communities.

(2) “Association captive insurer” means a company that insures risks of the member organizations of the association and their affiliated companies.

(3) “Captive insurer” means a pure captive insurer, an industrial insured captive insurer, or an association captive insurer domiciled in this state and formed or licensed under this part.

(4) “Industrial insured” means an insured that:

(a) Has gross assets in excess of \$50 million;

(b) Procures insurance through the use of a full-time employee of the insured who acts as an insurance manager or buyer or through the services of a person licensed as a property and casualty insurance agent, broker, or consultant in such person’s state of domicile;

(c) Has at least 100 full-time employees; and

(d) Pays annual premiums of at least \$200,000 for each line of insurance purchased from the industrial insured captive insurer, or at least \$75,000 for any line of coverage in excess of at least \$25 million in the annual aggregate. The purchase of umbrella or general liability coverage in excess of \$25 million in the annual aggregate is deemed to be the purchase of a single line of insurance.

(5) “Industrial insured captive insurer” means a captive insurer that:

(a) Has as its stockholders or members only industrial insureds that the captive insurer insures, or has as its sole stockholder a corporation whose sole stockholders are industrial insureds that the captive insurer insures; and

1. Provides insurance only to the industrial insureds that are its stockholders or members, and affiliates thereof, or to the stockholders, and affiliates thereof, of its parent corporation; or

2. Provides reinsurance only on risks written by insurers of industrial insureds who are the stockholders or members, and affiliates thereof, of the captive insurer, or the stockholders, and affiliates thereof, of the parent corporation of the captive insurer;

(b) Maintains unimpaired capital and surplus of at least \$20 million; and

(c) If licensed in this state before December 31, 1999, or if any subsidiary formed by the licensed insurer on or after December 31, 1999, has:

1. Gross assets in excess of \$10 million and procures insurance through the use of a full-time employee of the insured who acts as an insurance manager or buyer or through the services of a person licensed as a property and casualty insurance agent, broker, or consultant in such person’s state of domicile;

2. At least 25 full-time employees; and

3. Annual aggregate premiums for all insurance risks which total at least \$100,000.

As used in this subsection, the term “affiliate” means a person that directly or indirectly, through one or more intermediaries, controls, is con-

trolled by, or is under common control with one or more of the stockholders or members of an industrial insured captive insurer or one or more of the stockholders of the parent corporation of an industrial insured captive insurer.

(6) “Pure captive insurer” means a company that insures the risks of its parent, affiliated companies, controlled unaffiliated businesses, or a combination thereof.

Section 20. Section 628.903, Florida Statutes, is repealed.

Section 21. Section 628.905, Florida Statutes, is amended to read:

628.905 Licensing; authority.—In order to conduct insurance business in this state, a captive insurer must obtain a license from the office.

(1) A ~~Any~~ captive insurer, if ~~when~~ permitted by its charter or articles of incorporation, may apply to the office for a license to provide commercial property, commercial casualty, and commercial marine insurance. ~~coverage other than workers’ compensation and employer’s liability insurance coverage, except that~~ An industrial insured captive insurer may also apply for a license to provide workers’ compensation and employer’s liability insurance as set forth in subsection (5) ~~(6)~~.

(2) A ~~No~~ captive insurer, other than an industrial insured captive insurer, may not ~~shall~~ insure or accept reinsurance on any risks other than those of its parent and affiliated companies.

(3) In addition to information otherwise required by this code, each applicant captive insurer shall file with the office evidence:

(a) Of the adequacy of the loss prevention program of its insureds.

(b) That it intends to employ or contract with a reputable person or firm that possesses the appropriate expertise, experience, and character to manage the association captive insurer.

(4) If an association captive insurer operates with separate cells or segregated accounts, a certificate of insurance used to satisfy financial responsibility laws shall be issued in an amount not exceeding the total funds in the segregated accounts or separate cells of each member organization of the association.

~~(5)~~(4) An industrial insured captive insurer:

(a) Need not be incorporated in this state if it has been validly incorporated under the laws of another jurisdiction; and

~~(b)~~(5) An industrial insured captive insurer Is subject to all provisions of this part except as otherwise indicated; and

~~(c)~~(6) An industrial insured captive insurer May not provide workers’ compensation and employer’s liability insurance except in excess of at least \$25 million in the annual aggregate.

Section 22. Section 628.908, Florida Statutes, is created to read:

628.908 Principal place of business; annual meeting.—In order to conduct insurance business in this state, a licensed captive insurer must:

(1) Maintain its principal place of business in this state; and

(2) Annually hold in this state at least one board of directors’ meeting; or, in the case of a reciprocal insurer, one subscriber’s advisory committee meeting; or, in the case of a limited liability company, one managing board’s meeting.

Section 23. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 628.909, Florida Statutes, are amended to read:

628.909 Applicability of other laws.—

(2) The following provisions of the Florida Insurance Code shall apply to captive insurers who are not industrial insured captive insurers to the extent that such provisions are not inconsistent with this part:

(a) Chapter 624, except for ss. 624.407, 624.408, 624.4085, 624.40851, 624.4095, 624.425, and 624.426.

(3) The following provisions of the Florida Insurance Code shall apply to industrial insured captive insurers to the extent that such provisions are not inconsistent with this part:

(a) Chapter 624, except for ss. 624.407, 624.408, 624.4085, 624.40851, 624.4095, 624.425, 624.426, and 624.609(1).

And the title is amended as follows:

Delete line 95 and insert: Surplus Lines Law; providing applicability; amending s. 628.901, F.S.; providing definitions; repealing s. 628.903, F.S., relating to the definition of the term “industrial insured captive insurer”; amending s. 628.905, F.S.; requiring a captive insurer to obtain a license and to file evidence that a person or firm with whom it intends to conduct business is reputable; providing that a certificate of insurance for an association captive insurer does not exceed the total funds of the association members; creating s. 628.908, F.S.; requiring a licensed captive insurer to maintain its principal place of business in this state and hold an annual meeting in this state; amending s. 628.909, F.S.; applying additional provisions of the insurance code to captive insurers; amending s.

On motion by Senator Smith, by two-thirds vote **CS for HB 1087** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

CS for SB 1922—A bill to be entitled An act relating to health and human services; amending s. 408.910, F.S.; providing and revising definitions; revising eligibility requirements for participation in the Florida Health Choices Program; providing that statutory rural hospitals are eligible as employers rather than participants under the program; permitting specified eligible vendors to sell health maintenance contracts or products and services; requiring certain risk-bearing products offered by insurers to be approved by the Office of Insurance Regulation; providing requirements for product certification; providing duties of the Florida Health Choices, Inc., including maintenance of a toll-free telephone hotline to respond to requests for assistance; providing for enrollment periods; providing for certain risk pooling data used by the corporation to be reported annually; amending s. 409.821, F.S.; authorizing personal identifying information of a Florida Kidcare program applicant to be disclosed to the Florida Health Choices, Inc., to administer the program; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish a demonstration project in Miami-Dade County of a long-term-care facility and a psychiatric facility to improve access to health care by medically underserved persons; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1922** to **CS for HB 1125**.

Pending further consideration of **CS for SB 1922** as amended, on motion by Senator Garcia, by two-thirds vote **CS for HB 1125** was withdrawn from the Committees on Banking and Insurance; Health Regulation; and Budget.

On motion by Senator Garcia, by two-thirds vote—

CS for HB 1125—A bill to be entitled An act relating to health and human services; amending s. 408.910, F.S.; providing and revising definitions; revising eligibility requirements for participation in the Florida Health Choices Program; providing that statutory rural hospitals are eligible as employers rather than participants under the program; permitting specified eligible vendors to sell health maintenance contracts or products and services; requiring certain risk-bearing products offered by insurers to be approved by the Office of Insurance Regulation; providing requirements for product certification; providing duties of the Florida Health Choices, Inc., including maintenance of a toll-free telephone hotline to respond to requests for assistance; providing for enrollment periods; providing for certain risk pooling data used by the corporation to be reported annually; amending s. 409.821, F.S.; authorizing personal identifying information of a Florida Kidcare program applicant to be disclosed to the Florida Health Choices, Inc., to administer the program; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish a demonstration project in Miami-Dade County of a long-term-care facility and a psychiatric facility to improve access to health care by medically underserved persons; providing an effective date.

—a companion measure, was substituted for **CS for SB 1922** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Garcia, by the required two-thirds vote, consideration of the following amendments was allowed:

Senator Garcia moved the following amendments which were adopted:

Amendment 1 (170500)—Delete lines 189-284 and insert: A vendor described in subparagraphs 4.-7. ~~3.-6.~~ may not sell products that provide risk-bearing coverage unless that vendor is authorized under a certificate of authority issued by the Office of Insurance Regulation *and is authorized to provide coverage in the relevant geographic area under the provisions of the Florida Insurance Code.* Otherwise eligible vendors may be excluded from participating in the program for deceptive or predatory practices, financial insolvency, or failure to comply with the terms of the participation agreement or other standards set by the corporation.

(e) *Any risk-bearing product available under subparagraphs (d)1.-4. must be approved by the Office of Insurance Regulation. Any non-risk-bearing product must be approved by the corporation.*

(f)(e) Eligible individuals may voluntarily continue participation in the program regardless of subsequent changes in job status or Medicaid eligibility. Individuals who join the program may participate by complying with the procedures established by the corporation. These procedures must include, but are not limited to:

1. Submission of required information.
2. Authorization for payroll deduction.
3. Compliance with federal tax requirements.
4. Arrangements for payment in the event of job changes.
5. Selection of products and services.

(g)(f) Vendors who choose to participate in the program may enroll by complying with the procedures established by the corporation. These procedures ~~may must~~ include, but are not limited to:

1. Submission of required information, including a complete description of the coverage, services, provider network, payment restrictions, and other requirements of each product offered through the program.
2. Execution of an agreement ~~that to make~~ all risk-bearing products offered through the program ~~are in compliance with the insurance code and are guaranteed issue policies;~~ subject to preexisting condition exclusions established by the corporation.
3. Execution of an agreement that prohibits refusal to sell any offered non-risk-bearing product to a participant who elects to buy it.

4. Establishment of product prices based on age, gender, *family composition*, and location of the individual participant, *which may include medical underwriting*.

5. Arrangements for receiving payment for enrolled participants.

6. Participation in ongoing reporting processes established by the corporation.

7. Compliance with grievance procedures established by the corporation.

(h)(g) Health insurance agents licensed under part IV of chapter 626 are eligible to voluntarily participate as buyers' representatives. A buyer's representative acts on behalf of an individual purchasing health insurance and health services through the program by providing information about products and services available through the program and assisting the individual with both the decision and the procedure of selecting specific products. Serving as a buyer's representative does not constitute a conflict of interest with continuing responsibilities as a health insurance agent if the relationship between each agent and any participating vendor is disclosed before advising an individual participant about the products and services available through the program. In order to participate, a health insurance agent shall comply with the procedures established by the corporation, including:

1. Completion of training requirements.
2. Execution of a participation agreement specifying the terms and conditions of participation.
3. Disclosure of any appointments to solicit insurance or procure applications for vendors participating in the program.
4. Arrangements to receive payment from the corporation for services as a buyer's representative.

(5) PRODUCTS.—

(a) The products that may be made available for purchase through the program include, but are not limited to:

1. Health insurance policies.
2. *Health maintenance contracts.*
- 3.2. Limited benefit plans.
- 4.3. Prepaid clinic services.
- 5.4. Service contracts.
- 6.5. Arrangements for purchase of specific amounts and types of health services and treatments.
- 7.6. Flexible spending accounts.

(b) Health insurance policies, *health maintenance contracts*, limited benefit plans, prepaid service contracts, and other contracts for services must ensure the availability of covered services ~~and benefits to participating individuals for at least 1 full enrollment year.~~

(c) Products may be offered for multiyear periods provided the price of the product is specified for the entire period or for each separately priced segment of the policy or contract.

(d) The corporation shall provide a disclosure form for consumers to acknowledge their understanding of the nature of, and any limitations to, the benefits provided by the products and services being purchased by the consumer.

(e) *The corporation must determine that making the plan available through the program is in the interest of eligible individuals and eligible employers in the state.*

(6) PRICING.—Prices for the products *and services* sold through the program must be transparent to participants and established by the vendors. *Risk-bearing product approved by the Office of Insurance Regulation must be priced pursuant to state law governing the rates of any insurance product. based on age, gender, and location*

Amendment 2 (213174) (with title amendment)—Before line 29 insert:

Section 1. Paragraph (1) of subsection (3) of section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review; exemptions.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(1) For the establishment of:

1. A Level II neonatal intensive care unit with at least 10 beds, upon documentation to the agency that the applicant hospital had a minimum of 1,500 births during the previous 12 months; ~~or~~

2. A Level III neonatal intensive care unit with at least 15 beds, upon documentation to the agency that the applicant hospital has a Level II neonatal intensive care unit of at least 10 beds and had a minimum of 3,500 births during the previous 12 months; ~~or~~

3. *A Level III neonatal intensive care unit with at least 5 beds, upon documentation to the agency that the applicant hospital is a verified trauma center pursuant to s. 395.4001(14), and has a Level II neonatal intensive care unit, if the applicant demonstrates that it meets the requirements for quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting found in agency certificate-of-need rules for Level II and Level III neonatal intensive care units and if the applicant commits to the provision of services to Medicaid and charity patients at a level equal to or greater than the district average. Such a commitment is subject to s. 408.040.*

And the title is amended as follows:

Delete line 2 and insert: An act relating to health and human services; amending s. 408.036, F.S.; providing an exemption from review by the agency and the requirement to file an application for a certificate of need with the agency for certain Level III neonatal intensive care units under certain circumstances; amending s.

On motion by Senator Garcia, by two-thirds vote **CS for HB 1125** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

CS for CS for CS for SB 768—A bill to be entitled An act relating to seaports; amending s. 373.406, F.S.; exempting overwater piers, docks, and structures located in deepwater ports from stormwater management system requirements under specified conditions; amending s. 373.4133, F.S.; providing exceptions to time limitations for the Department of Environmental Protection to issue a notice of intent to issue a port conceptual permit; providing that a third party who challenges the issuance of a port conceptual permit has the ultimate burden of proof and the burden of going forward with the evidence in the first instance; deleting the requirement to publish notice of the department's intent to issue or deny a port conceptual permit; amending s. 403.813, F.S.; exempting specified seaports and inland navigation districts from requirements to conduct maintenance dredging under certain circum-

stances; providing that ditches, pipes, and similar linear conveyances are not receiving waters; authorizing public ports and inland navigation districts to use sovereignty submerged lands in connection with maintenance dredging; providing an additional exemption from permitting requirements to allow the disposal of spoil material on a self-contained, upland spoil site if certain conditions are met; requiring notice to the department of intent to use the exemption; providing conditions; amending s. 310.002, F.S.; redefining the term “port” to include Port Citrus; amending s. 311.09, F.S.; including a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council; amending s. 374.976, F.S.; conforming provisions to include Port Citrus in provisions relating to the authority of inland navigation districts; amending s. 403.021, F.S.; conforming provisions to include Port Citrus in legislative declarations relating to environmental control; amending s. 403.061, F.S.; conforming provisions to include Port Citrus in provisions relating to powers of the Department of Environmental Protection; amending s. 403.813, F.S.; conforming provisions to include Port Citrus in provisions relating to permits issued at Department of Environmental Protection district centers; amending s. 403.816, F.S.; conforming provisions to include Port Citrus in provisions relating to certain maintenance projects at deepwater ports and beach restoration projects; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 768** to **CS for CS for CS for HB 399**.

Pending further consideration of **CS for CS for CS for SB 768** as amended, on motion by Senator Ring, by two-thirds vote **CS for CS for CS for HB 399** was withdrawn from the Committees on Commerce and Tourism; Transportation; and Budget.

On motion by Senator Ring, by two-thirds vote—

CS for CS for CS for HB 399—A bill to be entitled An act relating to infrastructure investment; amending s. 20.23, F.S.; requiring the Secretary of Transportation to designate duties relating to certain investment opportunities and transportation projects to an assistant secretary; amending s. 311.09, F.S.; revising requirements for the inclusion of certain goals and objectives in the Florida Seaport Mission Plan; requiring the Florida Seaport Transportation and Economic Development Council to develop a priority list of projects and submit the list to the Department of Transportation; amending s. 311.14, F.S.; requiring certain ports to develop strategic plans; providing criteria for such plans; requiring such plans to be consistent with local government comprehensive plans; requiring such plans to be submitted to the Florida Seaport Transportation and Economic Development Council; requiring the Florida Seaport Transportation and Economic Development Council to review such plans and include related information in the Florida Seaport Mission Plan; amending s. 339.155, F.S.; clarifying and revising the principles on which the Florida Transportation Plan is based; amending s. 339.63, F.S.; adding certain existing and planned facilities to the list of facilities included in the Strategic Intermodal System and the Emerging Strategic Intermodal System; amending s. 373.406, F.S.; exempting overwater piers, docks, and structures located in deepwater ports from stormwater management system requirements under specified conditions; amending s. 373.4133, F.S.; requiring the Department of Environmental Protection to approve or deny an application for a port conceptual permit within a specified time; providing a limitation for the request of additional information from an applicant by the department; providing that failure of an applicant to respond to such a request within a specified time constitutes withdrawal of the application; providing that a third party who challenge the issuance of a port conceptual permit has the burden of ultimate persuasion and the burden of going forward with evidence; amending s. 403.813, F.S.; exempting specified seaports and inland navigation districts from requirements to conduct maintenance dredging under certain conditions; excluding ditches, pipes, and similar linear conveyances from consideration as receiving waters for the disposal of dredged materials; authorizing public ports and inland navigation districts to use sovereignty submerged lands in connection with maintenance dredging; authorizing the disposal of spoil material on specified sites; providing an exemption from permitting requirements for sites that meet specified criteria; requiring notice to the Department of Environmental Protection of intent to use the exemption; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 768** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Fasano, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Fasano moved the following amendment:

Amendment 1 (554636) (with title amendment)—Between lines 346 and 347 insert:

Section 9. *The Department of Environmental Protection may not issue any permit for a Class I landfill that will be located within 5 miles of the Withlacoochee River and that will be located in the Northern Tampa Bay Water Use Caution Area designated by rule by the Southwest Florida Water Management District. This section applies to all applications for any Class I landfill permit submitted on or after January 1, 2006, for which the department has not issued a final permit.*

And the title is amended as follows:

Delete line 51 and insert: the exemption; prohibiting the Department of Environmental Protection from issuing a permit for a Class I landfill that will be located in a certain specified area; providing for application; providing an effective date.

POINT OF ORDER

Senator Ring raised a point of order that pursuant to Rule 7.1 **Amendment 1** was not germane to the bill.

The President referred the point of order and the amendment to Senator Thrasher, Chair of the Committee on Rules.

Further consideration of **CS for CS for CS for HB 399** with pending **Amendment 1 (554636)** and pending point of order was deferred.

CS for CS for SB 1696—A bill to be entitled An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.; prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; requiring that a school's grade be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain

circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.573, F.S.; revising provisions relating to the use of restraint and seclusion on students with disabilities; requiring that certain information be included in incident reports; removing an obsolete date; requiring that the Department of Education maintain certain data of incidents of manual or physical restraint and seclusion and establish standards for documenting, reporting, and monitoring the use of restraint and seclusion; requiring that the department provide these standards to school districts by a specified date; revising provisions relating to school district policies and procedures to include monitoring, training, selecting personnel to be trained, and planning for reducing the use of restraint and seclusion; extending the date that such policies and procedures must be revised and filed with the bureau chief of the Bureau of Exceptional Education and Student Services within the Department of Education; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment; amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for post-secondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.331, F.S., relating to supplemental educational services in Title I schools; providing that a school board may include in its district contract with a provider a requirement to use a uniform standardized assessment if the Department of Education is notified of such intent before services are provided to the student; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegreed teachers of career education; providing effective dates.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 1696** to **CS for CS for HB 1255**.

Pending further consideration of **CS for CS for SB 1696** as amended, on motion by Senator Wise, by two-thirds vote **CS for CS for HB 1255** was withdrawn from the Committees on Education Pre-K - 12; Budget Subcommittee on Education Pre-K - 12 Appropriations; Budget; and Rules.

On motion by Senator Wise, by two-thirds vote—

CS for CS for HB 1255—A bill to be entitled An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision

that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.; prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; providing that school grades shall be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.429, F.S.; revising provisions relating to the selection of accelerated high school graduation options; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.573, F.S.; revising provisions relating to the use of restraint and seclusion on students with disabilities; requiring that certain information be included in incident reports; revising provisions relating to school district policies and procedures to include setting goals for the reduction of restraint and seclusion; requiring the State Board of Education to adopt rules defining terms and identifying additional variables to be documented in incident reports and standards for documentation and reporting; providing for application of specified provisions of the act; amending s. 1012.582, F.S.; conforming provisions to changes made by the act; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment; amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for postsecondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning

gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegree teachers of career education; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1696** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Wise, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Wise moved the following amendment:

Amendment 1 (287776) (with title amendment)—Delete lines 120-1924 and insert:

Section 1. Paragraph (a) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) *Office of Technology and Information Services.*—Responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, assisting school districts in securing Internet access and telecommunications services, including those eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. ~~The Florida Virtual School shall be administratively housed within the office.~~

Section 2. Subsection (23) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(23) **FLORIDA VIRTUAL SCHOOL.**—Provide students with access to ~~enroll in~~ courses available through the Florida Virtual School and award credit for successful completion of such courses. Access shall be available to students during ~~and or~~ after the normal school day and through summer school enrollment.

Section 3. Section 1001.421, Florida Statutes, is created to read:

1001.421 Gifts.—Notwithstanding any other provision of law to the contrary, district school board members and their relatives, as defined in s. 112.312(21), may not directly or indirectly solicit any gift, or directly or indirectly accept any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term “gift” has the same meaning as in s. 112.312(12).

Section 4. Paragraph (a) of subsection (6) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are

afforded numerous statutory rights including, but not limited to, the following:

(6) EDUCATIONAL CHOICE.—

(a) *Public school choices.*—Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, single-gender programs, lab schools, school district virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, *auditory-oral education programs*, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

Section 5. Paragraph (a) of subsection (1) of section 1002.37, Florida Statutes, is amended to read:

1002.37 The Florida Virtual School.—

(1)(a) The Florida Virtual School is established for the development and delivery of online and distance learning education ~~and shall be administratively housed within the Commissioner of Education’s Office of Technology and Information Services.~~ The Commissioner of Education shall monitor the school’s performance and report its performance to the State Board of Education and the Legislature.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school’s statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

Section 6. Subsection (2) and paragraph (a) of subsection (3) of section 1002.38, Florida Statutes, are amended to read:

1002.38 Opportunity Scholarship Program.—

(2) **OPPORTUNITY SCHOLARSHIP ELIGIBILITY.**—*For purposes of this section, a school’s grade shall be based upon statewide assessments administered pursuant to s. 1008.22.* A public school student’s parent may request and receive from the state an opportunity scholarship for the student to enroll in and attend a private school in accordance with the provisions of this section if:

(a)1. By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated ~~pursuant to s. 1008.34~~ as performance grade category “F,” failing to make adequate progress, and that has had 2 school years in a 4-year period of such low performance, and the student’s attendance occurred during a school year in which such designation was in effect;

2. The student has been in attendance elsewhere in the public school system and has been assigned to such school for the next school year; or

3. The student is entering kindergarten or first grade and has been notified that the student has been assigned to such school for the next school year.

(b) The parent has obtained acceptance for admission of the student to a private school eligible for the program pursuant to subsection (4), and has notified the Department of Education and the school district of the request for an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.

The provisions of this section ~~do shall~~ not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the opportunity scholarship shall remain in force until the student returns to a public

school or, if the student chooses to attend a private school the highest grade of which is grade 8, until the student matriculates to high school and the public high school to which the student is assigned is an accredited school with a performance grade category designation of "C" or better. However, at any time upon reasonable notice to the Department of Education and the school district, the student's parent may remove the student from the private school and place the student in a public school, as provided in subparagraph (3)(a)2.

(3) SCHOOL DISTRICT OBLIGATIONS.—

(a) A school district shall, for each student enrolled in or assigned to a school that has been designated as performance grade category "F" for 2 school years in a 4-year period:

1. Timely notify the parent of the student as soon as such designation is made of all options available pursuant to this section.

2. Offer that student's parent an opportunity to enroll the student in the public school within the district that has been designated by the state pursuant to s. 1008.34 as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category "C." The parent is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

Section 7. Paragraph (a) of subsection (4) of section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

(a) For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.

Section 8. Section 1002.391, Florida Statutes, is created to read:

1002.391 Auditory-oral education programs.—

(1) As used in this section, the term:

(a) "Auditory-oral education program" means a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication.

(b) "Deaf or hard of hearing" means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects performance in the educational environment. The degree of loss may range from mild to profound in accordance with criteria established by rule of the State Board of Education.

(c) "School" means a public or private school located in this state which meets the following requirements:

1. Is accredited by OPTION Schools, Inc., to teach children who have obtained an implant or assistive hearing device; or

2. Has a supervisor and a majority of the faculty provide direct services to children and are certified by the AG Bell Academy for Listening and Spoken Language as listening and spoken language specialists.

(2) The parent of a child who is deaf or hard of hearing and who meets the following requirements may enroll the child in an auditory-oral education program as a school of choice pursuant to s. 1002.20. Such child may continue attending the school and complete the development of

listening and spoken language skills at the school. In order to enroll and attend, the child must:

(a) Have received an implant or assistive hearing device;

(b) Be between the ages of 3 and 7 years, or between the ages of 2 and 7 years when the school district elects to serve children with disabilities who are under the age of 3 years; and

(c) Be a resident of the state.

(3) The level of services shall be determined by the individual educational plan team or individualized family support plan team, which includes the child's parent in accordance with the rules of the State Board of Education. A child is eligible for services under this section until the end of the school year in which he or she reaches the age of 7 years or after grade 2, whichever comes first.

Section 9. Paragraph (b) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 School district virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(b) An approved provider shall retain its approved status during the 3 school years for a period of 3 years after the date of the department's approval under paragraph (a) as long as the provider continues to comply with all requirements of this section.

Section 10. Paragraph (e) is added to subsection (2) of section 1002.66, Florida Statutes, to read:

1002.66 Specialized instructional services for children with disabilities.—

(2) The parent of a child who is eligible for the prekindergarten program for children with disabilities may select one or more specialized instructional services that are consistent with the child's individual educational plan. These specialized instructional services may include, but are not limited to:

(e) Listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing who has received an implant or assistive hearing device.

Section 11. Subsection (1) and paragraph (c) of subsection (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.—

(1)(a) By April 1, 2005, the department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

1.(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

2.(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(b) The State Board of Education shall periodically review and revise the performance standards for the statewide kindergarten screening administered under s. 1002.69 and align the standards to the standards established by the state board for student performance on the statewide assessments administered pursuant to s. 1008.22.

(3)

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as sa-

tisfactory under s. 1002.69(6) ~~for 2 consecutive years~~, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

Section 12. Subsections (1), (5), and (6) and paragraphs (b) and (c) of subsection (7) of section 1002.69, Florida Statutes, are amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption.—

(1) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year. *Nonpublic schools may administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the Voluntary Prekindergarten Education Program.*

(5) The State Board of Education shall adopt procedures for the department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year. *The methodology for calculating each provider's kindergarten readiness rate must include the percentage of students who meet all state readiness measures.* The rates must not include students who are not administered the statewide kindergarten screening.

(6)(a) The State Board of Education shall periodically adopt a minimum kindergarten readiness rate that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the Voluntary Prekindergarten Education Program.

