# Journal of the Senate

**Number 25—Regular Session** **Thursday, March 8, 2012**

## CONTENTS

Address by President . . . . . 973
Bills on Third Reading . . . . . 960
Call to Order . . . . . 959, 974, 1132
Co-Introducers . . . . . 1135
Enrolling Reports . . . . . 1135
Executive Business, Appointments . . . . . 1134
House Messages, Final Action . . . . . .1135
Messages from the House, Returning Messages . . . . . 1045, 1082, 1129
Motions . . . . . .962, 975, 1003, 1063, 1088, 1130, 1134
Motions Relating to Committee Reference . . . . . 962, 975, 1003, 1134
Point of Order . . . . . .1133
Point of Order Ruling . . . . . 1133
Recognition of President Haridopolos . . . . . 968
Remarks . . . . . .968
Reports of Committees . . . . . 1134
Resolutions . . . . . .959
Ruling on Motion . . . . . 1131
Special Guests . . . . . .968, 978, 996
Special Order Calendar . . . . . 962, 975, 1004, 1064, 1089, 1129
Special Presentation . . . . . .962
Unveiling of Portrait . . . . . .973
Vote Preference . . . . . .963

## CALL TO ORDER

The Senate was called to order by President Haridopolos at 8:50 a.m. A quorum present—38:

| | | |
|---|---|---|
| Mr. President | Gaetz | Oelrich |
| Altman | Garcia | Rich |
| Benacquisto | Gardiner | Richter |
| Bennett | Gibson | Ring |
| Bogdanoff | Hays | 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 | |

Excused: Senator Alexander periodically for the purpose of working on the Budget Conference

## PRAYER

The following prayer was offered by Rev. Franchot Buhler, Associate Pastor/Director of Ministry, First Baptist Church, Tallahassee:

Mighty God, creator and sustainer, we call upon your holy name, because we believe our work will be better, our cooperation will be stronger when we begin our legislative task with a prayer of our common confession.

None of us pretend to possess a higher knowledge, a deeper wisdom, or a stronger spirituality than anyone else in this Senate Chamber. We confess our human limitations and our limited legislative possibilities if each of us functions as a committee of one. We dare to believe that in your great providence we find the will to work together to do what is right.

May our common purpose be to serve and improve the lives of the people who sent us here. May we do justice, love kindness, and walk humbly with our God. For we pray in your hallowed and holy name, Amen.

## PLEDGE

Senate Pages, Nick Schultz of Live Oak; Lindsey Vasti of Treasure Island; and Zareeah King of Daytona, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized and sponsored Dr. Dennis Saver of Vero Beach, as doctor of the day. Dr. Saver specializes in Family Medicine.

## ADOPTION OF RESOLUTIONS

At the request of Senator Fasano—

By Senator Fasano—

**SR 2102**—A resolution commending the Florida Association for Behavior Analysis on its 32nd Anniversary and recognizing the week of September 3-7, 2012, as "Florida Behavior Analysis Week" in Florida.

WHEREAS, the Florida Association for Behavior Analysis is the nation's largest statewide organization committed to the promotion and support of behavior analysis, and

WHEREAS, for the past 32 years, the Florida Association for Behavior Analysis has promoted the ethical, humane, and effective application of behavior principles in all aspects of society, including education, business, rehabilitation facilities, and government, and

WHEREAS, behavior analysis is a science-based, cost-effective approach for training teachers, parents, and caregivers to prevent and solve serious behavior problems, and

WHEREAS, behavior analysis has demonstrated its effectiveness for many applications, including the treatment of autistic individuals, teaching basic self-help skills and language to persons with developmental disabilities, and helping foster parents to lovingly raise emotionally difficult children, and

WHEREAS, behavior analysts who are members of the Florida Association for Behavior Analysis have diverse backgrounds, including consulting firms, state government programs, private therapy practices, and school administrations, and

WHEREAS, the Florida Association for Behavior Analysis holds an annual conference each fall as a forum for exchanging ideas and data-based research relating to behavior analysis, behavior therapy, performance management, and behavior management programming, NOW, THEREFORE,

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

That the Florida Association for Behavior Analysis is recognized for its 32 years of contributions to the field of behavior analysis and that the

week of September 3-7, 2012, is recognized as "Florida Behavior Analysis Week" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Association for Behavior Analysis as a tangible token of the sentiments of the Florida Senate.

—**SR 2102** was introduced, read and adopted by publication.

---

At the request of Senator Fasano—

By Senator Fasano—

**SR 2120**—A resolution recognizing May 2012 as "Lupus Awareness Month" in Florida.

WHEREAS, Lupus is an acute, chronic, and lifelong autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body, and

WHEREAS, Lupus can affect any part of the body, including the skin, lungs, heart, kidneys, and brain, with no organ spared, and can cause seizures, strokes, heart attacks, miscarriages, and organ failure, and

WHEREAS, researchers estimate that 5 million people worldwide have been diagnosed with Lupus or related diseases, with about 100,000 new diagnoses each year, and

WHEREAS, the Lupus Foundation of America, Inc., estimates that more than 1.5 million Americans live with some form of Lupus, including an estimated 100,000 Floridians, and

WHEREAS, Lupus strikes mostly women of childbearing age, when they are 15 to 44 years of age, affecting all aspects of their lives, with African Americans, Hispanics/Latinos, Asians, and Native Americans two to three times more likely to develop Lupus, a disparity that remains unexplained, and

WHEREAS, Lupus is difficult to diagnose because its symptoms are similar to symptoms of other illnesses, meaning that more than one-half of all people with Lupus wait 4 or more years and visit three or more doctors before they are correctly diagnosed, and

WHEREAS, early diagnosis and proper treatment are critical to improving the quality of life and survival rate of those living with Lupus, and

WHEREAS, major gaps exist in the understanding of the causes and consequences of Lupus, and increased public awareness, education, and research are key to winning the battle against the disease, NOW, THEREFORE,

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

That May 2012 is recognized as "Lupus Awareness Month" in Florida.

—**SR 2120** was introduced, read and adopted by publication.

---

At the request of Senator Fasano—

By Senator Fasano—

**SR 2142**—A resolution recognizing February 6, 2012, as "Ronald Reagan Day" in the State of Florida.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good as an entertainer, union leader, corporate spokesperson, Governor of California, and, ultimately, President of the United States, and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th president of the United States of America and was elected to his second term by 3/5ths of the electorate and by 49 of the 50 states, a record unsurpassed in the history of American presidential elections, and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation that was shackled by rampant inflation and high unemployment, and

WHEREAS, during his presidency, Ronald Reagan worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to unprecedented economic expansion and opportunity for millions of Americans, and

WHEREAS, Ronald Reagan's commitment to an active social policy agenda for the nation's children helped to lower crime and reduce drug use in our neighborhoods, and

WHEREAS, Ronald Reagan's commitment to the Armed Forces contributed to the restoration of pride and values in America and to those values cherished by the free world, and prepared this nation's Armed Forces to meet 21st Century challenges, and

WHEREAS, Ronald Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people, and

WHEREAS, February 6, 2012, is the 101st anniversary of Ronald Reagan's birth, and the 8th since his passing, NOW, THEREFORE,

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

That February 6, 2012, is recognized as "Ronald Reagan Day" in the State of Florida.

—**SR 2142** was introduced, read and adopted by publication.

## BILLS ON THIRD READING

Consideration of **CS for SB 752** and **HB 4087** was deferred.

---

**CS for SB 1880**—A bill to be entitled An act relating to human trafficking; amending s. 16.56, F.S.; adding violations of ch. 787, F.S., to the jurisdiction of the Office of Statewide Prosecution; creating s. 480.0535, F.S.; requiring an employee of a massage establishment and any person performing massage therein to present, upon request of an investigator, valid government identification while in the establishment; providing documentation requirements for the operator of a massage establishment; providing criminal penalties; amending s. 775.21, F.S.; adding additional offenses to the list of sexual predator qualifying offenses; repealing s. 787.05, F.S., relating to unlawfully obtaining labor or services; amending s. 787.06, F.S.; revising legislative findings relating to human trafficking; revising definitions; creating additional offenses relating to human trafficking; providing criminal penalties; increasing criminal penalties for certain offenses; providing for forfeiture of property used, attempted to be used, or intended to be used in violation of specified human trafficking provisions; amending s. 787.07, F.S.; increasing the criminal penalty for human smuggling; amending s. 796.035, F.S.; revising provisions relating to selling or buying of minors into sex trafficking or prostitution; repealing s. 796.045, F.S., relating to sex trafficking; amending s. 905.34, F.S.; adding violations of ch. 787, F.S., to the jurisdiction of a statewide grand jury; amending s. 934.07, F.S.; providing additional authorization for the interception of wire, oral, or electronic communications; amending ss. 943.0435, 944.606, and 944.607, F.S.; adding additional offenses to the list of sexual offender qualifying offenses; amending ss. 90.404, 772.102, 794.056, 895.02, and 938.085, F.S.; conforming cross-references; amending s. 921.0022, F.S.; ranking offenses on the sentencing guidelines chart of the Criminal Punishment Code; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 1880**, on motion by Senator Flores, by two-thirds vote **HB 7049** was withdrawn from the Committees on Criminal Justice; and Budget.

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

**HB 7049**—A bill to be entitled An act relating to human trafficking; amending s. 16.56, F.S.; adding violations of ch. 787, F.S., to the jurisdiction of the Office of Statewide Prosecution; creating s. 480.0535, F.S.; requiring an employee of a massage establishment and any person

performing massage therein to present, upon request of an investigator, valid government identification while in the establishment; providing documentation requirements for the operator of a massage establishment; providing criminal penalties; amending s. 775.21, F.S.; adding additional offenses to the list of sexual predator qualifying offenses; repealing s. 787.05, F.S., relating to unlawfully obtaining labor or services; amending s. 787.06, F.S.; revising legislative findings relating to human trafficking; revising definitions; creating additional offenses relating to human trafficking; providing criminal penalties; increasing criminal penalties for certain offenses; providing for forfeiture of property used, attempted to be used, or intended to be used in violation of specified human trafficking provisions; amending s. 787.07, F.S.; increasing criminal penalty for human smuggling; amending s. 796.035, F.S.; revising provisions relating to selling or buying of minors into sex trafficking or prostitution; repealing s. 796.045, F.S., relating to sex trafficking; amending s. 905.34, F.S.; adding violations of ch. 787, F.S., to the jurisdiction of a statewide grand jury; amending s. 934.07, F.S.; providing additional authorization for the interception of wire, oral, or electronic communications; amending ss. 943.0435, 944.606, and 944.607, F.S.; adding additional offenses to the list of sexual offender qualifying offenses; amending ss. 90.404, 772.102, 794.056, 895.02, and 938.085, F.S.; conforming cross-references; amending s. 921.0022, F.S.; ranking offenses on the sentencing guidelines chart of the Criminal Punishment Code; providing an effective date.

—a companion measure, was substituted for **CS for SB 1880** and read the second time by title.

On motion by Senator Flores, by two-thirds vote **HB 7049** 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 | Gibson | Ring |
| Bogdanoff | Hays | 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

Vote after roll call:

Yea—Bullard

---

**CS for HB 1461**—A bill to be entitled An act relating to voter identification; amending s. 101.043, F.S.; deleting a provision which prohibits the use of the address appearing on the identification presented by an elector at the polls as a basis to confirm the elector's legal residence; providing an effective date.

—as amended March 7 was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for HB 1461** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

| | |
|---|---|
| Margolis | Smith |

Vote after roll call:

Yea—Bullard

---

**CS for CS for CS for HB 1403**—A bill to be entitled An act relating to high school athletics; amending s. 1002.20, F.S.; conforming provisions; amending s. 1006.20, F.S.; authorizing high schools, including charter schools, virtual schools, and home education cooperatives, to become members of the FHSAA; prohibiting the FHSAA from taking retributory or discriminatory action against any of its member schools under certain circumstances; prohibiting the FHSAA from withholding approval of any other athletic organization that governs athletic competition in the state; requiring the FHSAA to adopt bylaws to allow a student who transfers schools to be eligible to participate in athletics if certain conditions are met; authorizing certain penalties for a recruiting violation; requiring the FHSAA to adopt bylaws to regulate investigators and sanction coaches who commit major violations; specifying sanctions and procedures; requiring the FHSAA to adopt bylaws establishing the process and standards by which determinations of eligibility are made; authorizing the FHSAA to adopt bylaws providing certain procedural safeguards; prohibiting FHSAA bylaws from prospectively limiting the competition of certain student athletes and from unfairly punishing student athletes for violations perpetrated by a teammate, coach, or administrator; providing requirements for the forfeiture of contests under certain conditions; requiring an expedited appeals process on determinations of ineligibility; authorizing a school or student athlete filing an appeal to present information and evidence; providing requirements for de novo decisions on appeal; deleting provisions relating to rule adoption; amending s. 1012.468, F.S.; providing background screening exceptions for certain investigators for the FHSAA; providing an effective date.

—was read the third time by title.

**SENATOR GARDINER PRESIDING**

**THE PRESIDENT PRESIDING**

On motion by Senator Wise, **CS for CS for CS for HB 1403** was passed and certified to the House. The vote on passage was:

Yeas—21

| | | |
|---|---|---|
| Mr. President | Detert | Latvala |
| Alexander | Diaz de la Portilla | Norman |
| Altman | Evers | Richter |
| Benacquisto | Fasano | Simmons |
| Bennett | Gaetz | Siplin |
| Bogdanoff | Garcia | Thrasher |
| Bullard | Jones | Wise |

Nays—18

| | | |
|---|---|---|
| Braynon | Joyner | Rich |
| Dean | Lynn | Ring |
| Dockery | Margolis | Sachs |
| Flores | Montford | Smith |
| Gibson | Negron | Sobel |
| Hays | Oelrich | Storms |

---

**CS for CS for CS for HB 1355**—A bill to be entitled An act relating to protection of vulnerable persons; amending s. 39.201, F.S.; revising language concerning child abuse reporting; requiring the Department of Children and Family Services to provide for web-chat and update other

web-based forms for reporting child abuse, abandonment, or neglect; requiring a study on the use of short message format for the central abuse hotline; requiring the development of a public awareness campaign for the central abuse hotline; requiring the collection of statistical reports on child abuse and child sexual abuse on campuses of colleges and universities; amending s. 39.205, F.S.; increasing criminal penalties for knowingly and willfully failing to report known or suspected child abuse, abandonment, or neglect, or knowingly and willfully preventing another person from doing so; requiring specified educational institutions and their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect in certain circumstances; providing financial penalties for violations; providing for challenges to findings of determinations; proving for a presumption in certain circumstances; creating s. 39.309, F.S.; requiring the department to develop and implement a program of social services and rehabilitative services for the parent or legal custodian of a child seeking assistance; amending s. 409.1671, F.S.; requiring eligible lead community-based providers to have parent assistance programs pursuant to specified provisions; creating s. 796.036, F.S.; providing for upward reclassification of certain prostitution offenses involving minors; amending s. 960.198, F.S.; providing for denial of relocation payment for a domestic violence claim if the Department of Legal Affairs has previously paid a sexual battery relocation claim to the same victim for the same incident; creating s. 960.199, F.S.; providing for relocation assistance payments to victims of sexual battery; providing criteria for awards; providing for denial of relocation payment for a sexual battery claim if the department has previously paid a domestic violence relocation claim to the same victim for the same incident; providing an appropriation; amending s. 1012.98, F.S.; providing a continuing education requirement for certain teachers on identifying and reporting child abuse and neglect; providing an appropriation; authorizing a specified numbers of full-time equivalent positions with associated salary rates within the Department of Children and Family Services; amending s. 827.03, F.S.; defining the term "mental injury" with respect to the offenses of abuse, aggravated abuse, and neglect of a child; requiring that a physician or psychologist acting as an expert witness in certain proceedings have certain credentials; amending ss. 775.084, 775.0877, 782.07, 921.0022, and 948.062, F.S.; conforming cross-references; amending s. 960.03, F.S.; redefining the term "crime" for purposes of crime victims compensation to include additional forms of injury; redefining the term "victim" to conform with the modified definition of the term "crime"; providing an effective date.

—as amended March 7 was read the third time by title.

On motion by Senator Benacquisto, **CS for CS for CS for HB 1355** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

| | | |
|---|---|---|
| Mr. President | Gaetz | Rich |
| Altman | Garcia | Richter |
| Benacquisto | Gardiner | Ring |
| Bennett | Gibson | Sachs |
| Braynon | Hays | Simmons |
| Bullard | Jones | Siplin |
| Dean | Joyner | Smith |
| Detert | Latvala | Sobel |
| Diaz de la Portilla | Margolis | Storms |
| Evers | Montford | Thrasher |
| Fasano | Norman | Wise |
| Flores | Oelrich | |

Nays—4

| | | |
|---|---|---|
| Bogdanoff | Dockery | Lynn |
| Negron | | |

Vote after roll call:

Yea to Nay—Joyner

## MOTIONS

On motions by Senator Thrasher, the rules were waived and by two-thirds vote **CS for CS for SB 1262**, **CS for CS for CS for SB 540**, and **CS for CS for SB 824** were placed on the Special Order Calendar for Friday, March 9.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 222** and **CS for SB 1272** were withdrawn from the Committee on Budget.

---

### SPECIAL PRESENTATION

On behalf of the Senate, President Haridopolos presented a framed copy of CS for CS for SB 360 (2005) Infrastructure Planning and Funding, CS for CS for SB 360 (2009) Community Renewal Act, and HB 7207 (2011) Local Government Comprehensive Planning and Land Development Regulation Act, to Senator Bennett in honor of his service as President Pro Tempore.

## SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1316**, **SM 1840**, **SM 1854** and **CS for SB 454** was deferred.

---

**CS for CS for SB 1586**—A bill to be entitled An act relating to money services businesses; amending s. 560.103, F.S.; defining terms for purposes of provisions regulating money services businesses; amending s. 560.109, F.S.; revising the frequency and notice requirements for examinations and investigations by the Office of Financial Regulation of money services business licensees; amending s. 560.111, F.S.; prohibiting money services businesses, authorized vendors, and affiliated parties from knowingly possessing certain paraphernalia used or intended or designed for use in misrepresenting a customer's identity, for which penalties apply; prohibiting certain persons from providing a customer's personal identification information to a money services business licensee and providing penalties; reenacting s. 560.114(1)(h), F.S., relating to penalties for certain prohibited acts by money services businesses, to incorporate the amendment made by the act to s. 560.111, F.S., in a reference thereto; amending s. 560.114, F.S.; prohibiting certain acts by money services businesses, authorized vendors, and affiliated parties, for which penalties apply; revising the conditions for which a money services business license may be suspended; amending ss. 560.126 and 560.309, F.S.; requiring a money services business licensee to maintain its own federally insured depository account and deposit into the account any payment instruments cashed; requiring a licensee to notify the office and cease to cash payment instruments if the licensee ceases to maintain the account; prohibiting a licensee from accepting or cashing a payment instrument from a conductor who is not the original payee; authorizing a licensee to accept or cash a corporate payment instrument from certain conductors; establishing a limit on the amount of fees that licensees may charge for the direct costs of verification of payment instruments cashed; amending s. 560.310, F.S.; revising requirements for the records that a money services business licensee must maintain related to the payment instruments cashed; creating s. 560.311, F.S.; requiring money services business licensees to submit certain transaction information to the Office of Financial Regulation related to the payment instruments cashed; requiring the office to maintain the transaction information in a centralized database; authorizing the Financial Services Commission to prescribe the time, format, and manner for licensees to submit the transaction information; requiring that the database be designed to interface with certain other state databases; providing a transaction fee for the submission of transaction information; authorizing the commission to adopt rules for the operation and security of the database; providing effective dates.

—was read the second time by title.

### SENATOR GAETZ PRESIDING

Pending further consideration of **CS for CS for SB 1586**, on motion by Senator Thrasher, by two-thirds vote **CS for HB 1277** was withdrawn from the Committees on Banking and Insurance; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Thrasher—

**CS for HB 1277**—A bill to be entitled An act relating to money services businesses; amending s. 560.103, F.S.; defining terms for purposes of provisions regulating money services businesses; amending s. 560.109, F.S.; revising the frequency and notice requirements for examinations and investigations by the Office of Financial Regulation of money services business licensees; amending s. 560.111, F.S.; prohibiting money services businesses, authorized vendors, and affiliated parties from knowingly possessing certain paraphernalia used or intended or designed for use in misrepresenting a customer's identity, for which penalties apply; prohibiting certain persons from providing a customer's personal identification information to a money services business licensee and providing penalties; reenacting s. 560.114(1)(h), F.S., relating to penalties for certain prohibited acts by money services businesses, to incorporate amendments made by the act to s. 560.111, F.S., in a reference thereto; amending s. 560.114, F.S.; prohibiting certain acts by money services businesses, authorized vendors, and affiliated parties, for which penalties apply; revising the conditions for which a money services business license may be suspended; amending ss. 560.126 and 560.309, F.S.; requiring a money services business licensee to maintain its own federally insured depository account and deposit into the account any payment instruments cashed; requiring a licensee to notify the office and cease to cash payment instruments if the licensee ceases to maintain the account; prohibiting a licensee from accepting or cashing a payment instrument from a person who is not the original payee except under certain circumstances; establishing a limit on the amount of fees that licensees may charge for the direct costs of verification of payment instruments cashed; amending s. 560.310, F.S.; revising requirements for the records that a money services business licensee must maintain related to the payment instruments cashed; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1586** and read the second time by title.

On motion by Senator Thrasher, by two-thirds vote **CS for HB 1277** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**CS for CS for SB 1752**—A bill to be entitled An act relating to state universities of academic and research excellence and national preeminence; creating s. 1001.765, F.S.; providing a short title; establishing a collaborative partnership between the Board of Governors of the State University System and the Legislature to elevate the academic and research excellence and national preeminence of the highest-performing state research universities; authorizing a state research university that meets specified criteria, verified by the Board of Governors, to establish student tuition and fees at differentiated and market rates; providing certain conditions for implementing tuition and fee increases; establishing academic and research excellence standards for state universities of national preeminence; specifying requirements relating to debt service obligations; establishing procedures to obtain certain budget authorization for the 2012-2013 fiscal year; establishing procedures for institutional legislative budget requests for certain tuition and fee increases; authorizing state universities of national preeminence to establish required courses for certain students; encouraging the Board of Governors to identify, grant, and recommend flexibilities to achieve goals and improve the national rankings of programs of excellence; requiring the Board of Governors to oversee implementation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1752**, on motion by Senator Oelrich, by two-thirds vote **HB 7129** was withdrawn from the Committees on Higher Education; Budget Subcommittee on Higher Education Appropriations; and Budget.

On motion by Senator Oelrich—

**HB 7129**—A bill to be entitled An act relating to state universities of academic and research excellence and national preeminence; creating s. 1001.765, F.S.; providing a short title; establishing a collaborative partnership between the Board of Governors of the State University System and the Legislature to elevate the academic and research excellence and national preeminence of the highest-performing state research universities; authorizing a state research university that meets specified criteria, verified by the Board of Governors, to establish student tuition and fees at differentiated and market rates; providing certain conditions for implementing tuition and fee increases; establishing academic and research excellence standards for state universities of national preeminence; specifying requirements relating to debt service obligations; establishing procedures to obtain certain budget authorization for the 2012-2013 fiscal year; establishing procedures for institutional legislative budget requests for certain tuition and fee increases; authorizing state universities of national preeminence to establish required courses for certain students; encouraging the Board of Governors to identify, grant, and recommend flexibilities to achieve goals and improve the national rankings of programs of excellence; requiring the Board of Governors to oversee implementation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1752** and read the second time by title.

On motion by Senator Oelrich, by two-thirds vote **HB 7129** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

| | | |
|---|---|---|
| Mr. President | Gaetz | Gardiner |

Vote after roll call:

Yea to Nay—Flores, Storms

Vote Preference:

March 20, 2012: Yea to Nay—Garcia

---

**SB 80**—A bill to be entitled An act relating to human trafficking; creating s. 480.0535, F.S.; requiring operators of massage establishments to maintain valid work authorization documents on the premises for each employee who is not a United States citizen; requiring presentation of such documents upon request of a law enforcement officer; prohibiting the use of a massage establishment license for the purpose of

lewdness, assignation, or prostitution; providing criminal penalties; providing an effective date.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **SB 80** 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 | Gibson | Ring |
| Bogdanoff | Hays | 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 88**—A bill to be entitled An act relating to sovereignty submerged lands; creating s. 253.0347, F.S.; providing for the lease of sovereignty submerged lands for private residential single-family docks and piers, private residential multifamily docks and piers, and private residential multislip docks; providing for the term of the lease and lease fees; providing for inspection of such docks, piers, and related structures by the Department of Environmental Protection; clarifying the authority of the Board of Trustees of the Internal Improvement Trust Fund and the department to impose additional fees and requirements; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **SB 88** to **HB 13**.

Pending further consideration of **SB 88**, on motion by Senator Latvala, by two-thirds vote **HB 13** was withdrawn from the Committees on Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Latvala—

**HB 13**—A bill to be entitled An act relating to sovereignty submerged lands; creating s. 253.0347, F.S.; providing for the lease of sovereignty submerged lands for private residential single-family docks and piers, private residential multifamily docks and piers, and private residential multislip docks; providing for the term of the lease and lease fees; providing for inspection of such docks, piers, and related structures by the Department of Environmental Protection; clarifying the authority of the Board of Trustees of the Internal Improvement Trust Fund and the department to impose additional fees and requirements; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 88** and read the second time by title.

On motion by Senator Latvala, by two-thirds vote **HB 13** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**CS for SB 454**—A bill to be entitled An act relating to public lodging establishments; amending s. 509.013, F.S.; revising the definition of the term "public lodging establishment" to exclude certain apartment complexes designated primarily as housing for persons at least 62 years of age; providing that the Department of Business and Professional Regulation may require written attestation from the operator of the establishment that the apartment meets specified criteria; authorizing the Division of Hotels and Restaurants to adopt rules; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 454** to **CS for HB 249**.

Pending further consideration of **CS for SB 454** as amended, on motion by Senator Wise, by two-thirds vote **CS for HB 249** was withdrawn from the Committees on Regulated Industries; Commerce and Tourism; Budget Subcommittee on Finance and Tax; and Budget.

On motion by Senator Wise—

**CS for HB 249**—A bill to be entitled An act relating to public lodging establishments; amending s. 509.013, F.S.; revising the definition of the term "public lodging establishment" to exclude certain apartment buildings designated primarily as housing for persons at least 62 years of age and certain roominghouses, boardinghouses, and other living or sleeping facilities; authorizing the Division of Hotels and Restaurants to require written documentation from an apartment building operator that such building is in compliance with certain criteria; authorizing the division to adopt certain rules; amending s. 509.242, F.S.; revising public lodging establishment classifications; providing an effective date.

—a companion measure, was substituted for **CS for SB 454** as amended and read the second time by title.

On motion by Senator Wise, by two-thirds vote **CS for HB 249** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

---

**SB 94**—A bill to be entitled An act relating to postsecondary education course registration for veterans; creating s. 1004.075, F.S.; requiring certain Florida College System institutions and state universities to provide priority course registration for veterans; providing eligibility requirements; creating s. 1005.09, F.S.; encouraging certain independent postsecondary educational institutions to provide priority course registration for veterans; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 94** to **CS for HB 45**.

Pending further consideration of **SB 94** as amended, on motion by Senator Fasano, by two-thirds vote **CS for HB 45** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Higher Education; Budget Subcommittee on Higher Education Appropriations; and Budget.

On motion by Senator Fasano—

**CS for HB 45**—A bill to be entitled An act relating to postsecondary education course registration for veterans; creating s. 1004.075, F.S.; requiring certain Florida College System institutions and state universities to provide priority course registration for veterans; providing eligibility requirements; creating s. 1005.09, F.S.; encouraging certain independent postsecondary educational institutions to provide priority course registration for veterans; providing an effective date.

—a companion measure, was substituted for **SB 94** as amended and read the second time by title.

On motion by Senator Fasano, by two-thirds vote **CS for HB 45** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**CS for CS for CS for SB 202**—A bill to be entitled An act relating to sexual exploitation; providing a short title; amending s. 39.001, F.S.; providing legislative intent and goals; conforming cross-references; amending s. 39.01, F.S.; revising the definitions of the terms "abuse," "child who is found to be dependent," and "sexual abuse of a child"; amending s. 39.401, F.S.; authorizing delivery of children alleged to be dependent and sexually exploited to short-term safe houses; creating s. 39.524, F.S.; requiring assessment of certain children for placement in a safe house; providing for the use of such assessments; requiring an annual report concerning safe-house placements; creating s. 409.1678, F.S.; providing definitions; requiring circuits of the Department of Children and Family Services to address child welfare service needs of sexually exploited children as a component of their master plans; providing duties, responsibilities, and requirements for safe houses and their operators; providing for training for law enforcement officials who are likely to encounter sexually exploited children; authorizing rulemaking; amending s. 796.07, F.S.; providing for an increased civil penalty for soliciting another to commit prostitution or related acts; providing for the disposition of proceeds; amending s. 960.065, F.S.; allowing victim compensation for sexually exploited children; amending s. 985.115, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 202**, on motion by Senator Flores, by two-thirds vote **CS for CS for HB 99** was withdrawn from the Committees on Children, Families, and Elder Affairs; Budget Subcommittee on Criminal and Civil Justice Appropriations; and Budget.

On motion by Senator Flores—

**CS for CS for HB 99**—A bill to be entitled An act relating to sexual exploitation; providing a short title; amending s. 39.001, F.S.; providing legislative intent and goals; conforming cross-references; amending s. 39.01, F.S.; revising the definitions of the terms "abuse," "child who is found to be dependent," and "sexual abuse of a child"; amending s. 39.401, F.S.; authorizing delivery of children alleged to be dependent and sexually exploited to short-term safe houses; creating s. 39.524, F.S.; requiring assessment of certain children for placement in a safe house; providing for use of such assessments; requiring an annual report concerning safe-house placements; creating s. 409.1678, F.S.; providing definitions; requiring circuits of the Department of Children and Family Services to address child welfare service needs of sexually exploited children as a component of their master plans; providing duties, responsibilities, and requirements for safe houses and their operators; providing for training for law enforcement officials who are likely to encounter sexually exploited children; authorizing rulemaking; amending s. 796.07, F.S.; providing for an increased civil penalty for soliciting another to commit prostitution or related acts; providing for the disposition of proceeds; amending s. 960.065, F.S.; allowing victim compensation for sexually exploited children; amending s. 985.115, F.S.; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 202** and read the second time by title.