~~(b) The minimum rate must not exceed the rate at which more than 15 percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program in the state would fall below the minimum rate.~~

(7)

(b) A private prekindergarten provider's or public school's request for a good cause exemption, or renewal of such an exemption, must be submitted to the state board in the manner and within the timeframes prescribed by the state board and must include the following:

1. Submission of data by the private prekindergarten provider or public school which documents ~~on a standardized assessment~~ the achievement and progress of the children served *as measured by the state-approved prekindergarten enrollment screening and the standar-*

dized post-assessment approved by the department pursuant to subparagraph (c)1.

2. Submission and review of data available from the respective early learning coalition or district school board, the Department of Children and Family Services, local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public school's compliance with state and local health and safety standards.

3. Submission and review of data available to the department on the performance of the children served and the calculation of the private prekindergarten provider's or public school's kindergarten readiness rate.

(c) The State Board of Education shall adopt criteria for granting good cause exemptions. Such criteria shall include, but are not limited to:

1. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school. *A provider seeking a good cause exemption shall have the early learning coalition or a department-approved second party administer the state-approved prekindergarten enrollment screening to each child in the prekindergarten provider's program within the first 30 days of each school year for which a good cause exemption is sought, and the provider shall administer the standardized post-assessment approved by the department to measure the student's learning gains for the year or summer, as appropriate. All data must be submitted to the department within 30 days after the administration of each assessment. Each parent who enrolls his or her child in a Voluntary Prekindergarten Education Program offered by a provider seeking a good cause exemption must submit the child for the state-approved prekindergarten enrollment screening.*

~~2. Verification that the private prekindergarten provider or public school serves at least twice the statewide percentage of children with disabilities as defined in s. 1003.01(3)(a) or children identified as limited English proficient as defined in s. 1003.56.~~

~~2.3. Verification that local and state health and safety requirements are met.~~

Section 13. Subsection (4) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the agency's uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll, *unless the child is granted a good cause exemption under this subsection.* The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

Section 14. Subsection (2) of section 1002.73, Florida Statutes, is amended to read:

1002.73 Department of Education; powers and duties; accountability requirements.—

(2) The department shall adopt procedures for its:

(a) Approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.

(b) Approval of emergent literacy training courses under ss. 1002.55 and 1002.59.

(c) Administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.69.

(d) *Implementation of, and determination of costs associated with, the state-approved prekindergarten enrollment screening and the standardized post-assessment approved by the department, and determination of the learning gains of students who complete the state-approved prekindergarten enrollment screening and the standardized post-assessment approved by the department.*

(e)(~~d~~) Approval of specialized instructional services providers under s. 1002.66.

(f) *Annual reporting of the percentage of kindergarten students who meet all state readiness measures.*

(g)(~~e~~) Granting of a private prekindergarten provider's or public school's request for a good cause exemption under s. 1002.69(7).

Section 15. Paragraph (b) of subsection (3) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(3)

(b) “Special education services” means specially designed instruction and such related services as are necessary for an exceptional student to benefit from education. Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology services; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; *services provided by a certified listening and spoken language specialist*; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by rules of the state board.

Section 16. Subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) ~~Beginning with students entering grade 6 in the 2006-2007 school year,~~ Promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or geometry course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle school student must pass the Algebra I end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle school student must pass the geometry end-of-course assessment.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

4. Three middle school or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle school student must pass the Biology I end-of-course assessment.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using Florida CHOICES or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan. The required personalized academic and career plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification.

A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan team determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for purposes of determining the student's course grade and completing the requirements for middle grades promotion. Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student; the student's instructor, guidance counselor, or academic advisor; and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

(b) For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9). *A middle grades student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.*

(c) For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year, which may be integrated into the student's required mathematics course.

Section 17. Section 1003.4203, Florida Statutes, is created to read:

1003.4203 *Digital curriculum.—*

(1) Each district school board, in consultation with the district school superintendent, may develop and implement a digital curriculum for students in grades 6 through 12 in order to enable students to attain competencies in web communications and web design. A digital curriculum may include web-based skills, web-based core technologies, web design, use of digital technologies and markup language to show competency in computer skills, and use of web-based core technologies to design creative, informational, and content standards for web-based digital products that demonstrate proficiency in creating, publishing, testing, monitoring, and maintaining a website.

(2) The digital curriculum instruction may be integrated into middle school and high school subject area curricula or offered as a separate course, subject to available funding.

(3) The Department of Education shall develop a model digital curriculum to serve as a guide for district school boards in the development of a digital curriculum.

(4) A district school board may seek partnerships with private businesses and consultants to offer classes and instruction to teachers and students to assist the school district in providing digital curriculum instruction.

Section 18. Paragraph (b) of subsection (2) of section 1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; revised.—

(2) The 24 credits may be earned through applied, integrated, and combined courses approved by the Department of Education. The 24 credits shall be distributed as follows:

(b) Eight credits in electives.

1. For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9). A high school student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.

2. For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year. These courses may be taught through applied, integrated, or combined courses and are subject to approval by the department for inclusion in the Course Code Directory.

Section 19. Subsections (2), (3), (4), and (7) of section 1003.429, Florida Statutes, are amended to read:

1003.429 Accelerated high school graduation options.—

(2) Prior to selecting a program described in paragraph (1)(b) or paragraph (1)(c), a student and the student's parent ~~should~~ ~~must~~ meet with designated school personnel to receive an explanation of the relative requirements, advantages, and disadvantages of each program option, and the student must also receive the written consent of the student's parent. ~~If an effort to meet with the student's parent fails and that effort has been documented by designated school personnel, the student may select a program described in paragraph (1)(b) or paragraph (1)(c) with the written consent of the student's parent. A student may select a program described in paragraph (1)(b) or paragraph (1)(c) without the written consent of the student's parent if the student is 18 years of age or older.~~

(3) Beginning with the 2011-2012 ~~2006-2007~~ school year, each district school board shall provide each student in grades 6 through 12 ~~9~~ and their parents with information concerning the 3-year and 4-year

high school graduation options listed in subsection (1), including the respective curriculum requirements for those options, so that the students and their parents may select the program that best fits their needs. The information must include a timeframe for achieving each graduation option.

(4) Selection of one of the graduation options listed in subsection (1) ~~may~~ ~~must~~ be completed by the student at any time during grades 9 through 12 ~~prior to the end of grade 9 and is exclusively up to the student and parent~~, subject to the requirements in subsection (2). ~~Each district school board shall establish policies for extending this deadline to the end of a student's first semester of grade 10 for a student who entered a Florida public school after grade 9 upon transfer from a private school or another state or who was prevented from choosing a graduation option due to illness during grade 9.~~ If the student and parent fail to select one of the accelerated high school graduation options ~~a graduation option~~, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).

(7) If, at the end of each grade ~~10~~, a student is not on track to meet the credit, assessment, or grade-point-average requirements of the accelerated graduation option selected, the school shall notify the student and parent of the following:

(a) The requirements that the student is not currently meeting.

(b) The specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements.

(c) The right of the student to change to the 4-year program set forth in s. 1003.428 or s. 1003.43, as applicable.

Section 20. Subsections (2), (3), and (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(2) ~~Beginning with the 2007-2008 school year~~, Each district school board shall develop, in collaboration with ~~regional local~~ workforce boards, economic development agencies, and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of a regional ~~the local~~ workforce board or an economic development agency in the strategic plan development is not feasible, the local school board, with the approval of the Agency for Workforce Innovation, shall collaborate with the most appropriate regional ~~local~~ business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. ~~The strategic plan~~ ~~Such plans~~ must describe in detail provisions for the efficient transportation of students, the maximum use of shared resources, ~~and~~ access to courses aligned to state curriculum standards through virtual education providers legislatively authorized to provide part-time instruction to middle school students, and an objective review of career and professional academy courses to determine if the courses will lead to the attainment of industry certifications included on the Industry Certified Funding List pursuant to rules adopted by the State Board of Education the Florida Virtual School when appropriate. Each strategic plan shall be reviewed, updated, and jointly approved every 5 years by the local school district, regional workforce boards, economic development agencies, and state-approved postsecondary institutions ~~completed no later than June 30, 2008, and shall include provisions to have in place at least one operational career and professional academy, pursuant to s. 1003.492, no later than the beginning of the 2008-2009 school year.~~

(3) The strategic 5-year plan developed jointly by ~~between~~ the local school district, regional ~~local~~ workforce boards, economic development agencies, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 5 years, using labor projections of the United States Department of Labor and the Agency for Workforce Innovation;

(b) Strategies to develop and implement career academies based on those careers determined to be in high demand;

(c) Maximum use of private sector facilities and personnel;

(d) Strategies that ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Alignment of ~~to~~ requirements for middle school career exploration, *middle and high school career and professional academies leading to industry certification*, and high school graduation requirements ~~re-design~~;

(f) Provisions to ensure that courses offered through career and professional academies are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

(g) *Strategies to improve the passage rate for industry certification examinations if the rate falls below 50 percent;*

(h)(~~g~~) Establishment of student eligibility criteria in career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who show aptitude to participate in academies. School boards shall address the analysis of eighth grade student achievement data to provide opportunities for students who may be deemed as potential dropouts to participate in career and professional academies;

(i)(~~h~~) Strategies to provide sufficient space within academies to meet workforce needs and to provide access to all interested and qualified students;

(j)(~~i~~) Strategies to *implement engage Department of Juvenile Justice students in* career and professional academy training that leads to industry certification *at Department of Juvenile Justice facilities;*

(k)(~~j~~) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(l)(~~k~~) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(m)(~~l~~) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career and professional courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses; and

(n)(~~m~~) Strategies to provide professional development for secondary guidance counselors on the benefits of career and professional academies.

(5) The submission and review of newly proposed core courses shall be conducted electronically, and each proposed core course shall be approved or denied within 60 days. All courses approved as core courses for *purposes of middle school promotion and high school graduation purposes* shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by the Agency for Workforce Innovation and the Commissioner of Education within 15 days. The curriculum review committee must be established and operational no later than September 1, 2007.

Section 21. Subsections (2), (4), (5), and (6) of section 1003.493, Florida Statutes, are amended to read:

1003.493 Career and professional academies.—

(2) The goals of a career and professional academy are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

(c) Focus on career preparation through rigorous academics and industry certification.

(d) Raise student aspiration and commitment to academic achievement and work ethics through relevant coursework.

~~(e) Support graduation requirements pursuant to s. 1003.428 by providing creative, applied major areas of interest.~~

~~(e)(~~f~~)~~ Promote acceleration mechanisms, such as dual enrollment, articulated credit, or occupational completion points, so that students may earn postsecondary credit while in high school.

~~(f)(~~g~~)~~ Support the state's economy by meeting industry needs for skilled employees in high-demand occupations.

(4) Each career and professional academy must:

(a) Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships shall be delineated in articulation agreements to provide for career-based courses that earn postsecondary credit. Such agreements may include articulation between the academy and public or private 2-year and 4-year postsecondary institutions and technical centers. The Department of Education, in consultation with the Board of Governors, shall establish a mechanism to ensure articulation and transfer of credits to postsecondary institutions in this state. Such partnerships must provide opportunities for:

1. Instruction from highly skilled professionals who possess industry-certification credentials for courses they are teaching.
2. Internships, externships, and on-the-job training.
3. A postsecondary degree, diploma, or certificate.
4. The highest available level of industry certification.
5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

(c) Provide shared, maximum use of private sector facilities and personnel.

(d) Provide personalized student advisement, including a parent-participation component, and coordination with middle schools to promote and support career exploration and education planning as required under s. 1003.4156. Coordination with middle schools must provide information to middle school students about secondary and postsecondary career education programs and academies.

(e) Promote and provide opportunities for career and professional academy students to attain, at minimum, the Florida Gold Seal Vocational Scholars award pursuant to s. 1009.536.

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the *regional local* workforce development board, the chamber of commerce, *economic development agencies*, or the Agency for Workforce Innovation.

(g) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by s. 1003.428, with an emphasis on strengthening reading for information skills.

(h) Offer applied courses that combine academic content with technical skills.

(i) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.

~~(j) Include a plan to sustain career and professional academies. Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 1004.99.~~

~~(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., and Enterprise Florida, Inc., in identifying industry experts to participate in developing and implementing such assessments.~~

~~(k)(m) Redirect appropriated career funding to career and professional academies.~~

(5) All career courses offered in a career and professional academy must lead to industry certification or college credit linked directly to the career theme of the course. *If the passage rate on an industry certification examination that is associated with the career and professional academy falls below 50 percent, the academy must discontinue enrollment of new students the following school year and each year thereafter until such time as the passage rate is above 50 percent or the academy is discontinued. At least 50 percent of students enrolled in a career course must achieve industry certifications or college credits during the second year the course is offered in order for the course to be offered a third year. At least 66 percent of students enrolled in such a course must achieve industry certifications or college credits during the third year the course is offered in order for it to be offered a fourth year and thereafter.*

(6) *Workforce Florida, Inc., through the secondary career academies initiatives, The Okaloosa County School District CHOICE Institutes shall serve in an advisory role and shall offer technical assistance in the development and deployment of newly established career and professional academies for a 3-year period beginning July 1, 2007.*

Section 22. Section 1003.4935, Florida Statutes, is created to read:

1003.4935 *Middle school career and professional academy courses.—*

(1) Beginning with the 2011-2012 school year, each district school board, in collaboration with regional workforce boards, economic development agencies, and state-approved postsecondary institutions, shall include plans to implement a career and professional academy in at least one middle school in the district as part of the strategic 5-year plan pursuant to s. 1003.491(2). The middle school career and professional academy component of the strategic plan must ensure the transition of middle school career and professional academy students to a high school career and professional academy currently operating within the school district. Students who complete a middle school career and professional academy must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.

(2) Each middle school career and professional academy must be aligned with at least one high school career and professional academy offered in the district and maintain partnerships with local business and industry and economic development boards. Middle school career and professional academies must:

(a) Provide instruction in courses leading to careers in occupations designated as high growth, high demand, and high pay in the Industry

Certification Funding List approved under rules adopted by the State Board of Education;

(b) Offer career and professional academy courses that integrate content from core subject areas;

(c) Offer courses that integrate career and professional academy content with intensive reading and mathematics pursuant to s. 1003.428;

(d) Coordinate with high schools to maximize opportunities for middle school career and professional academy students to earn high school credit;

(e) Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle school students which are aligned to state curriculum standards for middle school career and professional academy students, with priority given to students who have required course deficits;

(f) Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;

(g) Offer externships; and

(h) Provide personalized student advisement that includes a parent-participation component.

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for academy students.

Section 23. Section 1003.573, Florida Statutes, is amended to read:

1003.573 Use of ~~seclusion and~~ restraint *and seclusion* on students with disabilities.—

(1) DOCUMENTATION AND REPORTING.—

(a) A school shall prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

(b) The following must be included in the incident report:

1. The name of the student restrained or secluded.

2. *The age, grade, ethnicity, and disability of the student restrained or secluded.*

~~3.2.~~ The date and time of the event and the duration of the restraint or seclusion.

~~4.2.~~ The location at which the restraint or seclusion occurred.

~~5.4.~~ A description of the type of restraint used in terms established by the Department of Education.

~~6.5.~~ The name of the person using or assisting in the restraint or seclusion of the student.

~~7.6.~~ The name of any nonstudent who was present to witness the restraint or seclusion.

~~8.7.~~ A description of the incident, including:

a. The context in which the restraint or seclusion occurred.

b. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others.

c. The specific positive behavioral strategies used to prevent and deescalate the behavior.

d. What occurred with the student immediately after the termination of the restraint or seclusion.

e. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies.

f. Evidence of steps taken to notify the student's parent or guardian.

(c) A school shall notify the parent or guardian of a student each time manual or physical restraint or seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she was notified of his or her child's restraint or seclusion.

(d) A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was manually or physically restrained or secluded. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she received a copy of the incident report.

(2) MONITORING.—

(a) Monitoring of the use of manual or physical restraint or seclusion on students shall occur at the classroom, building, district, and state levels.

(b) ~~Beginning July 1, 2010,~~ Documentation prepared as required in subsection (1) shall be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session.

(c) The department shall maintain aggregate data of incidents of manual or physical restraint and seclusion and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used. This information shall be updated monthly.

(d) *The department shall establish standards for documenting, reporting, and monitoring the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion. These standards shall be provided to school districts by October 1, 2011.*

(3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

(a) Each school district shall develop policies and procedures that are consistent with this section and that govern the following:

1. Incident-reporting procedures.
2. Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
3. Monitoring and reporting of data collected.
4. Training programs relating to manual or physical restraint and seclusion.
5. *The district's plan for selecting personnel to be trained.*
6. *The district's plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:*
 - a. *Additional training in positive behavioral support and crisis management;*
 - b. *Parental involvement;*
 - c. *Data review;*

d. Updates of students' functional behavioral analysis and positive behavior intervention plans;

e. Additional student evaluations;

f. Debriefing with staff;

g. Use of schoolwide positive behavior support; and

h. Changes to the school environment.

(b) Any revisions to ~~the district's such~~ policies and procedures, which must be prepared as part of ~~its the school district's~~ special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31, 2012 ~~2011~~.

(4) PROHIBITED RESTRAINT.—School personnel may not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.

(5) SECLUSION.—School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.

Section 24. Section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. *If an individual education plan team makes a recommendation in accordance with State Board of Education rule for a student with a disability, as defined in s. 1003.01(3), to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.* To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(1) The Florida Infants and Toddlers Early Intervention Program in the Division of Children's Medical Services of the Department of Health.

(2) The Division of Blind Services, the Bureau of Exceptional Education and Student Services, and the Division of Vocational Rehabilitation of the Department of Education.

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the Agency for Workforce Innovation.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 25. Effective upon this act becoming a law, subsection (2) and paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, are amended to read:

1008.22 Student assessment program for public schools.—

(2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—It is Florida's intent to participate in the measurement of national educational goals. The Commissioner of Education shall direct Florida school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national or international assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. The assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included

in the National Assessment of Educational Progress or similar *national or international assessment* program being administered in Florida. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section, *as applicable*. The administration of the National Assessment of Educational Progress or similar *national or international assessment* program shall be in addition to and separate from the administration of the statewide assessment program.

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program as follows:

1. The Florida Comprehensive Assessment Test (FCAT) measures a student's content knowledge and skills in reading, writing, science, and mathematics. The content knowledge and skills assessed by the FCAT must be aligned to the core curricular content established in the Next Generation Sunshine State Standards. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10 except, beginning with the 2010-2011 school year, the administration of grade 9 FCAT Mathematics shall be discontinued, and beginning with the 2011-2012 school year, the administration of grade 10 FCAT Mathematics shall be discontinued, except as required for students who have not attained minimum performance expectations for graduation as provided in paragraph (9)(c). FCAT Writing and FCAT Science shall be administered at least once at the elementary, middle, and high school levels except, beginning with the 2011-2012 school year, the administration of FCAT Science at the high school level shall be discontinued.

2.a. End-of-course assessments for a subject shall be administered in addition to the comprehensive assessments required under subparagraph 1. End-of-course assessments must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by end-of-course assessments must be aligned to the core curricular content established in the Next Generation Sunshine State Standards.

(I) Statewide, standardized end-of-course assessments in mathematics shall be administered according to this sub-sub-subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I or an equivalent course must take the Algebra I end-of-course assessment. ~~Students who earned high school credit in Algebra I while in grades 6 through 8 during the 2007-2008 through 2009-2010 school years and who have not taken Grade 10 FCAT Mathematics must take the Algebra I end-of-course assessment during the 2010-2011 school year.~~ For students entering grade 9 during the 2010-2011 school year and who are enrolled in Algebra I or an equivalent, each student's performance on the end-of-course assessment in Algebra I shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent must earn a passing score on the end-of-course assessment in Algebra I or attain an equivalent score as described in subsection (11) in order to earn course credit. Beginning with the 2011-2012 school year, all students enrolled in geometry or an equivalent course must take the geometry end-of-course assessment. For students entering grade 9 during the 2011-2012 school year, each student's performance on the end-of-course assessment in geometry shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in geometry or attain an equivalent score as described in subsection (11) in order to earn course credit.

(II) Statewide, standardized end-of-course assessments in science shall be administered according to this sub-sub-subparagraph. Beginning with the 2011-2012 school year, all students enrolled in Biology I or an equivalent course must take the Biology I end-of-course assessment. For the 2011-2012 school year, each student's performance on the end-of-course assessment in Biology I shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in Biology I in order to earn course credit.

b. During the 2012-2013 school year, an end-of-course assessment in civics education shall be administered as a field test at the middle school level. During the 2013-2014 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education shall constitute 30 percent of the student's final course grade. Beginning with the 2014-2015 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and *be promoted from the middle grades receive course credit. The school principal of a middle school shall determine, in accordance with State Board of Education rule, whether a student who transfers to the middle school and who has successfully completed a civics education course at the student's previous school must take an end-of-course assessment in civics education.*

c. The commissioner may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, for use as end-of-course assessments under this paragraph, if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards.

d. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the Commissioner of Education shall establish an implementation schedule for the development and administration of additional statewide, standardized end-of-course assessments in English/Language Arts II, Algebra II, chemistry, physics, earth/space science, United States history, and world history. Priority shall be given to the development of end-of-course assessments in English/Language Arts II. The Commissioner of Education shall evaluate the feasibility and effect of transitioning from the grade 9 and grade 10 FCAT Reading and high school level FCAT Writing to an end-of-course assessment in English/Language Arts II. The commissioner shall report the results of the evaluation to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2011.

3. The testing program shall measure student content knowledge and skills adopted by the State Board of Education as specified in paragraph (a) and measure and report student performance levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology experts, and the public.

4. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the commissioner, include test items that require the student to produce information or perform tasks in such a way that the core content knowledge and skills he or she uses can be measured.

5. FCAT Reading, Mathematics, and Science and all statewide, standardized end-of-course assessments shall measure the content knowledge and skills a student has attained on the assessment by the use of scaled scores and achievement levels. Achievement levels shall range from 1 through 5, with level 1 being the lowest achievement level,

level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. For purposes of FCAT Writing, student achievement shall be scored using a scale of 1 through 6 and the score earned shall be used in calculating school grades. A score shall be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

6. The State Board of Education shall, by rule, designate a passing score for each part of the grade 10 assessment test and end-of-course assessments. Any rule that has the effect of raising the required passing scores may apply only to students taking the assessment for the first time after the rule is adopted by the State Board of Education. Except as otherwise provided in this subparagraph and as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on grade 10 FCAT Reading and grade 10 FCAT Mathematics or attain concordant scores as described in subsection (10) in order to qualify for a standard high school diploma.

7. In addition to designating a passing score under subparagraph 6., the State Board of Education shall also designate, by rule, a score for each statewide, standardized end-of-course assessment which indicates that a student is high achieving and has the potential to meet college-readiness standards by the time the student graduates from high school.

8. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. A student who has not earned passing scores on the grade 10 FCAT as provided in subparagraph 6. must participate in each retake of the assessment until the student earns passing scores or achieves scores on a standardized assessment which are concordant with passing scores pursuant to subsection (10). If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT or an end-of-course assessment. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT or an end-of-course assessment may have the FCAT or an end-of-course assessment requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

9. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

10. District school boards must provide instruction to prepare students in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected performance levels in reading, writing, mathematics, and science. The commissioner shall conduct studies as necessary to verify that the required core curricular content is part of the district instructional programs.

11. District school boards must provide opportunities for students to demonstrate an acceptable performance level on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

12. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all

juvenile justice programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards.

13. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the core curricular content established in the Next Generation Sunshine State Standards for students with disabilities under s. 1003.438.

14. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. When establishing the schedules for the administration of statewide assessments, the commissioner shall consider the observance of religious and school holidays. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results for the FCAT must be made available no later than the week of June 8. Student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course. *The commissioner may extend the reporting schedule under exigent circumstances.*

b. ~~Beginning with the 2010-2011 school year,~~ FCAT Writing ~~may is~~ not be administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject ~~may is~~ not be administered earlier than the week of April 15.

c. A statewide, standardized end-of-course assessment is administered ~~during a 3-week period~~ at the end of the course. The commissioner shall select ~~an a 3-week~~ administration period for assessments that meets the intent of end-of-course assessments and provides student results prior to the end of the course. School districts shall *administer tests in accordance with the schedule determined by the commissioner* ~~select 1 testing week within the 2-week administration period for each end-of-course assessment.~~ For an end-of-course assessment administered at the end of the first semester, the commissioner shall determine the most appropriate testing dates based on a *review of each school district's academic calendar.*

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Next Generation Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

Section 26. Subsection (3) of section 1008.30, Florida Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary education.—

(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who ~~indicates an interest in postsecondary education~~ and scores at Level 2 or Level 3 on the reading portion of the grade 10 FCAT or Level 2, Level 3, or Level 4 on the mathematics assessments under s. 1008.22(3)(c). High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education. ~~The State Board Department~~ of Education shall ~~identify in rule purchase or develop~~ the assessments necessary to perform the evaluations required by this subsection and shall work with the

school districts to administer the assessments. The State Board of Education shall establish by rule the minimum test scores a student must achieve to demonstrate readiness. Students who demonstrate readiness by achieving the minimum test scores established by the state board and enroll in a community college within 2 years of achieving such scores shall not be required to *retest or enroll in remediation when admitted courses as a condition of acceptance* to any community college. The high school shall use the results of the test to advise the students of any identified deficiencies and to ~~the maximum extent practicable~~ provide 12th grade students, *and require them to complete, access to appropriate postsecondary preparatory remedial instruction* prior to high school graduation. ~~The curriculum remedial instruction provided under this subsection shall be identified in rule by the State Board of Education and encompass Florida's Postsecondary Readiness Competencies. Other elective courses may not be substituted for the selected postsecondary reading, mathematics, or writing preparatory course unless the elective course covers the same competencies included in the postsecondary reading, mathematics, or writing preparatory course a collaborative effort between secondary and postsecondary educational institutions. To the extent courses are available, the Florida Virtual School may be used to provide the remedial instruction required by this subsection.~~

Section 27. Paragraph (b) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(b) For the purpose of determining whether a public school requires action to achieve a sufficient level of school improvement, *beginning with the 2010-2011 school year*, the Department of Education shall annually categorize a public school in one of six categories based on the *following*:

1. A school's grade based upon statewide assessments administered pursuant to s. 1008.22; and

2. ~~school's grade, pursuant to s. 1008.34, and~~ The level and rate of change in student performance in the areas of reading and mathematics, disaggregated into student subgroups as described in the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

(4) The Department of Education shall create a matrix that reflects intervention and support strategies to address the particular needs of schools in each category.

(a) Intervention and support strategies shall be applied to schools based upon the school categorization *pursuant to paragraph (3)(b)*. The Department of Education shall apply the most intense intervention strategies to the lowest-performing schools. For all but the lowest category and "F" schools in the second lowest category, the intervention and support strategies shall be administered solely by the districts and the schools.

(b) The lowest-performing schools are schools that *are categorized pursuant to paragraph (3)(b) and have received*:

1. A grade of "F" in the most recent school year and in 4 of the last 6 years; or

2. A grade of "D" or "F" in the most recent school year and meet at least three of the following criteria:

a. The percentage of students who are not proficient in reading has increased when compared to measurements taken 5 years previously;

b. The percentage of students who are not proficient in mathematics has increased when compared to measurements taken 5 years previously;

c. At least 65 percent of the school's students are not proficient in reading; or

d. At least 65 percent of the school's students are not proficient in mathematics.