On motion by Senator Flores, by two-thirds vote **CS for CS for HB 99** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Joyner

---

**CS for CS for SB 256**—A bill to be entitled An act relating to youth athletes; amending ss. 943.0438 and 1006.20, F.S.; requiring an independent sanctioning authority for youth athletic teams and the Florida High School Athletic Association to adopt guidelines, bylaws, and policies relating to the nature and risk of concussion and head injury in youth athletes; requiring informed consent for participation in practice or competition; requiring removal from practice or competition under certain circumstances and written medical clearance to return; requiring the Florida High School Athletic Association to adopt bylaws for the establishment and duties of a sports medicine advisory committee; specifying membership; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 256**, on motion by Senator Flores, by two-thirds vote **CS for HB 291** was withdrawn from the Committees on Education Pre-K - 12; Health Regulation; Budget Subcommittee on Education Pre-K - 12 Appropriations; and Budget.

On motion by Senator Flores—

**CS for HB 291**—A bill to be entitled An act relating to youth athletes; amending ss. 943.0438 and 1006.20, F.S.; requiring an independent

sanctioning authority for youth athletic teams and the Florida High School Athletic Association to adopt guidelines, bylaws, and policies relating to the nature and risk of concussion and head injury in youth athletes; requiring informed consent for participation in practice or competition; requiring removal from practice or competition under certain circumstances and written medical clearance to return; requiring the Florida High School Athletic Association to adopt bylaws for the establishment and duties of a sports medicine advisory committee; specifying membership; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 256** and read the second time by title.

On motion by Senator Flores, by two-thirds vote **CS for HB 291** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

| | | |
|---|---|---|
| Mr. President | Flores | Norman |
| Altman | Gaetz | Oelrich |
| Benacquisto | Garcia | Rich |
| Bennett | Gardiner | Richter |
| Bogdanoff | Gibson | Ring |
| Braynon | Hays | Sachs |
| Bullard | 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 292**—A bill to be entitled An act relating to legal notices; creating s. 50.0211, F.S.; requiring that, after a specified date, if a legal notice is published in a newspaper, the newspaper publishing the notice shall also place the notice on a website maintained by the newspaper, at no additional charge; providing requirements for size and placement of such website publication; requiring free access to such online publications; requiring that legal notices published in newspapers also be published on another specified website; requiring that, after a specified date, newspapers that publish legal notice must provide e-mail notification of new legal notices; providing requirements for such notice; providing that an error on a newspaper or statewide website shall be considered a harmless error and legal notice requirements shall be considered met if the notice published in the newspaper is correct; amending s. 50.041, F.S.; revising physical requirements for proof of publication affidavits; authorizing electronic affidavits that meet specified requirements; amending s. 50.061, F.S.; limiting the rate that may be charged for government notices required to be published more than once in certain circumstances; deleting provisions specifying rates for legal notices based on county population; specifying that if a public notice is published in a newspaper, publication of a notice on a website pursuant to specified provisions must be done at no charge; amending ss. 125.66, 166.041, 190.005, and 200.065, F.S.; requiring that website publication of certain legal notices include maps that appear in the newspaper advertisements; amending s. 17.325, F.S.; making it optional for the Chief Financial Officer to advertise the availability of the governmental efficiency hotline; amending s. 215.68, F.S.; deleting specific criteria for publishing certain bond notices; amending ss. 120.60 215.555, 253.52, 255.518, and 380.0668, F.S.; deleting requirements that certain legal notices be published in Leon County; amending s. 455.275, F.S.; deleting a requirement that certain notices concerning professional licensees who cannot be personally served be published in Leon County; requiring that plain notice to the licensee to be posted on the front page of the Department of Business and Professional Regulation's website and provided to certain news outlets; amending s. 473.3141, F.S.; deleting a requirement that notices concerning discipline of certain certified public accountants be published in Leon County; amending s. 527.23, F.S.; deleting requirements relating to the newspaper publication of certain notices relating to marketing orders for propane gas; providing for Internet publication of such orders and for providing information to certain news outlets; amending ss. 573.109 and 573.111, F.S.; deleting requirements relating to the newspaper publication of certain notices relating to agricultural marketing orders; providing for Internet publication of such orders and for providing information to certain news outlets; amending s. 631.59, F.S.; deleting requirements for the newspaper publication of certain notices concerning insolvent insurers; providing for notice by e-mail or telephone; providing for applicability; providing effective dates.

—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:

**Amendment 1 (920062) (with title amendment)**—Before line 69 insert:

Section 1. Section 50.011, Florida Statutes, is amended to read:

50.011 Where and in what language legal notices to be published.—Whenever by statute an official or legal advertisement or a publication, or notice in a newspaper has been or is directed or permitted in the nature of or in lieu of process, or for constructive service, or in initiating, assuming, reviewing, exercising or enforcing jurisdiction or power, or for any purpose, including all legal notices and advertisements of sheriffs and tax collectors, the contemporaneous and continuous intent and meaning of such legislation all and singular, existing or repealed, is and has been and is hereby declared to be and to have been, and the rule of interpretation is and has been, a publication in a newspaper printed and published periodically once a week or oftener, *in which* ~~containing~~ at least 25 percent of *the content is* ~~its words~~ in the English language, *and whose circulation is biannually audited and certified in an affidavit by an independent third-party auditor approved by the Community Papers of Florida, the Florida Community Paper Advertising Network, the Florida Press Association, or a similarly sanctioned organization recognized by the newspaper industry or* entered or qualified to be admitted and entered as periodicals matter at a post office in the county where published, ~~for sale to the public generally, available to the public generally~~ for the publication of official or other notices and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public.

Section 2. Section 50.031, Florida Statutes, is amended to read:

50.031 Newspapers in which legal notices and process may be published.—No notice or publication required to be published in a newspaper in the nature of or in lieu of process of any kind, nature, character or description provided for under any law of the state, whether heretofore or hereafter enacted, and whether pertaining to constructive service, or the initiating, assuming, reviewing, exercising or enforcing jurisdiction or power, by any court in this state, or any notice of sale of property, real or personal, for taxes, state, county or municipal, or sheriff's, guardian's or administrator's or any sale made pursuant to any judicial order, decree or statute or any other publication or notice pertaining to any affairs of the state, or any county, municipality or other political subdivision thereof, shall be deemed to have been published in accordance with the statutes providing for such publication, unless the same shall have been published for the prescribed period of time required for such publication, in a newspaper which at the time of such publication shall have been in existence for 1 year*, and whose circulation is biannually audited and certified in an affidavit by an independent third-party auditor approved by the Community Papers of Florida, the Florida Community Paper Advertising Network, the Florida Press Association, or a similarly sanctioned organization recognized by the newspaper industry or* ~~and~~ shall have been entered as periodicals matter at a post office in the county where published, or in a newspaper which is a direct successor of a newspaper which together have been so published; provided, however, that nothing herein contained shall apply where in any county there shall be no newspaper in existence which shall have been published for the length of time above prescribed. No legal publication of any kind, nature or description, as herein defined, shall be valid or binding or held to be in compliance with the statutes providing for such publication unless the same shall have been published in ac-

cordance with the provisions of this section. Proof of such publication shall be made by uniform affidavit.

Section 3. Section 50.051, Florida Statutes, is amended to read:

50.051 Proof of publication; form of uniform affidavit.—The printed form upon which all such affidavits establishing proof of publication are to be executed shall be substantially as follows:

NAME OF NEWSPAPER

Published (Weekly or Daily)

(Town or City) (County) FLORIDA

STATE OF FLORIDA

COUNTY OF ....:

Before the undersigned authority personally appeared ...., who on oath says that he or she is .... of the ...., a .... newspaper published at .... in .... County, Florida; that the attached copy of advertisement, being a .... in the matter of .... in the .... Court, was published in said newspaper in the issues of .....

Affiant further says that the said .... is a newspaper published at ...., in said .... County, Florida, and that the said newspaper has heretofore been continuously published in said .... County, Florida, ~~each .... and has been entered as periodicals matter at the post office in ...., in said .... County, Florida,~~ for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this .... day of ...., (year), by ...., who is personally known to me or who has produced (type of identification) as identification.

(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of Notary Public)

(Notary Public)

And the title is amended as follows:

Delete line 2 and insert: An act relating to legal notices; amending ss. 50.011, 50.031, and 50.051, F.S.; revising provisions relating to requirements for the publication of legal notices; creating s. 50.0211,

On motion by Senator Bennett, further consideration of **CS for CS for SB 292** with pending **Amendment 1 (920062)** was deferred.

---

Consideration of **CS for SB 378** was deferred.

---

**CS for SB 1782**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; transferring and reassigning functions and responsibilities of the Division of Law Enforcement, excluding the Bureau of Emergency Response, within the Department of Environmental Protection to the Division of Law Enforcement within the Fish and Wildlife Conservation Commission; reassigning the Bureau of Emergency Response within the Department of Environmental Protection to the Secretary of Environmental Protection, as the Office of Emergency Response, within the Department of Environmental Protection; providing for the transfer of additional positions to the commission; providing for a memorandum of agreement between the department and the commission regarding the responsibilities of the commission to the department; transferring and reassigning functions and responsibilities of sworn positions funded by the Conservation and Recreation Lands Program and assigned to the Florida Forest Service within the Department of Agriculture and Consumer Services and the investigator responsible for the enforcement of aquaculture violations at the Department of Agriculture and Consumer Services to the Division of Law Enforcement within the Fish and Wildlife Conservation Commission; providing for a memorandum of agreement between the department and the commission regarding the responsibilities between the commission and the department; providing for transition advisory working groups; assigning powers, duties, responsibilities, and functions for enforcement of the laws and rules governing certain lands managed by the Department of Environmental Protection and certain lands and aquaculture managed by the Department of Agriculture and Consumer Services to the Fish and Wildlife Conservation Commission; conferring full power to the law enforcement officers of the Fish and Wildlife Conservation Commission to investigate and arrest for violations of rules of the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the Board of Trustees of the Internal Improvement Trust Fund; authorizing salary parity and other pay adjustments for positions transferred by the act; providing for the retention and transfer of specified benefits for employees who are transferred from the Department of Environmental Protection and the Department of Agriculture and Consumer Services to fill positions transferred to the Fish and Wildlife Conservation Commission; creating s. 258.601, F.S.; specifying powers and duties of the commission relating to state parks and preserves and wild and scenic rivers; amending ss. 20.255, 258.008, 258.501, 282.709, 316.003, 316.2397, 316.640, 375.041, 376.065, 376.07, 376.071, 376.16, 376.3071, 379.3311, 379.3312, 379.3313, 379.333, 379.341, 403.413, 784.07, 843.08, 870.04, and 932.7055, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1782** to **CS for CS for HB 1383**.

Pending further consideration of **CS for SB 1782** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 1383** was withdrawn from the Committees on Environmental Preservation and Conservation; Agriculture; and Budget.

On motion by Senator Latvala—

**CS for CS for HB 1383**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; transferring and reassigning functions and responsibilities of the Division of Law Enforcement, excluding the Bureau of Emergency Response, within the Department of Environmental Protection to the Division of Law Enforcement within the Fish and Wildlife Conservation Commission; reassigning the Bureau of Emergency Response within the Department of Environmental Protection to the Secretary of Environmental Protection as the Office of Emergency Response within the Department of Environmental Protection; providing for the transfer of additional positions to the commission; providing for a memorandum of agreement between the department and the commission regarding the responsibilities of the commission to the department; transferring and reassigning functions and responsibilities of sworn positions funded by the Conservation and Recreation Lands Program and assigned to the Florida Forest Service within the Department of Agriculture and Consumer Services and the investigator responsible for the enforcement of aquaculture violations at the Department of Agriculture and Consumer Services to the Division of Law Enforcement within the Fish and Wildlife Conservation Commission; providing for a memorandum of agreement between the department and the commission regarding the responsibilities between the commission and the department; providing for transition advisory working groups; assigning powers, duties, responsibilities, and functions for enforcement of the laws and rules governing certain lands managed by the Department of Environmental Protection and certain lands and aquaculture managed by the Department of Agriculture and Consumer Services to the Fish and Wildlife Conservation Commission; conferring full power to the law enforcement officers of the Fish and Wildlife Conservation Commission to investigate and arrest for violations of rules of the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the Board of Trustees of the Internal Improvement Trust Fund; providing for the retention and transfer of specified benefits for employees that are transferred from the Department of Environmental Protection and the Department of Agriculture and Consumer Services to fill positions transferred to the Fish and Wildlife Conservation Commission; creating s. 258.601, F.S.; specifying powers and duties of the commission relating to state parks and preserves and wild and scenic rivers; amending ss. 20.255, 258.008, 258.501, 282.709, 316.003, 316.2397, 316.640, 375.041, 376.065, 376.07, 376.071, 376.16, 376.3071, 379.3311, 379.3312, 379.3313, 379.333, 379.341, 379.343, 403.413, 784.07, 843.08, 843.085,

870.04, and 932.7055, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1782** as amended and read the second time by title.

On motion by Senator Latvala, **CS for CS for HB 1383** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

## RECOGNITION OF PRESIDENT HARIDOPOLOS

### SPECIAL GUESTS

Senator Gaetz introduced President Haridopolos' wife, Dr. Stephanie Haridopolos, their children, Alexis, Hayden, and Reagan, and his parents, Ernie and Georgia Haridopolos, Governor Rick Scott, Lieutenant Governor Jennifer Carroll, Commissioner of Agriculture Adam Putnam, former Senate President and current Chief Financial Officer Jeff Atwater, and former Senate Presidents Ken Pruitt, John Vogt, and Jim Scott who were present in the chamber.

A video tribute was played honoring President Haridopolos.

### REMARKS

On motion by Senator Thrasher, the following remarks were ordered spread upon the journal:

**Senator Bennett:** You know when you serve somebody, it's one thing, but when you serve the State, it's something else. When you stand by your principles, and a lot of people say they stand by their principles, but they really don't. It's really tough sometimes to stand by your principles and at the same time, bend to help a child, bend to help people who need the help the most.

Senator Haridopolos and I, and I know we're supposed to be using all kinds of legal terms, Mr. Rules Chairman, but I can't help it. Though he will always be my President, he will always be "Mike" to me. You think about sitting side by side in the House and him standing by his principles so much that every once in a while, he would actually reach over and switch my vote. That was fair because those vote switches are probably what got me elected.

I think sometimes you have to understand leadership comes about by those people who stand by their principles. He has always stood by his principles of less government, stronger family values, more personal responsibility–the types of things that we all want in our lives. We all want less taxes and often times, you'll hear the debate: we've got to have more revenue. But we can't have more revenue and tax people who have nothing, and have the high unemployment rate we have in the State of Florida. We've had to make some tough choices. We've disagreed without being disagreeable. Mike and I have always had the opportunity to walk into the back room and forget about the discussion on the floor and maintain our friendship. That is what a true leader can do. A true leader can disagree with you without being disagreeable. He doesn't hold a hammer over your head. He doesn't beat you up. He pushes for his side just as he expects you to push for your side. That is really what leadership is all about. Leadership is truly earned. You can get appointed, but you will never be a leader unless you actually lead people. Mike, you are a leader.

I don't know what the future is going to hold for you. You know they always talk about a bucket list. I know everybody has got one. I certainly know that you're not at the end of yours by a long shot. But when I look at your family, that is certainly one of the things on your bucket list. When I look at the Senate Presidency, what a wonderful thing to have on your bucket list. I know that your bucket is not full yet. Congratulations, my friend. It has been a wonderful opportunity.

**Senator Simmons:** Thank you, Mr. President. The many times that I have had the opportunity to see you in the halls and see you here in the Senate, I say "Hello, how are you?" Your response is "Just living the dream." Members, this is a man who is living the dream. You know back in the time of 1215, January of 1215, the earls and the barons were having a difficult time with King John. What they did was the normal thing to do back then. They went ahead and tried to find some other king to substitute for King John. But the fact of it was that there wasn't any real substitute. So necessity being the mother of invention, the earls and the barons decided that they would create a document. This document was to be signed by King John when they cornered him at Runnymede in the summer of 1215. They had a constitutional document, the Magna Carta, which is, of course, the foundation in all English-speaking countries in the world for constitutional government. As a history professor and a person who is knowledgeable about that, I can say to you that this President is as solid as a rock. He is a person who believes in our constitutional form of government. You see, his beliefs are solid, and I remember him living that dream that he has lived and is living.

I remember driving up here in the fall of 2000. We had just been elected to the Florida House of Representatives. With me in the car was a young man whom I had never met before. That was Mike Haridopolos. We were talking, and I got to know Mike Haridopolos. I learned that Mike Haridopolos is a person who believed in Ronald Reagan Republicanism; a man who said, "Let us be sure that those who come after us will say of us that in our time, we did everything that could be done, we finished the race, we kept them free, and we kept the faith." That is the tenet that Senator Mike Haridopolos has lived by. He believes, just like Ronald Reagan, that the problem is not that people are taxed too little. The problem is that government spends too much. He believes, just like Ronald Reagan, that government's view of the economy can be summed up in a few short phrases. If it moves, tax it; if it keeps moving, regulate it; and if it stops moving, subsidize it.

From day one, when I met him in November of 2000, he has remained true to his beliefs. So, as part of that Class of 2000, we were there in November and the Speaker of the House said as he looked out among us, "You know, look around you members. Look around you, and you are going to see future United State Senators." We do have a U.S. Senator from our class. He said, "You're going to see cabinet members." We do have a cabinet member from the Class of 2000. He said, "You're going to see Senators and State Senators and Congress persons." And sure enough, we not only have from the Class of 2000 a State Senator, we have a President of the State Senate.

I'm a person who is observant. I know some of you probably wonder if it is true that I'm really observant. You know, I was growing up on a farm and I would have to spend 14 hours a day riding a tractor. You know, you start looking at things around you when you spend 14 hours a day on a tractor. This is true when you pick a jury too. You learn to look at people. I'm an observant person, and I'm going to tell you what I've observed about our Senate President. The first thing is that he is the definition of leadership. The term leadership embodies a lot of characteristics. Those characteristics are different for different people. I'm going to tell you what I've seen. The number one element, characteristic of leadership, is to have a vision and to have a dream. Members, this man has a dream. He has vision. That has been the vision that has led this Senate for the last two years. That vision was tempered with the knowledge and the understanding that the power and the authority of the Presidency of this Senate derives from the members of the Senate. So, number one, he is a leader because he understands a vision. Members, he's principled. Not once can you ever suggest to anyone that this Senate President waivered on his principles. He's loyal in every way. I remember when we were in front of Alan Bense, the Speaker of the

House of Representatives. One of the issues was loyalty and he said "You know David, in my world, loyalty means so much." This man is loyal.

You know what else as I have observed? He loves his wife, he loves children, he loves his parents. Have you ever watched him when Stephanie comes into the room? Watch him, sort of like a school boy who's seeing for the first time the school girl he loves, his first love. That's the way he acts. For me, to watch him as he interacts with Stephanie, is a blessing. It really is. He's honest, he has integrity, and he's a hard worker. He and I had somewhat of the same experience growing up. It's a tough experience. It's like our Governor, but he was fortunate to have great parents. Where I come from, hard work used to be admired, and I have not seen someone who works as hard as he does in a long, long time, and I admire it. The fact is that Thomas Jefferson said, "The harder I work, the luckier I seem to get." Well, I believe, Mr. President, that you've got a lot of things to achieve, and you're going to do it through hard work.

Our President demands fairness. Individuals, such as William Dillon and Eric Brody, saw the fairness of this man. Members, he was accessible, is accessible. When the doors came down to the Office of the Presidency, you walk in and they're sitting over there on the side. Not once did I walk in that he wasn't accessible, and I know that's true for everyone of us. He is the embodiment of leadership. Not only did he take the dream, have the vision, but he turned it into reality.

You think about the landmark legislation that has been adopted by this Senate and this Legislature as a result of his leadership. We have landmark legislation that demands accountability in education by changing the archaic rules of tenure and it provides for measures of performance. In two years, we have tremendously streamlined government. We have pill mill legislation stopping the heinous and dangerous pill mill disaster that we had prior to this Senate President, and his wife. We have education reforms, members, that had their genesis in the Senate, and now are passed. We have individuals such as William Dillon and Eric Brody who received justice. It's not just those individuals, members, that we are talking about. We're talking about the statement that has been made for generations to come.

So, Mr. President, you are living the dream and making that dream a reality for all of Florida's citizens. You are the definition of success because the definition of success is that we leave this world a better place than when we arrived. By that definition or any definition, you are a success. I want to thank you, Mr. President, from the bottom of my heart and from all of us, for living the dream, for leading us, so that we can change the lives for the better of all Floridians. Thank you so much.

**Senator Negron**: Thank you. After Senator Simmons' excellent presentation, Senator Gardiner and I are out of material. I'll just touch on a couple of things. I want to talk briefly about his leadership style. When people are trying to achieve something, and they need the help of a group, they are real quick to talk about how it's going to be group dynamics. I'm going to be here to make sure you're successful. Sometimes when they get to the pinnacle, they forget, and all of a sudden they're running the show. I have to say with President Haridopolos, with Medicaid reform for example, and a number of us worked on that issue, he kept his word. He said here are the broad tenets that we all believe in and he empowered us to go make it happen. The same thing with PIP reform. I guess we'll find out in the next 24 hours whether this was a good strategy or not. He said, "Here is what I want to do. I want to get rid of fraud. I want to make sure that legitimate medical providers get paid." I want to thank you for not just talking a good game but really empowering members to get their work done.

The second thing that I admire about the President is his independence and having a little bit of an independent streak. One of the things when you run for office, and this is true in both parties, but in the Republican party, there is a Republican party orthodoxy. God forbid if you deviate. I don't know who decides what this orthodoxy is, but somebody does. If you happen to have a different view, we have all kinds of nice names. You're a "RINO" or you're a fake. You're not really a conservative. One of the things that I admire about him is you don't find too many Republicans that are worried about people wrongfully convicted of crimes. That seems to be an issue that you hear Democrats talk about. I admire this President. There's not a lot of good will you're going to inherit in a Republican base by standing up for people that are in prison and looking like you can be accused of being soft on crime. I'm proud of the fact that a Republican established an innocence commission to say, "Let's make sure that we don't send people to prison who don't deserve it." This man got a claims bill for Wilton Dedge and Bill Dillon, both of whom were wrongly convicted. He set up a procedure so that people who are wrongfully convicted have an ability to seek justice. I admire your independence in saying, "It's not being tough on crime to put the wrong people in prison." I admire that.

I respect the fact that before you start writing bills, you actually go talk to people. When we were going to do Medicaid reform–there's something about you and buses, and we've been on a lot of buses together–but we did the Haridopolos bus tour. We joined with many of your members. I look around and I see many members that we visited when we started in Miami. We started at FQAC, and I still remember a young mother with her three children and I asked, "What do you like about getting your health care here?" She said, "I like the fact that I can get dental care here. I can get everything I need. I don't have to bounce from pillar to post." We went to Glades County. The Health Department in Glades County is the only show in town. That's where you go get your health care. I remember after we were there for several hours, we were in the parking lot, and a gentleman came up to us and said, "I'm for Medicaid. I'm for making sure that we take care of people who can't afford their health care. I want you to know about my business. I can't afford to pay full health care anymore for my employees. We're only able to pay 50 percent of their cost." That was one of your principles. You know Medicaid should be comparable to what's in the private sector. No better and no worse." We talked to people and learned from them instead of just saying "We're going to come up here and write a bill."

I know you remember being at Shands. Dr. Bleiweis had worked twenty four hours straight before we talked to him. He does complex pediatric surgeries to save lives. Stephanie Haridopolos was on the trip with us. There is an idea in the Medicaid bill that I'm very proud of. A lot of people on Medicaid don't even know who their doctor is. They are lost in a bureaucratic system. Dr. Haridopolos said, "Why don't we make sure that everybody in Medicaid has an appointment scheduled with their doctor? This is about medical care by the way. They go to the doctor within 30 days." It's now in our law. Everybody who signs up for Medicaid, they're going to be treated the way that everybody else would be treated. They are going to know who their doctor is, and they are going to see their doctor within 30 days.

One of your legacies is what Senator Gaetz and I refer to as the Haridopolos primary care clinics. There are over 30 now. This isn't a concept. This isn't some idea. This isn't in bill drafting. These are actual clinics. As David Letterman says, "Actual letters from actual viewers." These are actual clinics that are up and running today as we sit here–over 30. With what we've approved this year, there will be over 50. These are places where our fellow citizens can go to get the care they need rather than having to go to the emergency room. Thank you for a job well done, for empowering us, and for being willing to stand up for what you believe. Well done.

**Senator Benacquisto:** Thank you Mr. President. First, let me say a big, giant thank you to Stephanie Haridopolos and the three beautiful Haridopolos children for the time that they have lent their father and her husband to us. Even in my short time being involved here, there are always Saturday afternoons when a phone call comes, a meeting has to be had, or a time that you have to say, "Excuse me for a moment" to the people you love. The fact that you have been so steadfast in your support for our President has meant the world to us because it allowed us to have him for the time that we needed him. You will have our undying support, gratitude, and love for that for evermore. For your children, you all should stand strong and be so proud of your father for what he has accomplished and for what your father has done for the state in your name.

Mr. President, you believed in a little city councilwoman nobody had ever heard of. You said, "I'll give her a chance." To many of us in this room, you said, "Follow my lead, work hard, make 10,000 phone calls, knock on 10,000 doors. You will see the connection to your constituents pay off. You set a great example for us, for all of us. With your confidence in me, you helped me get here. I still can't believe it sometimes. But I am here among a group of incredible people led by someone who really deserves the title of "Mr. President."

A funny thing happened along the way. We got to be very good friends. The President said to me one day, "You know, you're like a little sister I never had." Of course, I had to correct him. I am older than him. I can't

really be that little sister. But to have made that connection, to become such good friends, really means the world to me. To serve in this chamber along side you, under your leadership, you have sown in us the seeds of inspiration, the seeds of courage to take a stand for the things we believe in, the courage to expect more of ourselves on behalf of the people we represent, the courage to do better. Sometimes it takes courage when the fights come on this floor. You've taught me, and many of us, that sometimes the fights you lose are just as important as the fights you win when you stand for the right policy.

Given the glimpse of the inner workings of this body to a freshman, many of us in this room to whom I know you have extended that courtesy to learn, to be mentored by those that have come before us, to have a seat at the table when the decisions are being made is just critically important. I don't know what the future holds for you and your family but I know it is surrounded by love and good fortune. History, as we know, doesn't always reward us with the judgment of perfect. It will reward you with the judgment of principle. It will reward you with the judgment of courageous and dedicated and willing to stand for those who don't necessarily have a voice. Those corporations that we help out from time to time are never as important as the folks that need us most. You have been a great role model, a great friend, and it has been a privilege to serve alongside you. I wish you always the best, Mr. President.

**Senator Thrasher:** Thank you, Mr. President. Senator Haridopolos, congratulations. Stephanie, congratulations to you and Mr. and Mrs. Haridopolos. Senator Benacquisto talked about being young enough to be Senator Haridopolos' sister. Mr. Haridopolos, I'm probably old enough to be his father I think. But to be a part of his leadership team has been, truly, an honor.

I'm kind of like Senator Negron. Senator Simmons and others who are so eloquent have kind of taken a lot of the things some of us would have said at the end. You know, in this town and in this business that we are in, people like to judge folks and determine whether or not they were successful or not in their journey in this process. Those folks out there sometimes do that. You know, by wins and losses. Sometimes, it's whether or not you are popular in the newspaper. That's really not what it's about. One of the things that is so important, at least to me, and I think it is to many of you, it's so important in this business we are in, is when somebody comes to you and says they are going to do something based upon their core of beliefs, you take it at face value. You believe they are going to do it. But then the real test comes when they get the position of leadership, and they actually execute that philosophy based upon what they believe in. And more than anything I could ever say, what I think about you, Senator Haridopolos, is that you ran on a philosophy that you believed in, that you believed in all your life: conservative principles of less government, less taxes, more personal freedom for everybody.

When you got this job, you executed those principles. Now, we didn't always win. We didn't always win and, again, I'm not sure that's what it's about. Just yesterday, after you left the floor, a few of the straggler good friends in the press corps came up to me and said, "Why are you all taking up these real controversial issues the last few days of the session?" I simply said to them, "You obviously don't know Mike Haridopolos." It ain't about that kind of stuff with Mike Haridopolos. It's about ideas. It's about challenging the status quo. It's about shaking things up and giving this body the opportunity to look at those issues, those very, very tough issues and make a decision. For that, Senator Haridopolos, my good friend Mike, you have been a champion, and don't ever leave this process thinking that wins and losses is what this is about. It's not about that. You are a winner in the highest sense of the word. I appreciate the opportunity to be a part of your team. I appreciate the opportunity to have taken on some of these difficult challenges that we've had, and I appreciate all that you have done for every single member of this Senate. When you leave here, you know it's not about legacy. It's about going back to doing what you said you were going to do, and you did it. That should be your legacy, in my opinion. God bless you, my friend.

**Senator Gardiner**: Thank you, Mr. President. I've learned a lot today. One thing I've learned: if you're going to talk, go first. The other thing that I've learned, and I'm having a hard time getting it out of my head, is David Simmons on a tractor for 14 hours a day. I'm not sure if Senator Evers needs any help or not in that.

I'm going to go through a couple of things. The one thing that's been talked about a lot, is what our President is finishing in his career, we all will finish. Some will have a portrait. Some will just have a hug from family. This is a celebration. This is such a celebration. I look around this chamber, and each one of you have made personal sacrifices to be here. To be away from your family. I think about Senator Flores who has her baby up here and the sacrifice that that is or Senator Simmons being away from his daughters. Senator Storms, if you go see Senator Storms, the books are laid out for her daughter for school. This is what it's all about: to have your family here and to celebrate that our President is going home. All the sacrifices that he has made as President as has been mentioned. The phone calls, the meetings, maybe he missed a recital or something at school. He's had to say goodnight to the children on the phone. For some of us Face Time, that's the new thing for us. That's what this is about. It's that celebration that we all will have at the end of our tenure in this process.

It's also about something that Senator Simmons talked about: the class of 2000. I see Speaker Feeney up there in the gallery. I look around and the impact of that class, Republican and Democrat, there were 63 of us. Senator Simmons is right. Future Senate Presidents, U.S. Senators, Lieutenant Governors, all the way across the board. What an impact that class has had! What an impact our President has had on the last two years.

I want to go through a few of them. Think about what has been accomplished under his leadership: education reform, growth management reform, medicaid reform, pro-life bills, the pill mill bill which is now a national model, redistricting, the budget, Smart Cap, Health Care Freedom Act, PIP, the school prayer bill (which I believe is on its way to the Governor), medical malpractice reform, pension reform, and–as it has been mentioned–Mr. Brody's and Mr. Dillon's compensation bills. I'm going to fill everybody in on a little secret. Occasionally between the House and the Senate, there is wheeling and dealing on issues. For Mr. Dillon and for Mr. Brody, I can still remember the President saying, "The House should do it because it's the right thing to do. There's no trade. They should do it because it's the right thing to do." He has consistently been that way on every one of these issues. Every issue that I have mentioned was done under his tenure as President, but he empowered the members in this chamber to get them done. That is an incredible legacy that you will leave, Mr. President.

There is a little piece of a speech, if you will bear with me, I want to read this. I know that we are creating a record, and I want the President's children to always hear it. When people look back and try to judge our President, I think this is important. The President has actually used much of this, but please bear with me. This is a speech that was given in 1910 in Paris, France by President Roosevelt. It's referred to as "Citizenship in a Republic."

> It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs; who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

Two years ago, right here, when we recognized Senate President Jeff Atwater, he made comments that had a lasting impact on me. He said, "Don't fear the debate. We may not be on the same side, but don't fear the opportunity to debate." This President has never feared that debate. If you've had the opportunity to be up there where Senator Gaetz is and soon will be for another two years, it says "BNA." President Atwater put that up there and it says, "Be not afraid." Every step of the way, we have done more over the last two years that I think history will show probably since, Speaker correct me if I'm wrong, back when Governor Bush came in. All of the changes, all of the issues that we've faced, and to still do redistricting earlier than it's ever been done. The most open process, the budget, and all the accomplishments. He always did it as a happy warrior. Allowed the debate to happen, win, lose or draw. For that, this

chamber, and especially the Republican Caucus, Mr. President, will be forever grateful for your leadership. Congratulations, and welcome home.

**Senator Alexander:** Thank you, Mr. President. President Haridopolos, Mike, it's been an interesting journey the last decade as I've gotten to know you. When I first got to know you, you were a young guy who had some great ideas and formed a group called "The Freedom Caucus" that focused the discussion and the debate. Pretty quickly, I figured out that this guy understands politics. He understands the debate. He understands communication a lot better than I do. It was kind of amazing to see how adeptly you handled those discussions and that principled leadership that so many of us have spoken to today, clearly was one of the first things that drew me to your leadership.

For me, having a leader who is a lighthouse that stands on a point, you know it's there. You know it never wavers. It keeps shining the light. It brings you home. It's something that is very valued by me and, I know, lots of others. But there is another side to Mike Haridopolos that probably is every bit as important because anybody can be an ideologue. It's the other side of Mike Haridopolos that is a very caring human individual that spends his years working for others that really sealed the deal for me to say, "Mike Haridopolos is a leader that I can follow." You know, those things became very apparent early on. I used to get around that you were the Eveready Energizer bunny. I've never seen anybody keep working tirelessly, not for himself, but for everyone of these members, for everyone of us. I don't think there is a district he hasn't been in, working to get folks elected, to help them understand how to connect with their districts, how to talk to people. I mean fund raising. Frankly, I got absolutely sick of fund raising some years ago and it's a part of this business that I wish, in a lot of ways, that we didn't have, but it's part of the political discussion. You got out and did what was necessary to make sure that the team had the resources to communicate with the people and get past liberal media that doesn't want to tell a story fully and completely. The amount of work that you put in for others is amazing.

Then, as we started working together over the years and more recently, I probably, more than almost anyone else, have seen firsthand, how concerned you are that you not serve yourself, but that you serve others. I have sat there when we got into some challenging discussions with our colleagues down the hall. Mike Haridopolos always kept not his priorities, but the priorities of the Senate, in mind. I can remember many times, Mike Haridopolos would start or we would start talking about how our allocations would work and he would pull out, not some staff-driven something, but a handwritten list, pages long, of things that members had told him that were important that he wanted to make sure that we could have a shot of getting taken care of. Now we didn't always get them all done. That's probably not Mike Haridopolos' fault. That's my fault. But it wasn't because Mike Haridopolos wasn't listening, wasn't trying to position the Senate to win all the issues that help you to serve your district and help you make sure that the views of the people that you represent are heard, and their needs are met.

As we got into the session, I probably have been around closing out budgets now quite a few times. I've seen leaders who say, "This is what I need." You know, when we got down to the end, Mike Haridopolos, after he had gone through and tried to make sure he had covered the needs of every member, he started thinking about the most vulnerable folks in our state. How can I help them, how can I help homeless veterans that have served our nation, and how can we make sure we've done everything we can do? We'd like to do more, but how can we make sure we can do that? How can we serve folks who are victims of violence and abuse? How can we serve all these folks? You know quite frankly, we've been in so many battles and so many things in the last days, I'm pretty much mush. I can't remember all of them. I just know every single time, I can tell you this without a doubt, that President Haridopolos had every member in this chamber's needs in mind as he made the decisions, and helped shape the debate to lead the Senate. For that, Mr. President, I am very proud and honored to call you my friend, 10-year legislative roommate, and my leader. Thank you. Mr. President.

**Senator Rich:** Thank you, Mr. President. First, I would like to recognize your parents because I think it's very special when your child achieves something as important as what your son has achieved, that you are here to share it with him. Some people don't have that good fortune, but Mike has that good fortune to have his parents here. I just want to recognize you two. Then I want to recognize your wife, Stephanie. I feel like she's been on my team with regard to certain things. Stephanie has a great deal of compassion for children. She's a professional in her own right and when we needed some help on a few children's issues to be sure they were funded in the budget, things like Healthy Families and Early Steps, she was right there talking to you and helping to educate you about some of those issues. She's a very good lobbyist. So I just want to thank you for enabling us to have some important things in the budget because of your concerns as well.

When I first began two years ago as the leader, I had a little trepidation. I'm a pretty realistic person. I looked at the numbers and I said, "Those aren't too good." As we moved along in this two year period, my concerns were quickly allayed. I like what Jeb Bush said about your core beliefs, and that we have different core beliefs. What you did was to respect the fact that the members of the Democratic Caucus, in many cases, did have different core beliefs. You worked with us. You had good mentors, at least the two with whom I served, Senator Atwater and Senator Pruitt, in terms of understanding the importance of the culture, the civility, and the collegiality of the Senate.

At the very beginning, you were concerned about the members of the Caucus making sure that they had the committees they wanted. Just the other day you said, "Have we gotten all the bills out that the members need?" Those are the little ways of showing that you have a respect for the minority. I think that is very important in a democratic form of government. As Ken Pruitt always said to me, "You're the loyal opposition," and I've tried to be that loyal opposition by recognizing the importance of the civility of this body and the mutual respect that we show each other. I can say that when I come to you about issues, I look to Stephanie, and I come to you about issues that we need to have in the budget, particularly relating to children and seniors. You were very supportive and went to bat for them. For me, I feel that it's been a good relationship, one where we've had a great deal of mutual respect for each other. I congratulate you, and I only wish you success in whatever endeavors you pursue in the future.

**Senator Joyner**: Thank you, Mr. President. Our paths converged in the year 2000. The young whipper-snapper Haridopolos and the liberal, progressive, older Joyner met. Those were tumultuous times. There he was like a peacock with all the boys around him. Out of it came the Freedom Caucus. Representative Haridopolos would not vote for a bill that was a 25 cent increase or 5 cent increase. He said, "That's more taxes and I want less taxes." I said, "Who is this guy? I mean a quarter, please." We met and we talked and the next thing I knew he was in the Florida Senate. Our paths didn't converge that much until I came over here in 2006. My God, there was a different person in the Senate than I had known in the House of Representatives. Speaker Feeney was in charge then. That was a different day and a different time and we conversed differently. When we came here, he embraced me. I'm not one of the boys and I'm not in the inner circle, but a relationship came about that's impenetrable now. As I always say, "Life is about relationships." When I had this bill to compensate the wrongfully incarcerated as a freshman senator, there he was supporting me. Totally unexpected, but greatly appreciated. Last session, my aide said, "Here is your resolution honoring these women in Tampa who came forth when a police officer was shot and sought aid for him and comforted him." Senator Haridopolos listed it as the first resolution that he wanted heard in the Florida Senate. She said, "You know that's a testament to you. He believes in what you believe in."

This year, one of the first bills on the first day was the shackling of pregnant women. I said, "Boy, this relationship I got with the President is really good." He looks at my stuff and says, "I like what Joyner's doing and I want to showcase it." All that has been said about you and in the black church we say "with protocol having been established." Parents and children have all been acknowledged. Your good deeds that you've done have been acknowledged by my colleagues. My thoughts are on more of a personal note. I want to thank you for the way you have treated the Majority–well, I wanted to be the Majority Leader–but the Minority Leader this year. Your word has been your bond because folks have said,"Oh no, they're going to do this and that." Our leader said to me, "This will not occur." Today, you have not wavered from that. That means a lot to me because I was taught by my father that your word is your bond. You exemplified that during this session, and I want to thank you for the respect that you have shown us. Thank you for making sure that we had some money in the pie. Thank you for just realizing that even though the ideology and philosophies that we have differ on some issues, the majority of the ones that come before us–95 percent of the

things we do in here–we agree on. I'm especially happy and grateful about the innocence commission, and the fact that you stood up for persons who should have been compensated in the state says a lot. It augmented my respect for you. I want you to know that because I've never communicated this to you or anybody else. I just said the Haridopolos that I met in 2000 is not the Haridopolos that I know in 2012. Thank you, Mr. President, for your friendship, your leadership, and the respect that you have shown my leader and other members of the Democratic Caucus.

**Senator Siplin:** Thank you, Mr. President. I rise to thank God for my very good friend, Senator Mike Haridopolos. As I look across the aisle and see his parents, it's clear that they've taught him about Luke 6:38: "Give and it should be given unto you; a good measure, pressed down, and shaken together, and running over, should be given into your bosom." I recall when we met when Speaker Feeney was the Speaker of the House, we got together and formed the Freshman Republican Democratic Caucus along with Mike Bennett. We became good friends then. Two years ago, you asked me to step into the bubble and you said, "Gary, I've watched you, and you care about people. I want you to be a part of my leadership team. Think about what you want to do." You kept your word. You're a giver. You also came to me and said, "Senator Siplin, you are the Chair of the Black Caucus. I'm going to be the President of the Florida Senate. I want to make sure that everybody is treated fairly. As Chair of the Black Caucus, make sure you consult with each of your members and see if they have been disrespected by anyone in this Florida Senate, and let me know." You gave and you did that. You also asked me, "What can I do in your district?"

As the first black Chair of the Agriculture Committee, I was being recognized in my district, in Pine Hills, and in the hood. The beneficiaries of that recognition were minority, African American not-for-profits. You came down there, and because the President of the Florida Senate was coming to the inner city to help recognize a black Democrat, the lobbyists came, and they contributed to this not-for-profit. Because of your action, a lot of black boys and girls are the recipients of some very good services. Again, he is a giver. Of course, President Atwater started helping us out with Evans High School. This is a dilapidated school that is about 95 percent Haitian. Their parents don't speak English. We built a new public school, and because of your relationship with me, you made sure it got done. You came down to Evans High School. Again, he is a giver. I appreciate what you've done for me. It is clear that the Senate is the upper Chamber. You step outside of the lines of demarcation, and no matter what is said about Gary Siplin, you've treated me fairly. Even though you've put me as part of the leadership team, you only asked me for one issue, and that issue was not for Senator Haridopolos. So I appreciate that. As a part of my speech today, the presences from the hood said, "If you're going to be speaking about our good friend Mikey Haridopolos–that's how they refer to you in the hood, brother–please give him this token of appreciation of all the good, hard work you've done for a new 90 million dollar edifice in the heart of the hood, Evans High School." God Bless you.

**Senator Richter:** Thank you, Mr. President. President Haridopolos, I wasn't sure if I was going to make comments or not. I was thinking about your leadership. I was thinking about when we first met and you recruited me into your Senate.

A number of weeks ago, members, on that screen flashed a picture of me when I was in the Army in Viet Nam. A lot of you said, "My gosh, you looked mighty young then!" I was young. I celebrated my 21st birthday in Viet Nam, and I remember what my father sent me in Viet Nam–what do you send to a kid in the Army for a birthday present? He sent me something that I received in the mail, and I carried it all through Viet Nam. Last night when I was thinking about you and your leadership here, I thought that I would share my 21st birthday gift with you because it was a poem that was sent to me and I think it exemplifies your leadership. It was written by Rudyard Kipling and many of you may have heard it before. It's the poem "If."

If you can keep your head when all about you
Are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,
And yet don't look too good, nor talk too wise.

If you can dream–and not make dreams your master;
If you can think–and not make thoughts your aim;
If you can meet with Triumph and Disaster
And treat those two imposters just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build 'em up with wornout tools;

If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: "Hold on!"

If you can talk with crowds and keep your virtue,
Or walk with kings–nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run–
Yours is the Earth and everything that's in it,
And–which is more–you'll be a Man, my son!

To your father, Mr. Haridopolos, and to your family, Mike Haridopolos, you are a man and to your father and mother, a wonderful son. Thank you for the leadership that Rudyard Kipling so well described in that poem.

**Senator Ring:** Mr. President, thank you. I cannot top any of these speeches. When I was campaigning for office, the question that came up more times than not is, "You're a Democrat. How are you going to be able to get anything done in a Republican legislature? You're just going to go up there and sit in the back," which I do. I certainly believe I have the best seat in the house. I would never trade this seat for anything. "You're never going to get anything done up there." Well, I got elected, and maybe within two weeks of being elected–I didn't know anyone–I had just moved to Florida. Mike Haridopolos called and said, "Hey I'm working on property tax. What ideas do you have?" That was pretty interesting to me, not understanding what Tallahassee politics were like, that one of the Republican leaders would call me up after just getting elected to ask me about, at the time, the biggest issue of the day and what my thoughts were. A couple years later, when Jeff Atwater was the Senate President, Mike Haridopolos was the Chair of Government Operations. After his first year as Chair, he went to President Atwater and said, "I'm going to be Senate President, and I probably don't have time to do this Government Operations Committee right now. Why don't you make Jeremy Ring the Chair of the committee?" I was blown away by that. Then last year, our committee was tasked with one of the biggest issues of the year which was pension reform. President Haridopolos called me up just before he was sworn in as Senate President. He said, "This is going to be your big issue to do this year. I need you to work on this." Our committee worked on this for weeks and months to get it right. I've heard a lot about the strong arm tactics, and I can tell you that while working on one of the most contentious significant issues that certainly has happened here within the past two years, not once did I feel strong armed. It was, "You're doing a good job, whatever the committee thinks is the right way to go, I want to do X, Y, and Z, but you guys figure it out."

By the time we finished with pension reform, it actually had the committee's fingerprints on it. It wasn't necessarily the fingerprints of the Senate President. It was the fingerprints of the committee, because he absolutely allowed our committee and empowered our committee to lead what, at the time, was one of the most significant, yet contentious issues of the year, and certainly one of the most contentious issues since I've been elected. This year during the prison privatization debate, which I voted against, President Haridopolos didn't push me. He came in and he asked me, "Where are you?" I told him where I was, and that was it–end of discussion. He wasn't trying to push me or take my arm and twist and say, "You're going to lose this, this, or this." It was just a question, and I gave an answer, and we moved on from it. So I haven't seen any arm twisting coming from the Senate President's office. If anything, I've seen an office where a Democrat can feel empowered to truly make accomplishments in the state. I'm glad I get to pile on with other Demo-

crats who have spoken previously. We all see what is going on in Washington. None of us can like it. The Democrats are in the minority in the House. In the Senate, the Republicans are in the minority. At the end of the day in Washington, nothing gets done. It's complete and utter gridlock. I don't care if you're Republican or Democrat up there. It's gridlock in the most partisan gridlock sort of way. I truly believe that the Florida Senate is the model body for any government entity in the nation. You come here, and whether you're a Democrat or a Republican, there is no excuse and no reason for you to fail in this body. That starts at the top. It started with President Pruitt my first two years here. It went forward with President Atwater. President Haridopolos kept that environment together. There is not a single person in this room, no matter where you're from or what political party you are, has any excuse to fail. That is all about leadership, and I will tell you, at the end of the day, leadership does have the ability, should they want to use it, where any one of us in this room can fail. This leader decided not to use that, and the previous two Presidents prior to that decided not to use that. Everyone in this room should succeed, and there are no excuses for failure. That's the leadership of Mike Haridopolos. Thank you.

**UNVEILING OF PORTRAIT**

Senator Gaetz invited President Haridopolos, his wife, Dr. Stephanie Haridopolos, parents Ernie and Georgia Haridopolos, and children, Alexis, Hayden, and Reagan, to the front of the chamber where the portrait was unveiled by Sergeant at Arms, Donald Severance. Senator Gardiner presented the gift of a signed portrait of the members of the Senate to President Haridopolos.

**Senator Gaetz:** A few years ago, I had a very earnest and a very private conversation with Senator Haridopolos. It was one of those defining moments. The deck had been cleared and, more than cleared back home, for him to run for what had become suddenly an open seat in the U.S. House of Representatives. The pressure was on for him to go to Washington. I saw the numbers. He would have been elected by his constituents in the Space Coast overwhelmingly. He would be in the Congress of the United States today. But I asked him not to run. I asked him to stay here in the Florida Senate. I suppose today, Mr. President, I should ask for your forgiveness. Because, if he had gone to Congress then as a young man, he would have taken a safe seat in what became, in 2010, a Republican majority, and he would, today, be on an escalator to leadership in the U.S. House of Representatives. That is what he gave up. This is what he gave it up for. He traveled the state. He looked for good leaders, lifted up by their communities, who could be good senators. He worked to find the resources. He walked door-to-door with them. Today, they sit, you sit, I sit, as Senators, in this chamber.

Then in 2010, Mike Haridopolos led his caucus to the greatest majority in 140 years. You've heard today from others what he did with that mandate–taxes are lower, spending is cut, and growth of government is capped, litigation is reduced. Teaching–a profession that he has given his life to–has been strengthened for children. Medicaid is reformed in law, and, soon, in fact. Our state debts are reduced on his watch. Life was protected, and our sovereignty was affirmed, and our freedoms have been upheld.

No matter how you voted, no matter whether you agreed or disagreed on any of these issues, all of us must agree on one incontestable fact. Remarkably, refreshingly for a politician, Mike Haridopolos governed as he campaigned. He did exactly what he said he would do. He faced the odds, and he kept the faith. That is what he did, but that is not all he is. In the shank of the night, when the offices in this Capitol are for the most part dark, I have watched him as he sat at his desk in the President's office. I've been a witness as he has cast off the balance sheet of his values, and what matters to him, and every one of his Appropriations Sub-Chairs will affirm this. You heard Senator Alexander, our Appropriations Chair, affirm it on this floor a few minutes ago. His question when no one was looking was, "What can we do? What else can we do for the most vulnerable people—for veterans who are wounded and have no jobs, for children who are exploited and abused, for women who are homeless, for the disabled, for the wrongly imprisoned?" That's why when–in two days–when this chamber is empty and only the echoes linger–Floridians who examine our state's budget will find, thanks to Mike Haridopolos, more funding than ever before for the community groups that serve the disabled. More resources for the homeless coalitions, the volunteers who man the homeless shelters in our churches and in our communities and in our synagogues. Millions and millions more to continue and expand primary care clinics to serve the uninsured, the poor.

Senator Negron was right; they are the Haridopolos primary care clinics. Every time either Joe or I say that in his presence, he does this (motions with hands) because his name isn't attached to any building, or bridge, to any college. His name is attached, instead, to the good that he has done. Millions more, millions more, so that our elderly won't have to be in nursing homes if they don't want to be, but can be cared for at home where they want to be. And justice, justice is done for William Dillon.

I used to be in the newspaper business, so I can tell you that the press won't write about this side of Mike Haridopolos because I know that good deeds quietly done don't sell papers. But I cannot help but believe that this side of our President is warmed, as our Minority Leader said, by the woman at the President's side, Stephanie Haridopolos, who every day as a primary care physician, brings care and cure to moms and babies, to the elderly, to the infirm–the First Lady of the Senate, Stephanie Haridopolos.

And the Majority Leader was right. When you enter the President's office, the first thing you see isn't one of those plaques that we get from interest groups whose bills we carry. There is not an award with his name on it. There isn't a picture of him. That's not the first thing you see when you enter the President's office. When you enter the President's office, you see the words of Theodore Roosevelt read by our leader, Senator Gardiner. A credo for leadership and living through the face of criticism in a pursuit of principle. Mr. President, thanks for being that man in the arena that Teddy Roosevelt spoke of. I apologize for asking you to stay but thank you for staying. Thank you for staying and being our President, for being my friend. Thank you for your service to the people of Florida. With that, ladies and gentlemen, I recognize the President of the Florida Senate, the Senator from the 26th, Mike Haridopolos.

## ADDRESS BY PRESIDENT

Thank you, Don. That means a lot to me. I'll miss being in the arena. I'll miss some of you. But I will love being home. I think you can understand why. Our kids, of course, and a lovely lady I met in 2003 who has changed me so much for the better. I want to recognize her again for her very generous heart and for always being there for our children. God bless you, honey. I think you can see why I want to go home. I am ready to go home. In many ways, it's her turn because, as so many of us who have spouses in the room know, the incredible sacrifices that they make when we are up here. It's not 60 days, it's not 90 days, it's a full time job if you are going to do a good job for the people that you represent. It's somewhat famous, at least in my neck of the woods, but when I think about this bumper sticker that we had some fun with, "What's a Haridopolos?" I've said before on this floor, I think of my parents. As you all know, my dad was born in Greece, served in the FBI, and is still by my side today. They gave everything so my brother and I could find success. I carry that name with pride, with honor, and it says a lot that your parents would not only be there for you but always care for you. Even when I didn't behave my best, they always loved us. We try to do the same with our own children because of their example. So Mom and Dad, I salute you.

There are a lot of people that I need to thank before I get into my comments. I feel like we should have an intermission. We have been here for a while. I apologize, I did not realize that so many folks would be so generous with their comments. I want to thank my kids. I know my wife was thinking about speaking today, but we are in here a little long. My youngest, Reagan, you all see her up here. If you go to my office, there are actually pictures when it was Daddy-Daughter day in the Senate. I created that. Whenever I talk to her on the phone, she says, "How many sleeps until you get home Daddy?" That's how we think. She is five.

I get to come back home and be a teacher again. Next year will mark my 20th year of teaching at the college level. That's what I love doing. As you all know, if you come to my office at 7:15 in the morning, you'll see our students, now at UF, it used to be at BCC. They are in my office, we are taking classes, and they see first-hand what politics is as opposed to what they read about. One of the most remarkable, eye-opening experiences that my students go through is when they go to a committee meeting or watch something happen on the floor and they read about it the next day in the newspaper. They say, "What meeting were they at?"

It's said in a fun way just to have a little fun with our friends up there. I love the arena. It is a great place to be, and I would sacrifice everything to come back into that arena that you will be in next year. It's the place where the battle of ideas is most important. So many of you all are generous with me and, really, we are just talking about you. You all made equal sacrifices that I did to be here.

I am excited about what is going to happen in the future. Let me talk about a person who has changed greatly. I don't think people have recognized the change that has taken place with our new Governor. In the last year, we have seen more open dialogue with the Senate. Many people have talked about this with me, but I think it applies to many of you. I hope it really applies to the Senate in the future. If you are going to run as a conservative, govern as a conservative. Don't tell people at election time that you are a conservative and then come here and do something different. Govern as you campaign. Liberal and Democratic, and Republican and conservative, alike. People deserve that. Why would you sacrifice all, put your name on the ballot, just to get along with some folks in Tallahassee, just to acquire some power for a short period of time? Stand by your principles, and vote how you told the constituents that you met face-to-face why you wanted to go to Tallahassee. That's what is important. And I hope that is the reason why we sacrifice our family and our friends at a time that is so important. What I love about Governor Scott–and I've gotten to spend a lot more time with him in the last year than I did in the first year–is that he is governing as he campaigned. Some people don't like that. I do. I wish him all the success with my best friend here in the Senate, Don Gaetz, and Will Weatherford, the next two years because the people of Florida deserve a person who governs as they campaign because those are the promises that were made. I hope that the people of Florida get to know him better because I have seen a genuine person. I imagine as each one of you spend time one-on-one with this new Governor, you will see a genuine person who does care for this state and has a set of principles that he is willing to put on the line. You might not always agree but it is very refreshing to see this kind of leader. I am excited that he will do more positive things for our state. He reminds me of Jeb Bush who inspired me to run back in 2000. He reminds me a lot of my first speaker, Tom Feeney, who, like Senator Alexander, we still have that picture on the wall in our office of those five principles, and we stuck by those. That was incredibly important. So it's hard to believe that it was twelve years ago, with the Class of 2000, that so many people have talked about. No one mistakes me for a page anymore!

I ran for office because I really believed in a place called America. As I said, my father has lived the dream. I got very emotional in our caucus meeting last night because it was really starting to hit me how important this was. My dad and I got emotional just now when we unveiled this portrait. I know the sacrifices that he made. He's now 80 years old. I am a lot more sensitive to his age today and how much time we have left. What I wanted to do as Senate President was a couple of things. I hope I've accomplished them. I wanted to lay out to people what we would actually do in the Florida Senate. Here are five promises that we are going to make, and we are going to keep those promises. You might not agree with those if you are to the left in the political spectrum. We made five sets of promises, that I thought would take ten years, Senator Gaetz. We are happy to have accomplished them in the first year. I was very excited. More importantly, I was excited that we made a set of promises and we kept them. Sadly, we have to say that today in politics, because the rhetoric and the campaigns don't always match the actions. I am grateful to this Senate for giving me that chance to be in the arena, to conduct the base like we had. The thing we should all be proud of–and many of us have been here for more than a few years–this is the most open, and transparent budgeting deal we have ever seen. Every bill that we talked about last year went through the three committees–Democrat and Republican alike led. You should be proud that this is what the founding fathers talked about. The Senate is supposed to be about thoughtful debate and handle it in a way after listening to the people who elected us, as Senator Negron said.

The second thing I wanted to accomplish is that I didn't like the arrogance of the Senate. I think there was some arrogance in the past. Those of us in the House experienced some of that in the past. I didn't think it was right. One of the things I tried to do–and I'm not sure if we have fully accomplished it yet–we treat the House as equals. So many of us were former House members. We should treat them as equals. That is the reason why on the opening day last year, I went over there and tried my best to accommodate their needs because we are equal partners in this measure. I think this year's budget is a reflection of it. I think we negotiated a lot more soundly in that principle.

The last thing I'll get into is the Dillon and Brody bills. When I think again about why we serve and the power that we have, we can literally transform lives with a single vote as we did yesterday with the Brody bill, and a few days ago with the Dillon bill. We can restore some sense of justice, so that people can believe in something bigger than themselves. They can believe again in this country even when, in the case of William Dillon, he was in jail for 27 years. The Governor recognized this very quickly in that press conference and said, "I am amazed at your spirit given all that has been taken from you." That is the spirit of this state and of this nation and how a kid who thought about being an athlete or just having fun, somehow became President of the Senate. It's a cliché but it is so true. Only in America can this ever take place. We need to spread this throughout the world–the idea of freedom. Anything is possible. There are critics. The great thing is being in the arena. Our job is, at least in the majority, to be a carpenter. A reckless elephant can knock down a barn but it takes a carpenter to build a barn. That's what I tried to instill in the idea of being a Republican. I feel like we Republicans need to get a little better name for ourselves after watching what was going on in Washington and lost the majority a few years ago. We need to prove that conservative Republicans cannot just get elected and talk about ideals that are important to them. They can accomplish and pass ideals and principles that are important to them. That is the legacy that I would like to leave. Not just for two years but for four years, six years, eight years, whenever it might be, that we can walk through elections, hopefully win those elections, but don't just win the vote on the floor. I want to win the debate. Of the 30 odd issues, I think I lost one or two. I'll take that. I want to win the debate because in time, if we win the debate, we'll win the votes as well. That's how Dan Webster took back the majority in the House. That's how Jim Scott took the majority in the Senate. That's why Jeb Bush was elected Governor of the State. You have to win the debate. If the Democrats want to take the majority back, they have to win the debate. That's what makes the Constitution, and that's what makes this place hallowed ground. That is what it is all about–winning the debate, not just winning a particular vote.

In closing, let me just say a couple of things to some friends. I know Senator Pruitt is here. I know Senator Atwater actually has a job right now, working hard. I want to say thank you, Mr. President. You have been remarkable. One of my favorite pictures, you saw it up there, was one of our good friend, Jim King, who sat in those very chairs right there. He taught me a lot. He taught me that even though I am a knuckle-dragging conservative (as he called me), we can still have a thoughtful debate. Speaker Feeney did a great job with us. I have enjoyed working with Speaker Cannon. I want to say thanks to a couple of people in my life. In my offices, Chris Finkbeiner and Steve MacNamara did a great job for us last year in tumultuous times. Since then, Craig and Liz Moya have done remarkable work. As you might know, Katherine Halley is actually a person from my class at Brevard Community College and now is a Deputy Chief of Staff in the Florida Senate. That is what I truly believe in, empowering individuals. I know I will forget some people. I recognized a lot of my close friends in the Senate last night–Senator Negron, Senator Alexander, Senator Gardiner, Senator Bennett. So many of you all last night were so generous. I'll close with this. It has been an incredible twelve years. I can't wait to see, from afar, just how well you are doing next year. Don–you are an incredible man–and as I mentioned to this caucus last night, how grateful I am to you. Every time I was in a crunch or a difficult spot, your wisdom and your experience and–in many ways–a fatherly type compassion for me when I got a little too aggressive, always steered the right path. So as I say goodbye to the Florida Senate and the Florida Legislature, I say hello to the next Senate President, my dear friend, Don Gaetz. God bless you my friend.

## RECESS

On motion by Senator Thrasher, the Senate recessed at 12:24 p.m. to reconvene at 2:00 p.m.

## CALL TO ORDER

The Senate was called to order by President Haridopolos at 2:00 p.m. A quorum present—35:

| | | |
|---|---|---|
| Mr. President | Altman | Benacquisto |

| | | |
|---|---|---|
| Bennett | Gardiner | Oelrich |
| Bogdanoff | Gibson | Rich |
| Braynon | Hays | Richter |
| Dean | Jones | Ring |
| Detert | Joyner | Sachs |
| Diaz de la Portilla | Latvala | Simmons |
| Dockery | Lynn | Sobel |
| Evers | Margolis | Storms |
| Fasano | Montford | Thrasher |
| Gaetz | Negron | Wise |
| Garcia | Norman | |

## SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 402** was deferred.

---

**SB 534**—A bill to be entitled An act relating to persons excused from jury service; amending s. 40.013, F.S.; expanding parental eligibility to be excused from jury service; authorizing a presiding judge to excuse a practicing psychologist from jury service; providing an effective date.