Section 28. Paragraph (f) of subsection (5) of section 1008.331, Florida Statutes, is amended to read:

1008.331 Supplemental educational services in Title I schools; school district, provider, and department responsibilities.—

(5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.—

(f) ~~By September 1, 2009,~~ The department shall approve *and a district may select* acceptable premethods and postmethods for measuring student learning gains, including standardized assessments, diagnostic assessments, criterion-referenced and skills-based assessments, or other applicable methods appropriate for each grade level, for use by supplemental educational services providers and local school districts in determining student learning gains. Each method must be able to measure student progress toward mastering the benchmarks or access points set forth in the Sunshine State Standards and the student's supplemental educational services plan. The use of a diagnostic and assessment instrument, which is aligned to a provider's curriculum, is an acceptable premethod and postmethod if the provider can demonstrate that the assessment meets the requirements in this paragraph and is not deemed unreliable or invalid by the department.

1. A district may include in its district contract with a provider a requirement to use a single uniform assessment, if the department is notified of such intent before the district school start date, and the assessment is not deemed invalid or unreliable by the department as a means to measure student progress toward mastering the benchmarks or access points set forth in the state standards and the student's supplemental educational services plan, and to evaluate the effectiveness of the provider.

2. If a district requires a provider to use a third party entity to determine student academic deficiencies or learning gains; to administer, supervise, or score the uniform district assessment; or to develop student profiles, providers may not be charged more than 3 percent of the maximum per-child expenditure for supplemental educational services or \$50 per student, whichever is greater, including the actual assessment tool if administered by the third party entity.

Section 29. Paragraphs (b) and (c) of subsection (3) of section 1008.34, Florida Statutes, are amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement on all FCAT assessments administered under s. 1008.22(3)(c)1., end-of-course assessments administered under s. 1008.22(3)(c)2.a., and achievement scores for students seeking a special diploma.

b. Student learning gains in reading and mathematics as measured by FCAT and end-of-course assessments, as described in s. 1008.22(3)(c) 1. and 2.a. Learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. *Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8, the school's grade shall include the performance and participation of its students enrolled in high school level courses with end-of-course assessments administered under s. 1008.22(3)(c)2.a. Performance and participation must be weighted equally. As valid data becomes available, the school grades shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education.*

3. ~~2.~~ Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:

a. The high school graduation rate of the school;

b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;

d. The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

e. As valid data becomes available, the performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.b. and c.; and

f. The growth or decline in the components listed in sub-subparagraphs a.-e. from year to year.

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and statewide, standardized end-of-course assessments in courses required for high school graduation, including, beginning with the 2010-2011 school year, the end-of-course assessment in Algebra I; and beginning with the 2011-2012 school year, the end-of-course assessments in geometry and Biology; and beginning with the 2013-2014 school year, on the statewide, standardized end-of-course assessment in civics education at the middle school level.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this *subparagraph section* and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. *The achievement scores and learning gains of students designated as hospital or homebound. Student assessment data for students designated as hospital or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital or homebound program.*

5.4. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.b. and c.; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading and mathematics on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

Section 30. Paragraph (a) of subsection (3) of section 1011.01, Florida Statutes, is amended to read:

1011.01 Budget system established.—

(3)(a) Each district school board and each community college board of trustees shall prepare, adopt, and submit to the Commissioner of Education ~~for review~~ an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

Section 31. Subsection (4) of section 1011.03, Florida Statutes, is amended to read:

1011.03 Public hearings; budget to be submitted to Department of Education.—

(4) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The district school

board shall then require the superintendent to transmit forthwith two copies of the adopted budget to the Department of Education ~~for approval~~ as prescribed by law and rules of the State Board of Education.

Section 32. Section 1011.035, Florida Statutes, is created to read:

1011.035 School district budget transparency.-

(1) It is important for school districts to provide budgetary transparency to enable taxpayers, parents, and education advocates to obtain school district budget and related information in a manner that is simply explained and easily understandable. Budgetary transparency leads to more responsible spending, more citizen involvement, and improved accountability. A budget that is not transparent, accessible, and accurate cannot be properly analyzed, its implementation thoroughly monitored, or its outcomes evaluated.

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public. This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

(3) Each district school board is encouraged to post the following information on its website:

- (a) Timely information as to when a budget hearing will be conducted.*
- (b) Each contract between the district school board and the teachers' union.*
- (c) Each contract between the district school board and noninstructional staff.*
- (d) Each contract exceeding \$35,000 between the school board and a vendor of services, supplies, or programs or for the purchase or lease of lands, facilities, or properties.*
- (e) Each contract exceeding \$35,000 that is an emergency procurement or is with a single source as authorized under s. 287.057(3).*
- (f) Recommendations of the citizens' budget advisory committee.*
- (g) Current and archived video recordings of each district school board meeting and workshop.*

(4) The website should contain links to:

- (a) Help explain or provide background information on various budget items that are required by state or federal law.*
- (b) Allow users to navigate to related sites to view supporting details.*
- (c) Enable taxpayers, parents, and education advocates to send e-mails asking questions about the budget and enable others to view the questions and responses.*

Section 33. Paragraph (e) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(e) *Funding model for exceptional student education programs.—*

1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan. *The Department of*

Education shall review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and shall implement those revisions before the beginning of the 2011-2012 school year.

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

c. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.

2. For students identified as exceptional who do not have a matrix of services and students who are gifted in grades K through 8, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(m) and rules of the State Board of Education, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. Beginning with the 2007-2008 fiscal year, a district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.

Section 34. Paragraph (c) of subsection (1) of section 1012.39, Florida Statutes, is amended to read:

1012.39 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.—

(1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and 1012.57, or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for:

(c) Part-time and full-time nondegreed teachers of career programs. Qualifications shall be established for *nondegreed teachers of career and technical education courses for program clusters that are recognized in the state and are agriculture, business, health occupations, family and consumer sciences, industrial, marketing, career specialist, and public service education teachers*, based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 1012.32. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

- a. A high school diploma or the equivalent.
- b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. *The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach. Alternate means of determining successful occupational experience may be established by the district school board.*
- c. Completion of career education training conducted through the local school district inservice master plan.
- d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and

evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

f. *Documentation of industry certification when state or national industry certifications are available and applicable.*

Section 35. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Delete lines 2-116 and insert: An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.; prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.20, F.S.; adding auditory-oral education programs to the list of public school choice options; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; requiring that a school's grade be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; creating s. 1002.391, F.S.; providing for the establishment of auditory-oral education programs as a school of choice; providing definitions; providing requirements for enrollment and attendance; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.429, F.S.; revising provisions relating to the selection of accelerated high school graduation options; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.573, F.S.; revising provisions relating to the use of restraint and seclusion on students with disabilities; requiring that certain information be included in incident reports; removing an obsolete date; requiring that the Department of Education maintain certain data of incidents of manual or physical re-

straint and seclusion and establish standards for documenting, reporting, and monitoring the use of restraint and seclusion; requiring that the department provide these standards to school districts by a specified date; revising provisions relating to school district policies and procedures to include monitoring, training, selecting personnel to be trained, and planning for reducing the use of restraint and seclusion; extending the date that such policies and procedures must be revised and filed with the bureau chief of the Bureau of Exceptional Education and Student Services within the Department of Education; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment; amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for post-secondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.331, F.S.; revising the responsibilities of the Department of Education; authorizing school districts to select acceptable premethods and postmethods for measuring student learning gains; authorizing a school district to include in its contract with a provider a requirement to use a single uniform assessment; providing that providers may not be charged more than a certain amount for the maximum per child for supplemental educational services; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegree teachers of career education; providing effective dates.

MOTION

On motion by Senator Hill, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Hill moved the following amendment to **Amendment 1** which failed:

Amendment 1A (607698) (with title amendment)—Between lines 1715 and 1716 insert:

(9) *APPLICATION.*—*Notwithstanding any other provision of law, when a school falls under s. 1008.33(4)(b), the school grade will be determined pursuant to this section.*

And the title is amended as follows:

Delete line 2027 and insert: homebound; providing that if a school grade meets certain criteria, this section applies; amending s. 1011.01, F.S.; revising

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 1255** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for CS for HB 399—A bill to be entitled An act relating to infrastructure investment; amending s. 20.23, F.S.; requiring the Secretary of Transportation to designate duties relating to certain investment opportunities and transportation projects to an assistant secretary; amending s. 311.09, F.S.; revising requirements for the inclusion of

certain goals and objectives in the Florida Seaport Mission Plan; requiring the Florida Seaport Transportation and Economic Development Council to develop a priority list of projects and submit the list to the Department of Transportation; amending s. 311.14, F.S.; requiring certain ports to develop strategic plans; providing criteria for such plans; requiring such plans to be consistent with local government comprehensive plans; requiring such plans to be submitted to the Florida Seaport Transportation and Economic Development Council; requiring the Florida Seaport Transportation and Economic Development Council to review such plans and include related information in the Florida Seaport Mission Plan; amending s. 339.155, F.S.; clarifying and revising the principles on which the Florida Transportation Plan is based; amending s. 339.63, F.S.; adding certain existing and planned facilities to the list of facilities included in the Strategic Intermodal System and the Emerging Strategic Intermodal System; amending s. 373.406, F.S.; exempting overwater piers, docks, and structures located in deepwater ports from stormwater management system requirements under specified conditions; amending s. 373.4133, F.S.; requiring the Department of Environmental Protection to approve or deny an application for a port conceptual permit within a specified time; providing a limitation for the request of additional information from an applicant by the department; providing that failure of an applicant to respond to such a request within a specified time constitutes withdrawal of the application; providing that a third party who challenge the issuance of a port conceptual permit has the burden of ultimate persuasion and the burden of going forward with evidence; amending s. 403.813, F.S.; exempting specified seaports and inland navigation districts from requirements to conduct maintenance dredging under certain conditions; excluding ditches, pipes, and similar linear conveyances from consideration as receiving waters for the disposal of dredged materials; authorizing public ports and inland navigation districts to use sovereignty submerged lands in connection with maintenance dredging; authorizing the disposal of spoil material on specified sites; providing an exemption from permitting requirements for sites that meet specified criteria; requiring notice to the Department of Environmental Protection of intent to use the exemption; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (554636)** by Senator Fasano and pending point of order by Senator Ring.

POINT OF ORDER DISPOSITION

On motion by Senator Fasano, pending **Amendment 1 (554636)** was withdrawn.

On motion by Senator Ring, by two-thirds vote **CS for CS for CS for HB 399** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	
Gaetz	Oelrich	

Nays—None

DISCLOSURE

I am filing this disclosure of my minority ownership in a pending license of ownership in a Class I landfill in Sumter County, Florida.

I bring this to your attention as this may bring about conflicts with House Bill 7129 or House Bill 399 and possibly other bills or amend-

ments being discussed and voted upon by this body in the 2011 Legislative Session.

Please contact me if I can provide you with further information.

Senator Charles S. "Charlie" Dean, Sr., 3rd District

The Senate resumed consideration of—

CS for SB 524—A bill to be entitled An act relating to seaports; amending s. 311.12, F.S.; deleting provisions relating to statewide minimum standards for seaport security; deleting provisions authorizing the Department of Law Enforcement to exempt all or part of a seaport from specified requirements in certain circumstances; revising provisions relating to seaport security plans; revising requirements for certain secure or restricted areas; removing the Department of Law Enforcement and seaport security directors as entities authorized to designate a high terrorist threat level; deleting provisions requiring that the Department of Law Enforcement administer a statewide seaport access eligibility reporting system; deleting provisions requiring that persons seeking authorization to access secure and restricted areas of a seaport execute an affidavit; prohibiting a seaport from charging any fee for administration or production of access control credentials that require or are associated with a fingerprint-based background check, in addition to the fee for the federal TWIC; providing for issuance of seaport-specific access credentials; deleting provisions requiring fingerprint-based state criminal history checks on seaport employee applicants, current employees, and other authorized persons; deleting provisions authorizing waivers from security requirements in certain circumstances; revising provisions relating to inspections; revising reporting requirements; revising the parties that determine the allocation of appropriated funds for security project needs; amending ss. 311.121, 311.123, and 311.124, F.S.; conforming provisions to changes made by the act; repealing s. 311.115, F.S., relating to the Seaport Security Standards Advisory Council; amending s. 310.002, F.S.; redefining the term "port" to include Port Citrus; amending s. 311.09, F.S.; including a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council; amending s. 374.976, F.S.; conforming provisions to include Port Citrus in provisions relating to the authority of inland navigation districts; amending s. 403.021, F.S.; conforming provisions to include Port Citrus in legislative declarations relating to environmental control; amending s. 403.061, F.S.; conforming provisions to include Port Citrus in provisions relating to powers of the Department of Environmental Protection; amending s. 403.813, F.S.; conforming provisions to include Port Citrus in provisions relating to permits issued at Department of Environmental Protection district centers; amending s. 403.816, F.S.; conforming provisions to include Port Citrus in provisions relating to certain maintenance projects at deepwater ports and beach restoration projects; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 1 (281852)** was adopted. **Amendment 1** was withdrawn.

MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Latvala moved the following amendment which was adopted:

Amendment 2 (810008) (with title amendment)—Delete lines 60-792 and insert:

Section 1. Subsection (13) is added to section 311.09, Florida Statutes, to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(13) *Until July 1, 2014, Citrus County may apply for a grant through the Florida Seaport Transportation and Economic Development Council*

to perform a feasibility study regarding the establishment of a port in Citrus County. The council shall evaluate such application in accordance with subsections (5)-(9) and, if approved, the Department of Transportation shall include the feasibility study in its budget request pursuant to s. subsection (10).

Section 2. Section 311.12, Florida Statutes, is amended to read:

311.12 Seaport security.—

(1) SECURITY STANDARDS.—

~~(a) The statewide minimum standards for seaport security applicable to seaports listed in s. 311.09 shall be those based on the Florida Seaport Security Assessment 2000 and set forth in the Port Security Standards Compliance Plan delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000. The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards at its offices for distribution to the public and provide copies to each affected seaport upon request.~~

~~(a)(b) A seaport may implement security measures that are more stringent, more extensive, or supplemental to the applicable federal security regulations, including federal facility security assessment requirements under 33 C.F.R. s. 105.305 minimum security standards established by this subsection.~~

~~(b)(c) The provisions of s. 790.251 are not superseded, preempted, or otherwise modified in any way by the provisions of this section.~~

~~(2) EXEMPTION. The Department of Law Enforcement may exempt all or part of a seaport listed in s. 311.09 from the requirements of this section if the department determines that activity associated with the use of the seaport or part of the seaport is not vulnerable to criminal activity or terrorism. The department shall periodically review such exemptions to determine if there is a change in use. Such change may warrant removal of all or part of the exemption.~~

(2)(b) SECURITY PLAN.—

~~(a) Each seaport listed in s. 311.09 shall adopt and maintain a security plan specific to that seaport which provides for a secure seaport infrastructure that promotes the safety and security of state residents and visitors and the flow of legitimate trade and travel.~~

~~(b)(a) Each seaport Every 5 years after January 1, 2007, each seaport director, with the assistance of the Regional Domestic Security Task Force and in conjunction with the United States Coast Guard, shall periodically revise the seaport's security plan based on the seaport's director's ongoing assessment of security risks, the risks of terrorist activities, and the specific and identifiable needs of the seaport for ensuring that the seaport is in substantial compliance with applicable federal security regulations, including federal facility security assessment requirements under 33 C.F.R. s. 105.305 the minimum security standards established under subsection (1).~~

~~(b) Each adopted or revised security plan must be reviewed and approved by the Office of Drug Control and the Department of Law Enforcement for compliance with federal facility security assessment requirements under 33 C.F.R. s. 105.305 and the minimum security standards established under subsection (1). Within 30 days after completion, a copy of the written review shall be delivered to the United States Coast Guard, the Regional Domestic Security Task Force, and the Domestic Security Oversight Council.~~

(3)(4) SECURE AND RESTRICTED AREAS.—Each seaport listed in s. 311.09 must clearly designate in seaport security plans, and clearly identify with appropriate signs and markers on the premises of a seaport, all secure and restricted areas as defined by 33 C.F.R. part 105 the United States Department of Homeland Security United States Coast Guard Navigation and Vessel Inspection Circular No. 03-07 and 49 C.F.R. part 1572. The plans must also address access eligibility requirements and corresponding security enforcement authorizations.

(a) The seaport's security plan must set forth the conditions and restrictions to be imposed on persons employed at, doing business at, or visiting the seaport who have access to secure and restricted areas which

are sufficient to provide substantial compliance with the minimum security standards established in subsection (1) and federal regulations.

1. All seaport employees and other persons working at the seaport who have regular access to secure or restricted areas must comply with federal access control regulations and state criminal history checks as prescribed in this section.

2. All persons and objects in secure and restricted areas are subject to search by a sworn state-certified law enforcement officer, a Class D seaport security officer certified under Maritime Transportation Security Act of 2002 guidelines and s. 311.121, or an employee of the seaport security force certified under the Maritime Transportation Security Act of 2002 guidelines and s. 311.121.

3. Persons found in these areas without the proper permission are subject to the trespass provisions of ss. 810.08 and 810.09.

~~(b) As determined by the seaport director's most current risk assessment under paragraph (3)(a), any secure or restricted area that has a potential human occupancy of 50 persons or more, any cruise terminal, or any business operation that is adjacent to a public access area must be protected from the most probable and credible terrorist threat to human life.~~

~~(b)(c) The seaport must provide clear notice of the prohibition against possession of concealed weapons and other contraband material on the premises of the seaport. Any person in a restricted area who has in his or her possession a concealed weapon, or who operates or has possession or control of a vehicle in or upon which a concealed weapon is placed or stored, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This paragraph does not apply to active-duty certified federal or state law enforcement personnel or persons so designated by the seaport director in writing.~~

~~(c)(d) During a period of high terrorist threat level, as designated by the United States Department of Homeland Security or the Department of Law Enforcement, or during an emergency declared at a port by the seaport security director due to events applicable to that particular seaport, the management or controlling authority of the port may temporarily designate any part of the seaport property as a secure or restricted area. The duration of such designation is limited to the period in which the high terrorist threat level is in effect or a port emergency exists.~~

~~(5) ACCESS ELIGIBILITY REPORTING SYSTEM. Subject to legislative appropriations, the Department of Law Enforcement shall administer a statewide seaport access eligibility reporting system.~~

~~(a) The system must include, at a minimum, the following:~~

~~1. A centralized, secure method of collecting and maintaining fingerprints, other biometric data, or other means of confirming the identity of persons authorized to enter a secure or restricted area of a seaport.~~

~~2. A methodology for receiving from and transmitting information to each seaport regarding a person's authority to enter a secure or restricted area of the seaport.~~

~~3. A means for receiving prompt notification from a seaport when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked.~~

~~4. A means to communicate to seaports when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked.~~

~~(b) Each seaport listed in s. 311.09 is responsible for granting, modifying, restricting, or denying access to secure and restricted areas to seaport employees, other persons working at the seaport, visitors who have business with the seaport, or other persons regularly appearing at the seaport. Based upon the person's criminal history check, each seaport may determine the specific access eligibility to be granted to that person. Each seaport is responsible for access eligibility verification at its location.~~

(c) Upon determining that a person is eligible to enter a secure or restricted area of a port pursuant to subsections (6) and (7), the seaport

shall, within 3 business days, report the determination to the department for inclusion in the system.

(d) All information submitted to the department regarding a person's access eligibility screening may be retained by the department for subsequent use in promoting seaport security, including, but not limited to, the review of the person's criminal history status to ensure that the person has not become disqualified for such access.

(e) The following fees may not be charged by more than one seaport and shall be paid by the seaport, another employing entity, or the person being entered into the system to the department or to the seaport if the seaport is acting as an agent of the department for the purpose of collecting the fees:

1. The cost of the state criminal history check under subsection (7).

2. A \$50 fee to cover the initial cost of entering the person into the system and an additional \$50 fee every 5 years thereafter to coincide with the issuance of the federal Transportation Worker Identification Credential described in subsection (6). The fee covers all costs for entering or maintaining the person in the system including the retention and use of the person's fingerprint, other biometric data, or other identifying information.

3. The seaport entering the person into the system may charge an administrative fee to cover, but not exceed, the seaport's actual administrative costs for processing the results of the state criminal history check and entering the person into the system.

(f) All fees identified in paragraph (e) must be paid before the person may be granted access to a secure or restricted area. Failure to comply with the criminal history check and failure to pay the fees are grounds for immediate denial of access.

(g) Persons, corporations, or other business entities that employ persons to work or do business at seaports shall notify the seaport of the termination, resignation, work-related incapacitation, or death of an employee who has access permission.

1. If the seaport determines that the person has been employed by another appropriate entity or is self employed for purposes of performing work at the seaport, the seaport may reinstate the person's access eligibility.

2. A business entity's failure to report a change in an employee's work status within 7 days after the change may result in revocation of the business entity's access to the seaport.

(h) In addition to access permissions granted or denied by seaports, access eligibility may be restricted or revoked by the department if there is a reasonable suspicion that the person is involved in terrorism or criminal violations that could affect the security of a port or otherwise render the person ineligible for seaport access.

(i) Any suspension or revocation of port access must be reported by the seaport to the department within 24 hours after such suspension or revocation.

(j) The submission of information known to be false or misleading to the department for entry into the system is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(6) ACCESS TO SECURE AND RESTRICTED AREAS.—

(a) Any person seeking authorization for unescorted access to secure and restricted areas of a seaport must possess, unless waived under paragraph (7)(c), a valid federal Transportation Worker Identification Credential (TWIC).

(b) A seaport may not charge a fee for the administration or production of any access control credential that requires or is associated with a fingerprint-based background check, in addition to the fee for the federal TWIC. Beginning July 1, 2013, a seaport may not charge a fee for a seaport-specific access credential issued in addition to the federal TWIC, except under the following circumstances:

1. The individual seeking to gain secured access is a new hire as defined under 33 C.F.R. s. 105; or

2. The individual has lost or misplaced his or her federal TWIC, and execute an affidavit under oath which provides TWIC identification information and indicates the following:

1. The TWIC is currently valid and in full force and effect.

2. The TWIC was not received through the waiver process for disqualifying criminal history allowed by federal law.

3. He or she has not, in any jurisdiction, civilian or military, been convicted of, entered a plea of guilty or nolo contendere to, regardless of adjudication, or been found not guilty by reason of insanity, of any disqualifying felony under subsection (7) or any crime that includes the use or possession of a firearm.

(b) Upon submission of a completed affidavit as provided in paragraph (a), the completion of the state criminal history check as provided in subsection (7), and payment of all required fees under subsection (5), a seaport may grant the person access to secure or restricted areas of the port.

(c) Any port granting a person access to secure or restricted areas shall report the grant of access to the Department of Law Enforcement for inclusion in the access eligibility reporting system under subsection (5) within 3 business days.

(d) The submission of false information on the affidavit required by this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Upon conviction for a violation of this provision, the person convicted forfeits all privilege of access to secure or restricted areas of a seaport and is disqualified from future approval for access to such areas.

(e) Any affidavit form created for use under this subsection must contain the following statement in conspicuous type: "SUBMISSION OF FALSE INFORMATION ON THIS AFFIDAVIT IS A FELONY UNDER FLORIDA LAW AND WILL, UPON CONVICTION, RESULT IN DISQUALIFICATION FOR ACCESS TO A SECURE OR RESTRICTED AREA OF A SEAPORT."

(f) Upon each 5 year renewal of a person's TWIC, the person must submit another affidavit as required by this subsection.

(7) CRIMINAL HISTORY SCREENING. A fingerprint based criminal history check must be performed on employee applicants, current employees, and other persons authorized to regularly enter a secure or restricted area, or the entire seaport if the seaport security plan does not designate one or more secure or restricted areas.

(a) A person is disqualified from employment or unescorted access if the person:

1. Was convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, any of the offenses listed in paragraph (b) in any jurisdiction, civilian or military, including courts martial conducted by the Armed Forces of the United States, during the 7 years before the date of the person's application for access; or

2. Was released from incarceration, or any supervision imposed as a result of sentencing, for committing any of the disqualifying crimes listed in paragraph (b) in any jurisdiction, civilian or military, during the 5 years before the date of the person's application for access.

(b) Disqualifying offenses include:

1. An act of terrorism as defined in s. 775.30.

2. A violation involving a weapon of mass destruction or a hoax weapon of mass destruction as provided in s. 790.166.

3. Planting of a hoax bomb as provided in s. 790.165.

4. A violation of s. 876.02 or s. 876.36.

5. A violation of s. 860.065.

6. Trafficking as provided in s. 893.135.

7. Racketeering activity as provided in s. 895.03.

- ~~8.— Dealing in stolen property as provided in s. 812.019.~~
- ~~9.— Money laundering as provided in s. 896.101.~~
- ~~10.— Criminal use of personal identification as provided in s. 817.568.~~
- ~~11.— Bribery as provided in s. 838.015.~~
- ~~12.— A violation of s. 316.302, relating to the transport of hazardous materials.~~
- ~~13.— A forcible felony as defined in s. 776.08.~~
- ~~14.— A violation of s. 790.07.~~
- ~~15.— Any crime that includes the use or possession of a firearm.~~
- ~~16.— A felony violation for theft as provided in s. 812.014.~~
- ~~17.— Robbery as provided in s. 812.13.~~
- ~~18.— Burglary as provided in s. 810.02.~~
- ~~19.— Any violation involving the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance.~~
- ~~20.— Any offense under the laws of another jurisdiction that is similar to an offense listed in this paragraph.~~
- ~~21.— Conspiracy or attempt to commit any of the offenses listed in this paragraph.~~
- ~~(c) Each individual who is subject to a criminal history check shall file a complete set of fingerprints taken in a manner acceptable to the Department of Law Enforcement for state processing. The results of the criminal history check must be reported to the requesting seaport and may be shared among seaports.~~
- ~~(d) All fingerprints submitted to the Department of Law Enforcement shall be retained by the department and entered into the statewide automated fingerprint identification system established in s. 943.05(2)(b) and available for use in accordance with s. 943.05(2)(g) and (h). An arrest record that is identified with the retained fingerprints of a person subject to the screening shall be reported to the seaport where the person has been granted access to a secure or restricted area. If the fingerprints of a person who has been granted access were not retained, or are otherwise not suitable for use by the department, the person must be re-fingerprinted in a manner that allows the department to perform its functions as provided in this section.~~
- ~~(e) The Department of Law Enforcement shall establish a waiver process for a person who does not have a TWIC, obtained a TWIC through a federal waiver process, or is found to be unqualified under paragraph (a) and denied employment by a seaport or unescorted access to secure or restricted areas. If the person does not have a TWIC and a federal criminal history record check is required, the Department of Law Enforcement may forward the person's fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The cost of the national check must be paid by the seaport, which may collect it as reimbursement from the person.~~
- ~~1.— Consideration for a waiver shall be based on the circumstances of any disqualifying act or offense, restitution made by the individual, and other factors from which it may be determined that the individual does not pose a risk of engaging in any act within the public seaports regulated under this chapter that would pose a risk to or threaten the security of the seaport and the public's health, safety, or welfare.~~
- ~~2.— The waiver process begins when an individual who has been denied initial employment within or denied unescorted access to secure or restricted areas of a public seaport submits an application for a waiver and a notarized letter or affidavit from the individual's employer or union representative which states the mitigating reasons for initiating the waiver process.~~
- ~~3.— Within 90 days after receipt of the application, the administrative staff of the Parole Commission shall conduct a factual review of the waiver application. Findings of fact shall be transmitted to the depart-~~

ment for review. The department shall make a copy of those findings available to the applicant before final disposition of the waiver request.