—was read the second time by title. On motion by Senator Sobel, by two-thirds vote **SB 534** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Jones, Rich

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 210**, **CS for CS for SB 860**, **CS for SB 940**, **CS for SB 1110**, and **SB 1290** were withdrawn from the Committee on Budget.

## MOTIONS

On motions by Senator Thrasher, the rules were waived and by two-thirds vote **CS for SB 1272**, **CS for SB 1276**, **CS for SB 1290**, and **CS for SB 1522** were placed on the Special Order Calendar for Friday, March 9.

## SPECIAL ORDER CALENDAR

**CS for SB 646**—A bill to be entitled An act relating to self-service storage facilities; amending s. 83.803, F.S.; revising the definition of the term "last known address"; amending s. 83.806, F.S.; revising notice requirements relating to enforcing an owner's lien; authorizing notice by e-mail or first-class mail with a certificate of mailing; providing requirements for e-mail notice; revising provisions relating to when notice given is presumed delivered; amending s. 83.808, F.S.; requiring rental agreements and applications for rental agreements to contain a provision for the disclosure of the applicant's membership in the uniformed services; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 646**, on motion by Senator Wise, by two-thirds vote **CS for HB 715** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Wise—

**CS for HB 715**—A bill to be entitled An act relating to self-service storage facilities; amending s. 83.803, F.S.; revising the definition of the term "last known address"; amending s. 83.806, F.S.; revising notice requirements relating to enforcing an owner's lien; authorizing notice by e-mail or first-class mail with a certificate of mailing; providing requirements for e-mail notice; revising provisions relating to when notice given is presumed delivered; amending s. 83.808, F.S.; requiring rental agreements and applications for rental agreements to contain a provision for the disclosure of the applicant's membership in the uniformed services; providing an effective date.

—a companion measure, was substituted for **CS for SB 646** and read the second time by title.

On motion by Senator Wise, by two-thirds vote **CS for HB 715** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rich

---

**SB 648**—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.

Pending further consideration of **SB 648**, on motion by Senator Hays, by two-thirds vote **HB 4001** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Hays—

**HB 4001**—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.

—a companion measure, was substituted for **SB 648** and read the second time by title.

On motion by Senator Hays, by two-thirds vote **HB 4001** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

| | | |
|---|---|---|
| Braynon | Joyner | Sobel |
| Gibson | Smith | |

Vote after roll call:

Yea—Rich

---

Consideration of **SB 676**, **CS for CS for CS for SB 716**, **SJR 720**, and **CS for SB 750** was deferred.

---

**CS for CS for SB 762**—A bill to be entitled An act relating to reducing and streamlining regulations; 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. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending ss. 455.271, 468.4338, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising certain licensure requirements and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; creating s. 468.439, F.S.; providing that a claim of lien may be filed on behalf of a community association to secure the expenses incurred in collecting a delinquent account rendered by a community association manager or management firm on behalf of a community association; requiring that the expenses for the collection services be reasonably related to the collection activities; amending s. 469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; amending s. 474.202, F.S.; revising the definition of the term "limited-service veterinary medical practice"; repealing s. 475.42(1)(e), F.S., relating to violations and penalties applicable to real estate brokers and sales associates; amending ss. 468.391, 475.25, 475.624, and 475.6245, F.S., relating to auctioneering and to real estate brokering and appraisal; revising provisions with respect to certain penalties; revising grounds for discipline to which penalties apply; repealing s. 475.626(1)(b) and (c), F.S., relating to violations and penalties applicable to real property appraisers; amending s. 475.628, F.S.; requiring the Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; amending s. 468.841, F.S.; exempting landscape architects from complying with provisions related to mold assessment; amending s. 475.611, F.S.; revising the definitions of the terms "appraisal management company" and "appraisal management services"; defining the term "subsidiary"; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; prohibiting a person from offering to engage in appraisal management services under certain circumstances; revising provisions relating to the application for registration of an appraisal management company; providing exemptions from registration requirements; repealing s. 476.194(1)(b), F.S., relating to prohibited acts by persons engaged in the practice of barbering; repealing s. 477.0265(1)(c), F.S., relating to prohibited acts by persons engaged in the practice of cosmetology; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; amending s. 499.003, F.S.; revising the definitions of the terms "distribute" or "distribution," "drug," "establishment," and "prescription drug"; amending s. 499.01, F.S.; deleting provisions relating to an exemption from nonresident prescription drug manufacturer permit requirements; deleting provisions relating to an exemption from out-of-state prescription drug wholesale distributor permit requirements for intracompany sale or transfer of prescription drugs; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients for incorporation into prescription drugs in finished dosage form; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring compliance with certain recordkeeping requirements; exempting compliance with pedigree paper requirements; providing an exemption from permit requirements for distribution into this state of limited quantities of a prescription drug that has not been repackaged, for research and development or to a holder of a letter of exemption issued by the Department of Business and Professional Regulation for research, teaching, or testing; granting the department authority to define "limited quantities" by rule and limit therein the number of transactions and amount of prescription drugs distributed into the state; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring all purchasers and recipients of such prescription drugs to ensure the products are not resold or used on humans except in lawful clinical trials and biostudies; requiring compliance with certain recordkeeping requirements; exempting compliance from pedigree paper requirements; providing labeling requirements for active pharmaceutical ingredients distributed within the state for teaching, testing, research, and development; exempting from out-of-state prescription drug wholesale distributor permit requirements intracompany transactions or the sale of prescription drugs from an out-of-state distributor to a distributor in this state if both distributors conduct wholesale distributions under the same business name; requiring compliance with recordkeeping and pedigree paper requirements; allowing distributors and recipients of prescription drugs claiming exemption from certain permitting requirements to maintain on file their FDA registration number, resident state distributor license or permit number, and most recent resident state or FDA inspection report; providing that persons claiming such exemptions are subject to part I of ch. 499, F.S., the Florida Drug and Cosmetic Act; requiring persons claiming such exemptions to make all records regarding prescription drug distribution available to the department, upon request, within 48 hours; requiring submission of a report of mishandled or adulterated prescription drugs within 14 days after receipt of such drugs; authorizing the department to adopt rules; providing that failure to comply with requirements or rules governing such exemptions constitutes unlawful purchase or receipt of a prescription drug from a person not authorized to distribute prescription drugs to that purchaser or recipient; providing that knowing failure to comply with such requirements constitutes unlawful sale, distribution, purchase, trade, holding, or offering of a drug; providing penalties; providing construction with respect to federal and state laws relating to controlled substances; providing an effective date.

—was read the second time by title.

Senator Hays moved the following amendments which were adopted:

**Amendment 1 (266672) (with title amendment)**—Delete lines 214-225.

And the title is amended as follows:

Delete lines 23-31 and insert: and alarm system contracting; amending s. 469.002, F.S.; providing an

**Amendment 2 (217690) (with title amendment)**—Delete lines 277-288.

And the title is amended as follows:

Delete lines 34-36 and insert: used for gas service; repealing s.

**Amendment 3 (738142)**—Delete line 879 and insert: devices or their *nondrug* components, parts, or accessories. *For purposes*

**Amendment 4 (772464) (with directory and title amendments)**—Between lines 907 and 908 insert:

(54) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

*d.*~~e.~~ The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

*e.*~~f.~~ The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under *sub-subparagraph d* ~~sub-subparagraph e~~.

*f.*~~g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

And the directory clause is amended as follows:

Delete line 856 and insert:

Section 35. Subsections (17), (19), (20), and (43), and paragraph (a) of subsection (54) of

And the title is amended as follows:

Delete line 76 and insert: "establishment," "prescription drug," and "wholesale distribution"; amending s.

**Amendment 5 (480546) (with title amendment)**—Between lines 1001 and 1002 insert:

*(3)(a) A nonresident prescription drug manufacturer permit is not required for a manufacturer to distribute a prescription drug active pharmaceutical ingredient that it manufactures to a prescription drug manufacturer permitted in this state in limited quantities intended for research and development and not for resale or human use other than lawful clinical trials and biostudies authorized and regulated by federal law. A manufacturer claiming to be exempt from the permit requirements of this paragraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212. The prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall maintain on file a record of the FDA registration number; if available, the out-of-state license, permit, or registration number; and, if available, a copy of the most current FDA inspection report, for all manufacturers from whom they purchase active pharmaceutical ingredients under this section. The department shall define the term "limited quantities" by rule, and may include the allowable number of transactions within a given period of time and the amount of prescription drugs distributed into the state for purposes of this exemption. The failure to comply with the requirements of this paragraph, or rules adopted by the department to administer this paragraph, for the purchase of prescription drug active pharmaceutical ingredients is a violation of s. 499.005(14), and a knowing failure is a violation of s. 499.0051(4).*

(Redesignate subsequent paragraphs.)

And the title is amended as follows:

Delete line 83 and insert: prescription drugs; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients intended for research and development; requiring compliance with certain recordkeeping requirements; providing for a definition; providing for penalties; providing an exemption from permit

**Amendment 6 (110594) (with title amendment)**—Between lines 1107 and 1108 insert:

Section 37. Section 718.707, Florida Statutes, is amended to read:

718.707 Time limitation for classification as bulk assignee or bulk buyer.—A person acquiring condominium parcels may not be classified as a bulk assignee or bulk buyer unless the condominium parcels were acquired on or after July 1, 2010, but before July 1, *2015* ~~2012~~. The date of such acquisition shall be determined by the date of recording a deed or other instrument of conveyance for such parcels in the public records of the county in which the condominium is located, or by the date of issuing a certificate of title in a foreclosure proceeding with respect to such condominium parcels.

And the title is amended as follows:

Delete line 146 and insert: controlled substances; amending s. 718.707, F.S.; extending the time period within which persons who acquire condominium parcels may be classified as bulk assignees or bulk buyers; providing an effective date.

**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 7 (630490)**—Delete lines 780-792 and insert: interior design shall not qualify hereunder; or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. *An applicant who has passed the prescribed licensure examination and holds a valid license to practice architecture issued by another state, but who does not hold a certificate, may be licensed if he or she:*

*1. Holds a minimum 4-year degree;*

*2. Has maintained an architect license in good standing for a minimum of 10 years;*

*3. Has been a continuous resident of this state for a minimum of 10 years; and*

*4. Presents evidence of satisfactory completion of the continuing education requirements for renewal of an architect license for the biennium ending February, 2013. This exception to the requirement that an applicant hold a valid certificate issued by the National Council of Architectural Registration Boards expires March 1, 2013.* ~~For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209(1)(b). Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.~~

Senator Hays moved the following amendments which were adopted:

**Amendment 8 (137814) (with directory and title amendments)**—Between lines 1107 and 1108 insert:

*(4) A prescription drug repackager permit issued under this part is not required for a restricted prescription drug distributor permitholder that is a health care entity to repackage prescription drugs in this state for its own use or for distribution to hospitals or other health care entities in the state for their own use, pursuant to s. 499.003(54)(a)3., if:*

*(a) The prescription drug distributor notifies the department, in writing, of its intention to engage in repackaging under this exemption, 30 days before engaging in the repackaging of prescription drugs at the permitted establishment;*

*(b) The prescription drug distributor is under common control with the hospitals or other health care entities to which the prescription drug distributor is distributing prescription drugs. As used in this paragraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, contract, or otherwise;*

*(c) The prescription drug distributor repackages the prescription drugs in accordance with current state and federal good manufacturing practices; and*

*(d) The prescription drug distributor labels the prescription drug it repackages in accordance with state and federal laws and rules.*

*The prescription drug distributor is exempt from the product registration requirements of s. 499.015, with regard to the prescription drugs that it repackages and distributes under this subsection.*

And the directory clause is amended as follows:

Delete lines 908-910 and insert:

Section 36. Paragraphs (c) and (e) of subsection (2) of section 499.01, Florida Statutes, are amended, and subsections (3) and (4) are added to that section, to read:

And the title is amended as follows:

Delete line 146 and insert: controlled substances; exempting certain prescription drug repackagers from permit requirements if they repackage prescription drugs for their own use or for certain related entities; providing notification requirements; exempting such repackagers from product registration requirements; providing an effective date.

**Amendment 9 (387352) (with title amendment)**—Between lines 1107 and 1108 insert:

Section 37. Section 565.07, Florida Statutes, is amended to read:

565.07 Sale or consumption of certain distilled spirits prohibited.—*A* ~~No~~ distilled spirit greater than 153 proof *may not* ~~shall~~ be sold~~, processed,~~ or consumed in the state. *However, a distilled spirit greater than 153 proof may be distilled, bottled, packaged, or processed for export or sale outside the state.*

And the title is amended as follows:

Delete line 146 and insert: controlled substances; amending s. 565.07, F.S.; allowing certain high-proof distilled spirits to be distilled, bottled, packaged, or processed for export or sale outside this state; providing an effective date.

On motion by Senator Hays, further consideration of **CS for CS for SB 762** as amended was deferred.

---

**SPECIAL GUESTS**

The President introduced Attorney General Pam Bondi who was present in the chamber.

---

**CS for CS for SB 402**—A bill to be entitled An act relating to prescription drug abuse; creating the Statewide Task Force on Prescription Drug Abuse and Newborns; providing a purpose; providing membership of the task force; providing for reimbursement of per diem and travel expenses for members of the task force; requiring that the Department of Legal Affairs provide the task force with necessary staff; specifying a date for the task force's organizational session; providing meeting times; providing the duties of the task force; requiring that the task force submit reports to the Legislature; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 402**, on motion by Senator Negron, by two-thirds vote **CS for CS for HB 227** was withdrawn from the Committees on Health Regulation; Budget Subcommittee on Criminal and Civil Justice Appropriations; and Budget.

On motion by Senator Negron—

**CS for CS for HB 227**—A bill to be entitled An act relating to prescription drug abuse; creating the Statewide Task Force on Prescription Drug Abuse and Newborns; providing a purpose; providing membership of the task force; providing for reimbursement of per diem and travel expenses for members of the task force; requiring that the Department of Legal Affairs provide the task force with necessary staff; specifying a date for the task force's organizational session; providing meeting times; providing the duties of the task force; requiring that the task force submit reports to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 402** and read the second time by title.

On motion by Senator Negron by two-thirds vote **CS for CS for HB 227** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

| | | |
|---|---|---|
| Mr. President | Flores | Norman |
| Altman | Gaetz | Oelrich |
| Benacquisto | Garcia | Rich |
| Bennett | Gardiner | Richter |
| Bogdanoff | Gibson | Ring |
| Braynon | Hays | Sachs |
| Bullard | 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 770**, **CS for CS for SB 1208**, and **SB 858** was deferred.

---

**CS for CS for SB 950**—A bill to be entitled An act relating to stalking; amending s. 741.315, F.S.; providing that additional types of injunctions issued by a court of a foreign state shall be accorded full faith and credit by the courts of this state and enforced as if they were orders issued under specified provisions; amending s. 784.048, F.S.; redefining the terms "course of conduct" and "credible threat"; providing that a person who makes a threat that places another person in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person commits the offense of aggravated stalking under certain circumstances; providing criminal penalties; requiring that the sentencing court consider issuing an order restraining a defendant from any contact with the victim for up to 10 years; providing legislative intent regarding the length of any such restraining order; creating s. 784.0485, F.S.; creating a civil cause of action for an injunction for protection against stalking or cyberstalking; providing that a victim of stalking or cyberstalking or a parent or legal guardian on behalf of a minor child victim has standing in the circuit court to file a sworn petition for an injunction for protection against stalking or cyberstalking; prohibiting a court from issuing mutual orders of protection, but authorizing the court to issue a separate injunction for protection against stalking or cyberstalking if each party has complied with the provisions of law; providing for venue of the cause of action; prohibiting the clerk of the court from assessing a filing fee; providing an exception; providing that a petitioner is not required to post a bond; requiring the clerks of court to assist petitioners in filing petitions with the court; requiring the clerk of the court in each county to make available informational brochures; providing a sample petition for an injunction for protection against stalking or cyberstalking; authorizing the court to grant a temporary injunction ex parte, pending a full hearing, under certain circumstances; authorizing the court to grant such relief as the court deems necessary and proper; providing procedures for an ex parte injunction hearing; setting forth the criteria the court must consider at the hearing; requiring the court to allow an advocate from a state attorney's office, law enforcement agency, certified domestic violence center, or certified rape crisis center to be present with the petitioner or respondent during any court proceeding; requiring the clerk of the court to furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night; authorizing the court to order a law enforcement officer to accompany the petitioner; authorizing the court to enforce a violation of an injunction for protection against stalking or cyberstalking through a civil or criminal contempt proceeding; authorizing a state attorney to use criminal procedures for a violation of an injunction for protection; creating s. 784.0487, F.S.; providing procedures to follow when the respondent has violated the injunction for protection; providing criminal penalties; providing that a court may award a person who suffers an injury or loss as a result of a violation of an injunction for protection against stalking or cyberstalking economic damages for that injury or loss, including costs and attorney fees for enforcement of the injunction; amending s. 790.233, F.S.; providing that a person may not have in his or her possession any firearm or ammunition if a final injunction is currently in force to restrain that person from committing acts of stalking or cyberstalking; providing criminal penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 950**, on motion by Senator Simmons, by two-thirds vote **CS for CS for HB 1099** was withdrawn from the Committees on Criminal Justice; Judiciary; Budget Subcommittee on Criminal and Civil Justice Appropriations; and Budget.

On motion by Senator Simmons—

**CS for CS for HB 1099**—A bill to be entitled An act relating to stalking; amending s. 741.315, F.S.; providing that additional types of injunctions issued by a court of a foreign state shall be accorded full faith and credit by the courts of this state and enforced as if they were orders issued under specified provisions; amending s. 784.048, F.S.; redefining the terms "course of conduct" and "credible threat"; providing that a person who makes a threat that places another person in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person commits the offense of aggravated stalking under certain circumstances; providing criminal penalties; requiring that the sentencing court consider issuing an order restraining a defendant from any contact with the victim for up to 10 years; providing legislative intent regarding the length of any such restraining order; creating s. 784.0485, F.S.; creating a civil cause of action for an injunction for protection against stalking or cyberstalking; providing that a victim of stalking or cyberstalking or a parent or legal guardian on behalf of a minor child victim has standing in the circuit court to file a sworn petition for an injunction for protection against stalking or cyberstalking; prohibiting a court from issuing mutual orders of protection, but authorizing the court to issue a separate injunction for protection against stalking or cyberstalking if each party has complied with the provisions of law; providing for venue of the cause of action; prohibiting the clerk of the court from assessing a filing fee; providing an exception; providing that a petitioner is not required to post a bond; requiring the clerks of court to assist petitioners in filing petitions with the court; requiring the clerk of the court in each county to make available informational brochures; providing a sample petition for an injunction for protection against stalking or cyberstalking; authorizing the court to grant a temporary injunction ex parte, pending a full hearing, under certain circumstances; authorizing the court to grant such relief as the court deems necessary and proper; providing procedures for an ex parte injunction hearing; setting forth the criteria the court must consider at the hearing; requiring the court to allow an advocate from a state attorney's office, law enforcement agency, certified domestic violence center, or certified rape crisis center to be present with the petitioner or respondent during any court proceeding; requiring the clerk of the court to furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night; authorizing the court to order a law enforcement officer to accompany the petitioner; authorizing the court to enforce a violation of an injunction for protection against stalking or cyberstalking through a civil or criminal contempt proceeding; authorizing a state attorney to use criminal procedures for a violation of an injunction for protection; creating s. 784.0487, F.S.; providing procedures to follow when the respondent has violated the injunction for protection; providing criminal penalties; providing that a court may award a person who suffers an injury or loss as a result of a violation of an injunction for protection against stalking or cyberstalking economic damages for that injury or loss, including costs and attorney fees for enforcement of the injunction; amending s. 790.233, F.S.; providing that a person may not have in his or her possession any firearm or ammunition if a final injunction is currently in force to restrain that person from committing acts of stalking or cyberstalking; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 950** and read the second time by title.

On motion by Senator Simmons, by two-thirds vote **CS for CS for HB 1099** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

On motion by Senator Storms, by unanimous consent—

**CS for CS for SB 2054**—A bill to be entitled An act relating to domestic violence; amending s. 39.902, F.S.; defining the term "coalition" as it relates to domestic violence; amending s. 39.903, F.S.; revising provisions relating to certification of domestic violence centers; providing specified additional duties for and authority of the Florida Coalition Against Domestic Violence; revising the duties of the Department of Children and Family Services; requiring the department to contract with coalition for specified purposes; creating s. 39.9035, F.S.; providing the duties of the coalition as it manages the delivery of services to the state's domestic violence program; amending s. 39.904, F.S.; requiring the coalition, rather than the department, to make a specified annual report; revising the contents of the report; amending s. 39.905, F.S.; requiring the coalition, rather than the department, to perform certain duties relating to certification of domestic violence centers; revising provisions relating to certification of domestic violence centers; requiring a demonstration of need for certification of a new domestic violence center; revising provisions relating to expiration of a center's annual certificate; prohibiting a domestic violence center from receiving funding from the coalition for services that are exempted from certification; amending ss. 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316, F.S.; conforming provisions to changes made by the act; amending s. 741.32, F.S.; deleting provisions relating to the certification of batterers' intervention programs; amending s. 741.325, F.S.; revising the requirements for batterers' intervention programs; repealing s. 741.327, F.S., relating to the certification and monitoring of batterers' intervention programs; amending ss. 948.038 and 938.01, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

On motion by Senator Storms, further consideration of **CS for CS for SB 2054** was deferred.

---

On motion by Senator Bennett—

**CS for CS for CS for SB 716**—A bill to be entitled An act relating to environmental regulation; amending s. 125.022, F.S.; prohibiting a county from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; authorizing a county to attach certain disclaimers to the issuance of a development permit; amending s. 161.041, F.S.; providing conditions under which the Department of Environmental Protection is authorized to issue such permits in advance of the issuance of incidental take authorizations as provided under the Endangered Species Act; amending s. 166.033, F.S.; prohibiting a municipality from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; authorizing a municipality to attach certain disclaimers to the issuance of a development permit; amending s. 218.075, F.S.; providing for the reduction or waiver of permit processing fees relating to projects that serve a public purpose for certain entities created by special act, local ordinance, or interlocal agreement; amending s. 373.026, F.S.; requiring the department to expand its use of Internet-based self-certification services for exemptions and permits issued by the department and water management districts; amending s. 373.326, F.S.; exempting certain underground injection control wells from permitting requirements under part III of ch. 373, F.S., relating to regulation of wells; providing a requirement for the construction of such wells; amending s. 373.4141, F.S.; reducing the time within which a permit must be approved, denied, or subject to notice of proposed agency action; prohibiting a state agency or an agency of the state from requiring additional permits or approval from a local, state, or federal agency without explicit authority; amending s. 373.4144, F.S.; providing legislative intent with respect to the coordination of regulatory duties among specified state and federal agencies; encouraging expanded use of the state programmatic general permit or regional general permits; providing for a voluntary state programmatic general permit for certain dredge and fill activities; amending s. 376.3071, F.S.; increasing the priority ranking score for participation in the low-scored site initiative; exempting program deductibles, copayments, and certain assessment report requirements from expenditures under the low-scored site initiative; amending s. 376.30715, F.S.; providing that the transfer of a contaminated site from an owner to a child of the owner or corporate entity does not disqualify the site from the innocent victim petroleum storage system restoration financial assistance program; authorizing certain applicants to reapply for financial assistance; amending s. 380.0657, F.S.; authorizing expedited permitting for certain inland multimodal facilities that individually or collectively will create a minimum number of jobs; amending s. 403.061, F.S.; authorizing zones of discharges to groundwater for specified installations; providing for modification of such zones of discharge; providing that exceedance of certain groundwater standards does not create liability for site cleanup; providing that exceedance of soil cleanup target levels is not a basis for enforcement or cleanup; amending s. 403.087, F.S.; revising conditions under which the department is authorized to revoke permits for sources of air and water pollution; amending s. 403.1838, F.S.; revising the definition of the term "financially disadvantaged small community" for the purposes of the Small Community Sewer Construction Assistance Act; amending s. 403.7045, F.S.; providing conditions under which sludge from an industrial waste treatment works is not solid waste; amending s. 403.706, F.S.; reducing the amount of recycled materials certain counties are required to apply toward state recycling goals; providing that certain renewable energy byproducts count toward state recycling goals; amending s. 403.707, F.S.; providing for waste-to-energy facilities to maximize acceptance and processing of nonhazardous solid and liquid waste; exempting the disposal of solid waste monitored by certain groundwater monitoring plans from specific authorization; specifying a permit term for solid waste management facilities designed with leachate control systems that meet department requirements; requiring permit fees to be adjusted; providing applicability; specifying a permit term for solid waste management facilities that do not have leachate control systems meeting department requirements under certain conditions; authorizing the department to adopt rules; providing that the department is not required to submit the rules to the Environmental Regulation Commission for approval; requiring permit fee caps to be prorated; amending s. 403.7125, F.S.; requiring the department to require by rule that owners or operators of solid waste management facilities receiving waste after October 9, 1993, provide financial assurance for the cost of completing certain corrective actions; amending s. 403.814, F.S.; providing for issuance of general permits for the construction, alteration, and maintenance of certain surface water management systems without the action of the department or a water management district; specifying conditions for the general permits; amending s. 403.853, F.S.; providing for the department, or a local county health department designated by the department, to perform sanitary surveys for certain transient noncommunity water systems; amending s. 403.973, F.S.; authorizing expedited permitting for certain commercial or industrial development projects that individually or collectively will create a minimum number of jobs; providing for a project-specific memorandum of agreement to apply to a project subject to expedited permitting; clarifying the authority of the department to enter final orders for the issuance of certain licenses; revising criteria for the review of certain sites; amending s. 526.203, F.S.; revising the definitions of the terms "blended gasoline" and "unblended gasoline"; defining the term "alternative fuel"; authorizing the sale of unblended fuels for certain uses; providing that holders of valid permits or other authorizations are not required to make payments to authorizing agencies for use of certain extensions granted under chapter 2011-139, Laws of Florida, or the act; providing for retroactive application; providing that certain building permits or permits issued by the Department of Environmental Pro-

tection or by a water management district are extended and renewed for a specified period; requiring written notification by the holder of an eligible permit; providing exceptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 716**, on motion by Senator Bennett, by two-thirds vote **CS for CS for CS for CS for HB 503** was withdrawn from the Committees on Community Affairs; Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Bennett—

**CS for CS for CS for CS for HB 503**—A bill to be entitled An act relating to environmental regulation; amending s. 125.022, F.S.; prohibiting a county from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; authorizing a county to attach certain disclaimers to the issuance of a development permit; amending s. 161.041, F.S.; providing conditions under which the department is authorized to issue such permits in advance of the issuance of incidental take authorizations as provided under the Endangered Species Act; amending s. 166.033, F.S.; prohibiting a municipality from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; authorizing a municipality to attach certain disclaimers to the issuance of a development permit; amending s. 218.075, F.S.; providing for the reduction or waiver of permit processing fees relating to projects that serve a public purpose for certain entities created by special act, local ordinance, or interlocal agreement; amending s. 373.026, F.S.; requiring the department to expand its use of Internet-based self-certification services for exemptions and permits issued by the department and water management districts; amending s. 373.326, F.S.; exempting certain underground injection control wells from permitting requirements under part III of chapter 373, F.S., relating to regulation of wells; providing a requirement for the construction of such wells; amending s. 373.4141, F.S.; reducing the time within which a permit must be approved, denied, or subject to notice of proposed agency action; prohibiting a state agency or an agency of the state from requiring additional permits or approval from a local, state, or federal agency without explicit authority; amending s. 373.4144, F.S.; providing legislative intent with respect to the coordination of regulatory duties among specified state and federal agencies; encouraging expanded use of the state programmatic general permit or regional general permits; providing for a voluntary state programmatic general permit for certain dredge and fill activities; amending s. 376.3071, F.S.; increasing the priority ranking score for participation in the low-scored site initiative; exempting program deductibles, copayments, and certain assessment report requirements from expenditures under the low-scored site initiative; amending s. 376.30715, F.S.; providing that the transfer of a contaminated site from an owner to a child of the owner or corporate entity does not disqualify the site from the innocent victim petroleum storage system restoration financial assistance program; authorizing certain applicants to reapply for financial assistance; amending s. 380.0657, F.S.; authorizing expedited permitting for certain intermodal logistics centers; amending s. 403.061, F.S.; authorizing zones of discharges to groundwater for specified installations; providing for modification of such zones of discharge; providing that exceedance of certain groundwater standards does not create liability for site cleanup; providing that exceedance of soil cleanup target levels is not a basis for enforcement or cleanup; amending s. 403.087, F.S.; revising conditions under which the department is authorized to revoke permits for sources of air and water pollution; amending s. 403.1838, F.S.; revising the definition of the term "financially disadvantaged small community" for the purposes of the Small Community Sewer Construction Assistance Act; amending s. 403.7045, F.S.; providing conditions under which sludge from an industrial waste treatment works is not solid waste; amending s. 403.706, F.S.; reducing the amount of recycled materials certain counties are required to apply toward state recycling goals; providing that certain renewable energy byproducts count toward state recycling goals; amending s. 403.707, F.S.; providing for waste-to-energy facilities to maximize acceptance and processing of nonhazardous solid and liquid waste; exempting the disposal of solid waste monitored by certain groundwater monitoring plans from specific authorization; specifying a permit term for solid waste management facilities designed with leachate control systems that meet department requirements; requiring permit fees to be adjusted; providing applicability; specifying a permit term for solid waste management facilities that do not have leachate control systems meeting department requirements under certain conditions; authorizing the department to adopt rules; providing that the department is not required to submit the rules to the Environmental Regulation Commission for approval; requiring permit fee caps to be prorated; amending s. 403.7125, F.S.; requiring the department to require by rule that owners or operators of solid waste management facilities receiving waste after October 9, 1993, provide financial assurance for the cost of completing certain corrective actions; amending s. 403.814, F.S.; providing for issuance of general permits for the construction, alteration, and maintenance of certain surface water management systems without the action of the department or a water management district; specifying conditions for the general permits; amending s. 403.853, F.S.; providing for the department, or a local county health department designated by the department, to perform sanitary surveys for certain transient noncommunity water systems; amending s. 403.973, F.S.; authorizing expedited permitting for certain commercial or industrial development projects that individually or collectively will create a minimum number of jobs; providing for a project-specific memorandum of agreement to apply to a project subject to expedited permitting; clarifying the authority of the department to enter final orders for the issuance of certain licenses; revising criteria for the review of certain sites; amending s. 526.203, F.S.; revising the definitions of the terms "blended gasoline" and "unblended gasoline"; defining the term "alternative fuel"; authorizing the sale of unblended gasoline for certain uses; providing that holders of valid permits or other authorizations are not required to make payments to authorizing agencies for use of certain extensions granted under chapter 2011-139, Laws of Florida; providing retroactive applicability and effect; providing a 2-year permit extension; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 716** and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for CS for CS for CS for HB 503** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

The Senate resumed consideration of—

**CS for CS for SB 762**—A bill to be entitled An act relating to reducing and streamlining regulations; 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. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending ss. 455.271, 468.4338, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising certain licensure requirements and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; creating s. 468.439, F.S.; providing that a claim of lien may

be filed on behalf of a community association to secure the expenses incurred in collecting a delinquent account rendered by a community association manager or management firm on behalf of a community association; requiring that the expenses for the collection services be reasonably related to the collection activities; amending s. 469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; amending s. 474.202, F.S.; revising the definition of the term "limited-service veterinary medical practice"; repealing s. 475.42(1)(e), F.S., relating to violations and penalties applicable to real estate brokers and sales associates; amending ss. 468.391, 475.25, 475.624, and 475.6245, F.S., relating to auctioneering and to real estate brokering and appraisal; revising provisions with respect to certain penalties; revising grounds for discipline to which penalties apply; repealing s. 475.626(1)(b) and (c), F.S., relating to violations and penalties applicable to real property appraisers; amending s. 475.628, F.S.; requiring the Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; amending s. 468.841, F.S.; exempting landscape architects from complying with provisions related to mold assessment; amending s. 475.611, F.S.; revising the definitions of the terms "appraisal management company" and "appraisal management services"; defining the term "subsidiary"; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; prohibiting a person from offering to engage in appraisal management services under certain circumstances; revising provisions relating to the application for registration of an appraisal management company; providing exemptions from registration requirements; repealing s. 476.194(1)(b), F.S., relating to prohibited acts by persons engaged in the practice of barbering; repealing s. 477.0265(1)(c), F.S., relating to prohibited acts by persons engaged in the practice of cosmetology; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; amending s. 499.003, F.S.; revising the definitions of the terms "distribute" or "distribution," "drug," "establishment," and "prescription drug"; amending s. 499.01, F.S.; deleting provisions relating to an exemption from nonresident prescription drug manufacturer permit requirements; deleting provisions relating to an exemption from out-of-state prescription drug wholesale distributor permit requirements for intracompany sale or transfer of prescription drugs; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients for incorporation into prescription drugs in finished dosage form; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring compliance with certain recordkeeping requirements; exempting compliance with pedigree paper requirements; providing an exemption from permit requirements for distribution into this state of limited quantities of a prescription drug that has not been repackaged, for research and development or to a holder of a letter of exemption issued by the Department of Business and Professional Regulation for research, teaching, or testing; granting the department authority to define "limited quantities" by rule and limit therein the number of transactions and amount of prescription drugs distributed into the state; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring all purchasers and recipients of such prescription drugs to ensure the products are not resold or used on humans except in lawful clinical trials and biostudies; requiring compliance with certain recordkeeping requirements; exempting compliance from pedigree paper requirements; providing labeling requirements for active pharmaceutical ingredients distributed within the state for teaching, testing, research, and development; exempting from out-of-state prescription drug wholesale distributor permit requirements intracompany transactions or the sale of prescription drugs from an out-of-state distributor to a distributor in this state if both distributors conduct wholesale distributions under the same business name; requiring compliance with recordkeeping and pedigree paper requirements; allowing distributors and recipients of prescription drugs claiming exemption from certain permitting requirements to maintain on file their FDA registration number, resident state distributor license or permit number, and most recent resident state or FDA inspection report; providing that persons claiming such exemptions are subject to part I of ch. 499, F.S., the Florida Drug and Cosmetic Act; requiring persons claiming such exemptions to make all records regarding prescription drug distribution available to the department, upon request, within 48 hours; requiring submission of a report of mishandled or adulterated prescription drugs within 14 days after receipt of such drugs; authorizing the department to adopt rules; providing that failure to comply with requirements or rules governing such exemptions constitutes unlawful purchase or receipt of a prescription drug from a person not authorized to distribute prescription drugs to that purchaser or recipient; providing that knowing failure to comply with such requirements constitutes unlawful sale, distribution, purchase, trade, holding, or offering of a drug; providing penalties; providing construction with respect to federal and state laws relating to controlled substances; providing an effective date.