~~4.— The department shall make a final disposition of the waiver request based on the factual findings of the investigation by the Parole Commission. The department shall notify the waiver applicant of the final disposition of the waiver.~~

~~5.— The review process under this paragraph is exempt from chapter 120.~~

~~6.— By October 1 of each year, each seaport shall report to the department each instance of denial of employment within, or access to, secure or restricted areas, and each instance waiving a denial occurring during the last 12 months. The report must include the identity of the individual affected, the factors supporting the denial or waiver, and any other material factors used to make the determination.~~

~~(f) In addition to the waiver procedure established by the Department of Law Enforcement under paragraph (c), each seaport security plan may establish a procedure to appeal a denial of employment or access based upon procedural inaccuracies or discrepancies regarding criminal history factors established pursuant to this subsection.~~

~~(g) Each seaport may allow immediate waivers on a temporary basis to meet special or emergency needs of the seaport or its users. Policies, procedures, and criteria for implementation of this paragraph must be included in the seaport security plan. All waivers granted by the seaports pursuant to this paragraph must be reported to the department within 30 days after issuance.~~

~~(8) WAIVER FROM SECURITY REQUIREMENTS.— The Office of Drug Control and the Department of Law Enforcement may modify or waive any physical facility requirement or other requirement contained in the minimum security standards upon a determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. An alternate means of compliance must not diminish the safety or security of the seaport and must be verified through an extensive risk analysis conducted by the seaport director.~~

~~(a) Waiver requests shall be submitted in writing, along with supporting documentation, to the Office of Drug Control and the Department of Law Enforcement. The office and the department have 90 days to jointly grant or reject the waiver, in whole or in part.~~

~~(b) The seaport may submit any waivers that are not granted or are jointly rejected to the Domestic Security Oversight Council for review within 90 days. The council shall recommend that the Office of Drug Control and the Department of Law Enforcement grant the waiver or reject the waiver, in whole or in part. The office and the department shall give great weight to the council's recommendations.~~

~~(c) A request seeking a waiver from the seaport law enforcement personnel standards established under s. 311.122(3) may not be granted for percentages below 10 percent.~~

~~(d) Any modifications or waivers granted under this subsection shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to subsection (10).~~

~~(9) INSPECTIONS.— It is the intent of the Legislature that the state's seaports adhere to security practices that are consistent with the risks assigned to each seaport through the ongoing risk assessment process established in paragraph (3)(a).~~

~~(a) The Department of Law Enforcement, or any entity designated by the department, shall conduct at least one annual unannounced inspection of each seaport to determine whether the seaport is meeting the minimum security standards established pursuant to subsection (1) and to identify seaport security changes or improvements needed or otherwise recommended.~~

~~(b) The Department of Law Enforcement, or any entity designated by the department, may conduct additional announced or unannounced inspections or operations within or affecting any seaport to test compliance with, or the effectiveness of, security plans and operations at each seaport, to determine compliance with physical facility requirements and standards, or to assist the department in identifying changes~~

or improvements needed to bring a seaport into compliance with minimum security standards.

(c) ~~Within 30 days after completing the inspection report, the department shall submit a copy of the report to the Domestic Security Oversight Council.~~

(d) ~~A seaport may request that the Domestic Security Oversight Council review the findings in the department's report as they relate to the requirements of this section. The council may review only those findings that are in dispute by the seaport. In reviewing the disputed findings, the council may concur in the findings of the department or the seaport or may recommend corrective action to the seaport. The department and the seaport shall give great weight to the council's findings and recommendations.~~

(e) ~~All seaports shall allow the Department of Law Enforcement, or an entity designated by the department, unimpeded access to affected areas and facilities for the purpose of plan or compliance inspections or other operations authorized by this section.~~

(10) ~~REPORTS.~~ The Department of Law Enforcement, in consultation with the Office of Drug Control, shall annually complete a report indicating the observations and findings of all reviews, inspections, or other operations relating to the seaports conducted during the year and any recommendations resulting from such reviews, inspections, and operations. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the governing body of each seaport or seaport authority, and each seaport director. The report must include each director's response indicating what actions, if any, have been taken or are planned to be taken pursuant to the observations, findings, and recommendations reported by the department.

(11) ~~FUNDING.~~

(a) ~~In making decisions regarding security projects or other funding applicable to each seaport listed in s. 311.09, the Legislature may consider the Department of Law Enforcement's annual report under subsection (10) as authoritative, especially regarding each seaport's degree of substantial compliance with the minimum security standards established in subsection (1).~~

(b) ~~The Legislature shall regularly review the ongoing costs of operational security on seaports, the impacts of this section on those costs, mitigating factors that may reduce costs without reducing security, and the methods by which seaports may implement operational security using a combination of sworn law enforcement officers and private security services.~~

(c) ~~Subject to the provisions of this chapter and appropriations made for seaport security, state funds may not be expended for security costs without certification of need for such expenditures by the Office of Ports Administrator within the Department of Law Enforcement.~~

(d) ~~If funds are appropriated for seaport security, the Office of Drug Control, the Department of Law Enforcement, and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans. Any seaport that receives state funds for security projects must enter into a joint participation agreement with the appropriate state entity and use the seaport security plan as the basis for the agreement.~~

1. ~~If funds are made available over more than 1 fiscal year, the agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year.~~

2. ~~The agreement may include specific timeframes for completion of a security project and the applicable funding reimbursement dates. The agreement may also require a contractual penalty of up to \$1,000 per day to be imposed for failure to meet project completion dates if state funding is available. Any such penalty shall be deposited into the State Transportation Trust Fund and used for seaport security operations and capital improvements.~~

Section 3. Subsection (2) of section 311.121, Florida Statutes, is amended to read:

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(2) The authority or governing board of each seaport identified under s. 311.09 that is subject to the statewide minimum seaport security standards ~~referenced~~ established in s. 311.12 shall require that a candidate for certification as a seaport security officer:

(a) Has received a Class D license as a security officer under chapter 493.

(b) Has successfully completed the certified training curriculum for a Class D license or has been determined by the Department of Agriculture and Consumer Services to have equivalent experience as established by rule of the department.

(c) Has completed the training or training equivalency and testing process established by this section for becoming a certified seaport security officer.

Section 4. Subsection (1) of section 311.123, Florida Statutes, is amended to read:

311.123 Maritime domain security awareness training program.—

(1) ~~The Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Office of Drug Control within the Executive Office of the Governor, shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan required under s. 311.12(2)(3).~~

Section 5. Subsection (1) of section 311.124, Florida Statutes, is amended to read:

311.124 Trespassing; detention by a certified seaport security officer.—

(1) Any Class D or Class G seaport security officer certified under the federal Maritime Transportation Security Act of 2002 guidelines ~~and s. 311.121~~ or any employee of the seaport security force certified under the federal Maritime Transportation Security Act of 2002 guidelines ~~and s. 311.121~~ who has probable cause to believe that a person is trespassing pursuant to s. 810.08 or s. 810.09 or this chapter in a designated secure or restricted area pursuant to s. 311.12(3)(4) is authorized to detain such person in a reasonable manner for a reasonable period of time pending the arrival of a law enforcement officer, and such action does not render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

Section 6. *Section 311.115, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 37-40 and insert: include Port Citrus; amending s. 311.09, F.S.; providing that Citrus County may apply for a grant for a feasibility study through the Florida Seaport Transportation and Economic Development Council; providing for the evaluation of the application; requiring the Department of Transportation to include the study in its budget request under certain circumstances; amending s. 311.12, F.S.; deleting provisions relating to statewide minimum standards for seaport security; deleting provisions authorizing the Department of Law Enforcement to exempt all or part of a seaport from specified requirements in certain circumstances; revising provisions relating to seaport security plans; revising requirements for certain secure or restricted areas; revising provisions relating to when a part of a seaport property may temporarily be designated as a secure or restricted area; deleting provisions requiring that the Department of Law Enforcement administer a statewide seaport access eligibility reporting system; deleting provisions requiring that persons seeking authorization to access secure and restricted areas of a seaport execute an affidavit; prohibiting a seaport from charging any fee for administration or production of access control credentials that require or are associated with a fingerprint-based background check, in addition to the fee for the federal TWIC; providing exceptions; providing for issuance of seaport-specific access credentials; deleting provisions requiring fingerprint-based state criminal history checks on seaport employee applicants, current employees, and other authorized persons; deleting provisions authorizing waivers

from security requirements in certain circumstances; deleting provisions relating to inspections; deleting reporting requirements; deleting the provisions relating to the allocation of appropriated funds for security project needs; amending s. 311.121, F.S.; conforming provisions to changes made by the act; amending s. 311.123, F.S.; revising who may create a maritime domain security awareness training program; conforming provisions to changes made by the act; amending s. 311.124, F.S.; conforming provisions to changes made by the act; repealing s. 311.115, F.S., relating to the Seaport Security Standards Advisory Council; amending s. 374.976, F.S.;

Pending further consideration of **CS for SB 524** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for CS for CS for HB 283** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Transportation; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Latvala—

CS for CS for CS for CS for HB 283—A bill to be entitled An act relating to seaports; amending s. 311.09, F.S.; providing that Citrus County may apply for a grant for a feasibility study through the Florida Seaport Transportation and Economic Development Council; providing for the evaluation of the application; requiring the Department of Transportation to include the study in its budget request under certain circumstances; amending s. 311.12, F.S.; deleting provisions relating to statewide minimum standards for seaport security; deleting provisions authorizing the Department of Law Enforcement to exempt all or part of a seaport from specified requirements in certain circumstances; revising provisions relating to seaport security plans; revising requirements for certain secure or restricted areas; revising provisions relating to when a part of a seaport property may temporarily be designated as a secure or restricted area; deleting provisions requiring that the Department of Law Enforcement administer a statewide seaport access eligibility reporting system; deleting provisions requiring that persons seeking authorization to access secure and restricted areas of a seaport execute an affidavit; prohibiting a seaport from charging any fee for administration or production of access control credentials that require or are associated with a fingerprint-based background check, in addition to the fee for the federal TWIC; providing exceptions; providing for issuance of seaport-specific access credentials; deleting provisions requiring fingerprint-based state criminal history checks on seaport employee applicants, current employees, and other authorized persons; deleting provisions authorizing waivers from security requirements in certain circumstances; deleting provisions relating to inspections; deleting reporting requirements; deleting the provisions relating to the allocation of appropriated funds for security project needs; amending s. 311.121, F.S.; conforming provisions to changes made by the act; amending s. 311.123, F.S.; revising who may create a maritime domain security awareness training program; conforming provisions to changes made by the act; amending s. 311.124, F.S.; conforming provisions to changes made by the act; repealing s. 311.115, F.S., relating to the Seaport Security Standards Advisory Council; providing an effective date.

—a companion measure, was substituted for **CS for SB 524** as amended and read the second time by title.

MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (578592) (with title amendment)—Delete lines 48-59 and insert:

Section 1. Subsection (1) of section 311.09, Florida Statutes, is amended, and subsection (13) is added that section, to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 18 47 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port

Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; the director of the Office of Tourism, Trade, and Economic Development or his or her designee; and the secretary of the Department of Community Affairs or his or her designee.

(13) *Until July 1, 2014, Citrus County may apply for a grant through the Florida Seaport Transportation and Economic Development Council to perform a feasibility study regarding the establishment of a port in Citrus County. The council shall evaluate such application pursuant to subsections (5)–(9) and, if approved, the Department of Transportation shall include the feasibility study in its budget request pursuant to subsection (10). If the study determines that a port in Citrus County is not feasible, the membership of Port Citrus on the council shall terminate.*

And the title is amended as follows:

Delete lines 2-8 and insert: An act relating to seaports; amending s. 311.09, F.S.; including a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council; providing that Citrus County may apply for a grant for a feasibility study through the Florida Seaport Transportation and Economic Development Council; providing for the evaluation of the application; requiring the Department of Transportation to include the study in its budget request under certain circumstances; terminating the membership of Port Citrus on the council under certain circumstances; amending s.

On motion by Senator Latvala, by two-thirds vote **CS for CS for CS for CS for HB 283** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gaetz	Norman
Altman	Garcia	Oelrich
Benacquisto	Gardiner	Rich
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Evers	Margolis	Storms
Fasano	Montford	Thrasher
Flores	Negron	Wise

Nays—1

Dockery

The Senate resumed consideration of—

CS for CS for HB 935—A bill to be entitled An act relating to health care price transparency; amending s. 381.026, F.S.; providing a definition; authorizing a primary care provider to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the provider's services by price levels and list the services in each price level; providing an exemption from license fee and continuing education requirements for a provider who publishes and maintains a schedule of charges; requiring a primary care provider's estimates of charges for medical services to be consistent with the posted schedule; requiring a provider to post the schedule of charges for a certain time period; providing for repayment of license fees and compliance with continuing education requirements previously waived if the schedule of charges was not posted for a certain time period; amending s. 395.002, F.S.; providing a definition; creating s. 395.107, F.S.; requiring urgent care centers to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the urgent care center's services by price levels and list the services in each price level; providing a fine for failure to publish and post a schedule of medical services; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Negron, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Negron moved the following amendment which was adopted:

Amendment 1 (322804) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) and paragraph (c) of subsection (4) of section 381.026, Florida Statutes, are amended to read:

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(2) DEFINITIONS.—As used in this section and s. 381.0261, the term:

- (a) "Department" means the Department of Health.
- (b) "Health care facility" means a facility licensed under chapter 395.
- (c) "Health care provider" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, or a podiatric physician licensed under chapter 461.

(d) "Primary care provider" means a health care provider licensed under chapter 458, chapter 459, or chapter 464 who provides medical services to patients which are commonly provided without referral from another health care provider, including family and general practice, general pediatrics, and general internal medicine.

(e)(~~d~~) "Responsible provider" means a health care provider who is primarily responsible for patient care in a health care facility or provider's office.

(4) RIGHTS OF PATIENTS.—Each health care facility or provider shall observe the following standards:

(c) *Financial information and disclosure.*—

1. A patient has the right to be given, upon request, by the responsible provider, his or her designee, or a representative of the health care facility full information and necessary counseling on the availability of known financial resources for the patient's health care.

2. A health care provider or a health care facility shall, upon request, disclose to each patient who is eligible for Medicare, ~~before in advance of~~ treatment, whether the health care provider or the health care facility in which the patient is receiving medical services accepts assignment under Medicare reimbursement as payment in full for medical services and treatment rendered in the health care provider's office or health care facility.

3. A primary care provider may publish a schedule of charges for the medical services that the provider offers to patients. The schedule must include the prices charged to an uninsured person paying for such services by cash, check, credit card, or debit card. The schedule must be posted in a conspicuous place in the reception area of the provider's office and must include, but is not limited to, the 50 services most frequently provided by the primary care provider. The schedule may group services by three price levels, listing services in each price level. The posting must be at least 15 square feet in size. A primary care provider who publishes and maintains a schedule of charges for medical services is exempt from the license fee requirements for a single period of renewal of a professional license under chapter 456 for that licensure term and is exempt from the continuing education requirements of chapter 456 and the rules implementing those requirements for a single 2-year period.

4. If a primary care provider publishes a schedule of charges pursuant to subparagraph 3., he or she must continually post it at all times for the duration of active licensure in this state when primary care services are provided to patients. If a primary care provider fails to post the schedule of charges in accordance with this subparagraph, the provider shall be required to pay any license fee and comply with any continuing education requirements for which an exemption was received.

~~5.3.~~ A health care provider or a health care facility shall, upon request, furnish a person, ~~before the prior to~~ provision of medical services, a reasonable estimate of charges for such services. The health care provider or the health care facility shall provide an uninsured person, ~~before prior to~~ the provision of a planned nonemergency medical service, a reasonable estimate of charges for such service and information regarding the provider's or facility's discount or charity policies for which the uninsured person may be eligible. *Such estimates by a primary care provider must be consistent with the schedule posted under subparagraph 3.* Estimates shall, to the extent possible, be written in a language comprehensible to an ordinary layperson. Such reasonable estimate ~~shall~~ not preclude the health care provider or health care facility from exceeding the estimate or making additional charges based on changes in the patient's condition or treatment needs.

6.4. Each licensed facility not operated by the state shall make available to the public on its Internet website or by other electronic means a description of and a link to the performance outcome and financial data that is published by the agency pursuant to s. 408.05(3)(k). The facility shall place a notice in the reception area that such information is available electronically and the website address. The licensed facility may indicate that the pricing information is based on a compilation of charges for the average patient and that each patient's bill may vary from the average depending upon the severity of illness and individual resources consumed. The licensed facility may also indicate that the price of service is negotiable for eligible patients based upon the patient's ability to pay.

7.5. A patient has the right to receive a copy of an itemized bill upon request. A patient has a right to be given an explanation of charges upon request.

Section 2. Subsections (30) through (32) of section 395.002, Florida Statutes, are renumbered as subsections (31) through (33), respectively, and a new subsection (30) is added to that section to read:

395.002 Definitions.—As used in this chapter:

(30) "Urgent care center" means a facility or clinic that provides immediate but not emergent ambulatory medical care to patients with or without an appointment. It does not include the emergency department of a hospital.

Section 3. Section 395.107, Florida Statutes, is created to read:

395.107 Urgent care centers; publishing and posting schedule of charges.—An urgent care center must publish a schedule of charges for the medical services offered to patients. The schedule must include the prices charged to an uninsured person paying for such services by cash, check, credit card, or debit card. The schedule must be posted in a conspicuous place in the reception area of the urgent care center and must include, but is not limited to, the 50 services most frequently provided by the urgent care center. The schedule may group services by three price levels, listing services in each price level. The posting must be at least 15 square feet in size. The failure of an urgent care center to publish and post a schedule of charges as required by this section shall result in a fine of not more than \$1,000, per day, until the schedule is published and posted.

Section 4. Subsections (1) and (6) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(a) Have signs identifying the medical director or clinic director posted in a conspicuous location within the clinic readily visible to all patients.

(b) Ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license.

(c) Review any patient referral contracts or agreements executed by the clinic.

(d) Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

(e) Serve as the clinic records owner as defined in s. 456.057.

(f) Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and rules adopted under this part and part II of chapter 408.

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Accreditation Association for Ambulatory Health Care, and the American College of Radiology; and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to all personal injury protection insurance carriers was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

(h) Not refer a patient to the clinic if the clinic performs magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography. The term "refer a patient" means the referral of one or more patients of the medical or clinical director or a member of the medical or clinical director's group practice to the clinic for magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography. A medical director who is found to violate this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(i) Ensure that the clinic publishes a schedule of charges for the medical services offered to patients. The schedule must include the prices charged to an uninsured person paying for such services by cash, check, credit card, or debit card. The schedule must be posted in a conspicuous place in the reception area of the urgent care center and must include, but is not limited to, the 50 services most frequently provided by the clinic. The schedule may group services by three price levels, listing services in each price level. The posting must be at least 15 square feet in size. The failure of a clinic to publish and post a schedule of charges as required by this section shall result in a fine of not more than \$1,000, per day, until the schedule is published and posted.

(6) Any person or entity providing health care services which is not a clinic, as defined under s. 400.9905, may voluntarily apply for a certificate of exemption from licensure under its exempt status with the agency on a form that sets forth its name or names and addresses, a statement of the reasons why it cannot be defined as a clinic, and other information deemed necessary by the agency. An exemption is not transferable. The agency may charge an applicant for a certificate of exemption in an amount equal to \$100 or the actual cost of processing the certificate, whichever is less. An entity seeking a certificate of exemption must publish and maintain a schedule of charges for the medical services offered to patients. The schedule must include the prices charged to an uninsured person paying for such services by cash, check, credit card, or debit card. The schedule must be posted in a conspicuous place in the reception area of the entity and must include, but is not limited to, the 50 services most frequently provided by the entity. The schedule may group services by three price levels, listing services in each price level. The posting must be at least 15 square feet in size. As a condition precedent to receiving a certificate of exemption, an applicant must provide to the agency documentation of compliance with these requirements.

Section 5. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care price transparency; amending s. 381.026, F.S.; providing a definition; authorizing a primary care provider to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a

schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the provider's services by price levels and list the services in each price level; providing an exemption from license fee and continuing education requirements for a provider who publishes and maintains a schedule of charges; requiring a primary care provider's estimates of charges for medical services to be consistent with the posted schedule; requiring a provider to post the schedule of charges for a certain time period; providing for repayment of license fees and compliance with continuing education requirements previously waived if the schedule of charges was not posted for a certain time period; amending s. 395.002, F.S.; providing a definition; creating s. 395.107, F.S.; requiring urgent care centers to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the urgent care center's services by price levels and list the services in each price level; providing a fine for failure to publish and post a schedule of medical services; amending s. 400.9935, F.S.; requiring medical directors or clinic directors of health care clinics and entities with a certificate of exemption under the Health Care Clinic Act to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the urgent care center's services by price levels and list the services in each price level; providing a fine for clinic failure to publish and post a schedule of medical services; providing an effective date.

On motion by Senator Negron, by two-thirds vote **CS for CS for HB 935** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

CS for SB 504—A bill to be entitled An act relating to child visitation; amending s. 39.0139, F.S.; revising legislative intent; requiring probable cause of sexual abuse in order to create a presumption of detriment; providing that persons meeting specified criteria may not visit or have contact with a child without a hearing and court order; revising requirements for a hearing seeking to rebut a presumption of detriment; revising provisions relating to hearings on whether to prohibit or restrict visitation or other contact with the person who is alleged to have influenced a child's testimony; providing an effective date.

—was read the second time by title. On motion by Senator Bogdanoff, by two-thirds vote **CS for SB 504** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Detert	Garcia
Altman	Diaz de la Portilla	Gardiner
Benacquisto	Dockery	Hays
Bennett	Evers	Hill
Bogdanoff	Fasano	Jones
Braynon	Flores	Joyner
Dean	Gaetz	Latvala

Lynn	Rich	Smith
Margolis	Richter	Sobel
Montford	Ring	Storms
Negron	Sachs	Thrasher
Norman	Simmons	Wise
Oelrich	Siplin	

Nays—None

CS for CS for SB 930—A bill to be entitled An act relating to the protection of volunteers; amending s. 768.1355, F.S.; clarifying that in order to fall under the protection of the Florida Volunteer Protection Act, a person performing a service for a nonprofit organization may not receive compensation from the nonprofit organization for that service, regardless of whether the person is receiving compensation from another source; providing an exception; providing for application of the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 930**, on motion by Senator Lynn, by two-thirds vote **CS for CS for HB 647** was withdrawn from the Committees on Judiciary; Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

On motion by Senator Lynn—

CS for CS for HB 647—A bill to be entitled An act relating to the protection of volunteers; amending s. 768.1355, F.S.; clarifying that in order to fall under the protection of the Florida Volunteer Protection Act, a person performing a service for a nonprofit organization may not receive compensation from the nonprofit organization for that service, regardless of whether the person is receiving compensation from another source; providing an exception; providing for application of the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 930** and read the second time by title.

On motion by Senator Lynn, by two-thirds vote **CS for CS for HB 647** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

Consideration of **SB 996** was deferred.

CS for SB 1300—A bill to be entitled An act relating to juvenile civil citations; amending s. 985.12, F.S.; requiring the Department of Juvenile Justice to encourage and assist in the implementation and improvement of civil citation and similar diversionary programs; requiring that a juvenile civil citation and similar diversion program be established at the local level with the concurrence of the chief judge of the circuit and other designated persons; authorizing a law enforcement agency, the Department of Juvenile Justice, a juvenile assessment center, the county or municipality, or an entity selected by the county or municipality to operate the civil citation or similar diversion program;

requiring the entity operating the program to do so in consultation with and agreement by the state attorney and the local law enforcement agencies; authorizing a law enforcement officer, upon making contact with a juvenile who admits to having committed a misdemeanor, to require participation in intervention services based upon an assessment of the needs of the juvenile; restricting eligibility of participants for the civil citation program to first-time misdemeanor offenders unless the participation is approved by the state attorney or assistant state attorney; requiring the agency operating the program to report on the outcome to the Department of Juvenile Justice at the conclusion of a youth's civil citation or similar diversion program; providing that the issuance of a civil citation is not considered a referral to the department; requiring the department to develop guidelines for the civil citation program which include intervention services that are based upon proven civil citation and similar diversionary programs within the state; deleting a provision requiring that a law enforcement officer send a copy of a civil citation to the victim of the offense; requiring a juvenile probation officer to process the original delinquent act as a referral to the department in specified circumstances and to refer certain reports to the state attorney for review; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1300**, on motion by Senator Storms, by two-thirds vote **CS for HB 997** was withdrawn from the Committees on Criminal Justice; Judiciary; and Budget.

On motion by Senator Storms—

CS for HB 997—A bill to be entitled An act relating to juvenile civil citations; amending s. 985.12, F.S.; requiring the Department of Juvenile Justice to encourage and assist in the implementation and improvement of civil citation and similar diversion programs; requiring that a juvenile civil citation or similar diversion program be established at the local level with the concurrence of the chief judge of the circuit and other designated persons; authorizing a law enforcement agency, the Department of Juvenile Justice, a juvenile assessment center, the county or municipality, or an entity selected by the county or municipality to operate the civil citation or similar diversion program; requiring the entity operating the program to be selected in consultation and agreement with the state attorney and the local law enforcement agencies; authorizing a law enforcement officer, upon making contact with a juvenile who admits to having committed a misdemeanor, to require participation in intervention services based upon an assessment of the needs of the juvenile; restricting eligibility of participants for the civil citation or similar diversion program to first-time misdemeanor offenders unless the participation is approved by the state attorney or assistant state attorney; requiring the agency operating the program to report on the outcome to the Department of Juvenile Justice at the conclusion of a youth's civil citation or similar diversion program; providing that the issuance of a civil citation is not considered a referral to the department; requiring the department to develop guidelines for the civil citation program which include intervention services that are based upon proven civil citation or similar diversion programs within the state; requiring a juvenile probation officer to process the original delinquent act as a referral to the department in specified circumstances and to refer certain reports to the state attorney for review; providing an effective date.

—a companion measure, was substituted for **CS for SB 1300** and read the second time by title.

On motion by Senator Storms, by two-thirds vote **CS for HB 997** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Jones
Altman	Evers	Joyner
Benacquisto	Fasano	Latvala
Bennett	Flores	Lynn
Bogdanoff	Gaetz	Margolis
Braynon	Garcia	Montford
Dean	Gardiner	Negron
Detert	Hays	Norman
Diaz de la Portilla	Hill	Oelrich

Rich	Simmons	Storms
Richter	Siplin	Thrasher
Ring	Smith	Wise
Sachs	Sobel	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for CS for SB 396—A bill to be entitled An act relating to building construction and inspection; amending s. 120.541, F.S.; providing that the issuance of a statement of estimated regulatory costs does not apply to updates of or modifications to the Florida Building Code or the Florida Fire Prevention Code; amending s. 161.053, F.S.; prohibiting the Florida Building Commission from adopting rules that limit any exceptions or exemptions provided for modifications or repairs of existing structures within the limits of an existing foundation under certain circumstances; amending s. 255.252, F.S.; conforming provisions to changes made by the act; amending s. 255.253, F.S.; defining the term “sustainable building rating or national model green building code” to include the International Green Construction Code; amending ss. 255.257 and 255.2575, F.S.; requiring that state agencies, local governments, and the court system adopt a sustainable building rating system or national model green building code for new and renovated buildings; amending s. 468.8316, F.S.; revising the continuing education requirements for licensed home inspectors; amending s. 468.8319, F.S.; deleting an exemption for certain contractors from the prohibition against performing repairs on a home that has a home inspection report; deleting an obsolete provision; amending s. 468.8323, F.S.; clarifying a provision relating to the contents of a home inspection report; amending s. 468.8324, F.S.; providing alternative criteria for obtaining a home inspector’s license; removing certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date; amending s. 468.841, F.S.; adding licensed home inspectors to those who are exempt from complying with provisions related to mold assessment; amending s. 481.329, F.S.; providing that part II of ch. 481, F.S., does not preclude any person who engages in the business of landscape design from submitting such plans to governmental agencies for approval; amending s. 489.103, F.S.; clarifying an exemption from construction contracting regulation relating to Habitat for Humanity; amending s. 489.105, F.S.; adding the term “glass and glazing contractors” to the definition of the term “contractor”; amending ss. 489.107 and 489.141, F.S.; conforming cross-references; amending s. 514.028, F.S.; revising the composition of the advisory review board relating to public swimming pools and bathing facilities; amending s. 527.06, F.S.; prohibiting the Department of Agriculture and Consumer Services and other state agencies from requiring compliance with certain national standards for liquefied petroleum gas tanks unless the department or agencies require compliance with a specified edition of the national standards; providing that if the Department of Agriculture and Consumer Services and other state agencies adopt the minimum separation distances of the NFPA codes, the rules are repealed by a specified date; amending s. 527.21, F.S.; revising the term “propane” for purposes of the Florida Propane Gas Education, Safety, and Research Act, to incorporate changes to certain national standards in a reference thereto; amending s. 553.502, F.S.; revising intent with respect to the Florida Americans with Disabilities Act; amending s. 553.503, F.S.; incorporating the Americans with Disabilities Act Standards for Accessible Design into state law by reference and directing that they be adopted by rule into the Florida Accessibility Code for Building Construction; amending s. 553.504, F.S.; revising exceptions to incorporate the standards; amending s. 553.5041, F.S.; revising provisions relating to parking spaces for persons who have disabilities to incorporate the standards; amending ss. 553.505 and 553.506, F.S.; conforming provisions to changes made by the act; amending s. 553.507, F.S.; providing for the applicability of the act; amending s. 553.509, F.S.; revising provisions relating to vertical accessibility to incorporate the standards; providing that buildings and facilities in this state do not have to comply with the changes provided by this act until the Florida Accessibility Code for Building Construction is updated; amending s. 553.73, F.S.; revising requirements relating to the Florida Building Code; specifying national codes to form the foundation for state building standards and codes;

providing for the incorporation of amendments into the Florida Building Code; requiring proposed amendments to the code to demonstrate a need for the amendment; providing an additional exemption from wind-borne debris standards for certain storage sheds; amending s. 553.74, F.S.; revising requirements for selecting a member of the Florida Building Commission; amending s. 553.842, F.S.; providing for the approval of certain windstorm products; providing a cause of action against any person who advertises, sells, offers, provides, distributes, or markets certain products without approval; repealing s. 553.9061, F.S., relating to a schedule of increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction; amending s. 553.909, F.S.; revising the requirements for certain pool-related equipment; amending s. 627.711, F.S.; revising requirements relating to home inspectors conducting hurricane mitigation inspections; providing effective dates.

—as amended April 29 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for SB 396** to **CS for CS for CS for HB 849**.

Pending further consideration of **CS for CS for SB 396** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for CS for HB 849** was withdrawn from the Committees on Community Affairs; Regulated Industries; and Budget.

On motion by Senator Bennett by two-thirds vote—

CS for CS for CS for HB 849—A bill to be entitled An act relating to building construction and inspection; amending s. 120.541, F.S.; exempting rules that adopt federal standards and certain updates of or amendments to the Florida Building Code or Florida Fire Prevention Code from a requirement that the Legislature ratify any rule that has an adverse impact or regulatory costs which exceed certain criteria; deleting an exemption for emergency rules and rules that adopt federal standards from a requirement that an agency’s statement of a rule’s estimated regulatory costs include an economic analysis of the rule’s adverse impacts and regulatory costs; amending s. 161.053, F.S.; prohibiting the Florida Building Commission from adopting rules that limit any exceptions or exemptions provided for modifications or repairs of existing structures within the limits of an existing foundation under certain circumstances; amending s. 255.252, F.S.; conforming provisions to changes made by the act; amending s. 255.253, F.S.; redefining the term “sustainable building rating” to include a national model green building code; amending ss. 255.257 and 255.2575, F.S.; requiring that state agencies, local governments, and the court system adopt a sustainable building rating system or use a national model green building code for new and renovated buildings; amending s. 468.8316, F.S.; revising the continuing education requirements for licensed home inspectors; amending s. 468.8319, F.S.; deleting an exemption for certain contractors from the prohibition against performing repairs on a home that has a home inspection report; deleting an obsolete provision; amending s. 468.8323, F.S.; clarifying a provision relating to the contents of a home inspection report; amending s. 468.8324, F.S.; providing alternative criteria for obtaining a home inspector’s license; removing certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date; amending s. 468.841, F.S.; adding licensed home inspectors to those who are exempt from complying with provisions related to mold assessment; amending s. 481.329, F.S.; providing that part II of ch. 481, F.S., does not preclude any person who engages in the business of landscape design from submitting such plans to governmental agencies for approval; amending s. 489.103, F.S.; clarifying an exemption from construction contracting regulation relating to Habitat for Humanity; amending s. 489.105, F.S.; adding the term “glass and glazing contractors” to the definition of the term “contractor”; amending ss. 489.107 and 489.141, F.S.; conforming cross-references; amending s. 514.028, F.S.; revising the composition of the advisory review board relating to public swimming pools and bathing facilities; creating s. 514.0315, F.S.; requiring certain public swimming pools and spas to be equipped with certain safety features; amending s. 527.06, F.S.; prohibiting the Department of Agriculture and Consumer Services and other state agencies from requiring compliance with certain national standards for liquefied petroleum gas tanks unless the department or agencies require compliance with a specified edition of the national standards; providing for repeal under certain circumstances; amending s. 527.21, F.S.; revising the term “propane” for purposes of the Florida Propane Gas Education, Safety, and Research Act, to incorporate changes to certain national

standards in a reference thereto; amending s. 553.502, F.S.; revising intent with respect to the Florida Americans with Disabilities Act; amending s. 553.503, F.S.; incorporating the Americans with Disabilities Act Standards for Accessible Design into state law by reference and directing that they be adopted by rule into the Florida Accessibility Code for Building Construction; amending s. 553.504, F.S.; revising exceptions to incorporate the standards; amending s. 553.5041, F.S.; revising provisions relating to parking spaces for persons who have disabilities to incorporate the standards; amending ss. 553.505 and 553.506, F.S.; conforming provisions to changes made by the act; amending s. 553.507, F.S.; providing for the applicability of the act; amending s. 553.509, F.S.; revising provisions relating to vertical accessibility to incorporate the standards; providing that buildings and facilities in this state do not have to comply with the changes provided by this act until the Florida Accessibility Code for Building Construction is updated; amending s. 553.73, F.S.; revising requirements relating to the Florida Building Code; specifying national codes to form the foundation for state building standards and codes; revising provisions for the amendment or modification of the foundation code; revising the criteria for approval by the Florida Building Commission of technical amendments to the code; exempting certain storage sheds from door height and width requirements; amending s. 553.74, F.S.; revising requirements for selecting a member of the Florida Building Commission; amending s. 553.842, F.S.; providing for the approval of certain windstorm products; providing a cause of action against any person who advertises, sells, offers, provides, distributes, or markets certain products without approval; repealing s. 553.9061, F.S., relating to requirements for scheduled increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction; amending s. 553.909, F.S.; revising the requirements and effective dates for certain pool-related equipment; amending s. 627.711, F.S.; revising requirements relating to home inspectors conducting hurricane mitigation inspections; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 396** as amended and by two-thirds vote read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for CS for CS for HB 849** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	
Gaetz	Oelrich	

Nays—1

Dockery

Vote after roll call:

Yea to Nay—Storms

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 7:00 p.m.

RECESS

On motion by Senator Thrasher, the Senate recessed at 5:13 p.m. to reconvene upon call of the President.

EVENING SESSION

The Senate was called to order by President Haridopolos at 5:50 p.m. A quorum present—39:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

BILLS ON THIRD READING

CS for HJR 7111—A joint resolution proposing a revision of Article V of the State Constitution, relating to the judiciary, consisting of amendments to Sections 2, 3, 4, 7, 11, 12, and 14 of Article V, and the creation of Section 21 of Article V, of the State Constitution to divide the current Supreme Court into two divisions, one hearing civil cases and the other hearing criminal cases; providing for administration of the divisions; defining the jurisdiction of the divisions; providing for transition from the present Supreme Court; revising provisions relating to repeal of court rules; limiting re-adoption of a repealed court rule; providing for Senate confirmation of Supreme Court justices; expanding the jurisdiction of the Supreme Court; requiring the Judicial Qualifications Commission to make all of its files available to the Speaker of the House of Representatives; revising provisions relating to repeal of commission rules; requiring that a specified minimum percentage of general revenue funds be appropriated to the courts; making other conforming and modernizing changes to the State Constitution regarding the judicial system.

—was read the third time by title.

MOTION

On motion by Senator Bogdanoff, by the required two-thirds vote, consideration of the following amendment was allowed:

Senators Bogdanoff, Simmons, Dockery, Jones, Detert, Storms, Diaz de la Portilla, Fasano, Latvala, and Evers offered the following amendment which was moved by Senator Bogdanoff and adopted by two-thirds vote:

Amendment 1 (289464) (with title amendment)—Delete everything after the resolving clause and insert: That the following amendment to Sections 2, 4, 11, and 12, of Article V of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow ~~it~~ ~~the court~~ and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law ~~that expresses the policy behind the repeal enacted by two-thirds vote of the membership of each house of the legislature.~~ *The court may readopt the repealed rule only in conformity*

with the public policy expressed by the legislature. If the legislature repeals the readopted rule, the rule may not be readopted thereafter without prior approval of the legislature.

(b) The chief justice of the supreme court of Florida shall be chosen by a majority of the members of the court; shall be the chief administrative officer of the judicial system; and shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in that circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge of a district court shall be responsible for the administrative supervision of the district court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge of a circuit shall be responsible for the administrative supervision of the circuit courts and county courts in the circuit.

SECTION 4. District courts of appeal.—

(a) ORGANIZATION.—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.—

(1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

~~(c) CLERKS AND MARSHALS.—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.~~

SECTION 11. Vacancies.—

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to the governor.

(d) Each appointment of a justice of the supreme court is subject to confirmation by the senate. The senate may sit for the purpose of confirmation regardless of whether the house of representatives is in session or not. If the senate fails to vote on the appointment of a justice within 90 days, the justice shall be deemed confirmed. If the senate votes to not confirm the appointment, the supreme court judicial nominating commission shall reconvene as though a new vacancy had occurred but may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the senate. The appointment of a justice is effective upon confirmation by the senate.

~~(e)(d)~~ There shall be a separate judicial nominating commission as provided by general law for the supreme court, one for each district court of appeal, and one for each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

SECTION 12. Discipline; removal and retirement.—

(a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise, ~~occurring on or after November 1, 1966, (without regard to the effective date of this section)~~ demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise ~~occurring on or after November 1, 1966 (without regard to the effective date of this section)~~, warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available to the house of representatives all information in the possession of the commission, which information shall remain confidential during any investigation and until such information is used in the pursuit for use in consideration of impeachment or suspension, respectively.

(b) PANELS.—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malaffides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) REMOVAL POWER.—The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) PROCEEDINGS INVOLVING SUPREME COURT JUSTICE.—Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve

on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,
2. Two members of the bar of Florida, and
3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,
2. Two members of the bar of Florida, and
3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

~~g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:~~

~~1. Group I. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.~~

~~2. Group II. The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.~~

~~3. Group III. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.~~

~~g.h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.~~

~~h.i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.~~

~~i.j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.~~

~~j.~~ The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 4, 11, AND 12

STATE COURTS.—Proposing a revision of Article V of the State Constitution relating to the judiciary.

Under current law, the Governor appoints a justice from a list of nominees provided by a judicial nominating commission, and appointments by the Governor are not subject to confirmation. This revision requires Senate confirmation of a justice before the appointee can take office. If the Senate votes not to confirm the appointment, the judicial nominating commission must reconvene and may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the Senate. For the purpose of confirmation, the Senate may meet at any time. If the Senate does not vote against confirmation within 90 days, the justice will be deemed confirmed and will take office.

The State Constitution authorizes the Supreme Court to adopt rules for the practice and procedure in all courts. The constitution further provides that a rule of court may be repealed by a general law enacted by a two-thirds vote of the membership of each house of the Legislature. This proposed constitutional revision eliminates the requirement that a general law repealing a court rule pass by a two-thirds vote of each house. The Legislature could repeal a rule of court by a general law approved by a majority vote of each house of the Legislature that expresses the policy behind the repeal. The court could readopt the rule in conformity with the public policy expressed by the Legislature, but if the Legislature repeals the readopted rule, this proposed revision prohibits the court from readopting the repealed rule without the Legislature's prior approval.

The Judicial Qualifications Commission is an independent commission created by the State Constitution to investigate and prosecute before the Florida Supreme Court alleged misconduct by a justice or judge. Currently under the constitution, commission proceedings are confidential until formal charges are filed by the investigative panel of the commission. Once formal charges are filed, the formal charges and all further proceedings of the commission are public. Currently, the constitution authorizes the House of Representatives to impeach a justice or judge. Further, the Speaker of the House of Representatives may request, and the Judicial Qualifications Commission must make available, all information in the commission's possession for use in deciding whether to impeach a justice or judge. This proposed revision requires the commission to make all of its files available to the Speaker of the House of Representatives, rather than just the file of a justice or judge under investigation by the House of Representatives. Such files would maintain their confidentiality unless the House of Representatives initiates impeachment proceedings against a justice or judge, in which case the files related to that justice or judge may be open. This revision deletes a requirement that a general law repealing a commission rule be passed by a majority vote of the membership of each house of the Legislature and revises the number of Supreme Court justices needed to repeal such a rule.

This revision will take effect January 7, 2013, if approved by the electors. This revision makes other conforming and modernizing changes to the State Constitution regarding the judicial system; removing outdated schedules related to the Judicial Qualifications Commission; and making conforming and technical changes in the judicial articles of the constitution.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 4, 11, AND 12

JUDICIARY.—Proposing a revision of the Judiciary Article of the Florida Constitution; requiring Senate confirmation for appointment of a

Supreme Court justice; providing standards and procedures for legislative repeal of a court rule; allowing legislative review of confidential files of the Judicial Qualifications Commission; and making other ancillary amendments, including, but not limited to, technical and conforming amendments.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statements defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 4, 11, AND 12

STATE COURTS.—Proposing a revision to Article V of the State Constitution relating to the judiciary; changing the authority of the Legislature to repeal a court rule by 2/3 vote of the membership of each house to a simple majority of each house; limiting the Supreme Court's ability to readopt a rule repealed by the Legislature; requiring Senate confirmation before a justice may take office; providing that if the Senate does not act within 90 days the nominee is deemed confirmed as a justice; allowing the Senate to meet outside of regular session without having the House of Representatives convene at the same time; deleting outdated references; requiring the Judicial Qualifications Commission to provide the House of Representatives access to records; providing for confidentiality of records.

And the title is amended as follows:

Delete everything before the resolving clause and insert: A bill to be entitled A joint resolution proposing a revision of Article V of the State Constitution, relating to the judiciary, consisting of amendments to Sections 2, 4, 11, and 12 of Article V of the State Constitution; revising provisions relating to repeal of court rules; limiting re-adoption of a repealed court rule; providing for Senate confirmation of Supreme Court justices; requiring the Judicial Qualifications Commission to make all of its files available to the Speaker of the House of Representatives; revising provisions relating to repeal of commission rules; making other conforming and modernizing changes to the State Constitution regarding the judicial system; providing an effective date.

On motion by Senator Bogdanoff, **CS for HJR 7111** as amended was shown in full as follows:

CS for HJR 7111—A joint resolution proposing a revision of Article V of the State Constitution, relating to the judiciary, consisting of amendments to Sections 2, 3, 4, 7, 11, 12, and 14 of Article V, and the creation of Section 21 of Article V, of the State Constitution to divide the current Supreme Court into two divisions, one hearing civil cases and the other hearing criminal cases; providing for administration of the divisions; defining the jurisdiction of the divisions; providing for transition from the present Supreme Court; revising provisions relating to repeal of court rules; limiting re-adoption of a repealed court rule; providing for Senate confirmation of Supreme Court justices; expanding the jurisdiction of the Supreme Court; requiring the Judicial Qualifications Commission to make all of its files available to the Speaker of the House of Representatives; revising provisions relating to repeal of commission rules; requiring that a specified minimum percentage of general revenue funds be appropriated to the courts; making other conforming and modernizing changes to the State Constitution regarding the judicial system.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Sections 2, 3, 4, 7, 11, 12, and 14 of Article V, and the creation of Section 21 of Article V, of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having

jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow ~~it the court~~ and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law that expresses the policy behind the repeal enacted by two thirds vote of the membership of each house of the legislature. The court may readopt the repealed rule only in conformity with the public policy expressed by the legislature. If the legislature repeals the readopted rule, the rule may not be readopted thereafter without prior approval of the legislature. The divisions of the court shall meet jointly to adopt rules or the court may designate a division to adopt any specific class of rules.

(b)(1) The chief justice of the supreme court of Florida shall be ~~chosen by a majority of the members of the court~~, shall be the chief administrative officer of the judicial system; and shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in that circuit.

(2) The chief justice of a division of the supreme court shall be designated by the governor, subject to confirmation by the senate. The chief justices of the divisions shall serve staggered terms of eight years and shall be the chief administrative officers of their respective divisions. In the second half of any term as chief justice of a division, the chief justice shall serve as the chief justice of the supreme court. A justice may serve more than one term as chief justice of the division. A chief justice of a division is subject to the same requirements of eligibility and retention as a justice of the supreme court.

(3) If there is a vacancy in the position of chief justice of a division, the justice who has served the most time with the division shall be the acting chief justice until a new chief justice of the division is appointed and confirmed for the remainder of the term.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge of a district court shall be responsible for the administrative supervision of the district court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge of a circuit shall be responsible for the administrative supervision of the circuit courts and county courts in the ~~his~~ circuit.

SECTION 3. Supreme court; divisions.—

(a) ORGANIZATION.—The supreme court shall consist of ~~ten seven~~ justices. ~~Of the ten justices, five justices shall serve in the civil division and five justices shall serve in the criminal division. In each division of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court division who is a resident of the district at the time of the original appointment or election. Four five justices of a division shall constitute a quorum for that division and the concurrence of three four justices shall be necessary to a decision. When vacancies or recusals for cause would prohibit the court from convening because of the requirements of this subsection section, judges assigned to temporary duty may be substituted for justices. The justices of both divisions, with seven justices constituting a quorum, shall jointly meet regarding disciplinary cases, and may jointly meet at the discretion of the chief justice regarding court rules or administrative supervision of the courts. The justices shall not otherwise meet en banc.~~

(b) JURISDICTION.—The appropriate division of the supreme court:

(1) Shall hear appeals from ~~final judgments of trial courts imposing the death penalty and from~~ decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone

service. *Only the civil division may have jurisdiction pursuant to this paragraph.*

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that ~~expressly and directly~~ conflicts with a decision of another district court of appeal or of the supreme court on the same question of law, provided that the conflict appears on the face of the majority, concurring, or dissenting district court opinion.

(4) May review any decision of a district court of appeal that passes upon a question certified by the district court of appeal ~~to~~ to be of great public importance, that appears to a division to be of great public importance based on information on the face of the majority, concurring, or dissenting district court opinion, or that is certified by the district court of appeal ~~to~~ to be in direct conflict with a decision of another district court of appeal.

(5) May review any order or judgment of a trial court certified by the district court of appeal in which an appeal is pending to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.

(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

(7) May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

(8) May issue writs of mandamus and quo warranto to state officers and state agencies.

(9) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge. *Only a justice in the criminal division may issue a writ of habeas corpus in a criminal case.*

(10) Shall, when requested by the attorney general pursuant to the provisions of Section 10 of Article IV, render an advisory opinion of the justices, addressing issues as provided by general law.

(11) *Shall hear appeals from final judgments of trial courts imposing the death penalty. Only the criminal division has any jurisdiction pursuant to this paragraph.*

(c) ASSIGNMENT OF CASES TO DIVISIONS.—*Criminal and civil cases are to be referred to each division in a manner consistent with this section.*

(1) *A criminal case is any case or controversy primarily involving the commission of a felony or misdemeanor. A criminal case shall also include any case or controversy involving criminal law, criminal penalties, criminal procedure, juvenile delinquency, or any related action regarding the interpretation of or resolution of matters directly affecting the criminal law. Equitable relief related to the criminal law, including actions in which a party seeks to enjoin the application or form of a criminal penalty, shall be within the jurisdiction of the criminal division.*

(2) *A civil case is any case or controversy within the traditional concepts of civil law, including tort, contract, family law, probate, trusts, real property, employment law, taxation, and elections. The civil division shall have no jurisdiction or authority, whether express or implied, to issue a stay of execution or to hear any challenge of any law or procedure regarding the death penalty or the administration of a criminal penalty.*

(3) *The legislature may, by general law, further define the types of cases that are to be referred to each division in a manner consistent with this section.*

(d) JURISDICTIONAL CONFLICTS.—*If both divisions assert jurisdiction over a particular case, the chief justice of the supreme court of Florida shall decide where jurisdiction is appropriate.*

~~(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.~~

SECTION 4. District courts of appeal.—

(a) ORGANIZATION.—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.—

(1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

~~(c) CLERKS AND MARSHALS.—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.~~

SECTION 7. Specialized divisions.—*The supreme court shall sit in a civil division and a criminal division, except where specifically authorized in this article to sit jointly.* All other courts ~~except the supreme court~~ may sit in divisions as may be established by general law. A circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge of the circuit.

SECTION 11. Vacancies.—

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to the governor.

(d) *Each appointment of a justice of the supreme court is subject to confirmation by the senate. The senate may sit for the purpose of con-*

firmation regardless of whether the house of representatives is in session or not. If the senate fails to vote on the appointment of a justice within 90 days, the justice shall be deemed confirmed. If the senate votes to not confirm the appointment, the supreme court judicial nominating commission shall reconvene as though a new vacancy had occurred but may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the senate. The appointment of a justice is effective upon confirmation by the senate. A justice in one division may apply for a position in the other division but may not concurrently serve on both.

~~(e)(d)~~ There shall be a separate judicial nominating commission as provided by general law for the supreme court, *one for each district court of appeal, and one for each judicial circuit for all trial courts within the circuit.* Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by a *majority vote of the justices of each division of the supreme court, five justices concurring.* Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

SECTION 12. Discipline; removal and retirement.—

(a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise, ~~occurring on or after November 1, 1966, (without regard to the effective date of this section)~~ demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise ~~occurring on or after November 1, 1966 (without regard to the effective date of this section)~~, warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law

enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, ~~seven~~ **five** justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives ~~or the governor~~, the commission shall make available *to the house of representatives* all information in the possession of the commission, *which information shall remain confidential during any investigation and until such information is used in the pursuit for use in consideration* of impeachment ~~or suspension, respectively~~.

(b) PANELS.—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) REMOVAL POWER.—The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) PROCEEDINGS INVOLVING SUPREME COURT JUSTICE.—Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,
2. Two members of the bar of Florida, and
3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,
2. Two members of the bar of Florida, and
3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

~~g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:~~

~~1. Group I. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.~~

~~2. Group II. The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.~~

~~3. Group III. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.~~

~~g.h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.~~

~~h.i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.~~

~~i.j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.~~

~~j.k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.~~

SECTION 14. Funding.—

(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

(d) The judiciary shall have no power to fix appropriations.

(e) *The total appropriation of all fund sources to the judicial branch shall equal no less than 2.25 percent of the total general revenue funds appropriated in the general appropriation bill referred to in Section 19(b) of Article III. Any adjustments to the total appropriations of all fund sources to the judicial branch made in any special appropriations act shall equal no more than the percent of total general revenue appropriations adjusted in such special appropriations act.*

For purposes of this subsection, the judicial branch does not include the Justice Administrative Commission or any of the entities for which the Justice Administrative Commission provides administrative services.

SECTION 21. *Schedule to Article V revision increasing the membership of the supreme court and creating divisions thereof.—*

(a) *Except to the extent inconsistent with this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.*

(b) *The effective date of the revision creating two*

divisions of the supreme court shall be upon passage by the electorate.

(1) *On the first day after the election approving the revision, the supreme court shall rank all of the justices then*

in office by seniority in service on the supreme court. The three who have the most seniority shall be the initial justices assigned to the criminal division, and the remaining justices shall be the initial justices assigned to the civil division. Initial appointments of existing justices to either division shall not be limited by the district court from which the justice was appointed. A justice assigned to a division of the supreme court pursuant to this paragraph shall remain in the same term of office and shall sit for future retention elections on the same cycle. The supreme court shall immediately transmit to the governor the names of the justices, their division assignments, and the districts from which they were appointed. The governor shall then direct the supreme court nominating commission to make its recommendations for the open seats of justices for both divi-

sions, which recommendations must be delivered to the governor no later than the 60th day after the election. Before the 90th day after the election, the governor shall make the appointments for the open seats of justices for both divisions and shall also designate the chief justices of each division. The appointments and designations shall, in this instance only, not be subject to the advice and consent of the senate.

(2) *The supreme court shall inventory all cases in its possession and determine as to each case whether it will be assigned to the criminal division or the civil division. Newly filed cases shall be designated between the two new divisions as they are filed. The supreme court shall retain full jurisdiction and power over all cases until such cases are actually assigned to a division, including the power to issue final process that would have the effect of removing the case from the inventory of cases to be assigned.*

(c) *The two divisions of the supreme court shall begin formal operations on the 120th day after the election. On that day:*

(1) *Newly appointed justices shall take office.*

(2) *The jurisdiction of the supreme court shall be divided between the divisions, the jurisdictional changes in Sections 3(b)(3) and 3(b)(4) shall take effect, and all pending cases shall be assigned to the appropriate division.*

(3) *The term of the supreme court shall be deemed to have ended. All mandates issued by the supreme court prior to the end of the term shall be final and not subject to recall. No motion for reconsideration shall be considered.*

(d) *The initial chief justice of the civil division shall also be the chief justice of the supreme court of Florida and shall serve in that position from the 120th day after the election through June 30, 2016. The initial chief justice of the criminal division shall be the chief justice of the criminal division from the 120th day after the election through June 30, 2020. Thereafter, the offices of the chief justices of the divisions shall alternate as provided in Section 2.*

(e) *All court rules adopted by the supreme court shall continue in full force and effect after the effective date of this revision, subject to future amendment or repeal.*

(f) *The legislature may, by general law, otherwise provide for the administrative transfer of employees, property, duties, and functions between the divisions.*

(g) *The change in court funding provided in Section 14(e) shall be effective commencing in fiscal year 2013-2014.*

(h) *The legislature shall have the power, by concurrent resolution, to delete from this article any subsection of this section 21, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14, AND 21

STATE COURTS.—Proposing a revision of Article V of the State Constitution relating to the judiciary.

Under current law, the Florida Supreme Court is the highest court in Florida and hears both civil and criminal cases. It has 7 appointed justices. This revision would divide the current Supreme Court into two divisions, one hearing civil cases and the other hearing criminal cases. Each division would have 5 appointed justices who are permanently assigned. The 3 current justices who have the most service with the Florida Supreme Court would be assigned to the criminal division, the remaining 4 current justices would be assigned to the civil division, and the Governor would appoint 3 new justices to fill the remaining openings in the two divisions. The existing jurisdiction of the Supreme Court would be expanded to allow discretionary review of certain district court of appeal decisions. This revision generally defines the civil law and criminal law jurisdiction of each division, provides for assignment of cases to each respective division, and allows the Legislature, by general

law, to further define the jurisdictions of each division. The jurisdiction of a division will be limited to the division's area, whether civil or criminal. The power of justices of the criminal division to hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and to review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service is limited by this revision and granted exclusively to the civil division. The power of justices of the civil division to issue a writ of habeas corpus and to hear appeals from final judgments of trial courts imposing the death penalty is limited by this revision and granted exclusively to the justices of the criminal division. This revision provides that if both divisions assert jurisdiction over a case, the Chief Justice of the Supreme Court of Florida will decide where jurisdiction is appropriate.