—which was previously considered and amended this day.

**MOTION**

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

Senator Siplin moved the following amendment which failed:

**Amendment 10 (893822)**—Delete lines 285-287 and insert: owned animals that do not reside at that location; operates *no more frequently than once every 2 weeks for 8 hours at a single location where vaccinations are administered* ~~for a limited time~~; and provides limited types of veterinary medical

Pending further consideration of **CS for CS for SB 762** as amended, on motion by Senator Hays, by two-thirds vote **CS for HB 517** was withdrawn from the Committees on Regulated Industries; Criminal Justice; and Budget.

On motion by Senator Hays, the rules were waived and—

**CS for HB 517**—A bill to be entitled An act relating to reducing and streamlining regulations; amending ss. 455.271, 468.4338, 468.525, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising certain licensure requirements and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; amending s. 469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; amending s. 475.6235, F.S.; revising registration requirements for appraisal management companies; amending ss. 468.391, 475.25, 475.42, 475.624, 475.6245, 475.626, 476.194, and 477.0265, F.S., relating to auctioneering, real estate brokering and appraisal, barbering, and cosmetology; revising language with respect to certain penalties; revising grounds for discipline to which penalties apply; amending s. 475.628, F.S.; requiring the Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; 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. 468.841, F.S.; exempting landscape architects from complying with provisions related to mold assessment; amending s. 474.202, F.S.; revising the definition of the terms "limited-service veterinary medical practice" and "veterinary medicine"; amending s. 475.611, F.S.; revising the definition of the terms "appraisal management company" and "appraisal management services"; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; revising provisions relating to titles an appraisal management company must be registered to use; providing exemptions from registration requirements; amending s. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 762** as amended 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 (624598) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (5) of section 373.461, Florida Statutes, is amended to read:

373.461 Lake Apopka improvement and management.—

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 *may* ~~shall~~ not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the *standards of professional practice established by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of a real estate appraisal* ~~Uniform Standards of Professional Appraisal Practice~~. This maximum purchase price limitation *may* ~~shall~~ not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.

Section 2. Subsection (12) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

*(12) The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the department for a license, in a format prescribed by the department, within 24 months after discharge from any branch of the United States Armed Forces. To qualify for this waiver, the veteran must have been honorably discharged.*

Section 3. Subsection (10) of section 455.271, Florida Statutes, is amended to read:

455.271 Inactive and delinquent status.—

(10) *The board, or the department if there is no board, may not require* ~~Before reactivation,~~ an inactive or delinquent licensee*, except for a licensee under chapter 473 or chapter 475, to complete more than one renewal cycle of* ~~shall meet the same~~ continuing education *to reactivate a license* ~~requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent~~. ~~This subsection does not apply to persons regulated under chapter 473.~~

Section 4. Section 468.391, Florida Statutes, is amended to read:

468.391 Penalty.—Any auctioneer, apprentice, or auction business or any owner or manager thereof, or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business, who operates without an active license or violates ~~any provision of the prohibited acts listed under~~ s. 468.389*(1)(c), (e), (f), (h), or (i)* commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Section 468.4338, Florida Statutes, is amended to read:

468.4338 Reactivation; continuing education.—The council shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license may not exceed *one renewal cycle of continuing education* ~~10 classroom hours for each year the license was inactive~~.

Section 6. Subsection (2) of section 468.8317, Florida Statutes, is amended to read:

468.8317 Inactive license.—

(2) A license that *becomes* ~~has become~~ inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The *rules may not require more than one renewal cycle of* continuing education *to reactivate* ~~requirements for reactivating~~ a license ~~may not exceed 14 hours for each year the license was inactive~~.

Section 7. Paragraph (d) of subsection (1) of section 468.841, Florida Statutes, is amended to read:

468.841 Exemptions.—

(1) The following persons are not required to comply with any provisions of this part relating to mold assessment:

(d) Persons or business organizations acting within the scope of the respective licenses required under part XV of this chapter, chapter 471, part I *or part II* of chapter 481, chapter 482, or chapter 489 are acting on behalf of an insurer under part VI of chapter 626, or are persons in the manufactured housing industry who are licensed under chapter 320, except when any such persons or business organizations hold themselves out for hire to the public as a "certified mold assessor," "registered mold assessor," "licensed mold assessor," "mold assessor," "professional mold assessor," or any combination thereof stating or implying licensure under this part.

Section 8. Subsection (2) of section 468.8417, Florida Statutes, is amended to read:

468.8417 Inactive license.—

(2) A license that *becomes* ~~has become~~ inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The *rules may not require more than one renewal cycle of* continuing education *to reactivate* ~~requirements for reactivating~~ a license ~~may not exceed 14 hours for each year the license was inactive~~.

Section 9. Subsection (4) of section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(4) Licensure as an asbestos consultant or contractor is not required for the repair, maintenance, removal, or disposal of asbestos-containing pipe or conduit, if:

(a) The pipe or conduit is used for electrical, electronic, communications, *gas,* sewer, or water service;

(b) The pipe or conduit is not located in a building;

(c) The pipe or conduit is made of Category I or Category II nonfriable material as defined in NESHAP; and

(d) All such activities are performed according to all applicable regulations, including work practices and training, of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.

Section 10. Paragraph (t) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed $5,000 for each count or separate offense; and may issue a reprimand, and any or all of

the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(t) Has violated any standard *of professional practice adopted by rule of the Florida Real Estate Appraisal Board, including standards* for the development or communication of a real estate appraisal ~~or other provision of the Uniform Standards of Professional Appraisal Practice, as defined in s. 475.611~~, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.

Section 11. *Paragraph (e) of subsection (1) of section 475.42, Florida Statutes, is repealed.*

Section 12. Paragraph (c) of subsection (2) of section 475.451, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

475.451 Schools teaching real estate practice.—

(2) An applicant for a permit to operate a proprietary real estate school, to be a chief administrator of a proprietary real estate school or a state institution, or to be an instructor for a proprietary real estate school or a state institution must meet the qualifications for practice set forth in s. 475.17(1) and the following minimal requirements:

(c) "School instructor" means an individual who instructs persons in the classroom in noncredit college courses in a college, university, or community college or courses in a career center or proprietary real estate school.

1. Before commencing to provide such instruction, the applicant must certify the applicant's competency and obtain an instructor permit by meeting one of the following requirements:

a. Hold a bachelor's degree in a business-related subject, such as real estate, finance, accounting, business administration, or its equivalent and hold a valid broker's license in this state.

b. Hold a bachelor's degree, have extensive real estate experience, as defined by rule, and hold a valid broker's license in this state.

c. Pass an instructor's examination approved by the commission.

2. Any requirement by the commission for a teaching demonstration or practical examination must apply to all school instructor applicants.

3. The department shall renew an instructor permit upon receipt of a renewal application and fee. The renewal application shall include proof that the permitholder has, since the issuance or renewal of the current permit, successfully completed a minimum of 7 classroom *or distance learning* hours of instruction in real estate subjects or instructional techniques, as prescribed by the commission. The commission shall adopt rules providing for the renewal of instructor permits at least every 2 years. *A* ~~Any~~ permit *that* ~~which~~ is not renewed at the end of the permit period established by the department ~~shall~~ automatically *reverts* ~~revert~~ to involuntarily inactive status.

The department may require an applicant to submit names of persons having knowledge concerning the applicant and the enterprise; may propound interrogatories to such persons and to the applicant concerning the character of the applicant, including the taking of fingerprints for processing through the Federal Bureau of Investigation; and shall make such investigation of the applicant or the school or institution as it may deem necessary to the granting of the permit. If an objection is filed, it shall be considered in the same manner as objections or administrative complaints against other applicants for licensure by the department.

*(9) A real estate school may offer any course through distance learning if the course complies with s. 475.17.*

Section 13. Paragraphs (c) and (d) of subsection (1) of section 475.611, Florida Statutes, are amended, present paragraphs (t) through (x) of subsection (1) are redesignated as paragraphs (u) through (y), respectively, and a new paragraph (t) is added to that subsection, to read:

475.611 Definitions.—

(1) As used in this part, the term:

(c) "Appraisal management company" means a person who performs appraisal management services *regardless of the use of the term "appraisal management company," "appraiser cooperative," "appraiser portal," "mortgage technology company," or other term*.

(d) "Appraisal management services" means the coordination or management of appraisal services for compensation by:

1. Employing, contracting with, or otherwise retaining one or more *licensed or certified* appraisers to perform appraisal services for a client; or

2. Acting as a broker or intermediary between a client and one or more *licensed or certified* appraisers to facilitate the client's employing, contracting with, or otherwise retaining the appraisers.

*(t) "Subsidiary" means an organization that is owned and controlled by a financial institution that is regulated by a federal financial institution regulatory agency.*

Section 14. Subsection (5) of section 475.615, Florida Statutes, is amended to read:

475.615 Qualifications for registration or certification.—

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge *indicating that upon becoming registered or certified, she or he will comply with the standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal,* ~~to comply with the Uniform Standards of Professional Appraisal Practice upon registration or certification~~ and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application *expires* ~~shall expire~~ 1 year after the date received *by the department*.

Section 15. Subsections (1), (2), and (3) of section 475.617, Florida Statutes, are amended to read:

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the board that she or he has successfully completed at least 100 hours of approved academic courses in subjects related to real estate appraisal, which *must* ~~shall~~ include coverage of the Uniform Standards of Professional Appraisal Practice*, or its equivalent, as established by rule of the board,* from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 125 hours. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an applicant must present satisfactory evidence to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(a) Has at least 2,500 hours of experience obtained over a 24-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which *must* ~~shall~~ include a 15-hour National Uniform Standards of Professional Appraisal Practice course*, or its equivalent, as established by rule of the board,* from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes

out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(a) Has at least 3,000 hours of experience obtained over a 30-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which *must* ~~shall~~ include a 15-hour National Uniform Standards of Professional Appraisal Practice course*, or its equivalent, as established by rule of the board,* from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

Section 16. Subsection (4) of section 475.6171, Florida Statutes, is amended to read:

475.6171 Issuance of registration or certification.—The registration or certification of an applicant may be issued upon receipt by the board of the following:

(4) If required, proof of passing a written examination as specified in s. 475.616. ~~No certification shall be issued based upon any examination results obtained more than 24 months after the date of examination.~~

Section 17. Subsection (1) of section 475.6175, Florida Statutes, is amended to read:

475.6175 Registered trainee appraiser; postlicensure education required.—

(1) The board shall prescribe postlicensure educational requirements in order for a person to maintain a valid registration as a registered trainee appraiser. If prescribed, the postlicensure educational requirements consist of one or more courses which total no more than the total educational hours required to qualify as a state certified residential appraiser. Such courses must be in subjects related to real estate appraisal and *must* ~~shall~~ include coverage of the Uniform Standards of Professional Appraisal Practice*, or its equivalent, as established by rule of the board*. Such courses are provided by a nationally or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451.

Section 18. Section 475.6235, Florida Statutes, is amended to read:

475.6235 Registration of appraisal management companies required*; exemptions*.—

(1) A person may not engage*, or offer to engage,* in appraisal management services for compensation in this state, advertise or represent herself or himself as an appraisal management company, ~~or use the titles "appraisal management company," "appraiser cooperative," "appraiser portal," or "mortgage technology company," or any abbreviation or words to that effect,~~ unless the person is registered with the department as an appraisal management company under this section. However, an employee of an appraisal management company is not required to obtain a separate registration.

(2) An application for registration must be submitted to the department in the format prescribed by the department and must include, at a minimum, the following:

(a) The firm or business name under which the appraisal management company conducts business in this state. The appraisal management company must notify the department of any change in the firm or business name, on a form provided by the department, within 10 days after such change.

(b) The mailing address, street address, and telephone number of the appraisal management company's principal business location. The appraisal management company must notify the department of any change in the mailing or street address, on a form provided by the department, within 10 days after such change.

(c) The appraisal management company's federal employer identification number.

(d) The appraisal management company's type of business organization, such as a corporation, partnership, limited liability company, or sole proprietorship.

(e) A statement as to whether the appraisal management company, if incorporated, is a domestic or foreign corporation, the company's date of incorporation, the state in which the company was incorporated, its charter number, and, if it is a foreign corporation, the date that the company first registered with the Department of State to conduct business in this state.

(f) The full name, street address, telephone number, corporate title, and social security number or federal employer identification number of any person who possesses the authority, directly or indirectly, to direct the management or policies of the appraisal management company, whether through ownership, by contract, or otherwise, including, but not limited to:

1. Each officer and director if the appraisal management company is a corporation.

2. Each general partner if the appraisal management company is a partnership.

3. Each manager or managing member if the appraisal management company is a limited liability company.

4. The owner if the appraisal management company is a sole proprietorship.

5. Each other person who, directly or indirectly, owns or controls 10 percent or more of an ownership interest in the appraisal management company.

(g) The firm or business name under which any person listed in paragraph (f) conducted business as an appraisal management company within the 5 years preceding the date of the application.

(h) The appraisal management company's registered agent for service of process in this state.

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and a complete set of fingerprints for each person listed in paragraph (2)(f) must accompany all applications for registration. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprints to determine whether the person has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprints to determine whether the person has a criminal history record. The information obtained by the processing of fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining whether the appraisal management company is statutorily qualified for registration.

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge to comply with *applicable standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal,* ~~the Uniform Standards of Professional Appraisal Practice upon registration~~ and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application *expires* ~~shall expire~~ 1 year after the date received.

(5) Each person listed in paragraph (2)(f) must be competent and qualified to engage in appraisal management services with safety to the general public and those with whom the person may undertake a relationship of trust and confidence. If any person listed in paragraph (2)(f) has been denied registration, licensure, or certification as an appraiser or has been disbarred, or if the person's registration, license, or certificate to practice or conduct any regulated profession, business, or vocation has been revoked or suspended by this or any other state, any nation, any possession or district of the United States, or any court or lawful agency thereof because of any conduct or practices that would have warranted a like result under this part, or if the person has been guilty of conduct or practices in this state or elsewhere that would have been grounds for disciplining her or his registration, license, or certification under this part had the person then been a registered trainee appraiser or a licensed or certified appraiser, the person shall be deemed not to be qualified unless, because of lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient, it appears to the board that the interest of the public is not likely to be endangered by the granting of registration.

(6) An applicant seeking to become registered under this part as an appraisal management company may not be rejected solely by virtue of membership or lack of membership of any person listed in paragraph (2)(f) or any employee of the company in any particular appraisal organization.

(7) An applicant for registration who is not a resident of the state shall file an irrevocable consent that suits and actions may be commenced against the appraisal management company in any county of the state in which a plaintiff having a cause of action or suit against the company resides and that service of any process or pleading in suits or actions against the company may be made by delivering the process or pleading to the director of the Division of Real Estate by certified mail, return receipt requested, and also to the appraisal management company by registered mail addressed to the company's designated principal business location or, if its principal business location is located in this state, to the company's registered agent. Service, when so made, must be taken and held in all courts to be as valid and binding upon the appraisal management company as if made upon the company in this state within the jurisdiction of the court in which the suit or action is filed. The irrevocable consent must be in a form prescribed by the department and be acknowledged before a notary public.

(8) The department shall renew the registration of an appraisal management company upon receipt of the renewal application and the proper fee. The department shall adopt rules establishing a procedure for renewal of the registration of an appraisal management company at least every 4 years.

*(9) This section does not apply to:*

*(a) A financial institution, as defined in s. 655.005, which owns and operates an internal appraisal office, business unit, or department; or*

*(b) An appraisal management company that is a subsidiary owned and controlled by a financial institution, as defined in s. 655.005, regulated by a federal financial institution regulatory agency.*

Section 19. Subsection (14) of section 475.624, Florida Statutes, is amended to read:

475.624 Discipline of appraisers.—The board may deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed $5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the board finds that the registered trainee, licensee, or certificateholder:

(14) Has violated any standard *of professional practice established by rule of the board, including standards* for the development or communication of a real estate appraisal ~~or other provision of the Uniform Standards of Professional Appraisal Practice~~.

Section 20. Paragraph (n) of subsection (1) of section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.—

(1) The board may deny an application for registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may reprimand or impose an administrative fine not to exceed $5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the board finds that the appraisal management company or any person listed in s. 475.6235(2)(f):

(n) Has instructed an appraiser to violate any standard *of professional practice established by rule of the board, including standards* for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice.

Section 21. *Paragraphs (b) and (c) of subsection (1) of section 475.626, Florida Statutes, are repealed.*

Section 22. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.— *The board shall adopt rules establishing standards of professional practice which meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation.* Each appraiser registered, licensed, or certified under this part *must* ~~shall~~ comply with the *rules* ~~Uniform Standards of Professional Appraisal Practice~~. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation *are* ~~shall also be~~ binding on any appraiser registered, licensed, or certified under this part*, upon adoption by rule of the board*.

Section 23. *Paragraph (b) of subsection (1) of section 476.194, Florida Statutes, is repealed.*

Section 24. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.—

(2) The board shall *adopt* ~~promulgate~~ rules relating to licenses *that* ~~which have~~ become inactive and for the renewal of inactive licenses. *The rules may not require more than one renewal cycle of continuing education to reactivate a license.* The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.

Section 25. *Paragraph (c) of subsection (1) of section 477.0265, Florida Statutes, is repealed.*

Section 26. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect *by initial examination* shall apply to the department*, complete* ~~to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:~~

~~(a) Has completed~~ the application form*,* and *remit* ~~remitted~~ a nonrefundable application fee*. The department shall license any applicant who the board certifies:* ~~and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;~~

*(a) Has passed the licensure examination prescribed by board rule; and*

(b)~~1.~~ Is a graduate of a school or college of architecture *with a program* accredited by the National Architectural Accreditation Board.~~; or~~

~~2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and~~

~~courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States; and~~

~~(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).~~

Section 27. Section 481.211, Florida Statutes, is amended to read:

481.211 Architecture internship required.—

~~(1)~~ An applicant for licensure as a registered architect shall complete, *before* ~~prior to~~ licensure, an internship of diversified architectural experience approved by the board*, which meets the requirements set forth by rule* ~~in the design and construction of structures which have as their principal purpose human habitation or use~~. ~~The internship shall be for a period of:~~

~~(a) Three years for an applicant holding the degree of Bachelor of Architecture; or~~

~~(b) Two years for an applicant holding the professional degree of Master of Architecture.~~

~~(2) Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(1).~~

Section 28. Subsection (3) of section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.—

(3) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or interior designers, as applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture or interior design issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder; or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. *An applicant who has passed the prescribed licensure examination and holds a valid license to practice architecture issued by another state, but who does not hold a certificate, may be licensed if he or she:*

*1. Holds a minimum 4-year degree;*

*2. Has maintained an architect license in good standing for a minimum of 10 years;*

*3. Has been a continuous resident of this state for a minimum of 10 years; and*

*4. Presents evidence of satisfactory completion of the continuing education requirements for renewal of an architect license for the biennium ending February, 2013. This exception to the requirement that an applicant hold a valid certificate issued by the National Council of Architectural Registration Boards expires March 1, 2013.* ~~For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209(1)(b). Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.~~

Section 29. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The *rules may not require more than one renewal cycle of* continuing education *to reactivate* ~~requirements for reactivating~~ a license for a registered architect *or interior designer* ~~may not exceed 12 contact hours for each year the license was inactive~~. *For interior design,* ~~The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive.~~ the board *may* ~~shall only~~ approve *only* continuing education that builds upon the basic knowledge of interior design.

(2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

Section 30. Section 481.315, Florida Statutes, is amended to read:

481.315 Inactive status.—

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. *The board may not require a licensee to complete more than one renewal cycle of continuing education requirements.* ~~The board may prescribe by rule continuing education requirements as a condition of reactivating the license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the license was inactive.~~

(2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

Section 31. Subsections (3) and (6) of section 489.116, Florida Statutes, are amended to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(3) An inactive status certificateholder or registrant may change to active status at any time, *if* ~~provided~~ the certificateholder or registrant meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status certificateholder or registrant, ~~and~~ pays any applicable late fees*, and meets all continuing education requirements prescribed by the board*.

(6) *The board may not require* an inactive certificateholder or registrant *to complete more than one renewal cycle of* ~~shall comply with the same~~ continuing education *for reactivating a certificate or registration* ~~requirements, if any, that are imposed on an active status certificateholder or registrant~~.

Section 32. Subsection (1) of section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A certificate or registration that *becomes* ~~has become~~ inactive may be reactivated under s. 489.517 upon application to the department. The board may *not require a licensee to complete more than one renewal cycle of* ~~prescribe, by rule,~~ continuing education *to reactivate* ~~requirements as a condition of reactivating~~ a certificate or registration. ~~The continuing education requirements for reactivating a certificate or registration may not exceed 12 classroom hours for each year the certificate or registration was inactive.~~

Section 33. Subsections (17), (19), (20), and (43), and paragraph (a) of subsection (54) of section 499.003, Florida Statutes, are amended to read:

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

(17) "Distribute" or "distribution" means to sell; offer to sell; give away; transfer, whether by passage of title, physical movement, or both; deliver; or offer to deliver. The term does not mean to administer or

dispense *and does not include the billing and invoicing activities that commonly follow a wholesale distribution transaction*.

(19) "Drug" means an article that is:

(a) Recognized in the current edition of the United States Pharmacopoeia and National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of those publications;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals;

(c) Intended to affect the structure or any function of the body of humans or other animals; or

(d) Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), *and includes active pharmaceutical ingredients,* but does not include devices or their *non-drug* components, parts, or accessories. *For purposes of this paragraph, an "active pharmaceutical ingredient" includes any substance or mixture of substances intended, represented, or labeled for use in drug manufacturing that furnishes or is intended to furnish, in a finished dosage form, any pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals, or to affect the structure or any function of the body of humans or other animals.*

(20) "Establishment" means a place of business *which is* at one general physical location *and may extend to one or more contiguous suites, units, floors, or buildings operated and controlled exclusively by entities under common operation and control. Where multiple buildings are under common exclusive ownership, operation, and control, an intervening thoroughfare does not affect the contiguous nature of the buildings. For purposes of permitting, each suite, unit, floor, or building must be identified in the most recent permit application*.

(43) "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active *pharmaceutical* 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)*, except that an active pharmaceutical ingredient is a prescription drug only if substantially all finished dosage forms in which it may be lawfully dispensed or administered in this state are also prescription drugs*.

(54) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

*d.*~~e.~~ The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

*e.*~~f.~~ The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under *sub-subparagraph d* ~~sub-subparagraph e~~.

*f.*~~g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

Section 34. Paragraphs (c) and (e) of subsection (2) of section 499.01, Florida Statutes, are amended, and subsections (3), (4), and (5) are added to that section, to read:

499.01 Permits.—

(2) The following permits are established:

(c) *Nonresident prescription drug manufacturer permit.*—A nonresident prescription drug manufacturer permit is required for any person that is a manufacturer of prescription drugs, unless permitted as a third party logistics provider, located outside of this state or outside the United States and that engages in the wholesale distribution in this state of such prescription drugs. Each such manufacturer must be permitted by the department and comply with all of the provisions required of a wholesale distributor under this part, except s. 499.01212.

1. A person that distributes prescription drugs for which the person is not the manufacturer must also obtain an out-of-state prescription drug wholesale distributor permit or third party logistics provider permit pursuant to this section to engage in the wholesale distribution of such prescription drugs. This subparagraph does not apply to a manufacturer as defined in s. 499.003(31)(e).

2. Any such person must comply with the licensing or permitting requirements of the jurisdiction in which the establishment is located and the federal act, and any product wholesaled into this state must comply with this part. If a person intends to import prescription drugs from a foreign country into this state, the nonresident prescription drug manufacturer must provide to the department a list identifying each prescription drug it intends to import and document approval by the United States Food and Drug Administration for such importation.

~~3. A nonresident prescription drug manufacturer permit is not required for a manufacturer to distribute a prescription drug active~~

~~pharmaceutical ingredient that it manufactures to a prescription drug manufacturer permitted in this state in limited quantities intended for research and development and not for resale, or human use other than lawful clinical trials and biostudies authorized and regulated by federal law. A manufacturer claiming to be exempt from the permit requirements of this subparagraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212. The prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall maintain on file a record of the FDA registration number; the out-of-state license, permit, or registration number; and, if available, a copy of the most current FDA inspection report, for all manufacturers from whom they purchase active pharmaceutical ingredients under this section. The department shall specify by rule the allowable number of transactions within a given period of time and the amount of active pharmaceutical ingredients that qualify as limited quantities for purposes of this exemption. The failure to comply with the requirements of this subparagraph, or rules adopted by the department to administer this subparagraph, for the purchase of prescription drug active pharmaceutical ingredients is a violation of s. 499.005(14).~~

(e) *Out-of-state prescription drug wholesale distributor permit.*—An out-of-state prescription drug wholesale distributor is a wholesale distributor located outside this state which engages in the wholesale distribution of prescription drugs into this state and which must be permitted by the department and comply with all the provisions required of a wholesale distributor under this part. An out-of-state prescription drug wholesale distributor that applies to the department for a new permit or the renewal of a permit must submit a bond of $100,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the Florida Drug, Device, and Cosmetic Trust Fund. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part which involves the permittee is concluded, including any appeal, whichever occurs later.

~~1.~~ The out-of-state prescription drug wholesale distributor must maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with laws of the state in which it is a resident.

~~2. An out-of-state prescription drug wholesale distributor permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed as a prescription drug wholesale distributor, in its state of residence, to a licensed prescription drug wholesale distributor in this state, if both wholesale distributors conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. 499.0121(6) and 499.01212 must be followed for this transaction.~~

*(3) A nonresident prescription drug manufacturer permit is not required for a manufacturer to distribute a prescription drug active pharmaceutical ingredient that it manufactures to a prescription drug manufacturer permitted in this state in limited quantities intended for research and development and not for resale or human use other than lawful clinical trials and biostudies authorized and regulated by federal law. A manufacturer claiming to be exempt from the permit requirements of this paragraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212. The prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall maintain on file a record of the FDA registration number; if available, the out-of-state license, permit, or registration number; and, if available, a copy of the most current FDA inspection report, for all manufacturers from whom they purchase active pharmaceutical ingredients under this section. The department shall define the term "limited quantities" by rule, and may include the allowable number of transactions within a given period of time and the amount of prescription drugs distributed into the state for purposes of this exemption. The failure to comply with the requirements of this paragraph, or rules adopted by the department to administer this paragraph, for the purchase of prescription drug active pharmaceutical ingredients is a violation of s. 499.005(14), and a knowing failure is a violation of s. 499.0051(4).*

*(4)(a) A permit issued under this part is not required to distribute a prescription drug active pharmaceutical ingredient from an establishment located in the United States to an establishment located in this state permitted as a prescription drug manufacturer under this part for use by the recipient in preparing, deriving, processing, producing, or fabricating a prescription drug finished dosage form at the establishment in this state where the product is received under an approved and otherwise valid New Drug Approval Application, Abbreviated New Drug Application, New Animal Drug Application, or Therapeutic Biologic Application, provided that the application, active pharmaceutical ingredient, or finished dosage form has not been withdrawn or removed from the market in this country for public health reasons.*

*1. Any distributor claiming exemption from permitting requirements pursuant to this paragraph shall maintain a license, permit, or registration to engage in the wholesale distribution of prescription drugs under the laws of the state from which the product is distributed.*

*2. Any distributor claiming exemption from permitting requirements pursuant to this paragraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212.*

*(b) A permit issued under this part is not required to distribute limited quantities of a prescription drug that has not been repackaged from an establishment located in the United States to an establishment located in this state permitted as a prescription drug manufacturer under this part for research and development or to a holder of a letter of exemption issued by the department under s. 499.03(4) for research, teaching, or testing. The department shall define "limited quantities" by rule and may include the allowable number of transactions within a given period of time and the amounts of prescription drugs distributed into the state for purposes of this exemption.*

*1. Any distributor claiming exemption from permitting requirements pursuant to this paragraph shall maintain a license, permit, or registration to engage in the wholesale distribution of prescription drugs under the laws of the state from which the product is distributed.*

*2. All purchasers and recipients of any prescription drugs distributed pursuant to this paragraph shall ensure that the products are not resold or used, directly or indirectly, on humans except in lawful clinical trials and biostudies authorized and regulated by federal law.*

*3. Any distributor claiming exemption from permitting requirements pursuant to this paragraph, and the purchaser and recipient of the prescription drug, shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212.*

*4. The immediate package or container of any active pharmaceutical ingredient distributed into the state that is intended for teaching, testing, research, and development shall bear a label prominently displaying the statement: "Caution: Research, Teaching, or Testing Only – Not for Manufacturing, Compounding, or Resale."*

*(c) An out-of-state prescription drug wholesale distributor permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed as a prescription drug wholesale distributor in its state of residence to a licensed prescription drug wholesale distributor in this state, if both wholesale distributors conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. 499.0121(6) and 499.01212 must be followed for such transactions.*

*(d) Persons receiving prescription drugs from a source claimed to be exempt from permitting requirements under this subsection shall maintain on file:*

*1. A record of the FDA establishment registration number, if any;*

*2. The resident state prescription drug wholesale distribution license, permit, or registration number; and*

*3. A copy of the most recent resident state or FDA inspection report, for all distributors and establishments whom they purchase or receive prescription drugs under this subsection.*

*(e) All persons claiming exemption from permitting requirements pursuant to this subsection who engage in the distribution of prescription drugs within or into the state are subject to this part, including ss. 499.005 and 499.0051, and shall make available, within 48 hours, to the department on request all records related to any prescription drugs distributed under this subsection, including those records described in s. 499.051(4), regardless of the location where the records are stored.*

*(f) A person purchasing and receiving a prescription drug from a person claimed to be exempt from licensing requirements pursuant to this subsection shall report to the department in writing within 14 days after receiving any product that is misbranded or adulterated or that fails to meet minimum standards set forth in the official compendium or state or federal good manufacturing practices for identity, purity, potency, or sterility, regardless of whether the product is thereafter rehabilitated, quarantined, returned, or destroyed.*

*(g) The department may adopt rules to administer this subsection which are necessary for the protection of the public health, safety, and welfare. Failure to comply with the requirements of this subsection, or rules adopted by the department to administer this subsection, is a violation of s. 499.005(14), and a knowing failure is a violation of s. 499.0051(4).*

*(h) This subsection does not relieve any person from any requirement prescribed by law with respect to controlled substances as defined in the applicable federal and state laws.*

*(5) A prescription drug repackager permit issued under this part is not required for a restricted prescription drug distributor permitholder that is a health care entity to repackage prescription drugs in this state for its own use or for distribution to hospitals or other health care entities in the state for their own use, pursuant to s. 499.003(54)(a)3., if:*

*(a) The prescription drug distributor notifies the department, in writing, of its intention to engage in repackaging under this exemption, 30 days before engaging in the repackaging of prescription drugs at the permitted establishment;*

*(b) The prescription drug distributor is under common control with the hospitals or other health care entities to which the prescription drug distributor is distributing prescription drugs. As used in this paragraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, contract, or otherwise;*

*(c) The prescription drug distributor repackages the prescription drugs in accordance with current state and federal good manufacturing practices; and*

*(d) The prescription drug distributor labels the prescription drug it repackages in accordance with state and federal laws and rules.*

*The prescription drug distributor is exempt from the product registration requirements of s. 499.015, with regard to the prescription drugs that it repackages and distributes under this subsection.*

Section 35. Section 565.07, Florida Statutes, is amended to read:

565.07 Sale or consumption of certain distilled spirits prohibited.—*A* ~~No~~ distilled spirit greater than 153 proof *may not* ~~shall~~ be sold~~, processed,~~ or consumed in the state. *However, a distilled spirit greater than 153 proof may be distilled, bottled, packaged, or processed for export or sale outside the state.*

Section 36. Section 718.707, Florida Statutes, is amended to read:

718.707 Time limitation for classification as bulk assignee or bulk buyer.—A person acquiring condominium parcels may not be classified as a bulk assignee or bulk buyer unless the condominium parcels were acquired on or after July 1, 2010, but before July 1, *2015* ~~2012~~. The date of such acquisition shall be determined by the date of recording a deed or other instrument of conveyance for such parcels in the public records of the county in which the condominium is located, or by the date of issuing a certificate of title in a foreclosure proceeding with respect to such condominium parcels.

Section 37. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to reducing and streamlining regulations; 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. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending ss. 455.271, 468.4338, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising certain licensure requirements and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; amending s. 469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; repealing s. 475.42(1)(e), F.S., relating to violations and penalties applicable to real estate brokers and sales associates; amending ss. 468.391, 475.25, 475.624, and 475.6245, F.S., relating to auctioneering and to real estate brokering and appraisal; revising provisions with respect to certain penalties; revising grounds for discipline to which penalties apply; repealing s. 475.626(1)(b) and (c), F.S., relating to violations and penalties applicable to real property appraisers; amending s. 475.628, F.S.; requiring the Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; amending s. 468.841, F.S.; exempting landscape architects from complying with provisions related to mold assessment; amending s. 475.611, F.S.; revising the definitions of the terms "appraisal management company" and "appraisal management services"; defining the term "subsidiary"; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; prohibiting a person from offering to engage in appraisal management services under certain circumstances; revising provisions relating to the application for registration of an appraisal management company; providing exemptions from registration requirements; repealing s. 476.194(1)(b), F.S., relating to prohibited acts by persons engaged in the practice of barbering; repealing s. 477.0265(1)(c), F.S., relating to prohibited acts by persons engaged in the practice of cosmetology; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; amending s. 499.003, F.S.; revising the definitions of the terms "distribute" or "distribution," "drug," "establishment," "prescription drug," and "wholesale distribution"; amending s. 499.01, F.S.; deleting provisions relating to an exemption from nonresident prescription drug manufacturer permit requirements; deleting provisions relating to an exemption from out-of-state prescription drug wholesale distributor permit requirements for intracompany sale or transfer of prescription drugs; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients intended for research and development; requiring compliance with certain recordkeeping requirements; providing for a definition; providing for penalties; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients for incorporation into prescription drugs in finished dosage form; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring compliance with certain recordkeeping requirements; exempting compliance with pedigree paper requirements; providing an exemption from permit requirements for distribution into this state of limited quantities of a prescription drug that has not been repackaged, for research and development or to a holder of a letter of exemption issued by the Department of Business and Professional Regulation for research, teaching, or testing; granting the department authority to define "limited quantities" by rule and limit therein the number of transactions and amount of prescription drugs

distributed into the state; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring all purchasers and recipients of such prescription drugs to ensure the products are not resold or used on humans except in lawful clinical trials and biostudies; requiring compliance with certain recordkeeping requirements; exempting compliance from pedigree paper requirements; providing labeling requirements for active pharmaceutical ingredients distributed within the state for teaching, testing, research, and development; exempting from out-of-state prescription drug wholesale distributor permit requirements intracompany transactions or the sale of prescription drugs from an out-of-state distributor to a distributor in this state if both distributors conduct wholesale distributions under the same business name; requiring compliance with recordkeeping and pedigree paper requirements; allowing distributors and recipients of prescription drugs claiming exemption from certain permitting requirements to maintain on file their FDA registration number, resident state distributor license or permit number, and most recent resident state or FDA inspection report; providing that persons claiming such exemptions are subject to part I of ch. 499, F.S., the Florida Drug and Cosmetic Act; requiring persons claiming such exemptions to make all records regarding prescription drug distribution available to the department, upon request, within 48 hours; requiring submission of a report of mishandled or adulterated prescription drugs within 14 days after receipt of such drugs; authorizing the department to adopt rules; providing that failure to comply with requirements or rules governing such exemptions constitutes unlawful purchase or receipt of a prescription drug from a person not authorized to distribute prescription drugs to that purchaser or recipient; providing that knowing failure to comply with such requirements constitutes unlawful sale, distribution, purchase, trade, holding, or offering of a drug; providing penalties; providing construction with respect to federal and state laws relating to controlled substances; exempting certain prescription drug repackagers from permit requirements if they repackage prescription drugs for their own use or for certain related entities; providing notification requirements; exempting such repackagers from product registration requirements; amending s. 565.07, F.S.; allowing certain high-proof distilled spirits to be distilled, bottled, packaged, or processed for export or sale outside this state; amending s. 718.707, F.S.; extending the time period within which persons who acquire condominium parcels may be classified as bulk assignees or bulk buyers; providing an effective date.

On motion by Senator Hays, by two-thirds vote **CS for HB 517** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**CS for SB 770**—A bill to be entitled An act relating to exemptions from local business taxes; creating s. 205.067, F.S.; specifying that an individual licensed and operating as a broker associate or sales associate is not required to apply for an exemption from a local business tax or take certain actions relating to a local business tax; prohibiting a local governing authority from holding such exempt individual liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or from requiring the exempt individual 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 such exempt individuals in order to obtain a local business tax receipt; amending s. 205.066, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 770**, on motion by Senator Hays, by two-thirds vote **HB 7125** was withdrawn from the Committees on Community Affairs; Regulated Industries; Budget Subcommittee on Finance and Tax; and Budget.

**HB 7125**—A bill to be entitled An act relating to exemptions from local business taxes; creating s. 205.067, F.S.; specifying that an individual licensed and operating as a broker associate or sales associate is not required to apply for an exemption from a local business tax or take certain actions relating to a local business tax; prohibiting a local governing authority from holding such exempt individual liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or from requiring the exempt individual 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 such exempt individuals in order to obtain a local business tax receipt; amending s. 205.066, F.S.; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 770** and read the second time by title.

On motion by Senator Hays, further consideration of **HB 7125** was deferred.

---

The Senate resumed consideration of—

**CS for CS for SB 2054**—A bill to be entitled An act relating to domestic violence; amending s. 39.902, F.S.; defining the term "coalition" as it relates to domestic violence; amending s. 39.903, F.S.; revising provisions relating to certification of domestic violence centers; providing specified additional duties for and authority of the Florida Coalition Against Domestic Violence; revising the duties of the Department of Children and Family Services; requiring the department to contract with coalition for specified purposes; creating s. 39.9035, F.S.; providing the duties of the coalition as it manages the delivery of services to the state's domestic violence program; amending s. 39.904, F.S.; requiring the coalition, rather than the department, to make a specified annual report; revising the contents of the report; amending s. 39.905, F.S.; requiring the coalition, rather than the department, to perform certain duties relating to certification of domestic violence centers; revising provisions relating to certification of domestic violence centers; requiring a demonstration of need for certification of a new domestic violence center; revising provisions relating to expiration of a center's annual certificate; prohibiting a domestic violence center from receiving funding from the coalition for services that are exempted from certification; amending ss. 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316, F.S.; conforming provisions to changes made by the act; amending s. 741.32, F.S.; deleting provisions relating to the certification of batterers' intervention programs; amending s. 741.325, F.S.; revising the requirements for batterers' intervention programs; repealing s. 741.327, F.S., relating to the certification and monitoring of batterers' intervention programs; amending ss. 948.038 and 938.01, F.S.; conforming provisions to changes made by the act; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for CS for SB 2054**, on motion by Senator Storms, by two-thirds vote **HB 7093** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Budget.

On motion by Senator Storms—

**HB 7093**—A bill to be entitled An act relating to domestic violence; amending s. 39.903, F.S.; revising provisions relating to certification of domestic violence centers; providing specified additional duties for and authority of the Florida Coalition Against Domestic Violence; revising the duties of the Department of Children and Family Services; requiring the department to contract with the coalition for specified purposes; amending s. 39.904, F.S.; requiring the coalition rather than the de-

partment to provide a specified annual report; providing for department approval of the report; revising the contents of the report; amending s. 39.905, F.S.; requiring the coalition rather than the department to perform certain duties relating to certification of domestic violence centers; revising provisions relating to certification of domestic violence centers; revising the demonstration of need for certification of a new domestic violence center; revising provisions relating to expiration of a domestic violence center's annual certificate; conforming provisions to changes made by the act; amending ss. 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316, F.S.; conforming provisions to changes made by the act; amending s. 741.32, F.S.; deleting a provision establishing the Office for Certification and Monitoring of Batterers' Intervention Programs; amending s. 741.325, F.S.; revising the guidelines for batters' intervention programs; repealing s. 741.327, F.S., relating to certification and monitoring of batterers' intervention programs; amending ss. 938.01 and 948.038, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2054** and read the second time by title.

**MOTION**

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

Senator Storms moved the following amendment which was adopted:

**Amendment 1 (167528) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Present subsections (1), (2), and (3) of section 39.902, Florida Statutes, are redesignated as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section, to read:

39.902 Definitions.—As used in this part, the term:

*(1) "Coalition" means the Florida Coalition Against Domestic Violence.*

Section 2. Section 39.903, Florida Statutes, is amended to read:

39.903 Duties and functions of the department with respect to domestic violence.—*The department shall:*

(1) *Operate the domestic violence program and, in collaboration with the coalition, shall coordinate and administer statewide activities related to the prevention of domestic violence.* ~~The department shall:~~

~~(a) Develop by rule criteria for the approval or rejection of certification or funding of domestic violence centers.~~

~~(b) Develop by rule minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.~~

*(2)*~~(c)~~ Receive and approve or reject applications for *initial* certification of domestic violence centers. *The department shall annually renew the certification thereafter upon receipt of a favorable monitoring report by the coalition.* ~~If any of the required services are exempted from certification by the department under s. 39.905(1)(c), the center shall not receive funding for those services~~.

*(3)*~~(d)~~ *Have* ~~Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards. The department has~~ the right to enter and inspect the premises of *domestic violence centers that are applying for an initial certification or facing potential suspension or revocation of certification* ~~certified domestic violence centers at any reasonable hour in order~~ to effectively evaluate the state of compliance *with minimum standards* ~~of these centers with this part and rules relating to this part~~.

~~(e) Adopt rules to implement this part.~~

*(4)*~~(f)~~ Promote the involvement of certified domestic violence centers in the coordination, development, and planning of domestic violence programming in the *circuits* ~~districts and the state~~.

~~(2) The department shall serve as a clearinghouse for information relating to domestic violence.~~

~~(3) The department shall operate the domestic violence program, which provides supervision, direction, coordination, and administration of statewide activities related to the prevention of domestic violence.~~

*(5)*~~(4)~~ *Coordinate with state agencies that have health, education, or criminal justice responsibilities to raise awareness of domestic violence and promote consistent policy implementation.* ~~The department shall enlist the assistance of public and voluntary health, education, welfare, and rehabilitation agencies in a concerted effort to prevent domestic violence and to treat persons engaged in or subject to domestic violence. With the assistance of these agencies, the department, within existing resources, shall formulate and conduct a research and evaluation program on domestic violence. Efforts on the part of these agencies to obtain relevant grants to fund this research and evaluation program must be supported by the department.~~

~~(5) The department shall develop and provide educational programs on domestic violence for the benefit of the general public, persons engaged in or subject to domestic violence, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to domestic violence.~~

(6) ~~The department shall~~ Cooperate with, assist in, and participate in, programs of other properly qualified *state* agencies, including any agency of the Federal Government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention *of domestic violence and the provision of services to clients*~~, care, treatment, and rehabilitation of persons engaged in or subject to domestic violence~~.

(7) ~~The department shall~~ Contract with *the coalition for the delivery and management of services for the state's domestic violence program. Services under this contract include, but are not limited to, the administration of contracts and grants.* ~~a statewide association whose primary purpose is to represent and provide technical assistance to certified domestic violence centers. This association shall implement, administer, and evaluate all services provided by the certified domestic violence centers. The association shall receive and approve or reject applications for funding of certified domestic violence centers. When approving funding for a newly certified domestic violence center, the association shall make every effort to minimize any adverse economic impact on existing certified domestic violence centers or services provided within the same service area. In order to minimize duplication of services, the association shall make every effort to encourage subcontracting relationships with existing certified domestic violence centers within the same service area. In distributing funds allocated by the Legislature for certified domestic violence centers, the association shall use a formula approved by the department as specified in s. 39.905(7)(a).~~

*(8) Consider applications from certified domestic violence centers for capital improvement grants and award those grants pursuant to s. 39.9055.*

*(9) Adopt by rule procedures to administer this section, including developing criteria for the approval, suspension, or rejection of certification of domestic violence centers and developing minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.*

Section 3. Section 39.9035, Florida Statutes, is created to read:

*39.9035 Duties and functions of the coalition with respect to domestic violence.—As part of its delivery and management of the delivery of services for the state's domestic violence program, the coalition shall:*

*(1) Implement, administer, and evaluate all domestic violence services provided by the certified domestic violence centers.*

*(2) Receive and approve or reject applications for funding of certified domestic violence centers. When approving funding for a newly certified domestic violence center, the coalition shall make every effort to minimize any adverse economic impact on existing certified domestic violence centers or services provided within the same service area. In order to minimize duplication of services, the coalition shall make every effort to encourage subcontracting relationships with existing certified domestic violence centers within the same service area. In distributing funds allocated by the Legislature for certified domestic violence centers, the coalition shall use a formula approved by the department as specified in s. 39.905(7)(a).*

*(3) Evaluate certified domestic violence centers in order to determine compliance with minimum certification standards.*

*(4) Have the right to enter and inspect the premises of certified domestic violence centers for monitoring purposes.*

Section 4. Section 39.904, Florida Statutes, is amended to read:

39.904 Report to the Legislature on the status of domestic violence cases.—On or before January 1 of each year, the *coalition* ~~department~~ shall furnish to the President of the Senate and the Speaker of the House of Representatives a report on the status of domestic violence in this state, which *must* ~~report shall~~ include, but *need* ~~is~~ not *be* limited to, the following:

(1) The incidence of domestic violence in this state.

(2) An identification of the areas of the state where domestic violence is of significant proportions, indicating the number of cases of domestic violence officially reported, as well as an assessment of the degree of unreported cases of domestic violence.

(3) An identification and description of the types of programs in the state *which* ~~that~~ assist victims of domestic violence or persons who commit domestic violence, including information on funding for the programs.

(4) The number of persons who *receive services from* ~~are treated by or assisted by~~ local *certified* domestic violence programs that receive funding through the *coalition* ~~department~~.

(5) *The incidence of domestic violence homicides in the state, including information and data collected from state and local domestic violence fatality review teams.* ~~A statement on the effectiveness of such programs in preventing future domestic violence.~~

~~(6) An inventory and evaluation of existing prevention programs.~~

~~(7) A listing of potential prevention efforts identified by the department; the estimated annual cost of providing such prevention services, both for a single client and for the anticipated target population as a whole; an identification of potential sources of funding; and the projected benefits of providing such services.~~

Section 5. Paragraphs (c), (g), and (i) of subsection (1), subsections (2), (3), and (5), paragraph (a) of subsection (6), and paragraph (b) of subsection (7) of section 39.905, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

39.905 Domestic violence centers.—

(1) Domestic violence centers certified under this part must:

(c) Provide minimum services *that* ~~which~~ include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the *services available* ~~care, treatment, and rehabilitation~~ for persons engaged in or subject to domestic violence. If a 24-hour hotline, professional training, or community education is already provided by a certified domestic violence center within *its designated service area* ~~a district~~, the department may exempt such certification requirements for a new center serving the same *service area* ~~district~~ in order to avoid duplication of services.

(g) File with the *coalition* ~~department~~ a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim a privilege under s. 90.5036 to refuse to disclose a confidential communication between a victim of domestic violence and the advocate regarding the domestic violence inflicted upon the victim. The list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position. A domestic violence center must file amendments to this list as necessary.

(i) If its center is a new center applying for certification, demonstrate that the services provided address a need identified in the most current statewide needs assessment approved by the department. *If the center applying for initial certification proposes providing services in an area that has an existing certified domestic violence center, the center applying for initial certification must demonstrate the unmet need in that service area and describe its efforts to avoid duplication of services.*

(2) If the department finds that there is failure by a center to comply with the requirements established under this part or with the rules adopted pursuant thereto, the department may deny, suspend, or revoke the certification of the center.

(3) The annual certificate ~~shall~~ automatically *expires* ~~expire~~ on *June 30 of each state fiscal year unless the certification is temporarily extended to allow the center to implement a corrective action plan* ~~the termination date shown on the certificate~~.

(5) Domestic violence centers may be established throughout the state when private, local, state, or federal funds are available *and a need is demonstrated*.

(6) In order to receive state funds, a center must:

(a) Obtain certification pursuant to this part. However, the issuance of a certificate *does* ~~will~~ not obligate the *coalition* ~~department~~ to provide funding.

(7)

(b) A contract between the *coalition* ~~statewide association~~ and a certified domestic violence center shall contain provisions *ensuring* ~~assuring~~ the availability and geographic accessibility of services throughout the *service area* ~~district~~. For this purpose, a center may distribute funds through subcontracts or to center satellites, *if* ~~provided~~ such arrangements and any subcontracts are approved by the *coalition* ~~statewide association~~.

*(8) If any of the required services are exempted from certification by the department under this section, the center may not receive funding from the coalition for those services.*

Section 6. Subsection (18) of section 381.006, Florida Statutes, is amended to read:

381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

(18) A food service inspection function for domestic violence centers that are certified *by the Department of Children and Family Services* and monitored by the *Florida Coalition Against Domestic Violence* ~~Department of Children and Family Services~~ under part XII of chapter 39 and group care homes as described in subsection (16), which shall be conducted annually and be limited to the requirements in department rule applicable to community-based residential facilities with five or fewer residents.

The department may adopt rules to carry out the provisions of this section.

Section 7. Paragraph (b) of subsection (1) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(1) DEFINITIONS.—As used in this section, the term:

(b) "Food service establishment" means detention facilities, public or private schools, migrant labor camps, assisted living facilities, adult family-care homes, adult day care centers, short-term residential treatment centers, residential treatment facilities, homes for special services, transitional living facilities, crisis stabilization units, hospices, pre-

scribed pediatric extended care centers, intermediate care facilities for persons with developmental disabilities, boarding schools, civic or fraternal organizations, bars and lounges, vending machines that dispense potentially hazardous foods at facilities expressly named in this paragraph, and facilities used as temporary food events or mobile food units at any facility expressly named in this paragraph, where food is prepared and intended for individual portion service, including the site at which individual portions are provided, regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term does not include any entity not expressly named in this paragraph; nor does the term include a domestic violence center certified *by the Department of Children and Family Services* and monitored by the *Florida Coalition Against Domestic Violence* ~~Department of Children and Family Services~~ under part XII of chapter 39 if the center does not prepare and serve food to its residents and does not advertise food or drink for public consumption.

Section 8. Section 741.281, Florida Statutes, is amended to read:

741.281 Court to order batterers' intervention program attendance.—If a person is found guilty of, has ~~had~~ adjudication withheld on, or *pleads* ~~has pled~~ nolo contendere to a crime of domestic violence, as defined in s. 741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. ~~Effective July 1, 2002, the batterers' intervention program must be a certified program under s. 741.32.~~ The imposition of probation under this section *does* ~~shall~~ not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

Section 9. Paragraph (g) of subsection (2) of section 741.2902, Florida Statutes, is amended to read:

741.2902 Domestic violence; legislative intent with respect to judiciary's role.—

(2) It is the intent of the Legislature, with respect to injunctions for protection against domestic violence, issued pursuant to s. 741.30, that the court shall:

(g) Consider requiring the perpetrator to complete a batterers' intervention program. It is preferred that such program *meet the requirements specified in s. 741.325* ~~be certified under s. 741.32~~.

Section 10. Paragraphs (a) and (e) of subsection (6) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that *remains* ~~shall remain~~ in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of ~~all certified~~ batterers' intervention programs ~~and all programs which have submitted an application to the Department of Children and Family Services to become certified under s. 741.32,~~ from which the respondent must choose a program in which to participate. ~~If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.~~

6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(e) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

~~It is mandatory that such programs be certified under s. 741.32.~~

Section 11. Subsection (5) of section 741.316, Florida Statutes, is amended to read:

741.316 Domestic violence fatality review teams; definition; membership; duties.—

(5) The domestic violence fatality review teams are assigned to the *Florida Coalition Against Domestic Violence* ~~Department of Children and Family Services~~ for administrative purposes.

Section 12. Section 741.32, Florida Statutes, is amended to read:

741.32 ~~Certification of~~ Batterers' intervention programs.—

~~(1)~~ The Legislature finds that the incidence of domestic violence in *this state* ~~Florida~~ is disturbingly high~~,~~ and *that,* despite *the* efforts of many to curb this violence, ~~that~~ one person dies at the hands of a spouse, ex-spouse, or cohabitant approximately every 3 days. Further, a child who witnesses the perpetration of this violence becomes a victim as he or she hears or sees it occurring. This child is at high risk of also being the victim of physical abuse by the parent who is perpetrating the violence and, to a lesser extent, by the parent who is the victim. These children are also at a high risk of perpetrating violent crimes as juveniles and, later, becoming perpetrators of the same violence that they witnessed as children. The Legislature finds that there should be standardized programming available to the justice system to protect victims and their children and to hold the perpetrators of domestic violence accountable for their acts. Finally, the Legislature recognizes that in order for batterers' intervention programs to be successful in protecting victims and their children, all participants in the justice system as well as social service agencies and local and state governments must coordinate their efforts at the community level.

~~(2) There is hereby established in the Department of Children and Family Services an Office for Certification and Monitoring of Batterers' Intervention Programs. The department may certify and monitor both programs and personnel providing direct services to those persons who are adjudged to have committed an act of domestic violence as defined in s. 741.28, those against whom an injunction for protection against domestic violence is entered, those referred by the department, and those who volunteer to attend such programs. The purpose of certification of programs is to uniformly and systematically standardize programs to hold those who perpetrate acts of domestic violence responsible for those acts and to ensure safety for victims of domestic violence. The certification and monitoring shall be funded by user fees as provided in s. 741.327.~~

Section 13. Section 741.325, Florida Statutes, is amended to read:

741.325 *Requirements for batterers' intervention programs* ~~Guideline authority~~.—

*(1) A batterers' intervention program must meet the following requirements* ~~The Department of Children and Family Services shall promulgate guidelines to govern purpose, policies, standards of care, appropriate intervention approaches, inappropriate intervention approaches during the batterers' program intervention phase (to include couples counseling and mediation), conflicts of interest, assessment, program content and specifics, qualifications of providers, and credentials for facilitators, supervisors, and trainees. The department shall, in addition, establish specific procedures governing all aspects of program operation, including administration, personnel, fiscal matters, victim and batterer records, education, evaluation, referral to treatment and other matters as needed. In addition, the rules shall establish~~:

*(a)*~~(1) That~~ The primary purpose of the *program* ~~programs~~ shall be victim safety and the safety of ~~the~~ children, if present.

*(b)*~~(2) That~~ The batterer shall be held accountable for acts of domestic violence.

*(c)*~~(3) That~~ The *program* ~~programs~~ shall be at least 29 weeks in length and ~~shall~~ include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming.

*(d)*~~(4) That~~ The program *content shall be based on* ~~be~~ a psychoeducational model that *addresses* ~~employs a program content based on~~ tactics of power and control by one person over another.

~~(5) That the programs and those who are facilitators, supervisors, and trainees be certified to provide these programs through initial certification and that the programs and personnel be annually monitored to ensure that they are meeting specified standards.~~

*(e)*~~(6) The intent that~~ The *program shall* ~~programs~~ be ~~user-fee~~ funded *by user* ~~with~~ fees *paid by* ~~from~~ the batterers who attend the program*, which allows them to take* ~~as payment for programs is important to the batterer taking~~ responsibility for *their acts* ~~the act~~ of violence~~, and from those seeking certification~~. *An* exception shall be made for ~~those~~ local, state, or federal programs that fund batterers' intervention programs in whole or in part.

~~(7) Standards for rejection and suspension for failure to meet certification standards.~~

*(2)*~~(8)~~ *The requirements of this section* ~~That these standards shall~~ apply only to programs that address the perpetration of violence between intimate partners, spouses, ex-spouses, or those who share a child in common or who are cohabitants in intimate relationships for the purpose of exercising power and control by one over the other. It will endanger victims if courts and other referral agencies refer family and household members who are not perpetrators of the type of domestic violence encompassed by these *requirements* ~~standards~~. Accordingly, the court and others who make referrals should refer perpetrators only to programming that appropriately addresses the violence committed.

Section 14. *Section 741.327, Florida Statutes, is repealed.*

Section 15. Section 948.038, Florida Statutes, is amended to read:

948.038 Batterers' intervention program as a condition of probation, community control, or other court-ordered community supervision.—As a condition of probation, community control, or any other court-ordered community supervision, the court shall order a person convicted of an offense of domestic violence, as defined in s. 741.28, to attend and successfully complete a batterers' intervention program unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. The ~~batterers' intervention program must be a program certified under s. 741.32, and the~~ offender must pay the cost of attending the program.