This proposed revision also creates a title of chief justice in each of the divisions with an 8-year term. The constitution currently provides that the Chief Justice of the Supreme Court is the administrative head of the state judicial system. This revision provides that the position of Chief Justice of the Supreme Court will rotate every 4 years between the chief justice of the civil division and the chief justice of the criminal division. The constitution currently also provides that the chief justice is chosen by vote of the justices. This revision provides that the initial new justices and the initial chief justice of each division will be selected by the Governor and future chief justices will be selected by the Governor subject to Senate confirmation. A chief justice is, like a regular justice under current law, subject to retention election and mandatory retirement requirements applicable to all Florida justices and judges.

Under current law, the Governor appoints a justice from a list of nominees provided by a judicial nominating commission, and appointments by the Governor are not subject to confirmation. Other than the initial 3 new appointees, this revision requires Senate confirmation of a justice before the appointee can take office. If the Senate votes not to confirm the appointment, the judicial nominating commission must reconvene and may not renominate any person whose prior appointment to fill the same vacancy was not confirmed by the Senate. For the purpose of confirmation, the Senate may meet at any time. If the Senate does not vote against confirmation within 90 days, the justice will be deemed confirmed and will take office.

The State Constitution authorizes the Supreme Court to adopt rules for the practice and procedure in all courts. The constitution further provides that a rule of court may be repealed by a general law enacted by a two-thirds vote of the membership of each house of the Legislature. This proposed constitutional revision eliminates the requirement that a general law repealing a court rule pass by a two-thirds vote of each house. The Legislature could repeal a rule of court by a general law approved by a majority vote of each house of the Legislature that expresses the policy behind the repeal. The court could readopt the rule in conformity with the public policy expressed by the Legislature, but if the Legislature repeals the readopted rule, this proposed revision prohibits the court from readopting the repealed rule without the Legislature's prior approval. Court rules may be adopted by both divisions of the Supreme Court meeting jointly, or the court may elect to divide classes of rules between the divisions.

The Judicial Qualifications Commission is an independent commission created by the State Constitution to investigate and prosecute before the Florida Supreme Court alleged misconduct by a justice or judge. Currently under the constitution, commission proceedings are confidential until formal charges are filed by the investigative panel of the commission. Once formal charges are filed, the formal charges and all further proceedings of the commission are public. Currently, the constitution authorizes the House of Representatives to impeach a justice or judge. Further, the Speaker of the House of Representatives may request, and the Judicial Qualifications Commission must make available, all information in the commission's possession for use in deciding whether to impeach a justice or judge. This proposed revision requires the commission to make all of its files available to the Speaker of the House of Representatives, rather than just the file of a justice or judge under investigation by the House of Representatives. Such files would maintain their confidentiality unless the House of Representatives initiates impeachment proceedings against a justice or judge, in which case the files related to that justice or judge may be open. This revision deletes a requirement that a general law repealing a commission rule be passed by a majority vote of the membership of each house of the Legislature

and revises the number of Supreme Court justices needed to repeal such a rule.

State appropriations are made annually by general law. Current law does not require any specific level of funding for any agency or department. This revision requires that the courts be appropriated a minimum of 2.25 percent of general revenue funding beginning with the 2013-2014 fiscal year.

This revision will take effect upon its passage by the electorate and provides a schedule for implementation of its provisions. This revision makes other conforming and modernizing changes to the State Constitution regarding the judicial system, including removing the positions of clerk and marshal of the Supreme Court and the courts of appeal from the constitution; providing for transition to the new divisions; removing outdated schedules related to the Judicial Qualifications Commission; and making conforming and technical changes in the judicial articles of the constitution.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14, AND 21

JUDICIARY.—Proposing a revision of the Judiciary Article of the Florida Constitution; reorganizing the Florida Supreme Court into divisions; requiring Senate confirmation for appointment of a Supreme Court justice; providing standards and procedures for legislative repeal of a court rule; providing a minimum level of court funding; allowing legislative review of confidential files of the Judicial Qualifications Commission; providing for transition; and making other ancillary amendments, including, but not limited to, technical and conforming amendments.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statements defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14, AND 21

STATE COURTS.—Proposing a revision to Article V of the State Constitution relating to the judiciary; changing the authority of the Legislature to repeal a court rule by 2/3 vote of the membership of each house to a simple majority of each house; limiting the Supreme Court's ability to readopt a rule repealed by the Legislature; replacing the current seven-member Supreme Court with two five-member divisions of the Supreme Court, one with civil jurisdiction and one with criminal jurisdiction; establishing a Chief Justice of the Supreme Court who shall serve as the chief administrative officer for the courts; establishing a chief justice for the civil division of the Supreme Court; establishing a chief justice for the criminal division of the Supreme Court; providing for the manner of selection and term for the chief justice of each division of the Supreme Court; changing the manner of designation and term of office of the Chief Justice of the Supreme Court; providing that a chief justice of a division of the Supreme Court is subject to a retention election and eligibility requirements as currently established in the State Constitution; providing for manner of replacement of a chief justice of a division; providing for apportionment of current justices among the civil and criminal divisions of the Supreme Court; changing the requirements for a quorum from four to three as being necessary for a decision; providing authority and circumstances where the divisions of the Supreme Court may meet en banc; providing jurisdiction for each division of the Supreme Court, including matters which will be exclusive to each division; clarifying the jurisdiction of the Supreme Court to hear appeals from certain district court of appeal decisions; providing that the Legislature may further define the split of jurisdiction between civil and criminal matters; providing that the Chief Justice of the Supreme Court decides jurisdiction should both divisions claim jurisdiction over the same case; removing references to clerks and marshals; requiring Senate confirmation before a justice may take office; providing that if the Senate does not act within 90 days the nominee is deemed confirmed as a justice; allowing the Senate to meet outside of regular session without having the House of Representatives convene at the same time; deleting

outdated references; requiring the Judicial Qualifications Commission to provide the House of Representatives access to records; providing for confidentiality of records; requiring a minimum level of funding for the judicial system; providing for transition; requiring the current Supreme Court to list its members by seniority in office; providing that the three most senior justices be assigned to the criminal division and the remaining justices assigned to the criminal division; providing time limits for appointments by the Governor for the remaining seats; providing an exception to Senate confirmation for initial appointments; requiring the Governor to name the initial chief justice of each division; providing that the initial chief justice of the civil division be named the Chief Justice of the Supreme Court; requiring that existing cases be split between the divisions; providing that cases decided before the split into divisions are final and not subject to rehearing or recall of the mandate; providing for the terms of the initial chief justices of the divisions; providing for adoption of court rules; allowing the Legislature by general law to further provide for transition; providing that the transition schedules may be deleted by general law when they have become outdated.

On motion by Senator Bogdanoff, **CS for HJR 7111** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Evers	Negron
Alexander	Fasano	Norman
Altman	Flores	Oelrich
Benacquisto	Gaetz	Richter
Bennett	Garcia	Simmons
Bogdanoff	Gardiner	Storms
Dean	Hays	Thrasher
Detert	Jones	Wise
Diaz de la Portilla	Latvala	
Dockery	Lynn	

Nays—11

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 384** was withdrawn from the Committee on Commerce and Tourism; **CS for SB 1912** was withdrawn from the Committee on Environmental Preservation and Conservation; **SJR 210**, **CS for SB 332**, and **CS for SB 1772** were withdrawn from the Committee on Judiciary; **CS for SB 414**, **SB 446**, **CS for CS for SB 1316**, **CS for SB 1428**, **SB 1826**, and **CS for CS for SB 2076** were withdrawn from the Committee on Rules.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote all bills remaining on the Special Order Calendar this day were added to the Special Order Calendar for Tuesday, May 3.

On motion by Senator Thrasher, a deadline of 8:00 a.m., Tuesday, May 3, was set for filing amendments to the bills on the Consent Calendar and the bills added to the Special Order Calendar for that day.

On motion by Senator Thrasher, by two-thirds vote **SB 1770**, **CS for SB 1388**, **CS for CS for SB 728**, **CS for CS for SJR 658**, **CS for SB 1722**, **SB 912**, and **CS for SB 1744** were placed on the Special Order Calendar for Tuesday, May 3.

REPORTS OF COMMITTEES

Pursuant to Rule 4.18 the Chair of the Committee on Rules submits the following bills to be placed on the Local Bill Calendar for Monday, May 2, 2011: SB 1980, HB 229, CS for HB 231, HB 233, HB 529, CS for

HB 555, HB 657, HB 659, HB 699, HB 741, CS for HB 745, HB 861, HB 865, HB 867, CS for HB 869, HB 985, HB 1009, HB 1045, CS for HB 1063, CS for HB 1293, HB 1307, HB 1311, CS for HB 1317, CS for HB 1345, HB 1351, CS for HB 1489, HB 4191, HB 4197, HB 4203, HB 4205.

Respectfully submitted,
John Thrasher, Chair

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special Order Calendar for Monday, May 2, 2011: CS for SB 106, CS for CS for SB 204, CS for SB 224, CS for CS for SB 236, SB 474, CS for SB 524, SB 534, CS for CS for SB 556, CS for SB 580, CS for SJR 592, CS for SB 664, CS for SB 670, SB 762, CS for CS for CS for SB 768, CS for CS for SB 786, CS for SB 828, SB 898, CS for SB 994, CS for SB 1072, SB 1144, CS for SB 1168, SB 1190, CS for CS for SB 1198, CS for CS for SB 1252, CS for CS for SB 1254, CS for CS for SB 1366, SB 1398, CS for SB 1410, SCR 1558, CS for CS for SB 1568, CS for CS for SB 1696, SB 1778, CS for CS for SB 1824, CS for CS for CS for SB 1972, CS for SB 2010.

Respectfully submitted,
John Thrasher, Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 1012, SB 1014, SB 1016, SB 1018, SB 1020, SB 1022, SB 1024, SB 1026, SB 1028, SB 1030, SB 1032, SB 1034, SB 1036, SB 1038, SB 1040, SB 1042, and SB 1044 which he approved on May 2, 2011.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3, HB 19, CS for CS for CS for HB 311, CS for CS for HB 339, CS for CS for CS for HB 399, HB 431, CS for HB 465, HB 639, CS for HB 723, CS for HB 811, CS for HB 843, CS for CS for CS for HB 949, CS for CS for HB 1043, CS for HB 1121, CS for HB 1127, CS for HB 1193, HB 4001, HB 4031, CS for CS for HB 7197; has passed as amended CS for HB 59, CS for CS for HB 139, CS for CS for HB 445, CS for CS for CS for HB 479, CS for CS for CS for HB 599, CS for HB 663, CS for CS for HB 689, CS for CS for CS for HB 849, CS for HB 1007, CS for HB 1087, CS for HB 1125, CS for CS for CS for HB 1163, HB 1247, CS for CS for HB 1255, CS for CS for CS for HB 1319, CS for HB 7107, CS for HB 7109, CS for HB 7151; has passed as amended by the required constitutional three-fifths vote of the membership CS for CS for CS for CS for CS for HJR 381; has passed by the required constitutional two-thirds vote of the members present HB 597, CS for HB 1473 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Criminal Justice Subcommittee and Representative(s) Nehr, Abruzzo, Ahern, Artiles, Baxley, Berman, Bernard, Boyd, Brodeur, Bullard, Campbell, Crisafulli, Diaz, Ford, Gaetz, Garcia, Hager, Harrell, Harrison, Jones, Julien, Metz, Nuñez, Passidomo, Perman, Pilon, Porter, Rehwinkel, Vasilinda, Roberson, K., Rooney, Rouson, Sands, Smith, Steinberg, Steube, Taylor, Thompson, G., Van Zant, Watson, Weinstein, Wood—

CS for HB 3—A bill to be entitled An act relating to assault or battery of a law enforcement officer; creating s. 784.071, F.S.; requiring the Department of Law Enforcement to issue a blue alert if a law enforcement officer has been killed, suffered serious bodily injury, or been assaulted and the suspect has fled the scene, or if a law enforcement officer is missing while in the line of duty; requiring that the blue alert be disseminated on the emergency alert system through television, radio, and highway signs; providing that emergency traffic information may take precedence over blue alert information; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Budget.

By Representative(s) Mayfield, Baxley, O'Toole, Williams, T.—

HB 19—A bill to be entitled An act relating to compensation of county officials; amending ss. 145.031, 145.051, 145.071, 145.09, 145.10, and 145.11, F.S.; authorizing each member of a board of county commissioners, each clerk of the circuit court, county comptroller, each sheriff, each supervisor of elections, each property appraiser, and each tax collector to reduce his or her salary on a voluntary basis; providing an effective date.

—was referred to the Committees on Community Affairs; and Budget.

By Economic Affairs Committee, Finance & Tax Committee, Business & Consumer Affairs Subcommittee and Representative(s) Roberson, K., Caldwell, Gaetz, Kreegel, Van Zant—

CS for CS for CS for HB 311—A bill to be entitled An act relating to local business taxes; amending s. 205.022, F.S.; defining the term “independent contractor”; creating s. 205.066, F.S.; exempting an individual engaging in or managing a business as an employee from requirements related to local business taxes; specifying that an individual licensed and operating as a broker associate or sales associate is an employee; specifying that an independent contractor is not an employee; prohibiting a local governing authority from holding an exempt employee liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or requiring an exempt employee to take certain actions related to a local business tax; prohibiting a local governing authority from requiring a principal or employer to provide personal or contact information for exempt individuals in order to obtain a local business tax receipt; providing that the exemption does not apply to a business tax imposed on individual employees by a municipality or county pursuant to a resolution or ordinance adopted before October 13, 2010; amending s. 205.194, F.S.; deleting obsolete language; requiring a person applying for or renewing a local business tax receipt to engage in or manage a business or occupation regulated by the Florida Supreme Court or a state agency to exhibit certain documentation before such receipt may be issued; authorizing online renewals as a means of providing electronic certifications that meet such requirement; deleting a requirement that the Department of Business and Professional Regulation provide certain professional regulation information to local officials who issue business tax receipts; deleting a provision prohibiting a local official who issues business tax receipts from renewing a license under certain circumstances; providing for retroactive application; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Budget Subcommittee on Finance and Tax; and Budget.

By Judiciary Committee, Criminal Justice Subcommittee and Representative(s) Perman, Baxley—

CS for CS for HB 339—A bill to be entitled An act relating to possession of stolen credit or debit cards; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer or retail employee who possesses, receives, or returns a stolen credit or debit card without knowledge that the card is stolen or in order to investigate the card's theft or unlawful use does not commit a violation of the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce and Tourism; and Agriculture.

By Economic Affairs Committee, State Affairs Committee, Transportation & Highway Safety Subcommittee and Representative(s) Ray, Adkins, Mayfield, McBurney, Patronis, Young—

CS for CS for CS for HB 399—A bill to be entitled An act relating to infrastructure investment; amending s. 20.23, F.S.; requiring the Secretary of Transportation to designate duties relating to certain investment opportunities and transportation projects to an assistant secretary;

amending s. 311.09, F.S.; revising requirements for the inclusion of certain goals and objectives in the Florida Seaport Mission Plan; requiring the Florida Seaport Transportation and Economic Development Council to develop a priority list of projects and submit the list to the Department of Transportation; amending s. 311.14, F.S.; requiring certain ports to develop strategic plans; providing criteria for such plans; requiring such plans to be consistent with local government comprehensive plans; requiring such plans to be submitted to the Florida Seaport Transportation and Economic Development Council; requiring the Florida Seaport Transportation and Economic Development Council to review such plans and include related information in the Florida Seaport Mission Plan; amending s. 339.155, F.S.; clarifying and revising the principles on which the Florida Transportation Plan is based; amending s. 339.63, F.S.; adding certain existing and planned facilities to the list of facilities included in the Strategic Intermodal System and the Emerging Strategic Intermodal System; amending s. 373.406, F.S.; exempting overwater piers, docks, and structures located in deepwater ports from stormwater management system requirements under specified conditions; amending s. 373.4133, F.S.; requiring the Department of Environmental Protection to approve or deny an application for a port conceptual permit within a specified time; providing a limitation for the request of additional information from an applicant by the department; providing that failure of an applicant to respond to such a request within a specified time constitutes withdrawal of the application; providing that a third party who challenge the issuance of a port conceptual permit has the burden of ultimate persuasion and the burden of going forward with evidence; amending s. 403.813, F.S.; exempting specified seaports and inland navigation districts from requirements to conduct maintenance dredging under certain conditions; excluding ditches, pipes, and similar linear conveyances from consideration as receiving waters for the disposal of dredged materials; authorizing public ports and inland navigation districts to use sovereignty submerged lands in connection with maintenance dredging; authorizing the disposal of spoil material on specified sites; providing an exemption from permitting requirements for sites that meet specified criteria; requiring notice to the Department of Environmental Protection of intent to use the exemption; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Transportation; and Budget.

By Representative(s) Sands, Smith—

HB 431—A bill to be entitled An act relating to driver's licenses and identification cards; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver's license or identification card shall include an option to make a voluntary contribution to Disabled American Veterans, Department of Florida; providing that such contributions are not income of a revenue nature; providing an effective date.

—was referred to the Committees on Military Affairs, Space, and Domestic Security; Transportation; and Budget.

By Health Care Appropriations Subcommittee and Representative(s) Harrell, Abruzzo, Corcoran, Costello, Gaetz, Holder, Metz, Renuart, Schwartz, Slosberg, Steube, Young—

CS for HB 465—A bill to be entitled An act relating to the Florida Veterans' Hall of Fame; creating s. 265.003, F.S.; establishing the Florida Veterans' Hall of Fame; providing for administration by the Department of Veterans' Affairs; designating location; providing procedures for nomination, selection, and induction; providing an effective date.

—was referred to the Committees on Military Affairs, Space, and Domestic Security; Governmental Oversight and Accountability; and Budget.

By Representative(s) Aubuchon, Bernard, Fullwood, Garcia, Gibbons, Jones, Pafford, Sands, Steinberg, Williams, T.—

HB 639—A bill to be entitled An act relating to affordable housing; amending s. 20.055, F.S.; revising the definition of “state agency” to include the Florida Housing Finance Corporation; revising the definition

of “agency head” to include the board of directors of the corporation; requiring the inspector general to prepare an annual report; amending s. 159.608, F.S.; providing a housing finance authority with an additional purpose for which it may exercise its power to borrow; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors; providing for the disposition of real property by a local government for the development of affordable housing; amending s. 201.15, F.S.; revising the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund; providing for retroactive repeal of s. 8, ch. 2009-131, Laws of Florida, to eliminate a conflicting version of s. 201.15, F.S.; amending s. 420.0003, F.S.; including the needs of persons with special needs in the state housing strategy’s periodic review and report; amending s. 420.0004, F.S.; defining the terms “disabling condition” and “person with special needs”; conforming cross-references; amending s. 420.0006, F.S.; removing an obsolete reference; deleting provisions requiring the inspector general of the Department of Community Affairs to perform functions for the corporation to conform to changes made by the act; amending s. 420.504, F.S.; authorizing the Secretary of Community Affairs to designate a senior-level agency employee to serve on the board of directors of the Florida Housing Finance Corporation; amending s. 420.506, F.S.; providing for the appointment of an inspector general of the Florida Housing Finance Corporation; providing appointing authority thereof; providing duties and responsibilities of the inspector general; amending s. 420.507, F.S.; requiring certain rates of interest to be made available to sponsors of projects for persons with special needs; providing additional powers of the corporation relating to receipt of federal funds; revising powers of the corporation relating to criteria establishing a preference for eligible developers and general contractors; conforming a cross-reference; amending s. 420.5087, F.S.; limiting the reservation of funds within each notice of fund availability to the persons with special needs tenant group; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; revising and providing criteria to be used by a specified review committee for the competitive ranking of applications for such program; conforming a cross-reference; amending ss. 163.31771, 212.08, 215.5586, and 420.503, F.S.; conforming cross-references; providing legislative intent; prohibiting funds from the State Housing Trust Fund or the Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes; providing for future repeal; providing an effective date.

—was referred to the Committees on Community Affairs; Children, Families, and Elder Affairs; and Budget.

By Insurance & Banking Subcommittee and Representative(s) Weinstein, Dorworth—

CS for HB 723—A bill to be entitled An act relating to extraterritorial reciprocity in workers’ compensation claims; creating s. 440.094, F.S.; providing extraterritorial coverage; exempting certain employees working in this state and the employers of such employees from the Workers’ Compensation Law of this state under certain conditions; providing requirements for the establishment of prima facie evidence that the employer carries certain workers’ compensation insurance; requiring courts to take judicial notice of the construction of certain laws; providing requirements for claims made in other states; providing criteria for employees to be considered temporarily in a state; providing application; providing an effective date.

—was referred to the Committees on Banking and Insurance; Budget; and Rules.

By Appropriations Committee and Representative(s) Perry—

CS for HB 811—A bill to be entitled An act relating to the Florida Endowment Foundation for Vocational Rehabilitation; amending s. 318.21, F.S.; revising provisions for distribution of specified funds received from civil penalties for traffic infractions; directing the funds to be transmitted monthly by the Department of Revenue directly to the foundation; amending s. 413.615, F.S.; revising procedures for use of such funds; removing provisions for investment by the State Board of Administration; directing liquid balances of such funds held by the State

Board of Administration to be remitted to the foundation; providing an effective date.

—was referred to the Committees on Community Affairs; Higher Education; Governmental Oversight and Accountability; Budget Subcommittee on Higher Education Appropriations; and Budget.

By Health & Human Services Access Subcommittee and Representative(s) Diaz—

CS for HB 843—A bill to be entitled An act relating to a teaching agency for home and community-based care; creating s. 430.81, F.S.; providing a definition; authorizing the Department of Elderly Affairs to designate a home health agency as a teaching agency for home and community-based care; establishing criteria for qualification; authorizing a teaching agency to be affiliated with an academic research university in the state that meets certain criteria; authorizing a teaching agency to be affiliated with an academic health center; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Budget.

By State Affairs Committee, Rulemaking & Regulation Subcommittee, Agriculture & Natural Resources Subcommittee and Representative(s) Smith, Williams, T.—

CS for CS for CS for HB 949—A bill to be entitled An act relating to pest control; amending s. 482.051, F.S.; providing rule changes that allow operators to provide certain emergency notice to the Department of Agriculture and Consumer Services by facsimile or electronic means; amending s. 482.071, F.S.; increasing the minimum bodily injury and property damage insurance coverage required for pest control businesses; creating s. 482.072, F.S.; providing for licensure by the department of pest control customer contact centers; providing application requirements; providing for fees, licensure renewal, penalties, and licensure expiration; creating s. 482.157, F.S.; providing for the certification of commercial wildlife trappers; providing certification requirements, examination requirements, and fees; limiting the scope of work permitted by certificateholders; amending s. 482.183, F.S.; providing that licensees and certificateholders who practice accepted pest control methods are immune from liability for violating laws prohibiting cruelty to animals; providing construction; amending s. 482.226, F.S.; increasing the minimum financial responsibility requirements for licensees that perform certain inspections; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

By Economic Affairs Committee, Health & Human Services Quality Subcommittee and Representative(s) Smith—

CS for CS for HB 1043—A bill to be entitled An act relating to Citrus County; providing for codification of special laws relating to the Citrus County Hospital Board, an independent special district in Citrus County; codifying, amending, reenacting, and repealing chapters 99-442 and 2001-308, Laws of Florida, as the “Citrus County Hospital and Medical Nursing and Convalescent Home Act”; deleting obsolete provisions; making technical revisions; providing definitions; authorizing the board to enter into a lease or contract with a not-for-profit corporation for the purpose of operating and managing the hospital and its facilities; declaring a need for governance authority to fulfill the hospital board’s public responsibilities; providing for a board of directors; providing for membership; requiring that the not-for-profit corporation conform all governance documents to certain requirements, if necessary; authorizing ad valorem taxation; requiring that the not-for-profit corporation separately account for the expenditure of all ad valorem tax moneys provided by the hospital board; requiring that the expenditure of all public tax funds be approved in a public meeting and maintained in a separate account; providing for the hospital board’s approval or rejection of the not-for-profit corporation’s articles of incorporation or bylaws, selection of a chief executive officer or renewal of his or her employment contract, the annual operating and capital budgets, additional loan indebtedness or leases in excess of a specified amount, and the not-for-profit cor-

poration's policies for travel reimbursements and contract bid procedures; providing that all records of the not-for-profit corporation are public records unless exempt; providing that any dispute between the hospital board and the not-for-profit corporation is subject to court action; providing for a future operational audit of the hospital board; providing application; repealing chapters 99-442 and 2001-308, Laws of Florida, relating to the Citrus County Hospital Board; providing severability; providing an effective date.

—was referred to the Committee on Rules.

By Insurance & Banking Subcommittee and Representative(s) Ingram—

CS for HB 1121—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; revising definitions relating to the financial institutions codes; amending s. 655.013, F.S.; updating a reference; creating s. 655.03855, F.S.; authorizing the office to appoint provisional directors or executive officers; specifying the rights, qualifications, and reporting requirements of such directors and officers; clarifying the liability of such directors and officers and of the office; amending s. 655.044, F.S.; specifying which accounting principles must be followed by financial institutions; amending s. 655.045, F.S.; authorizing the office to conduct additional examinations of financial institutions if warranted; providing for the use of certain examination methods; amending s. 655.41, F.S.; revising definitions to conform provisions to changes made by the act; amending s. 655.411, F.S.; revising the criteria for approval of a financial entity's plan of conversion; amending s. 655.414, F.S.; providing for the transfer of assets from a federally chartered or out-of-state chartered institution; amending ss. 655.416, 655.417, and 655.418, F.S.; conforming provisions to changes made by the act; amending s. 655.4185, F.S.; revising provisions relating to emergency actions that may be taken for a failing financial institution; authorizing the office to provide prior approval for the chartering of an entity acquiring control of a failing institution; amending s. 655.419, F.S.; deleting a provision relating to actions conducted outside this state; amending s. 655.947, F.S.; conforming a cross-reference; amending s. 657.038, F.S.; specifying the loan factors that must be considered when computing a person's total obligations for purposes of extending credit; amending s. 657.042, F.S.; revising criteria that limit a credit union's investment of funds; requiring a credit union to establish policies and procedures for evaluating risk; amending ss. 657.063 and 657.064, F.S.; conforming cross-references; amending s. 658.12, F.S.; revising the definition of "banker's bank"; conforming a cross-reference; deleting a provision relating to the application of definitions in the financial institutions codes; amending s. 658.165, F.S.; revising provisions relating to banker's banks; specifying the type of business that such bank may do with entities or individuals that are not banks; revising provisions relating to the services a banker's bank may provide to financial institutions in organization; repealing s. 658.20(3), F.S., relating to applications for prior approval of officers or directors; amending s. 658.28, F.S.; providing additional limitations on acquiring or controlling another bank; repealing s. 658.295, F.S., relating to the Florida Interstate Banking Act; amending s. 658.2953, F.S.; revising and updating provisions relating to Florida bank mergers with out-of-state banks; deleting legislative intent; repealing s. 658.296, F.S., relating to the control of deposit-taking institutions; amending s. 658.36, F.S.; authorizing the office to approve a special stock offering plan under certain circumstances; amending s. 658.41, F.S.; clarifying that state laws do not restrict the right of a state bank or trust company to merge with an out-of-state bank; amending s. 658.48, F.S.; revising provisions relating to bank loans; specifying the process for computing the liabilities of a person seeking a loan; amending s. 658.53, F.S.; deleting a provision providing that unpaid proceeds of sales are used to evaluate the adequacy of a bank's capital; repealing ss. 658.65, 665.013(33), and 667.003(35), F.S., relating to remote financial service units; amending s. 658.67, F.S.; updating provisions relating to the investment powers of a bank or trust company; requiring banks and trust companies to establish procedures for evaluating risk; amending ss. 288.772, 288.99, 440.12, 440.20, 445.051, 489.503, 501.005, 501.165, 624.605, 626.321, 626.730, and 626.9885, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Banking and Insurance; Budget Subcommittee on General Government Appropriations; Budget; and Rules.