Section 16. Paragraph (a) of subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, require every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance to pay $3 as a court cost. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be liable for payment of such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All costs collected by the courts pursuant to this subsection shall be remitted to the Department of Revenue in accordance with administrative rules adopted by the executive director of the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund. These funds and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:

1. Ninety-two percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

2. Six and three-tenths percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.

3. One and seven-tenths percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903*(1)*~~(3)~~.

Section 17. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to domestic violence; amending s. 39.902, F.S.; defining the term "coalition" as it relates to domestic violence; amending s. 39.903, F.S.; revising provisions relating to certification of domestic violence centers; providing specified additional duties for and authority of the Florida Coalition Against Domestic Violence; revising the duties of the Department of Children and Family Services; requiring the department to contract with coalition for specified purposes; creating s. 39.9035, F.S.; providing the duties of the coalition as it manages the delivery of services to the state's domestic violence program; amending s. 39.904, F.S.; requiring the coalition, rather than the department, to make a specified annual report; revising the contents of the report; amending s. 39.905, F.S.; requiring the coalition, rather than the department, to perform certain duties relating to certification of domestic violence centers; revising provisions relating to certification of domestic violence centers; requiring a demonstration of need for certification of a new domestic violence center; revising provisions relating to expiration of a center's annual certificate; prohibiting a domestic violence center from receiving funding from the coalition for services that are exempted from certification; amending ss. 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316, F.S.; conforming provisions to changes made by the act; amending s. 741.32, F.S.; deleting provisions relating to the certification of batterers' intervention programs; amending s. 741.325, F.S.; revising the requirements for batterers' intervention programs; repealing s. 741.327, F.S., relating to the certification and monitoring of batterers' intervention programs; amending ss. 948.038 and 938.01, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Storms, by two-thirds vote **HB 7093** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**SPECIAL GUESTS**

Senator Storms introduced Senator Bennett's wife, Dee Bennett, who was present in the gallery.

---

Consideration of **CS for CS for SB 964** and **CS for SB 992** was deferred.

---

**CS for SJR 1064**—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 32 of Article XII of the State Constitution to provide an additional exemption from ad valorem taxes on tangible personal property valued at more than $25,000 but less than $50,000, to authorize a county or municipality to provide an additional exemption from ad valorem taxation for tangible personal property by ordinance, and to provide an effective date.

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

That the following amendment to Section 3 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 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes *is* ~~shall be~~ exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious, or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e)*(1)* By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of *tangible personal* property *is* ~~subject to tangible personal property tax shall be~~ exempt from ad valorem taxation. *Tangible personal property is also exempt from ad valorem taxation if the assessed value of such property is greater than twenty-five thousand dollars but less than fifty thousand dollars.*

*(2) A county or municipality may, for the purposes of its respective tax levy and subject to the provisions of this subsection and general law, provide additional tangible personal property tax exemptions by ordinance.*

(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

ARTICLE XII

SCHEDULE

*SECTION 32. Tangible personal property; ad valorem tax exemption.—The amendment to Section 3 of Article VII providing that property is exempt from tangible personal property tax if the assessed value of such property is greater than twenty-five thousand dollars but less than fifty-thousand dollars applies to assessments for tax years beginning January 1, 2013.*

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 3

ARTICLE XII, SECTION 32

PROPERTY TAX EXEMPTION.—Proposing an amendment to the State Constitution to:

(1) Provide an exemption from ad valorem taxes on tangible personal property if the assessed value of an owner's tangible personal property is greater than $25,000 but less than $50,000 dollars. This additional exemption, if approved by the voters, will take effect on January 1, 2013, and apply to the 2013 tax roll.

(2) Authorize a county or municipality, for the purpose of its respective levy and subject to general law, to provide tangible personal property tax exemptions by ordinance. This is in addition to other statewide tangible personal property exemptions already provided by the Constitution.

—was read the second time in full.

Pending further consideration of **CS for SJR 1064**, on motion by Senator Detert, by two-thirds vote **CS for HJR 1003** was withdrawn from the Committees on Community Affairs; Budget Subcommittee on Finance and Tax; and Budget.

On motion by Senator Detert—

**CS for HJR 1003**—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 32 of Article XII of the State Constitution to provide an additional exemption from ad valorem taxes on tangible personal property valued at more than $25,000 but less than $50,000, to authorize a county or municipality to provide an additional exemption from ad valorem taxation for tangible personal property by ordinance as provided by general law, and to provide an effective date.

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

That the following amendment to Section 3 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:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e)*(1)* By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of *tangible personal* property *is* ~~subject to tangible personal property tax shall be~~ exempt from ad valorem taxation. *Tangible personal property is also exempt from ad valorem taxation if the assessed value of such property is greater than twenty-five thousand dollars but less than fifty thousand dollars.*

*(2) A county or municipality may, for the purposes of its respective tax levy, provide additional tangible personal property tax exemptions by ordinance, subject to this subsection and as provided in general law.*

(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

ARTICLE XII

SCHEDULE

*SECTION 32. Tangible personal property; ad valorem tax exemption.—The amendment to Section 3 of Article VII providing that property is exempt from tangible personal property tax if the assessed value of such property is greater than twenty-five thousand dollars but less than fifty thousand dollars shall take effect January 1, 2013, and applies to assessments for tax years beginning on or after January 1, 2013.*

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 3

ARTICLE XII, SECTION 32

TANGIBLE PERSONAL PROPERTY TAX EXEMPTION.—Proposing an amendment to the State Constitution to:

(1) Provide an exemption from ad valorem taxes levied by counties, municipalities, school districts, and other local governments on tangible personal property if the assessed value of an owner's tangible personal property is greater than $25,000 but less than $50,000. This new exemption, if approved by the voters, will take effect on January 1, 2013, and apply to the 2013 tax roll and subsequent tax rolls.

(2) Authorize a county or municipality for the purpose of its respective levy, and as provided by general law, to provide tangible personal property tax exemptions by ordinance.

This is in addition to other statewide tangible personal property tax exemptions provided by the Constitution and this amendment.

—a companion measure, was substituted for **CS for SJR 1064** and read the second time in full.

On motion by Senator Detert, by two-thirds vote **CS for HJR 1003** 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—40

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

Nays—None

---

**CS for CS for SB 1208**—A bill to be entitled An act relating to public records; amending s. 717.117, F.S.; revising the public records exemption for information held by the Department of Financial Services relating to unclaimed property to permanently exempt social security numbers from the public records law; deleting the provision that requires the release of social security numbers for certain purposes; 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.

An amendment was considered and adopted to conform **CS for CS for SB 1208** to **HB 7111**.

Pending further consideration of **CS for CS for SB 1208** as amended, on motion by Senator Richter, by two-thirds vote **HB 7111** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

On motion by Senator Richter—

**HB 7111**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 717.117, F.S., which provides an exemption from public record requirements for social security numbers and property identifiers contained in reports of unclaimed property; removing the exception to the public record exemption for social security numbers; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1208** as amended and read the second time by title.

On motion by Senator Richter, by two-thirds vote **HB 7111** 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—40

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

Nays—None

---

**SB 858**—A bill to be entitled An act relating to knowingly and willfully giving false information to a law enforcement officer; amending s. 837.055, F.S.; providing that it is a third-degree felony for a person to knowingly and willfully give false information to a law enforcement officer conducting a missing person investigation involving a child 16 years of age or younger with the intent to mislead the officer or impede the investigation if the child suffers great bodily harm, permanent disability, permanent disfigurement, or death; providing criminal penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 858**, on motion by Senator Negron, by two-thirds vote **CS for HB 37** was withdrawn from the Committees on Criminal Justice; Judiciary; Budget Subcommittee on Criminal and Civil Justice Appropriations; and Budget.

On motion by Senator Negron—

**CS for HB 37**—A bill to be entitled An act relating to knowingly and willfully giving false information to a law enforcement officer; amending s. 837.055, F.S.; providing that it is a third-degree felony for a person to knowingly and willfully give false information to a law enforcement officer conducting a missing person investigation involving a child 16 years of age or younger with the intent to mislead the officer or impede the investigation if the child suffers great bodily harm, permanent disability, permanent disfigurement, or death; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **SB 858** and read the second time by title.

On motion by Senator Negron, by two-thirds vote **CS for HB 37** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

Consideration of **CS for CS for SB 1146** and **CS for CS for SB 1166** was deferred.

---

**CS for CS for SB 1180**—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; requiring that comprehensive plan amendments proposing certain developments follow the state coordinated review process; amending s. 380.06, F.S.; limiting the scope of certain recommendations and comments by reviewing agencies regarding proposed developments; revising certain review criteria for reports and recommendations on the regional impact of proposed developments; requiring regional planning agency reports to contain recommendations

consistent with the standards of state permitting agencies and water management districts; providing that specified changes to a development order are not substantial deviations; providing an exemption from development-of-regional-impact review for proposed developments that meet specified criteria and are located in certain jurisdictions; requiring that an agreement under s. 288.106, F.S., which relates to a tax refund program for qualified target industry businesses, be executed as a condition for such exemption; providing notice requirements; providing applicability; amending s. 380.115, F.S.; revising conditions under which a local government is required to rescind a development-of-regional-impact development order; creating s. 163.3165, F.S.; providing for application and approval of an amendment to the local comprehensive plan by the owner of land that meets certain criteria as an agricultural enclave; creating a 2-year permit extension; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1180**, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 979** was withdrawn from the Committees on Community Affairs; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Budget.

On motion by Senator Bennett, the rules were waived and—

**CS for CS for HB 979**—A bill to be entitled An act relating to developments of regional impact; amending s. 163.3184, F.S.; requiring that comprehensive plan amendments proposing certain developments follow the state coordinated review process; amending s. 380.06, F.S.; limiting the scope of certain recommendations and comments by reviewing agencies regarding proposed developments; revising certain review criteria for reports and recommendations on the regional impact of proposed developments; requiring regional planning agency reports to contain recommendations consistent with the standards of state permitting agencies and water management districts; providing that specified changes to a development order are not substantial deviations; providing an exemption from development-of-regional-impact review for proposed developments that meet specified criteria and are located in certain jurisdictions; requiring an agreement for such exemption; providing notice requirements; providing for effect and applicability; amending s. 380.115, F.S.; revising conditions under which a local government is required to rescind a development-of-regional-impact development order; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1180** and 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 (543740) (with title amendment)**—Between lines 329 and 330 insert:

Section 4. *(1) Notwithstanding ss. 163.3162 and 163.3164, Florida Statutes, the owner of a parcel of land located in an unincorporated area of a county that qualifies as an agricultural enclave under subsection (2) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184, Florida Statutes. The subject of the amendment is presumed not to be urban sprawl, as defined in s. 163.3164, Florida Statutes, if it proposes land uses and intensities of use that are consistent with the existing uses and intensities of use of, or consistent with the uses and intensities of use authorized for, the industrial, commercial, or residential areas that surround the parcel. If the parcel of land that is the subject of an amendment under this section is abutted on all sides by land having only one land use designation, the same land use designation must be presumed by the county to be appropriate for the parcel. The county shall, after considering the proposed density and intensity, grant the parcel the same land use designation as the surrounding parcels that abut the parcel unless the county finds by clear and convincing evidence that the grant would be detrimental to the health, safety, and welfare of its residents.*

*(2) In order to qualify as an agricultural enclave under this section, the parcel of land must be a parcel that:*

*(a) Is owned by a single person or entity;*

*(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, Florida Statutes, for at least 5 years before the date of any comprehensive plan amendment application;*

*(c) Is surrounded on at least 95 percent of its perimeter by property that the local government has designated as land that may be developed for industrial, commercial, or residential purposes; and*

*(d) Does not exceed 640 acres but is not smaller than 500 acres.*

*(3) This section does not preempt or replace the protection currently existing for property located within the boundaries of:*

*1. The Wekiva Study Area, as described in s. 369.316, Florida Statutes; or*

*2. The Everglades Protection Area, as defined in s. 373.4592(2), Florida Statutes.*

*In order to qualify under this section as an enclave, the owner of a parcel of land meeting the requirements of subsection (2) must submit a written application to the county by January 1, 2013.*

And the title is amended as follows:

Delete line 24 and insert: regional-impact development order; providing a presumption that certain agricultural enclaves do not constitute urban sprawl; establishing qualifications for designation as an agricultural enclave for such purpose and establishing exceptions from the definition for designated protected areas; providing an

On motion by Senator Bennett, by two-thirds vote **CS for CS for HB 979** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

| | | |
|---|---|---|
| Dockery | Joyner | Negron |

---

Consideration of **CS for CS for SB 1206** and **CS for CS for SB 1252** was deferred.

---

**SB 1268**—A bill to be entitled An act relating to actions for damages; repealing s. 768.75, F.S., relating to an optional settlement conference in certain tort actions; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1268**, on motion by Senator Simmons, by two-thirds vote **HB 4077** was withdrawn from the Committees on Judiciary; Budget Subcommittee on Criminal and Civil Justice Appropriations; Budget; and Rules.

On motion by Senator Simmons—

**HB 4077**—A bill to be entitled An act relating to actions for damages; repealing s. 768.75, F.S., relating to an optional settlement conference in certain tort actions; providing an effective date.

—a companion measure, was substituted for **SB 1268** and read the second time by title.

On motion by Senator Simmons, by two-thirds vote **HB 4077** 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 | Gibson | Ring |
| Bogdanoff | Hays | Sachs |
| Braynon | Jones | Simmons |
| Bullard | Joyner | Siplin |
| Dean | Latvala | Smith |
| Detert | Lynn | Sobel |
| Diaz de la Portilla | Margolis | Storms |
| Dockery | Montford | Thrasher |
| Fasano | Negron | Wise |

Nays—None

---

**SB 1274**—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; providing for the proceeds of the tourist development tax to be used for the benefit of certain aquariums; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1274**, on motion by Senator Latvala, by two-thirds vote **HB 1015** was withdrawn from the Committees on Commerce and Tourism; Budget Subcommittee on Finance and Tax; and Budget.

On motion by Senator Latvala—

**HB 1015**—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; providing for the proceeds of the tourist development tax to be used for the benefit of certain aquariums; providing an effective date.

—a companion measure, was substituted for **SB 1274** and read the second time by title.

On motion by Senator Latvala, by two-thirds vote **HB 1015** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

| | |
|---|---|
| Mr. President | Gardiner |

---

**CS for SB 1286**—A bill to be entitled An act relating to treatment programs for impaired professionals; creating s. 401.466, F.S.; providing that an emergency medical technician or paramedic who is certified or has applied to be certified may be subject to a treatment program for impaired practitioners at the election of the impaired practitioner consultant; prohibiting charging the associated costs to the Medical Quality Assurance Trust Fund within the Department of Health; amending s. 456.076, F.S.; exempting an entity retained by the Department of Health as an impaired practitioner consultant from certain licensing requirements if the entity employs or contracts with licensed professionals; revising the schools or programs that may contract for impaired practitioner consulting services; limiting the liability of certain medical schools and schools that prepare health care practitioners and veterinarians for licensure for referring a student to an impaired practitioner consultant; authorizing the Department of Health to refer an applicant for licensure to the consultant; clarifying the types of legal proceedings related to services provided by impaired practitioner consultants which are defended by the Department of Financial Services; clarifying requirements for an impaired practitioner consultant to maintain as confidential certain information concerning an impaired practitioner; authorizing the department and certain other entities to have administrative control over the impaired practitioner consultant to the extent necessary to receive disclosures; creating s. 468.315, F.S.; providing that a radiologic technologist who is certified or who has applied to be certified may be subject to a treatment program for impaired practitioners at the election of an impaired practitioner consultant; providing an effective date.

—was read the second time by title. On motion by Senator Thrasher, by two-thirds vote **CS for SB 1286** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

Consideration of **CS for SB 1314** was deferred.

---

**CS for CS for SB 1146**—A bill to be entitled An act relating to effect of dissolution or annulment of marriage on certain designations; creating s. 732.703, F.S.; providing definitions; providing that a designation made by or on behalf of a decedent providing for the payment or transfer at death of an interest in an asset to or for the benefit of the decedent's former spouse shall become void if the decedent's marriage was judicially dissolved or declared invalid before the decedent's death, if the designation was made prior to the dissolution or order; providing for disposition of assets; providing for treatment of certain retirement plans; specifying assets subject to provisions; providing exceptions; providing that payors are not liable for payments or transfers to beneficiaries contrary to this provision in certain circumstances; specifying the form of an affidavit that may be used to relieve a payor of liability for a transfer if the death certificate is silent as to the decedent's marital status at the time of death; providing that the payor is not liable for making any payment on account of, or transferring any interest in, certain types of assets to a beneficiary; providing that certain provisions apply notwithstanding the payor's knowledge that the person to whom the asset is transferred is different from the person who would own the interest due to the dissolution of the decedent's marriage or declaration of the marriage's validity before the decedent's death; providing that the provisions do not affect specified interests and rights; providing applicability; providing an effective date.

—was read the second time by title.

**SENATOR BENNETT PRESIDING**

Pending further consideration of **CS for CS for SB 1146**, on motion by Senator Simmons, by two-thirds vote **CS for HB 401** was withdrawn from the Committees on Judiciary; Budget Subcommittee on General Government Appropriations; and Budget.

**CS for HB 401**—A bill to be entitled An act relating to effect of dissolution or annulment of marriage on certain designations; creating s. 732.703, F.S.; providing definitions; providing that a designation made by or on behalf of a decedent providing for the payment or transfer at death of an interest in an asset to or for the benefit of the decedent's former spouse shall become void if the decedent's marriage was judicially dissolved or declared invalid before the decedent's death, if the designation was made prior to the dissolution or order; providing for disposition of assets; providing for treatment of certain retirement plans; specifying assets subject to provisions; providing exceptions; providing that payors are not liable for payments or transfers to beneficiaries contrary to this provision in certain circumstances; specifying the form of an affidavit that may be used to relieve a payor of liability for a transfer if the death certificate is silent as to the decedent's marital status at the time of death; providing that the payor is not liable for making any payment on account of, or transferring any interest in, certain types of assets to a beneficiary; providing that certain provisions apply notwithstanding the payor's knowledge that the person to whom the asset is transferred is different from the person who would own the interest due to the dissolution of the decedent's marriage or declaration of the marriage's validity before the decedent's death; providing that the provisions do not affect specified interests and rights; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1146** and read the second time by title.

On motion by Senator Simmons, further consideration of **CS for HB 401** was deferred.

---

**CS for CS for SB 1206**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.075, F.S., which provides public records exemptions for information held by economic development agencies; saving from repeal the exemption concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state; providing that the exemption applies if a request for confidentiality is made before an economic incentive agreement is signed; specifying the time period during which information remains confidential and exempt when a final project order for a signed economic development agreement is issued; saving from repeal the exemption for trade secrets; saving from repeal the exemption for proprietary confidential business information; saving from repeal the exemption for identification, account, and registration numbers and sales, wage, and tax data relating to a recipient of an economic development incentive; providing that the taxes paid by businesses participating in an economic incentive program may be disclosed in the aggregate; authorizing the disclosure of specified information relating to a business 180 days after the final project order for an economic incentive agreement is issued, until a date specified in the final project order, or if the information is otherwise disclosed, whichever occurs first; removing the scheduled repeal of the exemptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1206**, on motion by Senator Detert, by two-thirds vote **CS for HB 7115** was withdrawn from the Committees on Commerce and Tourism; Governmental Oversight and Accountability; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Budget.

On motion by Senator Detert—

**CS for HB 7115**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.075, F.S., which provides public record exemptions for information held by economic development agencies; saving from repeal the exemption concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state; providing that the exemption applies if a request for confidentiality is made before an economic incentive agreement is signed; specifying the time period during which information remains confidential and exempt when a final project order for a signed economic development agreement is issued; saving from repeal the exemption for trade secrets; saving from repeal the exemption for proprietary confidential business information; saving from repeal the exemption for identification, account, and registration numbers and sales, wage, and tax data relating to a recipient of an economic development incentive; saving from repeal the exemption for information held pursuant to the administration of an economic incentive program; clarifying and reorganizing the exemption; providing that the taxes paid by businesses participating in an economic incentive program may be disclosed in the aggregate; specifying duration of the period in which certain information held by an economic development agency relating to a specific business participating in an economic development program remains confidential and exempt; removing the scheduled repeal of the exemptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1206** and read the second time by title.

On motion by Senator Detert, by two-thirds vote **CS for HB 7115** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

| | | |
|---|---|---|
| Alexander | Flores | Norman |
| Altman | Gaetz | Oelrich |
| Benacquisto | Garcia | Rich |
| Bennett | Gardiner | Richter |
| Bogdanoff | Gibson | Ring |
| Braynon | Hays | Sachs |
| Bullard | 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 7125**—A bill to be entitled An act relating to exemptions from local business taxes; creating s. 205.067, F.S.; specifying that an individual licensed and operating as a broker associate or sales associate is not required to apply for an exemption from a local business tax or take certain actions relating to a local business tax; prohibiting a local governing authority from holding such exempt individual liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or from requiring the exempt individual 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 such exempt individuals in order to obtain a local business tax receipt; amending s. 205.066, F.S.; conforming provisions; providing an effective date.

—which was previously considered this day.

On motion by Senator Hays, by two-thirds vote **HB 7125** was read the third time by title, passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—33

| | | |
|---|---|---|
| Mr. President | Dean | Flores |
| Alexander | Detert | Gaetz |
| Altman | Diaz de la Portilla | Garcia |
| Benacquisto | Dockery | Gardiner |
| Bennett | Evers | Gibson |
| Bogdanoff | Fasano | Hays |

| | | |
|---|---|---|
| Jones | Negron | Simmons |
| Latvala | Norman | Siplin |
| Lynn | Richter | Storms |
| Margolis | Ring | Thrasher |
| Montford | Sachs | Wise |

Nays—7

| | | |
|---|---|---|
| Braynon | Oelrich | Sobel |
| Bullard | Rich | |
| Joyner | Smith | |

---

The Senate resumed consideration of—

**CS for HB 401**—A bill to be entitled An act relating to effect of dissolution or annulment of marriage on certain designations; creating s. 732.703, F.S.; providing definitions; providing that a designation made by or on behalf of a decedent providing for the payment or transfer at death of an interest in an asset to or for the benefit of the decedent's former spouse shall become void if the decedent's marriage was judicially dissolved or declared invalid before the decedent's death, if the designation was made prior to the dissolution or order; providing for disposition of assets; providing for treatment of certain retirement plans; specifying assets subject to provisions; providing exceptions; providing that payors are not liable for payments or transfers to beneficiaries contrary to this provision in certain circumstances; specifying the form of an affidavit that may be used to relieve a payor of liability for a transfer if the death certificate is silent as to the decedent's marital status at the time of death; providing that the payor is not liable for making any payment on account of, or transferring any interest in, certain types of assets to a beneficiary; providing that certain provisions apply notwithstanding the payor's knowledge that the person to whom the asset is transferred is different from the person who would own the interest due to the dissolution of the decedent's marriage or declaration of the marriage's validity before the decedent's death; providing that the provisions do not affect specified interests and rights; providing applicability; providing an effective date.

—which was previously considered this day.

On motion by Senator Simmons, by two-thirds vote **CS for HB 401** 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 | Flores | Richter |
| Altman | Gaetz | Ring |
| Benacquisto | Garcia | Sachs |
| Bennett | Gardiner | Simmons |
| Bogdanoff | Gibson | Siplin |
| Bullard | Hays | Sobel |
| Dean | Jones | Storms |
| Detert | Latvala | Thrasher |
| Diaz de la Portilla | Montford | Wise |
| Dockery | Negron | |
| Evers | Norman | |

Nays—6

| | | |
|---|---|---|
| Braynon | Lynn | Rich |
| Joyner | Margolis | Smith |

---

**CS for CS for SB 1166**—A bill to be entitled An act relating to clerks of court; amending s. 27.52, F.S.; authorizing the clerk of court to review the property records and motor vehicle records to determine whether an applicant for the appointment of a public defender is indigent; deleting a requirement that the clerk conduct the review; amending s. 28.24, F.S.; deleting a requirement for the clerks of the circuit courts to participate in the Comprehensive Case Information System; creating s. 28.2405, F.S.; requiring clerks of the circuit courts to use the Comprehensive Case Information System and to submit data to the system based on case types designated by the Supreme Court of Florida; amending s. 28.241, F.S.; providing that filing fees and fees to reopen a proceeding are due at the time a party files a pleading to initiate or reopen a proceeding; requiring the clerk of court to pursue the collection of fees that are not timely paid; revising the circumstances under which a fee to reopen a case applies; exempting a person from paying a reopen fee for filing a motion to enforce a stipulation or a motion for contempt; authorizing the clerk of court to charge a fee to issue an electronic certified copy of a summons; amending s. 28.37, F.S.; providing that certain penalties and fines are not deposited into the clerk's Public Records Modernization Trust Fund; amending s. 34.041, F.S.; requiring the party filing a case in county court to pay all filing and reopen fees at the time of filing; requiring the clerk to pursue collection of the fees if the fees are not paid at the time of filing; authorizing the clerk of court to charge a fee for issuing an electronic certified copy of a summons; revising the circumstances under which a fee to reopen a case applies; exempting a party from paying a reopen fee for filing motions to enforce stipulations and motions for contempt; amending s. 40.011, F.S.; requiring that a clerk of court generate a set of juror candidate lists; requiring that the clerk of court add names of certain persons to the juror candidate lists; authorizing the clerk of court to generate juror candidate lists to ensure a valid and consistent juror selection process; amending s. 40.02, F.S.; revising the process of selecting jury lists; amending s. 40.022, F.S.; revising the process of purging jury selection lists; amending s. 40.221, F.S.; conforming provisions to changes made by the act; amending s. 40.225, F.S.; requiring that the clerk of court implement an automated electronic system for drawing jury venire; providing administrative responsibilities of the clerks of court with regard to the jury venire; requiring that the clerk of court or the chief judge submit for approval a plan for the selection of juror candidates; requiring that the Chief Justice of the Supreme Court examine the proposed plan for compliance with applicable statutory requirements and technical standards and procedures; requiring that an administrative order be filed if the proposed plan is approved; amending s. 57.081, F.S.; providing that a person who receives a certification of indigence with respect to a proceeding is not required to pay charges to issue a summons; amending s. 95.11, F.S.; providing that an action to collect any court costs, fees, or fines owed to the state may be commenced at any time; amending s. 112.3173, F.S.; providing for the duty of a clerk of court to notify the Commission on Ethics of certain proceedings involving public officers or employees to arise after the clerk is advised by the state attorney that the defendant is a public officer or employee who is alleged to have committed a specified offense; amending s. 318.18, F.S.; requiring that the signature of the person designated to represent a community service agency be notarized on letterhead that indicates the number of hours of community service completed and the date the community service hours were completed by a person who is ordered to perform community service as a penalty for specified offenses; amending s. 668.50, F.S.; limiting the exemption from the Uniform Electronic Transaction Act for transactions governed by rules relating to judicial procedure; amending s. 733.707, F.S.; specifying the priority of payment of unpaid court costs, fees, or fines by a decedent's estate; amending s. 893.11, F.S.; providing that convictions of certain types of criminal offenses which are reported to the Comprehensive Case Information System of the Florida Association of Clerks and Comptroller, Inc., are an immediate, serious danger to the public health, safety, or welfare; providing that such convictions are grounds for disciplinary action by a licensing state agency; requiring that a state agency initiate an emergency suspension of an individual professional license upon the agency's finding of the licensee's conviction of a certain type of criminal offense which is reported to the Comprehensive Case Information System; requiring that certain state agencies use the Comprehensive Case Information System to obtain information relating to a conviction involving certain types of criminal offenses; requiring that the clerk of court provide to each state agency electronic access and provide certified copies of judgments to licensing agencies upon request; defining the term "business or professional license"; amending s. 938.27, F.S.; authorizing a court to require a defendant to pay the costs of prosecution and investigation pursuant to a payment plan under a specified provision; amending s. 938.30, F.S.; providing that criminal or civil judgment and related costs are a civil lien against the judgment debtor's presently owned or after-acquired real or personal property if the judgment is recorded; providing an exception to rerecording requirements; requiring that the clerk of court enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or lien imposed and collected in the same manner as for an indigent defendant-recipient; amending s. 947.181, F.S.; providing that the Parole Commission require as a condition of parole the payment of fines, fees, or other court-ordered costs

under certain circumstances; providing that restitution ordered as a condition of parole has first priority over the payment of other costs ordered as a condition of parole; requiring that the commission state on record the reasons for not requiring the full payment of the fines, fees, or other court-ordered costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1166**, on motion by Senator Simmons, by two-thirds vote **CS for HB 7095** was withdrawn from the Committees on Regulated Industries; Judiciary; Budget Subcommittee on Criminal and Civil Justice Appropriations; and Budget.