By Health & Human Services Committee and Representative(s) Porter, Ahern, Albritton, Baxley, Broxson, Burgin, Corcoran, Costello, Davis, Ford, Grant, Ingram, Metz, Perry, Plakon, Precourt, Renuart, Smith, Stargel, Van Zant, Weatherford, Weinstein—

CS for HB 1127—A bill to be entitled An act relating to abortions; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on a woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient before the woman gives informed consent for the abortion procedure; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; providing that failure to comply with the requirements of the section constitutes grounds for disciplinary action; requiring rulemaking; amending s. 390.012, F.S.; requiring an ultrasound for all patients regardless of when the abortion is performed; requiring the agency to adopt rules requiring clinics to comply with s. 390.0111, F.S.; deleting provisions relating to reviewing ultrasound evaluation results, to conform to changes made by the act; providing for severability; providing an effective date.

—was referred to the Committees on Health Regulation; Budget; and Rules.

By Health & Human Services Quality Subcommittee and Representative(s) Hudson, Adkins, Ahern, Albritton, Artiles, Bileca, Boyd, Brodeur, Burgin, Caldwell, Corcoran, Davis, Diaz, Dorworth, Gaetz, Hager, Harrison, Horner, Ingram, McBurney, Metz, Pilon, Plakon, Porter, Ray, Renuart, Roberson, K., Smith, Stargel, Williams, T., Wood—

CS for HB 1193—A bill to be entitled An act relating to health insurance; creating s. 624.24, F.S.; prohibiting a person from being compelled to purchase health insurance except under specified conditions; specifying that the act does not prohibit the collection of certain debts; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Regulation; and Rules.

By Representative(s) Diaz—

HB 4001—A bill to be entitled An act relating to growth policy; repealing s. 163.2523, F.S., relating to the Urban Infill and Redevelopment Assistance Grant Program, to terminate the program; amending ss. 163.065, 163.2511, and 163.2514, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Community Affairs; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Budget.

By Representative(s) Dorworth, Campbell—

HB 4031—A bill to be entitled An act relating to local government services; repealing s. 163.07, F.S., relating to efficiency and accountability in local government services; providing an effective date.

—was referred to the Committees on Community Affairs; and Budget.

By Education Committee, Appropriations Committee, K-20 Innovation Subcommittee and Representative(s) Stargel, McKeel, Passidomo, Precourt—

CS for CS for HB 7197—A bill to be entitled An act relating to digital learning; creating s. 1002.321, F.S.; creating the Digital Learning Now Act; providing legislative findings related to the elements to be included in high-quality digital learning; providing digital preparation requirements; providing for customized and accelerated learning; amending s.

1002.33, F.S.; authorizing the establishment of virtual charter schools; providing application requirements for establishment of a virtual charter school; authorizing a charter school to implement blended learning courses; requiring each charter school governing board to appoint a representative and specifying duties; requiring each governing board to hold two public meetings per school year; providing funding for a virtual charter school; establishing administrative fees for a virtual charter school; amending s. 1002.37, F.S.; redefining the term “full-time equivalent student” as it applies to the Florida Virtual School; providing instruction, eligibility, funding, assessment, and accountability requirements; amending s. 1002.45, F.S.; revising the definition of the term “virtual instruction program”; revising school district requirements for providing virtual instruction programs; requiring full-time and part-time virtual instruction program options; authorizing a school district to enter into an agreement with a virtual charter school to provide virtual instruction to district students; authorizing virtual charter school contracts; providing additional provider qualifications relating to curriculum, student performance accountability, and disclosure; revising student eligibility requirements; providing funding and accountability requirements; creating s. 1002.455, F.S.; establishing student eligibility requirements for K-12 virtual instruction; amending s. 1003.428, F.S.; requiring at least one course required for high school graduation to be completed through online learning; creating s. 1003.498, F.S.; authorizing school districts to offer virtual courses and blended learning courses; amending s. 1008.22, F.S.; requiring all statewide end-of-course assessments to be administrated online beginning with the 2014-2015 school year; amending s. 1011.61, F.S.; redefining the term “full-time equivalent student” for purposes of virtual instruction; amending s. 1012.57, F.S.; authorizing school districts to issue adjunct teaching certificates to qualified applicants to provide online instruction; revising requirements for adjunct teaching certificateholders; providing for annual contracts; amending ss. 1000.04, 1002.20, and 1003.03, F.S.; conforming provisions to changes made by the act; requiring the Department of Education to submit a report to the Governor and the Legislature relating to school district offering of, and student access to, digital learning; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Budget; and Rules.

By Civil Justice Subcommittee and Representative(s) Julien, Baxley, Boyd, Brodeur, Burgin, Drake, Gaetz, Hager, Horner, McBurney, Metz, O’Toole, Roberson, K., Stargel, Van Zant, Wood, Young—

CS for HB 59—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; authorizing a sheriff to charge a fee for processing a writ of execution; authorizing a person to provide the sheriff with an electronic copy of a process for service; amending s. 48.031, F.S.; directing a process server to place required information on the first page of at least one of the processes served; requiring a process server to list all initial pleadings delivered and served along with the process on the return-of-service form; requiring the person issuing the process to file the return-of-service form with the court; granting authorized process servers unannounced access to specified residential areas where a defendant or witness resides or is known to be; amending s. 48.081, F.S.; authorizing a person attempting to serve process on the registered agent of a corporation to serve the process, in specified circumstances, on any employee of the registered agent during the first attempt at service even if the registered agent is temporarily absent from his or her office; amending s. 48.151, F.S.; revising the number of copies of process that must be served on statutory agents for certain persons; providing that records may be retained as paper or electronic copies; amending s. 48.21, F.S.; requiring a process server to sign the return-of-service form; authorizing an employee of a sheriff to sign a return-of-service form electronically; providing that the failure to sign a return-of-service form invalidates the service and subjects the process server to a fine; amending s. 48.29, F.S.; directing a process server to place required information on the first page of at least one of the processes served; amending s. 624.423, F.S.; reducing the number of copies to be served on the Chief Financial Officer or an assistant as process agent of an insurer; providing that records may be retained as paper or electronic copies; providing an effective date.

—was referred to the Committees on Judiciary; Regulated Industries; Criminal Justice; and Budget.

By Health & Human Services Committee, Health & Human Services Access Subcommittee and Representative(s) Ahern—

CS for CS for HB 139—A bill to be entitled An act relating to child care facilities; amending s. 402.281, F.S.; revising the criteria for a child care facility, large family child care home, or family day care home to obtain and maintain a designation as a Gold Seal Quality Care provider; amending s. 402.302, F.S.; revising and providing definitions; providing for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes; providing conditions for supervision of household children of operators of family day care homes and large family child care homes; amending s. 402.318, F.S.; revising advertising requirements applicable to child care facilities; providing penalties; amending s. 411.01, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Commerce and Tourism; Judiciary; and Budget.

By Insurance & Banking Subcommittee, Health & Human Services Quality Subcommittee and Representative(s) Ingram, Corcoran, Jones, Passidomo—

CS for CS for HB 445—A bill to be entitled An act relating to wellness or health improvement programs; amending ss. 626.9541 and 641.3903, F.S.; authorizing insurers and health maintenance organizations to offer a voluntary wellness or health improvement program and to encourage or reward participation in the program by offering rewards or incentives to members; authorizing insurers and health maintenance organizations to require plan members not participating in the wellness or health improvement programs to provide verification that their medical condition warrants nonparticipation in order for the non-participants to receive rewards or incentives; requiring that the reward or incentive be disclosed in the policy or certificate; providing that the act does not prohibit insurers or health maintenance organizations from offering other incentives or rewards for adherence to a wellness or health improvement program; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Rules.

By Judiciary Committee, Health Care Appropriations Subcommittee, Health & Human Services Access Subcommittee, Civil Justice Subcommittee and Representative(s) Horner, Campbell, Brodeur, Broxson, Caldwell, Costello, Fresen, Frishe, Gaetz, Hager, Harrell, Kregel, Metz, Nuñez, Passidomo, Patronis, Renuart, Van Zant—

CS for CS for CS for CS for HB 479—A bill to be entitled An act relating to medical malpractice; creating ss. 458.3175, 459.0066, and 466.005, F.S.; requiring the Department of Health to issue expert witness certificates to certain physicians and dentists licensed outside of the state; providing application and certification requirements; establishing application fees; providing for the validity and use of certifications; exempting physicians and dentists issued certifications from certain licensure and fee requirements; amending ss. 458.331, 459.015, and 466.028, F.S.; providing additional acts that constitute grounds for denial of a license or disciplinary action to which penalties apply; providing construction with respect to the doctrine of incorporation by reference; amending ss. 458.351 and 459.026, F.S.; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt within a specified period certain patient forms specifying cataract surgery risks; specifying that an incident resulting from risks disclosed in the patient form is not an adverse incident; providing for the execution and admissibility of the patient forms in civil and administrative proceedings; creating a rebuttable presumption that a physician disclosed cataract surgery risks if the patient form is executed; amending s. 627.4147, F.S.; deleting a requirement that medical malpractice insurance contracts contain a clause authorizing the insurer to make and conclude certain offers within policy limits over the insured’s veto; amending s. 766.102, F.S.; defining terms; providing that certain insurance information is not admissible as evidence in medical negligence actions; establishing the burden of proof that a claimant must meet in certain damage claims against health care providers based on death or personal injury; requiring that certain expert witnesses who provide certain expert testimony meet certain licensure or certification requirements; excluding a health care provider’s failure to comply with or breach of federal requirements from evidence in

medical negligence cases in the state; amending s. 766.106, F.S.; requiring a claimant for medical malpractice to execute an authorization form; revising provisions relating to discovery and admissibility; allowing a prospective medical malpractice defendant to interview a claimant's treating health care providers without the presence of the claimant or the claimant's legal representative; requiring a prospective defendant to provide 10 days' notice before such interviews; authorizing a prospective defendant to take unsworn statements of a claimant's health care providers; creating s. 766.1065, F.S.; requiring that presuit notice for medical negligence claims be accompanied by an authorization for release of protected health information; providing requirements for the form of such authorization; amending s. 766.206, F.S.; requiring dismissal of a medical malpractice claim if such authorization is not completed in good faith; amending s. 768.0981, F.S.; limiting the liability of hospitals related to certain medical negligence claims; amending s. 768.135, F.S.; providing immunity for volunteer team physicians under certain circumstances; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Budget.

By Economic Affairs Committee, Civil Justice Subcommittee, Insurance & Banking Subcommittee and Representative(s) Passidomo, Boyd—

CS for CS for CS for HB 599—A bill to be entitled An act relating to corporations not for profit; creating s. 617.2104, F.S.; providing a short title; providing definitions; providing requirements for the management of funds held by an institution exclusively for charitable purposes; providing standards of conduct in managing and investing institutional funds; providing requirements for appropriation for expenditure or accumulation of an endowment fund by an institution; authorizing an institution to delegate to an external agent the management and investment of an institutional fund; authorizing the release or modification of a restriction on management, investment, or purpose of an institutional fund; providing for determination of compliance; providing for application to existing or newly established institutional funds; providing relationship to federal law; providing requirements for uniformity of application and construction of the act; creating s. 617.2105, F.S.; authorizing reversion of real property to the Board of Trustees of the Internal Improvement Trust Fund if a not-for-profit corporation holding a deed subject to a reverter clause violates deed restrictions; providing for retroactive and prospective application; repealing s. 1010.10, F.S., relating to the Florida Uniform Management of Institutional Funds Act; providing effective dates.

—was referred to the Committees on Commerce and Tourism; Higher Education; and Governmental Oversight and Accountability.

By Agriculture & Natural Resources Appropriations Subcommittee and Representative(s) Steube, Ahern, Artiles, Burgin, Corcoran, Ford, Pilon, Van Zant—

CS for HB 663—A bill to be entitled An act relating to state forests; amending s. 589.19, F.S.; requiring the designation of "Wounded Warrior Special Hunt Areas" within state forests; limiting guest admittance to such areas for eligible veterans, servicemembers, and certain persons; requiring that funding for specialized accommodations be provided through specified sources; authorizing the Division of Forestry of the Department of Agriculture and Consumer Services to adopt rules; providing an effective date.

—was referred to the Committees on Military Affairs, Space, and Domestic Security; Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

By Economic Affairs Committee, Transportation & Highway Safety Subcommittee and Representative(s) Berman, Taylor—

CS for CS for HB 689—A bill to be entitled An act relating to driver education and testing; amending ss. 318.1451 and 322.095, F.S.; requiring the curricula of driver improvement courses and traffic law and substance abuse education courses to include instruction on the risks associated with using a handheld electronic communication device while

operating a motor vehicle; amending s. 322.12, F.S.; providing requirements for driver license examination questions pertaining to traffic regulations relating to blind pedestrians; amending s. 322.56, F.S.; providing for written examination for a learner's driver's license to be available from third-party providers; providing for the examination to be administered online under certain conditions; providing an effective date.

—was referred to the Committees on Transportation; and Budget.

By Economic Affairs Committee, Rulemaking & Regulation Subcommittee, Business & Consumer Affairs Subcommittee and Representative(s) Davis, Van Zant—

CS for CS for CS for HB 849—A bill to be entitled An act relating to building construction and inspection; amending s. 120.541, F.S.; exempting rules that adopt federal standards and certain updates of or amendments to the Florida Building Code or Florida Fire Prevention Code from a requirement that the Legislature ratify any rule that has an adverse impact or regulatory costs which exceed certain criteria; deleting an exemption for emergency rules and rules that adopt federal standards from a requirement that an agency's statement of a rule's estimated regulatory costs include an economic analysis of the rule's adverse impacts and regulatory costs; amending s. 161.053, F.S.; prohibiting the Florida Building Commission from adopting rules that limit any exceptions or exemptions provided for modifications or repairs of existing structures within the limits of an existing foundation under certain circumstances; amending s. 255.252, F.S.; conforming provisions to changes made by the act; amending s. 255.253, F.S.; redefining the term "sustainable building rating" to include a national model green building code; amending ss. 255.257 and 255.2575, F.S.; requiring that state agencies, local governments, and the court system adopt a sustainable building rating system or use a national model green building code for new and renovated buildings; amending s. 468.8316, F.S.; revising the continuing education requirements for licensed home inspectors; amending s. 468.8319, F.S.; deleting an exemption for certain contractors from the prohibition against performing repairs on a home that has a home inspection report; deleting an obsolete provision; amending s. 468.8323, F.S.; clarifying a provision relating to the contents of a home inspection report; amending s. 468.8324, F.S.; providing alternative criteria for obtaining a home inspector's license; removing certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date; amending s. 468.841, F.S.; adding licensed home inspectors to those who are exempt from complying with provisions related to mold assessment; amending s. 481.329, F.S.; providing that part II of ch. 481, F.S., does not preclude any person who engages in the business of landscape design from submitting such plans to governmental agencies for approval; amending s. 489.103, F.S.; clarifying an exemption from construction contracting regulation relating to Habitat for Humanity; amending s. 489.105, F.S.; adding the term "glass and glazing contractors" to the definition of the term "contractor"; amending ss. 489.107 and 489.141, F.S.; conforming cross-references; amending s. 514.028, F.S.; revising the composition of the advisory review board relating to public swimming pools and bathing facilities; creating s. 514.0315, F.S.; requiring certain public swimming pools and spas to be equipped with certain safety features; amending s. 527.06, F.S.; prohibiting the Department of Agriculture and Consumer Services and other state agencies from requiring compliance with certain national standards for liquefied petroleum gas tanks unless the department or agencies require compliance with a specified edition of the national standards; providing for repeal under certain circumstances; amending s. 527.21, F.S.; revising the term "propane" for purposes of the Florida Propane Gas Education, Safety, and Research Act, to incorporate changes to certain national standards in a reference thereto; amending s. 553.502, F.S.; revising intent with respect to the Florida Americans with Disabilities Act; amending s. 553.503, F.S.; incorporating the Americans with Disabilities Act Standards for Accessible Design into state law by reference and directing that they be adopted by rule into the Florida Accessibility Code for Building Construction; amending s. 553.504, F.S.; revising exceptions to incorporate the standards; amending s. 553.5041, F.S.; revising provisions relating to parking spaces for persons who have disabilities to incorporate the standards; amending ss. 553.505 and 553.506, F.S.; conforming provisions to changes made by the act; amending s. 553.507, F.S.; providing for the applicability of the act; amending s. 553.509, F.S.; revising provisions relating to vertical accessibility to incorporate the

standards; providing that buildings and facilities in this state do not have to comply with the changes provided by this act until the Florida Accessibility Code for Building Construction is updated; amending s. 553.73, F.S.; revising requirements relating to the Florida Building Code; specifying national codes to form the foundation for state building standards and codes; revising provisions for the amendment or modification of the foundation code; revising the criteria for approval by the Florida Building Commission of technical amendments to the code; exempting certain storage sheds from door height and width requirements; amending s. 553.74, F.S.; revising requirements for selecting a member of the Florida Building Commission; amending s. 553.842, F.S.; providing for the approval of certain windstorm products; providing a cause of action against any person who advertises, sells, offers, provides, distributes, or markets certain products without approval; repealing s. 553.9061, F.S., relating to requirements for scheduled increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction; amending s. 553.909, F.S.; revising the requirements and effective dates for certain pool-related equipment; amending s. 627.711, F.S.; revising requirements relating to home inspectors conducting hurricane mitigation inspections; providing effective dates.

—was referred to the Committees on Community Affairs; Regulated Industries; and Budget.

By Insurance & Banking Subcommittee and Representative(s) Bernard, Julien, Cruz, Jones, Nelson—

CS for HB 1007—A bill to be entitled An act relating to insurer insolvency; amending s. 215.5595, F.S., relating to the Insurance Capital Build-Up Incentive Program; providing for renegotiation of surplus notes issued before a specified date; providing for an exemption from certain premium-to-surplus ratios in certain circumstances; amending s. 624.610, F.S.; revising surplus requirements for assuming insurers in connection with reinsurance credits; specifying rating agencies that may rate such assuming insurers; creating s. 631.400, F.S.; providing for rehabilitation plans for title insurers; providing that each title insurer doing business in this state is liable for an assessment for claims against title insurers ordered into rehabilitation; providing for an annual assessment upon request of a receiver; providing for emergency assessments in certain circumstances; providing limits on the amount of an assessment; providing that assessments are considered an asset of the estate and subject to specified provisions; providing for use of assessment proceeds; providing for availability of information concerning unpaid claims; specifying circumstances for release of title insurers from rehabilitation; prohibiting a title insurer in rehabilitation from issuing new policies until released from rehabilitation and permission to issue new policies granted; providing that officers, directors, and shareholders of a title insurer who served in that capacity within the 2-year period prior to the date the insurer was ordered into rehabilitation or liquidation may not thereafter serve in that capacity unless the officer, director, and shareholder meets specified criteria; creating s. 631.401, F.S.; providing for surcharges on title insurance policies to collect the amount needed to cover an assessment for an insolvent insurer; providing for a maximum period for a surcharge; providing a maximum for a surcharge; providing for responsibility for payment of a surcharge; providing for collection of surcharges by a title insurer doing business in the state writing no premiums in the prior calendar year; providing for remission and collection of surcharges within a specified period; specifying a limit on the amount in surcharges that may be retained by a title insurer; requiring notification when the collection of an assessment is completed; requiring an accounting of assessments paid and surcharges collected; providing for disposition of surcharges collected in excess of the amount assessed; amending s. 631.152, F.S.; authorizing the Department of Financial Services to request appointment as ancillary receiver if necessary for obtaining records to adjudicate covered claims; providing for the reimbursement of specified costs associated with ancillary delinquency proceedings; creating s. 631.2715, F.S.; providing for State Risk Management Trust Fund coverage for specified officers, employees, agents, and other representatives of the Department of Financial Services for liability under specified federal laws relating to receiverships; amending s. 631.391, F.S.; providing liability to persons who fail to cooperate in the providing of records; amending s. 631.54, F.S.; providing that a covered claim for purposes of specified guaranty provisions does not include a claim rejected or denied by another state's guaranty fund based upon that state's statutory exclusions; amending s. 631.56, F.S.; providing

that any board member of the Florida Insurance Guaranty Association representing an insurer in receivership shall be terminated as a board member; specifying a termination date; amending s. 631.904, F.S.; providing that a covered claim for purposes of specified guaranty provisions does not include a claim rejected or denied by another state's guaranty fund based upon that state's statutory exclusions; amending s. 631.912, F.S.; providing that any board member of the Florida Workers' Compensation Insurance Guaranty Association who is employed by, or has a material relationship with, an insurer in receivership shall be terminated as a board member; specifying a termination date; amending s. 631.717, F.S.; providing that specified provisions relieving the Florida Life and Health Insurance Guaranty Association of liability for certain acts of a member insurer do not relieve the association of liability for valid insurance policy or contract claims if warranted after a specified review; providing an effective date.

—was referred to the Committees on Banking and Insurance; Budget; and Rules.

By Economic Affairs Committee and Representative(s) Holder—

CS for HB 1087—A bill to be entitled An act relating to insurance; amending s. 440.12, F.S.; authorizing payment of workers' compensation benefits on a prepaid card under certain circumstances; requiring the keeping and furnishing, upon request, of certain records; providing for the adoption of rules; amending s. 440.20, F.S.; specifying when an insurer's obligation to pay workers' compensation benefits is satisfied if payment is made on a prepaid card; amending s. 440.49, F.S.; revising the dates applicable to calculations of annual assessments upon certain workers' compensation insurers relating to the special disability trust fund; providing application to specified years and rate filings; amending s. 624.402, F.S.; providing an exemption from having to obtain a certificate of authority to insurers that cover only nonresidents of the United States under certain conditions; requiring such insurers to provide certain documentation to the Office of Insurance Regulation; requiring certificates, policies, or contracts issued by such insurers to include a disclaimer relating to the coverage provided; defining a "nonresident" for purposes of applying the exemption provided to such insurers from having to obtain a certificate of authority; providing penalties applicable to alien insurers who transact insurance without complying with certain provisions; deleting procedures and requirements relating to an exemption from obtaining a certificate of authority provided to alien insurers who issue life insurance policies and annuity contracts to certain nonresidents; amending s. 624.424, F.S.; revising the timeframes that limit how frequently an insurer may use the same accountant or partner to prepare an annual audited financial report; amending s. 626.207, F.S.; defining the term "financial services business"; precluding licensure under the Florida Insurance Code of specified persons who commit specified offenses; providing application to convictions and certain pleas, regardless of adjudication; establishing waiting periods relating to other specified offenses during which time an applicant is disqualified for licensure; granting rulemaking authority to the Department of Financial Services relating to specific penalties against licensees; clarifying rulemaking authority relating to penalties against licensees; providing that specified statutory provisions prohibiting prior crimes from being a bar to employment are not applicable to applicants for licensure under the Florida Insurance Code; amending s. 626.7451, F.S.; requiring funds collected for an insurer to be held in a bank insured by the Federal Deposit Insurance Corporation; amending s. 626.8651, F.S.; revising requirements for a public adjuster apprentice license to include additional qualifying designations; amending s. 627.4133, F.S.; changing the designated person or persons who must be notified by an insurer from the "insured" to the "first-named insured" in situations involving the nonrenewal, renewal premium, cancellation, or termination of workers' compensation, employer liability, or certain property and casualty insurance coverage; specifying that the date of cancellation of a workers' compensation or employer's liability policy is the date of the insured's written request to cancel; amending s. 627.4137, F.S.; requiring a claimant's request concerning insurance coverage to be served upon the disclosing entity in a specified manner; amending s. 627.7277, F.S.; making a conforming change that specifies the "first-named insured" as the person who is to receive notification of a renewal premium; amending s. 627.728, F.S.; changing the designated person or persons who must be notified by an insurer from the "insured" to the "first-named insured" in certain situations involving the cancellation or nonrenewal of motor vehicle insurance coverage; making a conforming

change that specifies the “first-named insured’s insurance agent” as a person who is to receive certain notifications relating to motor vehicle insurance coverage; amending s. 627.7281, F.S.; making a conforming change that specifies the “first-named insured” as the person who is to receive notification of cancellation of motor vehicle insurance coverage; amending s. 634.403, F.S.; exempting certain persons providing service warranties relating to consumer products from licensing requirements under certain circumstances; amending s. 627.442, F.S.; limiting the requirement for premium audits of workers’ compensation coverage to specified instances; amending s. 627.7295, F.S.; providing application; requiring a certain amount of motor vehicle insurance premium to be paid before the effective date of a policy binder or policy in order to issue the binder or policy; authorizing an insurer to cancel certain motor vehicle insurance policies or binders for nonpayment of premium; removing a restriction requiring payment of the first policy payment of a motor vehicle insurance policy before issuance of a binder or policy when payments are being made in a specified manner; amending s. 626.916, F.S.; revising provisions relating to insurance coverage eligibility for export under the Surplus Lines Law; providing applicability; amending s. 817.234, F.S.; revising a cross-reference; providing civil penalties consisting of monetary fines relating to making false and fraudulent insurance claims for the purpose of receiving motor vehicle insurance proceeds; providing escalating monetary fines for repeat offenses; providing a mandatory minimum civil fine relating to certain international motor vehicle accident schemes; allocating fine revenues to a specified trust fund for specified purposes; authorizing certain agreements between a defendant and a state attorney relating to the payment of civil fines for making false and fraudulent insurance claims for the purpose of receiving motor vehicle insurance proceeds; providing effective dates.

—was referred to the Committees on Banking and Insurance; Budget; and Rules.

By Health & Human Services Quality Subcommittee and Representative(s) Corcoran—

CS for HB 1125—A bill to be entitled An act relating to health and human services; amending s. 408.910, F.S.; providing and revising definitions; revising eligibility requirements for participation in the Florida Health Choices Program; providing that statutory rural hospitals are eligible as employers rather than participants under the program; permitting specified eligible vendors to sell health maintenance contracts or products and services; requiring certain risk-bearing products offered by insurers to be approved by the Office of Insurance Regulation; providing requirements for product certification; providing duties of the Florida Health Choices, Inc., including maintenance of a toll-free telephone hotline to respond to requests for assistance; providing for enrollment periods; providing for certain risk pooling data used by the corporation to be reported annually; amending s. 409.821, F.S.; authorizing personal identifying information of a Florida Kidcare program applicant to be disclosed to the Florida Health Choices, Inc., to administer the program; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish a demonstration project in Miami-Dade County of a long-term-care facility and a psychiatric facility to improve access to health care by medically underserved persons; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Economic Affairs Committee, Appropriations Committee, Finance & Tax Committee and Representative(s) Dorworth, Bovo, Adkins, Ahern, Van Zant—

CS for CS for CS for HB 1163—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.1554, F.S.; reducing the amount by which any change in the value of nonhomestead residential property resulting from an annual reassessment may exceed the assessed value of the property for the prior year; amending s. 193.1555, F.S.; reducing the amount by which any change in the value of certain residential and nonresidential real property resulting from an annual reassessment may exceed the assessed value of the property for the prior year; creating s. 196.078, F.S.; providing a definition; providing a first-time Florida homesteader with an additional homestead exemption; providing for calculation of the exemption; providing for the applicability period of the exemption; providing for an annual reduction in the exemption during the applicability period; providing application procedures; providing for

applicability of specified provisions; providing for contingent effect of provisions and varying dates of application depending on the adoption and adoption date of specified joint resolutions; authorizing the Department of Revenue to adopt emergency rules; providing for application and renewal of emergency rules; amending s. 218.12, F.S.; requiring the Legislature to consider appropriating funds to fiscally constrained counties to offset reductions in ad valorem tax revenue as the result of the implementation of certain revisions to the State Constitution; requiring application to the department to participate in the distribution of such an appropriation; providing for certain contingent effect and retroactive application; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; Budget; and Rules.

By Representative(s) Stargel, Adkins, Ahern, Albritton, Baxley, Brodeur, Broxson, Corcoran, Costello, Davis, Grant, Mayfield, Metz, Perry, Plakon, Porter, Precourt, Smith, Van Zant, Weatherford, Weinstein, Williams, T.—

HB 1247—A bill to be entitled An act relating to parental notice of abortion; amending s. 390.01114, F.S.; revising the definition of the term “constructive notice”; revising notice requirements relating to the termination of a pregnancy of a minor; providing exceptions to the notice requirements; revising procedure for judicial waiver of notice; providing for the minor to petition for a hearing within a specified time; providing that in a hearing relating to waiving the requirement for parental notice, the court consider certain additional factors, including whether the minor’s decision to terminate her pregnancy was due to undue influence; providing a procedure for appeal if judicial waiver of notice is not granted; requiring that the court order contain factual findings and legal conclusions; requiring Supreme Court reports to the Governor and Legislature to include additional information; providing for severability; providing an effective date.

—was referred to the Committees on Health Regulation; Judiciary; and Budget.

By Education Committee, K-20 Competitiveness Subcommittee and Representative(s) Adkins—

CS for CS for HB 1255—A bill to be entitled An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.; prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; providing that school grades shall be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived

under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.429, F.S.; revising provisions relating to the selection of accelerated high school graduation options; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.573, F.S.; revising provisions relating to the use of restraint and seclusion on students with disabilities; requiring that certain information be included in incident reports; revising provisions relating to school district policies and procedures to include setting goals for the reduction of restraint and seclusion; requiring the State Board of Education to adopt rules defining terms and identifying additional variables to be documented in incident reports and standards for documentation and reporting; providing for application of specified provisions of the act; amending s. 1012.582, F.S.; conforming provisions to changes made by the act; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment; amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for postsecondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegree teachers of career education; providing effective dates.

—was referred to the Committees on Education Pre-K - 12; Budget Subcommittee on Education Pre-K - 12 Appropriations; and Budget.

By Health & Human Services Committee, Health Care Appropriations Subcommittee, Health & Human Services Quality Subcommittee and Representative(s) Harrell, Corcoran, Plakon—

CS for CS for CS for HB 1319—A bill to be entitled An act relating to certificates and licenses for certain health care practitioners; amending s. 456.024, F.S.; providing for issuance of a temporary license to specified health care practitioners who are spouses of active duty members of the Armed Forces under certain circumstances; providing for criminal history checks; providing fees; providing for expiration of a temporary license; requiring a person who is issued a temporary license to be subject to certain general licensing requirements; providing that certain persons are ineligible for such license; providing for revocation of such license; requiring certain temporary licensees to practice under the indirect supervision of other licensees; amending ss. 458.315 and 459.0076, F.S.; naming the temporary certificates issued to physicians

who practice in areas of critical need after Rear Admiral LeRoy Collins, Jr.; amending s. 466.003, F.S.; revising the definition of the term “health access setting” and defining the term “school-based prevention program” for purposes of provisions regulating the practice of dentistry; amending s. 466.023, F.S.; revising the scope and area of practice for dental hygienists; amending s. 466.0235, F.S.; revising the locations at which dental hygienists may perform dental charting; amending s. 466.024, F.S.; authorizing dental hygienists to perform certain duties without supervision or authorization by a dentist; providing exceptions; requiring that dental hygienists in a health access setting provide a certain disclaimer to patients before a procedure is performed; providing that a health access setting may bill for certain services; requiring that dental hygienists provide a referral, encourage the establishment of a dental home, and maintain insurance coverage in specified circumstances; re-enacting s. 466.00672(2), F.S., relating to the revocation of health access dental licenses, to incorporate the amendment made by the act to s. 466.003, F.S., in a reference thereto; amending s. 466.006, F.S.; providing legislative intent with respect to the use of the American Dental Licensing Examination developed by the American Board of Dental Examiners, Inc., in lieu of an independent state-developed practical or clinical exam, to measure an applicant's ability to practice the profession of dentistry; providing for examination fees and use thereof; revising criteria for applicants for licensure with respect to accreditation of dental school and period of validity of examination scores; adopting the American Dental Licensing Examination as the clinical or practical licensure examination used for licensure as a dentist in this state, providing specified conditions are maintained; providing for period of validity of examination scores; authorizing applicants to submit American Dental Licensing Examination scores from a jurisdiction outside the state; specifying period of validity of such examination scores; providing that authority to submit such examination scores does not apply retroactively; providing that such examination scores outside the period of validity be recognized as valid upon demonstration that the applicant has met specified additional standards; designating the practical examination and specifying minimum standards therefor; requiring applicants for licensure with American Dental Licensing Examination scores from a state other than this state to engage in the full-time practice of dentistry inside the geographic boundaries of this state within 1 year of receiving such licensure in this state; providing legislative findings with respect thereto; providing a definition; providing legislative intent with respect to expiration of such licenses upon a finding that acceptable proof of full-time practice within the geographic boundaries of this state within 1 year after the initial issuance of the license was not received by the board; providing procedures and requirements with respect to determination of compliance; providing procedures, requirements, and prohibitions in the event of expiration; providing a penalty for using or attempting to use a license that has expired; amending s. 466.0067, F.S.; correcting a cross-reference; re-enacting ss. 466.0065(1), 466.0067(2), (5), (9), and (12), 466.00671(1)(d), 466.0072(b) and (3), 466.009(1), and 466.011, F.S., relating to regional licensure examinations, application for health access dental license, renewal of the health access dental license, examination of dental hygienists, reexamination, and licensure, respectively, to incorporate the amendments made to s. 466.006, F.S., in references thereto; amending s. 468.701, F.S.; defining “Board of Certification”; amending s. 468.703, F.S.; revising qualifications for certain members of the Board of Athletic Training; amending s. 468.707, F.S.; revising requirements for licensure by the Department of Health as an athletic trainer; reorganizing provisions; amending s. 468.711, F.S.; revising provisions relating to renewal of license and continuing education requirements for athletic trainers; providing severability; providing that the act does not apply retroactively; providing effective dates.

—was referred to the Committees on Health Regulation; Military Affairs, Space, and Domestic Security; and Budget.

By Appropriations Committee, Health & Human Services Committee and Representative(s) Schenck—

CS for HB 7107—A bill to be entitled An act relating to Medicaid managed care; creating pt. IV of ch. 409, F.S., entitled “Medicaid Managed Care”; creating s. 409.961, F.S.; providing for statutory construction; providing applicability of specified provisions throughout the part; providing rulemaking authority for specified agencies; creating s. 409.962, F.S.; providing definitions; creating s. 409.963, F.S.; designating the Agency for Health Care Administration as the single state

agency to administer the Medicaid program; providing for specified agency responsibilities; requiring client consent for release of medical records; creating s. 409.964, F.S.; establishing the Medicaid program as the statewide, integrated managed care program for all covered services; authorizing the agency to apply for and implement waivers; providing for public notice and comment; creating s. 409.965, F.S.; providing for mandatory enrollment; providing for exemptions; creating s. 409.966, F.S.; providing requirements for eligible plans that provide services in the Medicaid managed care program; establishing provider service network requirements for eligible plans; providing for eligible plan selection; requiring the agency to use an invitation to negotiate; requiring the agency to compile and publish certain information; establishing eight regions for separate procurement of plans; providing quality criteria for plan selection; providing limitations on serving recipients during the pendency of procurement litigation; creating s. 409.967, F.S.; providing for managed care plan accountability; establishing contract terms; providing for contract extension under certain circumstances; establishing payments to noncontract providers; establishing requirements for access; requiring plans to establish and maintain an electronic database; establishing requirements for the database; requiring plans to provide encounter data; requiring the agency to maintain an encounter data system; requiring the agency to establish performance standards for plans; providing program integrity requirements; establishing a grievance resolution process; providing penalties for early termination of contracts or reduction in enrollment levels; establishing prompt payment requirements; requiring plans to accept electronic claims; requiring fair payment to providers with a controlling interest in a provider service network by other plans; requiring the agency and prepaid plans to use a uniform method for certain financial reports; providing income-sharing ratios; providing a timeframe for a plan to pay an additional rebate under certain circumstances; requiring the agency to return prepaid plan overpayments; creating s. 409.968, F.S.; establishing managed care plan payments; providing payment requirements for provider service networks; requiring the agency to conduct annual cost reconciliations to determine certain cost savings and report the results of the reconciliations to the fee-for-service provider; providing a timeframe for the provider service to respond to the report; creating s. 409.969, F.S.; requiring enrollment in managed care plans by all nonexempt Medicaid recipients; creating requirements for plan selection by recipients; providing for choice counseling; establishing choice counseling vendor requirements; authorizing disenrollment under certain circumstances; defining the term "good cause" for purposes of disenrollment; providing time limits on an internal grievance process; providing requirements for agency determination regarding disenrollment; requiring recipients to stay in plans for a specified time; creating s. 409.97, F.S.; authorizing the agency to accept the transfer of certain revenues from local governments; requiring the agency to contract with a representative of certain entities participating in the low-income pool for the provision of enhanced access to care; providing for support of these activities by the low-income pool as authorized in the General Appropriations Act; establishing the Access to Care Partnership; requiring the agency to seek necessary waivers and plan amendments; providing requirements for prepaid plans to submit data; authorizing the agency to implement a tiered hospital rate system; creating s. 409.971, F.S.; creating the managed medical assistance program; providing deadlines to begin and finalize implementation of the program; creating s. 409.972, F.S.; providing eligibility requirements for mandatory and voluntary enrollment; creating s. 409.973, F.S.; establishing minimum benefits for managed care plans to cover; authorizing plans to customize benefit packages; requiring plans to establish a program to encourage healthy behaviors; requiring plans to establish a primary care initiative; providing requirements for primary care initiatives; requiring plans to report certain primary care data to the agency; creating s. 409.974, F.S.; establishing a deadline for issuing invitations to negotiate; establishing a specified number or range of eligible plans to be selected in each region; establishing quality selection criteria; establishing requirements for participation by specialty plans; establishing the Children's Medical Service Network as an eligible plan; creating s. 409.975, F.S.; providing for managed care plan accountability; authorizing plans to limit providers in networks; requiring plans to include essential Medicaid providers in their networks unless an alternative arrangement is approved by the agency; identifying statewide essential providers; specifying provider payments under certain circumstances; requiring plans to include certain statewide essential providers in their networks; requiring good faith negotiations; specifying provider payments under certain circumstances; allowing plans to exclude essential providers under certain circumstances; requiring plans to offer a contract to home medical equipment and supply providers under

certain circumstances; establishing the Florida medical school quality network; requiring the agency to contract with a representative of certain entities to establish a clinical outcome improvement program in all plans; providing for support of these activities by certain expenditures and federal matching funds; requiring the agency to seek necessary waivers and plan amendments; providing for eligibility for the quality network; requiring plans to monitor the quality and performance history of providers; establishing the MomCare network; requiring the agency to contract with a representative of all Healthy Start Coalitions to provide certain services to recipients; providing for support of these activities by certain expenditures and federal matching funds; requiring plans to enter into agreements with local Healthy Start Coalitions for certain purposes; requiring specified programs and procedures be established by plans; establishing a screening standard for the Early and Periodic Screening, Diagnosis, and Treatment Service; requiring managed care plans and hospitals to negotiate rates, methods, and terms of payment; providing a limit on payments to hospitals; establishing plan requirements for medically needy recipients; creating s. 409.976, F.S.; providing for managed care plan payment; requiring the agency to establish payment rates for statewide inpatient psychiatric programs; requiring payments to managed care plans to be reconciled to reimburse actual payments to statewide inpatient psychiatric programs; creating s. 409.977, F.S.; establishing choice counseling requirements; providing for automatic enrollment in a managed care plan for certain recipients; establishing opt-out opportunities for recipients; creating s. 409.978, F.S.; requiring the agency to be responsible for administering the long-term care managed care program; providing implementation dates for the long-term care managed care program; providing duties of the Department of Elderly Affairs relating to assisting the agency in implementing the program; creating s. 409.979, F.S.; providing eligibility requirements for the long-term care managed care program; creating s. 409.98, F.S.; establishing the benefits covered under a managed care plan participating in the long-term care managed care program; creating s. 409.981, F.S.; providing criteria for eligible plans; designating regions for plan implementation throughout the state; providing criteria for the selection of plans to participate in the long-term care managed care program; providing that participation by the Program of All-Inclusive Care for the Elderly is pursuant to an agency contract; creating s. 409.982, F.S.; requiring the agency to establish uniform accounting and reporting methods for plans; providing for mandatory participation in plans by certain service providers; authorizing the exclusion of certain providers from plans for failure to meet quality or performance criteria; requiring plans to monitor participating providers using specified criteria; requiring certain providers to be included in plan networks; providing provider payment specifications for nursing homes and hospices; creating s. 409.983, F.S.; providing for negotiation of rates between the agency and the plans participating in the long-term care managed care program; providing specific criteria for calculating and adjusting plan payments; allowing the CARES program to assign plan enrollees to a level of care; providing incentives for adjustments of payment rates; requiring the agency to establish nursing facility-specific and hospice services payment rates; creating s. 409.984, F.S.; providing that before contracting with another vendor, the agency shall offer to contract with the aging resource centers to provide choice counseling for the long-term care managed care program; providing criteria for automatic assignments of plan enrollees who fail to choose a plan; providing for hospice selection within a specified timeframe; providing for a choice of residential setting under certain circumstances; creating s. 409.9841, F.S.; creating the long-term care managed care technical advisory workgroup; providing duties; providing membership; providing for reimbursement for per diem and travel expenses; providing for repeal by a specified date; creating s. 409.985, F.S.; providing that the agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services program through an interagency agreement with the Department of Elderly Affairs; providing duties of the program; defining the term "nursing facility care"; creating s. 409.986, F.S.; providing authority and agency duties regarding long-term care programs for persons with developmental disabilities; authorizing the agency to delegate specific duties to and collaborate with the Agency for Persons with Disabilities; requiring the agency to make payments for long-term care for persons with developmental disabilities under certain conditions; creating s. 409.987, F.S.; providing eligibility requirements for long-term care plans; creating s. 409.988, F.S.; specifying covered benefits for long-term care plans; creating s. 409.989, F.S.; establishing criteria for eligible plans; specifying minimum and maximum number of plans and selection criteria; authorizing participation by the Children's Medical Services Network in long-term care plans under certain conditions; creating s.

409.99, F.S.; providing requirements for managed care plan accountability; specifying limitations on providers in plan networks; providing for evaluation and payment of network providers; requiring managed care plans to establish family advisory committees and offer consumer-directed care services; creating s. 409.991, F.S.; providing for payment of managed care plans; providing duties for the Agency for Persons with Disabilities to assign plan enrollees into a payment-rate level of care; establishing level-of-care criteria; providing payment requirements for intensive behavior residential habilitation providers and intermediate care facilities for the developmentally disabled; creating s. 409.992, F.S.; providing requirements for enrollment and choice counseling; specifying enrollment exceptions for certain Medicaid recipients; providing an effective date.

—was referred to the Committees on Health Regulation; Budget Subcommittee on Health and Human Services Appropriations; and Budget.

By Appropriations Committee, Health & Human Services Committee and Representative(s) Schenck—

CS for HB 7109—A bill to be entitled An act relating to Medicaid; amending s. 393.0661, F.S.; requiring the Agency for Persons with Disabilities to establish a transition plan for current Medicaid recipients of home and community-based services under certain circumstances; providing for expiration of the section on a specified date; amending s. 393.0662, F.S.; requiring the Agency for Persons with Disabilities to complete the transition for current Medicaid recipients of home and community-based services to the iBudget system by a specified date; requiring the Agency for Persons with Disabilities to develop a transition plan for current Medicaid recipients of home and community-based services to managed care plans; providing for expiration of the section on a specified date; amending s. 408.040, F.S.; providing for suspension of certain conditions precedent to the issuance of a certificate of need for a nursing home, effective on a specified date; amending s. 408.0435, F.S.; extending the certificate-of-need moratorium for additional community nursing home beds; designating ss. 409.016-409.803, F.S., as pt. I of ch. 409, F.S., and entitling the part “Social and Economic Assistance”; designating ss. 409.810-409.821, F.S., as pt. II of ch. 409, F.S., and entitling the part “Kidcare”; designating ss. 409.901-409.9205, F.S., as part III of ch. 409, F.S., and entitling the part “Medicaid”; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to set reimbursement rates for hospitals that provide Medicaid services based on allowable-cost reporting from the hospitals; providing the methodology for the rate calculation and adjustments; requiring the rates to be subject to certain limits or ceilings; providing that exemptions to the limits or ceilings may be provided in the General Appropriations Act; deleting provisions relating to agency adjustments to a hospital’s inpatient per diem rate; directing the agency to develop a plan to convert inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups; requiring a report to the Governor and Legislature; amending s. 409.907, F.S.; providing additional requirements for provider agreements for Medicare crossover providers; providing that the agency is not obligated to enroll certain providers as Medicare crossover providers; specifying additional requirements for certain providers; providing the agency may establish additional criteria for providers to promote program integrity; amending s. 409.911, F.S.; providing for expiration of the Medicaid Low-Income Pool Council; amending s. 409.912, F.S.; providing payment requirements for provider service networks; providing for the expiration of various provisions relating to agency contracts and agreements with certain entities on specified dates to conform to the reorganization of Medicaid managed care; requiring the agency to contract on a prepaid or fixed-sum basis with certain prepaid dental health plans; eliminating obsolete provisions and updating provisions, to conform; amending ss. 409.91195 and 409.91196, F.S.; conforming cross-references; repealing s. 409.91207, F.S., relating to the medical home pilot project; amending s. 409.91211, F.S.; conforming cross-references; providing for future repeal of s. 409.91211, F.S., relating to the Medicaid managed care pilot program; amending s. 409.9122, F.S.; providing for the expiration of provisions relating to mandatory enrollment in a Medicaid managed care plan or MediPass on specified dates to conform to the reorganization of Medicaid managed care; eliminating obsolete provisions; requiring the agency to develop a process to enable any recipient with access to employer-sponsored coverage to opt out of eligible plans in the Medicaid program; requiring the agency, contingent on federal approval, to enable

recipients with access to other coverage or related products that provide access to specified health care services to opt out of eligible plans in the Medicaid program; requiring the agency to maintain and operate the Medicaid Encounter Data System; requiring the agency to conduct a review of encounter data and publish the results of the review before adjusting rates for prepaid plans; authorizing the agency to establish a designated payment for specified Medicare Advantage Special Needs members; authorizing the agency to develop a designated payment for Medicaid-only covered services for which the state is responsible; requiring the agency to establish, and managed care plans to use, a uniform method of accounting for and reporting medical and nonmedical costs; authorizing the agency to create exceptions to mandatory enrollment in managed care under specified circumstances; requiring the agency to contract with a provider service network to function as a third-party administrator and managing entity for the MediPass program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; requiring the agency to contract with a single provider service network to function as a third-party administrator and managing entity for the Medically Needy program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; amending s. 430.04, F.S.; eliminating obsolete provisions; requiring the Department of Elderly Affairs to develop a transition plan for specified elders and disabled adults receiving long-term care Medicaid services when eligible plans become available; providing for expiration of the plan; amending s. 430.2053, F.S.; eliminating obsolete provisions; providing additional duties of aging resource centers; providing an additional exception to direct services that may not be provided by an aging resource center; providing an expiration date for certain services administered through aging resource centers; providing for the cessation of specified payments by the department as eligible plans become available; providing for a memorandum of understanding between the agency and aging resource centers under certain circumstances; eliminating provisions requiring reports; repealing s. 430.701, F.S., relating to legislative findings and intent and approval for action relating to provider enrollment levels; repealing s. 430.702, F.S., relating to the Long-Term Care Community Diversion Pilot Project Act; repealing s. 430.703, F.S., relating to definitions; repealing s. 430.7031, F.S., relating to the nursing home transition program; repealing s. 430.704, F.S., relating to evaluation of long-term care through the pilot projects; repealing s. 430.705, F.S., relating to implementation of long-term care community diversion pilot projects; repealing s. 430.706, F.S., relating to quality of care; repealing s. 430.707, F.S., relating to contracts; repealing s. 430.708, F.S., relating to certificate of need; repealing s. 430.709, F.S., relating to reports and evaluations; renumbering ss. 409.9301, 409.942, 409.944, 409.945, 409.946, 409.953, and 409.9531, F.S., as ss. 402.81, 402.82, 402.83, 402.84, 402.85, 402.86, and 402.87, F.S., respectively; amending ss. 443.111 and 641.386, F.S.; conforming cross-references; directing the agency to develop a plan to implement the enrollment of the medically needy into managed care; amending s. 766.118, F.S.; providing a limitation on noneconomic damages for negligence of practitioners providing services and care to Medicaid recipients; providing effective dates and a contingent effective date.

—was referred to the Committees on Health Regulation; Budget Subcommittee on Health and Human Services Appropriations; and Budget.

By Education Committee, K-20 Innovation Subcommittee and Representative(s) Stargel—

CS for HB 7151—A bill to be entitled An act relating to postsecondary education; amending s. 467.009, F.S.; deleting a reference to the College-Level Academic Skills Test (CLAST); amending s. 705.18, F.S.; revising provisions relating to the disposal of personal property lost or abandoned on public postsecondary institution campuses; providing requirements for notification, disposal, and use or disposition of proceeds from the sale of lost or abandoned bicycles and bicycle safety equipment; repealing s. 1007.07, F.S., relating to the Florida Business and Education Collaborative; amending s. 1001.64, F.S.; requiring a Florida College System institution board of trustees to ask the Commissioner of Education to authorize an investigation of the college president by the Department of Education’s inspector general in specified circumstances; requiring a report and recommendations; requiring the inspector general to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate au-

thority; amending s. 1004.015, F.S.; requiring the Higher Education Coordinating Council to make recommendations and submit a report relating to core missions of postsecondary education institutions, performance outputs and outcomes, articulation policies, and workforce development education; amending s. 1004.04, F.S.; deleting a reference to the CLAST; amending s. 1004.68, F.S.; deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills; amending s. 1007.01, F.S.; providing legislative intent and requirements relating to articulation; requiring the establishment of the Articulation Coordinating Committee and providing its responsibilities; amending s. 1007.25, F.S.; deleting provisions that require an examination or demonstration of remediation of academic deficiencies to obtain a postsecondary degree; amending ss. 1007.264 and 1007.265, F.S.; deleting provisions that exclude students with intellectual disabilities from eligibility for substitute requirements for admission to or graduation from a public postsecondary education institution; amending s. 1007.27, F.S.; requiring the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses; deleting an exemption from summer-term enrollment in a public postsecondary education institution for students earning accelerated credit; amending s. 1007.33, F.S.; providing for State Board of Education rules relating to approval and exemption from approval for baccalaureate degree programs at Florida College System institutions; amending s. 1008.30, F.S., relating to common placement testing for public postsecondary education; deleting a reference to the CLAST; requiring rules for remediation opportunities, retesting policies, and academic competencies; requiring that students be advised of academic requirements, financial aid eligibility, and certain costs; amending s. 1008.345, F.S.; deleting Department of Education duties relating to tests and assessment procedures that measure student achievement of college-level communication and computation skills; amending s. 1008.38, F.S.; revising and conforming provisions relating to the articulation accountability process; amending s. 1009.534, F.S.; revising provisions relating to approval of community service work for eligibility for the Florida Academic Scholars award; amending ss. 267.062, 1004.23, 1010.03, 1010.04, 1010.07, and 1013.171, F.S.; replacing references to university rules with university regulations; conforming provisions; amending s. 1013.33, F.S.; conforming provisions; repealing s. 1013.63, F.S., relating to the University Concurrence Trust Fund; providing an effective date.

—was referred to the Committees on Higher Education; Budget Subcommittee on Higher Education Appropriations; and Budget.

By Economic Affairs Committee, Appropriations Committee, Finance & Tax Committee, Community & Military Affairs Subcommittee and Representative(s) Dorworth, Costello, Crisafulli, Bovo, Adkins, Corcoran, Davis, Gaetz, Harrell, Harrison, Mayfield, Perry, Precourt, Tobia, Van Zant—

CS for CS for CS for CS for CS for HJR 381—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified non-homestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to non-homestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, delay the future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates.

—was referred to the Committees on Community Affairs; Judiciary; Budget; and Rules.

By Representative(s) Taylor—

HB 597—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records

requirements for information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency; providing for retroactive effect of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Budget.

By Government Operations Subcommittee and Representative(s) Corcoran—

CS for HB 1473—A bill to be entitled An act relating to public records; amending s. 408.910, F.S.; providing definitions; creating an exemption from public records requirements for personal identifying information of an enrollee or participant in the Florida Health Choices Program; creating an exemption from public records requirements for proprietary confidential business information of a vendor; creating an exemption from public records requirements for client and customer lists of a program buyer's representative; providing exceptions; authorizing an enrollee's legal guardian to obtain confirmation of certain information about the enrollee's health plan; providing for retroactive application; providing a penalty for unlawful disclosure of confidential and exempt information; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SR 2214; Altman—SR 2214; Benacquisto—SR 2214; Bennett—SR 2214; Bogdanoff—SR 2214; Braynon—SR 2214; Dean—SR 2214; Detert—SR 2214; Diaz de la Portilla—SR 2214; Dockery—SR 2214; Evers—SR 2214; Fasano—SR 2214; Flores—SR 2214; Gaetz—CS for CS for SB 236, CS for CS for SJR 658, CS for SB 1722, SR 2214; Garcia—SR 2214; Gardiner—SR 2214; Haridopolos—SR 2214; Hays—SR 2214; Hill—SR 2214; Jones—SR 2214; Joyner—SR 2214; Latvala—CS for SB 546; Lynn—CS for SB 224, SR 2214; Margolis—SR 2214; Montford—SR 2214; Negron—SR 2214; Norman—SR 2214; Oelrich—SR 2214; Rich—SR 2214; Richter—SR 2214; Ring—SR 2214; Sachs—SR 2214; Simmons—SR 2214; Siplin—SR 2214; Smith—CS for SB 524, CS for SB 2010, SR 2214; Sobel—SR 2214; Storms—SR 2214; Thrasher—SR 2214; Wise—SR 2214

RECESS

On motion by Senator Thrasher, the Senate recessed at 6:35 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Tuesday, May 3 or upon call of the President.

SENATE PAGES

May 2-6, 2011

Michael Cenedella, Tallahassee; Victor Chrispin, Jacksonville; Lauren Claude, Tallahassee; Elizabeth Fechtel, Leesburg; Mary Katherine Fechtel, Leesburg; Rebekah Giordano, New Port Richey; Daniel Klumpp, Davie; Wallace "Wally" Martin, Arcadia; Paul Palmer, Jr., Tallahassee; Michael Robinson, Tallahassee; Tiffani-Michelle Schmidt, Carrabelle; Bryce Sellers, Pace; Amelia Smith, Tallahassee; Ricardo Toussaint, Tallahassee; Micheal West, Tallahassee; Miranda Wilson, Panama City