On motion by Senator Simmons—

**CS for HB 7095**—A bill to be entitled An act relating to clerks of court; amending s. 27.52, F.S.; authorizing the clerk of court to review the property records and motor vehicle records to determine whether an applicant for the appointment of a public defender is indigent; deleting a requirement that the clerk conduct the review; amending s. 28.24, F.S.; deleting a requirement for the clerks of the circuit courts to participate in the Comprehensive Case Information System; creating s. 28.2405, F.S.; requiring clerks of the circuit courts to use the Comprehensive Case Information System and to submit data to the system based on case types designated by the Supreme Court of Florida; amending s. 28.241, F.S.; providing that filing fees and fees to reopen a proceeding are due at the time a party files a pleading to initiate or reopen a proceeding; requiring the clerk of court to pursue the collection of fees that are not timely paid; revising the circumstances under which a fee to reopen a case applies; exempting a person from paying a reopen fee for filing a motion to enforce a stipulation or a motion for contempt; authorizing the clerk of court to charge a fee to issue an electronic certified copy of a summons; amending s. 28.37, F.S.; providing that certain penalties and fines are not deposited into the clerk's Public Records Modernization Trust Fund; amending s. 34.041, F.S.; requiring the party filing a case in county court to pay all filing and reopen fees at the time of filing; requiring the clerk to pursue collection of the fees if the fees are not paid at the time of filing; authorizing the clerk of court to charge a fee for issuing an electronic certified copy of a summons; revising the circumstances under which a fee to reopen a case applies; exempting a party from paying a reopen fee for filing motions to enforce stipulations and motions for contempt; amending s. 40.011, F.S.; requiring that a clerk of court generate and maintain a set of juror candidate lists; requiring that the clerk of court add names of certain persons to the juror candidate lists; authorizing the clerk of court to generate juror candidate lists as necessary to ensure a valid and consistent juror selection process; amending s. 40.02, F.S.; revising the process of selecting jury lists; amending s. 40.022, F.S.; revising the process of purging jury selection lists; amending s. 40.221, F.S.; conforming provisions to changes made by the act; amending s. 40.225, F.S.; requiring that the clerk of court implement an automated electronic system for drawing a jury venire; providing administrative responsibilities of the clerks of court with regard to the jury venire; requiring that the clerk of court or the chief judge submit for approval a plan for the selection of juror candidates; requiring that the Chief Justice of the Supreme Court examine the proposed plan for compliance with applicable statutory requirements and technical standards and procedures; requiring that an administrative order be filed if the proposed plan is approved; amending s. 57.081, F.S.; providing that a person who receives a certification of indigence with respect to a proceeding is not required to pay charges to issue a summons; amending s. 95.11, F.S.; providing that an action to collect any court costs, fees, or fines owed to the state may be commenced at any time; amending s. 112.3173, F.S.; providing for the duty of a clerk of court to notify the Commission on Ethics of certain proceedings involving public officers or employees to arise after the clerk is advised by the state attorney that the defendant is a public officer or employee who is alleged to have committed a specified offense; amending s. 318.18, F.S.; requiring that the signature of the person designated to represent a community service agency be notarized on letterhead that indicates the number of hours of community service completed and the date the community service hours were completed by a person who is ordered to perform community service as a penalty for specified offenses; amending s. 668.50, F.S.; limiting the exemption from the Uniform Electronic Transaction Act for transactions governed by rules relating to judicial procedure; amending s. 733.707, F.S.; specifying the priority of payment of unpaid court costs, fees, or fines by a decedent's estate; amending s. 893.11, F.S.; providing that convictions of certain types of criminal offenses which are reported to the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., are an immediate, serious danger to the public health, safety, or welfare; providing that such convictions are grounds for disciplinary action by a licensing state agency; requiring that a state agency initiate an emergency suspension of an individual professional license upon the agency's finding of the licensee's conviction of a certain type of criminal offense; requiring that certain state agencies use the Comprehensive Case Information System to obtain information relating to a conviction involving certain types of criminal offenses; requiring that the clerk of court provide to each state agency electronic access and provide certified copies of judgments to licensing agencies upon request; defining the term "professional license"; amending s. 938.27, F.S.; authorizing a court to require a defendant to pay the costs of prosecution and investigation pursuant to a payment plan under a specified provision; amending s. 938.30, F.S.; providing that criminal or civil judgment and related costs are a civil lien against the judgment debtor's presently owned or after-acquired real or personal property if the judgment is recorded; providing an exception to rerecording requirements; requiring that the clerk of court enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or lien imposed and collected in the same manner as for an indigent defendant-recipient; amending s. 947.181, F.S.; providing that the Parole Commission require as a condition of parole the payment of fines, fees, or other court-ordered costs under certain circumstances; providing that restitution ordered as a condition of parole has first priority over the payment of other costs ordered as a condition of parole; requiring that the commission state on record the reasons for not requiring the full payment of the fines, fees, or other court-ordered costs; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1166** and read the second time by title.

**THE PRESIDENT PRESIDING**

On motion by Senator Simmons, by two-thirds vote **CS for HB 7095** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 620** and **CS for CS for SB 1238** were withdrawn from the Committee on Budget.

## MOTIONS

On motions by Senator Thrasher, the rules were waived and by two-thirds vote **CS for SB 620**, **CS for CS for SB 222** and **SB 1474** were placed on the Special Order Calendar for Friday, March 9.

## SPECIAL ORDER CALENDAR

**CS for SB 992**—A bill to be entitled An act relating to regulation of hoisting equipment used in construction, demolition, or excavation work; creating s. 489.1138, F.S.; defining the terms "hoisting equipment," "mobile crane," and "tower crane"; requiring an applicant for a building permit to submit certain information to a local building official; requiring radio communications between certain crane operators; requiring certain preparations for a hurricane or high-wind event; requiring a preparedness plan for certain cranes; requiring that hoisting equipment be secured in a specified manner under certain circumstances; providing penalties for violation of the act by certain licensed contractors; preempting regulation of hoisting equipment and persons operating the equipment to the state; providing that the act does not apply to the regulation of elevators or to airspace height restrictions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 992** to **CS for CS for HB 521**.

Pending further consideration of **CS for SB 992** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 521** was withdrawn from the Committees on Community Affairs; Regulated Industries; and Budget.

On motion by Senator Bennett—

**CS for CS for HB 521**—A bill to be entitled An act relating to state preemption of the regulation of hoisting equipment; amending s. 489.113, F.S.; preempting to the state the regulation of certain hoisting equipment; providing that the act does not apply to the regulation of elevators or to airspace height restrictions; providing an effective date.

—a companion measure, was substituted for **CS for SB 992** as amended and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for CS for HB 521** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**CS for CS for SB 1252**—A bill to be entitled An act relating to business and professional regulation; amending s. 210.16, F.S.; authorizing credit for the sale of tobacco products to be extended to a retail dealer under specified conditions; providing for the suspension of the sale of tobacco products to retail dealers delinquent in their credit payments until certain conditions are met; amending s. 210.181, F.S.; conforming a cross-reference; amending s. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending s. 455.2179, F.S.; revising continuing education provider and course approval procedures; amending s. 455.271, F.S.; limiting to the Department of Business and Professional Regulation the authority to reinstate a license that has become void under certain circumstances; amending s. 455.273, F.S.; revising the method of license renewal notification or notice of pending cancellation of licensure to include an e-mail address; deleting a requirement that a licensure renewal notification and a notice of cancellation of licensure include certain information regarding the applicant; amending s. 455.275, F.S.; revising a provision relating to maintenance of current address-of-record information to include e-mail address; revising a provision relating to notice to a licensee to allow service of process by e-mail; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; amending s. 475.611, F.S.; revising the definition of the terms "appraisal management company" and "appraisal management services"; defining the term "subsidiary"; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; revising provisions relating to titles an appraisal management company must be registered to use; providing exemptions from registration requirements; amending s. 475.6245, F.S.; providing additional grounds for discipline of appraisal management companies, to which penalties apply; amending s. 477.019, F.S.; revising procedures for cosmetology licensure by endorsement; amending s. 477.0263, F.S.; authorizing the performance of cosmetology and specialty services in a location other than a licensed salon under certain circumstances; amending s. 489.105, F.S.; deleting the definition of the term "glass and glazing contractor"; amending ss. 489.107 and 489.141, F.S.; conforming cross-references; reenacting and amending s. 489.118, F.S.; reviving grandfathering provisions and establishing a new deadline for applications for certification of certain registered contractors; amending s. 548.007, F.S.; deleting exemptions from certain restrictions on specified amateur matches and other events; in duplicate; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1252** to **CS for CS for HB 887**.

Pending further consideration of **CS for CS for SB 1252** as amended, on motion by Senator Jones, by two-thirds vote **CS for CS for HB 887** was withdrawn from the Committees on Regulated Industries; Criminal Justice; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Jones—

**CS for CS for HB 887**—A bill to be entitled An act relating to business and professional regulation; amending s. 210.16, F.S.; authorizing credit for the sale of tobacco products to be extended to a retail dealer under specified conditions; providing for the suspension of the sale of tobacco products to retail dealers delinquent in their credit payments until certain conditions are met; amending s. 210.181, F.S.; conforming a cross-reference; amending s. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending s. 455.2179, F.S.; revising continuing education provider and course approval procedures; amending s. 455.271, F.S.; limiting to the Department of Business and Professional Regulation the authority to reinstate a license that has become void under certain circumstances; amending s. 455.273, F.S.; revising the method of license renewal notification or notice of pending cancellation of licensure to include an e-mail address; deleting a requirement that a licensure renewal notification and a notice of cancellation of licensure include certain information regarding the applicant; amending s. 455.275, F.S.; revising a provision relating to maintenance of current address-of-record information to include e-mail address; revising a provision relating to notice to a licensee to allow service of process by e-mail; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; amending s. 475.611, F.S.; revising the definition of the terms "appraisal management company" and "appraisal management services"; defining the term "subsidiary"; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; revising provisions relating to titles an appraisal management company must be registered to use; providing exemptions from registration requirements; amending s. 475.6245, F.S.; providing additional grounds for discipline of appraisal management companies, to

which penalties apply; amending s. 477.019, F.S.; revising procedures for cosmetology licensure by endorsement; amending s. 477.0263, F.S.; authorizing the performance of cosmetology and specialty services in a location other than a licensed salon under certain circumstances; amending s. 489.105, F.S.; deleting the definition of the term "glass and glazing contractor"; amending ss. 489.107 and 489.141, F.S.; conforming cross-references; reenacting and amending s. 489.118, F.S.; reviving grandfathering provisions and establishing a new deadline for applications for certification of certain registered contractors; amending s. 548.007, F.S.; deleting exemptions from certain restrictions on specified amateur matches and other events; repealing s. 548.061, F.S., relating to the requirement that each person or club that holds or shows pugilistic matches on a closed circuit telecast viewed within the state must file certain reports; providing for a type two transfer of relevant administrative rules relating to the redesignation of the Pilotage Rate Review Board as the Pilotage Rate Review Committee within the Board of Pilot Commissioners and the transfer of matters pending before the board at the time of the redesignation and the Governor's appointment of the board pursuant to ss. 5 and 6, ch. 2010-225, Laws of Florida; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1252** as amended and read the second time by title.

On motion by Senator Jones, by two-thirds vote **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—40

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

Nays—None

---

Consideration of **CS for CS for CS for SB 1358** and **SB 1360** was deferred.

---

**CS for CS for SB 1398**—A bill to be entitled An act relating to regional workforce boards; providing a short title; amending s. 445.003, F.S.; specifying qualified expenditures for Individual Training Accounts; amending s. 445.007, F.S.; authorizing the chief elected official in the area of a regional workforce board to appoint representatives to the board if authorized by the Governor; providing that additional members may be added to the board under certain circumstances; requiring members and the executive director of a regional workforce board to make financial disclosures; authorizing the Governor to remove board members or the executive director of the board for cause; requiring that staff of the Department of Economic Opportunity, under the direction of Workforce Florida, Inc., assign staff to review the performance of regional workforce boards; encouraging each regional workforce board to provide the greatest possible choice of training providers to those who qualify for training services; providing requirements for the procurement and expenditure of certain funds; requiring a regional workforce board to develop an annual budget, subject to the approval of the chief elected official of the area; requiring the regional workforce board to submit its budget for review to Workforce Florida, Inc.; reinstating expired provisions that restrict the ability of a regional workforce board to use state or federal funds for meals, food, or beverages and that prohibit a board from using state or federal funds for entertainment costs or recreational activities for board members or employees; reinstating expired provisions that limit the ability of a regional workforce board to enter into contracts with a member, employee, or relative of a member or employee of the board; making technical and grammatical changes; amending s. 445.009, F.S.; deleting the expiration of a provision relating to the determination of the wages of a participant in an adult or youth work experience activity; making technical and grammatical changes; requiring Workforce Florida, Inc., to evaluate the means to establish a single, statewide-workforce system brand and to report its findings and recommendations to the Governor by a specified date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1398**, on motion by Senator Gardiner, by two-thirds vote **CS for HB 7023** was withdrawn from the Committees on Commerce and Tourism; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Budget.

On motion by Senator Gardiner—

**CS for HB 7023**—A bill to be entitled An act relating to regional workforce boards; amending s. 445.003, F.S.; requiring certain funds to be expended on Individual Training Accounts; revising items that qualify as account expenditures; amending s. 445.007, F.S., and reenacting subsections (10) and (11), relating to restrictions on the use of state and federal funds provided to regional workforce boards and contracts between regional workforce boards and members of regional workforce boards; providing for maximum board membership; providing additional membership requirements; requiring certain board members to file a statement of financial interests; authorizing the Governor to remove board members for cause; requiring the Department of Economic Opportunity to assign staff for performance and compliance review; prohibiting regional workforce boards from restricting the choice of training providers based on certain factors; authorizing a board to restrict the amount of training resources available to any one client under certain conditions; providing requirements for the procurement and expenditure of certain funds; providing grounds for removal for cause; deleting an obsolete expiration date for provisions relating to restrictions on the use of state and federal funds provided to regional workforce boards; revising procedures relating to the approval of contracts between regional workforce boards and members of regional workforce boards; deleting an obsolete expiration date for provisions relating to such contracts; requiring each board to develop a budget for certain purposes, subject to the approval of the chief elected official, and submit the budget to Workforce Florida, Inc.; requiring Workforce Florida, Inc., to evaluate the means to establish a single, statewide workforce-system brand for the state; providing reporting requirements; amending s. 445.009, F.S.; deleting the expiration of a provision providing that participants in adult or youth work experience activities are employees of the state for purposes of workers' compensation coverage; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1398** and read the second time by title.

On motion by Senator Gardiner, by two-thirds vote **CS for HB 7023** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Joyner

---

**SB 2086**—A bill to be entitled An act relating to state agencies; repealing s. 110.123(13), F.S., relating to the Florida State Employee Wellness Council; repealing s. 258.155, F.S., relating to the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council; repealing s. 288.7001, F.S., relating to the Small Business Regulatory Advisory Council; repealing s. 288.7002, F.S., relating to the Office of Small Business Advocate; repealing s. 339.64(5), F.S., relating to the Statewide Intermodal Transportation Advisory Council; repealing s. 381.90, F.S., relating to the Health Information Systems Council; repealing s. 624.916, F.S., relating to the Developmental Disabilities Compact Workgroup; repealing s. 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security; amending ss. 120.54 and 120.745, F.S., relating to rule adoption by state agencies; requiring the rules ombudsman in the Executive Office of the Governor to assume certain duties formerly performed by the Small Business Regulatory Advisory Council; deleting provisions that require the Office of Program Policy Analysis and Government Accountability, upon request, to conduct a study and issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact on small business of certain proposed agency rules that have been rejected; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2086** to **CS for HB 7043**.

Pending further consideration of **SB 2086** as amended, on motion by Senator Ring, by two-thirds vote **CS for HB 7043** was withdrawn from the Committees on Governmental Oversight and Accountability; and Budget.

On motion by Senator Ring—

**CS for HB 7043**—A bill to be entitled An act relating to obsolete or outdated programs and requirements; amending s. 110.123, F.S.; repealing provisions relating to the creation and duties of the Florida State Employee Wellness Council; amending ss. 120.54 and 120.745, F.S.; revising provisions relating to rule adoption by state agencies; requiring the rules ombudsman in the Executive Office of the Governor to assume certain duties formerly performed by the Small Business Regulatory Advisory Council; deleting provisions that require the Office of Program Policy Analysis and Government Accountability, upon request, to conduct a study and issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact on small business of certain proposed agency rules that have been rejected; repealing s. 258.155, F.S., relating to the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council; repealing s. 288.7001, F.S., relating to the Small Business Regulatory Advisory Council; repealing s. 288.7002, F.S., relating to the small business advocate; amending s. 316.2065, F.S.; removing a requirement to keep one hand on the handlebars while operating a bicycle; amending s. 339.64, F.S.; repealing provisions relating to the creation and duties of the Statewide Intermodal Transportation Advisory Council; repealing s. 381.90, F.S., relating to the creation, appointment, and duties of the Health Information Systems Council; repealing s. 624.916, F.S., relating to the developmental disabilities compact; repealing s. 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security; amending ss. 322.27, 627.6686, and 641.31098, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **SB 2086** as amended and read the second time by title.

On motion by Senator Ring, by two-thirds vote **CS for HB 7043** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Oelrich

---

**CS for CS for SB 1408**—A bill to be entitled An act relating to timeshares; amending s. 721.02, F.S.; revising purposes of the chapter to include the provision of certain disclosure; amending s. 721.05, F.S.; revising the definition of the term "resale service provider"; defining the terms "consumer resale timeshare interest," "consumer timeshare reseller," "resale broker," "resale brokerage services," "resale advertiser," and "resale advertising service"; amending s. 721.20, F.S.; deleting a provision requiring resale service providers to provide certain fee or cost and listing information to timeshare interest owners; creating s. 721.205, F.S.; specifying information a resale service provider must provide to the consumer timeshare reseller; prohibiting unlicensed resale service providers from engaging in certain activities; prohibiting certain services related to the offering of resale advertising by resale advertisers; providing certain restrictions on the offering of resale advertising services by resale advertisers; providing voidability of certain contracts; providing duties of a resale service provider; providing that the provision of resale advertising services in this state constitutes operating, conducting, engaging in, or carrying on a business or business venture for purposes relating to jurisdiction of the courts of this state; providing penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1408**, on motion by Senator Gardiner, by two-thirds vote **CS for CS for CS for HB 1001** was withdrawn from the Committees on Regulated Industries; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Gardiner—

**CS for CS for CS for HB 1001**—A bill to be entitled An act relating to timeshares; amending s. 721.02, F.S.; revising purposes of the chapter to include the provision of certain disclosure; amending s. 721.05, F.S.; revising the definition of the term "resale service provider"; defining the terms "consumer resale timeshare interest," "consumer timeshare reseller," "resale broker," "resale brokerage services," "resale advertiser," and "resale advertising service"; amending s. 721.20, F.S.; deleting a provision requiring resale service providers to provide certain fee or cost and listing information to timeshare interest owners; creating s. 721.205, F.S.; specifying information a resale service provider must provide to the consumer timeshare reseller; prohibiting unlicensed resale service providers from engaging in certain activities; prohibiting certain services related to the offering of resale advertising by resale advertisers; providing certain restrictions on the offering of resale advertising services by resale advertisers; providing voidability of certain contracts; providing duties of a resale service provider; providing that the provision of resale advertising services in this state constitutes operating, conducting, engaging in, or carrying on a business or business venture for purposes relating to jurisdiction of the courts of this state; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1408** and read the second time by title.

On motion by Senator Gardiner, by two-thirds vote **CS for CS for CS for HB 1001** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**CS for CS for SB 1416**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.011, F.S.; revising a short title to rename "unemployment compensation" as "reemployment assistance"; amending s. 443.012, F.S.; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; amending s. 443.036, F.S.; providing a definition for the term "reemployment assistance"; revising references to conform to changes made by the act; amending s. 443.071, F.S.; specifying what constitutes prima facie evidence that the person claimed and received reemployment assistance from the state through transaction history and payment; revising references to conform to changes made by the act; amending s. 443.091, F.S.; providing scoring requirements relating to initial skills reviews; providing for workforce training for certain eligible claimants; requiring the development and use of best practices; providing reporting requirements; providing work search requirements for certain claimants; revising references to conform to changes made by the act; providing for the applicability of certain exceptions relating to benefits based on employment with a private employer under contract with an educational institution; amending s. 443.101, F.S.; clarifying how a disqualification for benefits for fraud is imposed; revising references to conform to changes made by the act; amending s. 443.1216, F.S.; providing that employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; revising references to conform to the changes made by this act; amending s. 443.1217, F.S.; reducing the amount of an employee's wages that are exempt from the employer's contribution to the Unemployment Compensation Trust Fund for a certain period of time; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund until January 1, 2018; providing for retroactive application; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; revising references to conform to changes made by the act; amending s. 443.151, F.S.; revising the statute of limitations related to the collection of unemployment compensation benefits overpayments; revising references to conform to changes made by the act; amending s. 443.171, F.S.; deleting an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending s. 443.1715, F.S.; revising an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending ss. 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03, 220.181, 220.191, 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 443.051, 443.111, 443.1113, 443.1116, 443.1215, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.163, 443.17161, 443.181, 443.191, 443.221, 445.009, 445.016, 446.50, 448.110, 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523, 985.618, 1003.496, 1008.39, and 1008.41, F.S.; revising references to conform to changes made by the act; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; providing for applicability relating to extended benefits for certain weeks and for periods of high unemployment; providing for applicability; creating a work group to study Florida's reemployment assistance contribution calculation and provide recommendations; providing for membership; providing for reimbursement; providing for future expiration; providing for severability; providing that the act fulfills an important state interest; providing appropriations for purposes of implementation; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1416**, on motion by Senator Bogdanoff, by two-thirds vote **CS for HB 7027** was withdrawn from the Committees on Commerce and Tourism; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Budget.

On motion by Senator Bogdanoff—

**CS for HB 7027**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.011, F.S.; revising a short title to rename "unemployment compensation" as "reemployment assistance"; amending s. 443.012, F.S.; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; amending s. 443.036, F.S.; providing a definition for the term "reemployment assistance"; revising references to conform to changes made by the act; amending s. 443.071, F.S.; revising the requirements for establishing prima facie evidence of transaction history and payment; revising references to conform to changes made by the act; amending s. 443.091, F.S.; providing scoring requirements relating to initial skills reviews; providing for workforce training for certain eligible claimants; providing reporting requirements; providing work search requirements for certain claimants; providing for the applicability of certain exceptions relating to benefits based on employment with a private employer under contract with an educational institution effective July 1, 2013; revising references to conform to changes made by this act; amending s. 443.101, F.S.; clarifying how a disqualification for benefits for fraud is imposed; revising references to conform to changes made by this act; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing for application of specified provisions of the act; amending s. 443.131, F.S.; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; revising references to conform to changes made by this act; amending s. 443.1216, F.S.; providing that employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; revising references to conform to changes made by the act; amending s. 443.151, F.S.; revising the statute of limitations related to the collection of unemployment compensation benefits overpayments; revising references to conform to changes made by this act; amending s. 443.171, F.S.; deleting an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by this act; amending s. 443.1715, F.S.; revising an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by this act; amending ss. 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03, 220.181, 220.191, 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 443.051, 443.111, 443.1113, 443.1116, 443.1215, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.163, 443.17161, 443.181, 443.191, 443.221, 445.009, 445.016, 446.50, 448.110, 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523, 985.618, 1003.496, 1008.39, and 1008.41, F.S.; revising references to conform to changes made by the act; providing for severability; providing a declaration of important state interest; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1416** and read the second time by title.

Senator Bogdanoff moved the following amendment which was adopted:

**Amendment 1 (639620) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 443.011, Florida Statutes, is amended to read:

443.011 Short title.—This chapter may be cited as the "*Reemployment Assistance Program* ~~Unemployment Compensation~~ Law."

Section 2. Subsections (1), (3), (10), and (12) of section 443.012, Florida Statutes, are amended to read:

443.012 *Reemployment Assistance* ~~Unemployment~~ Appeals Commission.—

(1) There is created within the Division of Workforce Services of the Department of Economic Opportunity *a Reemployment Assistance* ~~an Unemployment~~ Appeals Commission. The commission is composed of a chair and two other members appointed by the Governor, subject to confirmation by the Senate. Only one appointee may be a representative of employers, as demonstrated by his or her previous vocation, employment, or affiliation; and only one appointee may be a representative of employees, as demonstrated by his or her previous vocation, employment, or affiliation.

(a) The chair shall devote his or her entire time to commission duties and is responsible for the administrative functions of the commission.

(b) The chair has authority to appoint a general counsel and other personnel to carry out the duties and responsibilities of the commission.

(c) The chair must have the qualifications required by law for a judge of the circuit court and may not engage in any other business vocation or employment. Notwithstanding any other law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of $100 for each day they are engaged in the work of the commission. The chair and other members are entitled to be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(3) The commission has all authority, powers, duties, and responsibilities relating to *reemployment assistance* ~~unemployment compensation~~ appeal proceedings under this chapter.

(10) The commission shall have a seal for authenticating its orders, awards, and proceedings, upon which shall be inscribed the words "State of Florida-*Reemployment Assistance* ~~Unemployment~~ Appeals Commission-Seal," and it shall be judicially noticed.

(12) Orders of the commission relating to *reemployment assistance* ~~unemployment compensation~~ under this chapter are subject to review only by notice of appeal to the district courts of appeal in the manner provided in s. 443.151(4)(e).

Section 3. Subsections (12), (14), and (26) of section 443.036, Florida Statutes, are amended, present subsections (38) through (46) are renumbered as subsections (39) through (47), respectively, present subsections (38) and (42) are amended, and a new subsection (38) is added to that section, to read:

443.036 Definitions.—As used in this chapter, the term:

(12) "Commission" means the *Reemployment Assistance* ~~Unemployment~~ Appeals Commission.

(14) "Contribution" means a payment of payroll tax to the Unemployment Compensation Trust Fund which is required under this chapter to finance *reemployment assistance* ~~unemployment~~ benefits.

(26) "Initial skills review" means an online education or training program, such as that established under s. 1004.99, that is approved by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and designed to measure an individual's mastery level of workplace skills.

*(38) "Reemployment assistance" means cash benefits payable to individuals with respect to their unemployment pursuant to the provisions of this chapter. Where the context requires, reemployment assistance also means cash benefits payable to individuals with respect to their unemployment pursuant to 5 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss. 501-504, 1101-1110, and 1321-1324, or pursuant to state laws which have been certified pursuant to 26 U.S.C. s. 3304 and 42 U.S.C. s. 503. Any reference to reemployment assistance shall mean compensation payable from an unemployment fund as defined in 26 U.S.C. s. 3306(f).*

*(39)*~~(38)~~ "Reimbursement" means a payment of money to the Unemployment Compensation Trust Fund in lieu of a contribution which is required under this chapter to finance *reemployment assistance* ~~unemployment~~ benefits.

*(43)*~~(42)~~ "Tax collection service provider" or "service provider" means the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316.

Section 4. Paragraph (a) of subsection (1) and paragraphs (b) and (d) of subsection (3) of section 443.051, Florida Statutes, are amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(1) DEFINITIONS.—As used in this section:

(a) *"Reemployment assistance" or* "unemployment compensation" means any compensation payable under state law, including amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances for unemployment.

(3) EXCEPTION, SUPPORT INTERCEPT.—

(b) For support obligations established on or after July 1, 2006, and for support obligations established before July 1, 2006, when the support order does not address the withholding of *reemployment assistance or* unemployment compensation, the department shall deduct and withhold 40 percent of the *reemployment assistance or* unemployment compensation otherwise payable to an individual disclosed under paragraph (a). If delinquencies, arrearages, or retroactive support are owed and repayment has not been ordered, the unpaid amounts are included in the support obligation and are subject to withholding. If the amount deducted exceeds the support obligation, the Department of Revenue shall promptly refund the amount of the excess deduction to the obligor. For support obligations in effect before July 1, 2006, if the support order addresses the withholding of *reemployment assistance or* unemployment compensation, the department shall deduct and withhold the amount ordered by the court or administrative agency that issued the support order as disclosed by the Department of Revenue.

(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as *reemployment assistance or* unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

Section 5. Subsections (6), (7), and (8) of section 443.071, Florida Statutes, are amended to read:

443.071 Penalties.—

(6) The entry into evidence of an application for *reemployment assistance* ~~unemployment~~ benefits initiated by the use of the Internet claims program or the interactive voice response system telephone claims program of the Department of Economic Opportunity constitutes prima facie evidence of the establishment of a personal benefit account by or for an individual if the following information is provided: the applicant's name, residence address, date of birth, social security number, and present or former place of work.

(7) The entry into evidence of a transaction history generated by a personal identification number*, password, or other identifying code used by the department in* establishing that a certification or claim for one or more weeks of benefits was made against the benefit account of the individual, together with documentation that payment was paid by a state warrant made to the order of the person*,* ~~or by~~ direct deposit via electronic means, *or department-issued debit card,* constitutes prima

facie evidence that the person claimed and received *reemployment assistance* ~~unemployment~~ benefits from the state.

(8) All records relating to investigations of *reemployment assistance* ~~unemployment compensation~~ fraud in the custody of the Department of Economic Opportunity or its tax collection service provider are available for examination by the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor in the prosecution of offenses under s. 817.568 or in proceedings brought under this chapter.

Section 6. Paragraphs (c), (d), and (f) of subsection (1) and subsection (3) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Economic Opportunity finds that:

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and *department* ~~agency~~ rules, and participating in an initial skills review, as directed by the *department* ~~agency~~. *Department* ~~Agency~~ rules may not conflict with s. 443.111(1)(b) , which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name, address, and telephone number of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d).

2. The administrator or operator of the initial skills review shall notify the *department* ~~agency~~ when the individual completes the initial skills review and report the results of the review to the regional workforce board or the one-stop career center as directed by the workforce board. *The department shall prescribe a numeric score on the initial skills review that demonstrates a minimal proficiency in workforce skills.* The *department,* workforce board*, or one-stop career center* shall use the initial skills review to develop a plan for referring individuals to training and employment opportunities. The failure of the individual to comply with this requirement will result in the individual being determined ineligible for benefits for the week in which the noncompliance occurred and for any subsequent week of unemployment until the requirement is satisfied. However, this requirement does not apply if the individual is able to affirmatively attest to being unable to complete such review due to illiteracy or a language impediment *or is exempt from the work registration requirement as set forth in paragraph (b).*

*3. Any individual that falls below the minimal proficiency score prescribed by the department in subparagraph 2. on the initial skills review shall be offered training opportunities and encouraged to participate in such training at no cost to the individual in order to improve his or her workforce skills to the minimal proficiency level.*

*4. The department shall coordinate with Workforce Florida, Inc., the workforce boards, and the one-stop career centers to identify, develop, and utilize best practices for improving the skills of individuals who choose to participate in training opportunities and who have a minimal proficiency score below the score prescribed in subparagraph 2.*

*5. The department, in coordination with Workforce Florida, Inc., the workforce boards, and the one-stop career centers, shall evaluate the use, effectiveness, and costs associated with the training prescribed in subparagraph 3. and report its findings and recommendations for training and the use of best practices to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013.*

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the department shall develop criteria to determine a claimant's ability to work and availability for work. A claimant must be actively seeking work in order to be considered available for work. This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed. The *department* ~~agency~~ may require the claimant to provide proof of such efforts to the one-stop career center as part of reemployment services. The *department* ~~agency~~ shall conduct random reviews of work search information provided by claimants. As an alternative to contacting at least five prospective employers for any week of unemployment claimed, a claimant may, for that same week, report in person to a one-stop career center to meet with a representative of the center and access reemployment services of the center. The center shall keep a record of the services or information provided to the claimant and shall provide the records to the *department* ~~agency~~ upon request by the *department* ~~agency~~. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of the department, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the department in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty.

*4. Union members who customarily obtain employment through a union hiring hall may satisfy the work search requirements of this paragraph by reporting daily to their union hall.*

*5. The work search requirements of this paragraph do not apply to persons who are unemployed as a result of a temporary layoff or who are claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.*

*6. In small counties as defined in s. 120.52(19), a claimant engaging in systematic and sustained efforts to find work must contact at least three prospective employers for each week of unemployment claimed.*

(f) She or he has been unemployed for a waiting period of 1 week. A week may ~~not~~ be counted as a *waiting* week ~~of unemployment~~ under this subsection *only if* ~~unless~~:

1. It occurs within the benefit year that includes the week for which she or he claims payment of benefits*;* ~~.~~

2. Benefits have *not* been paid for that week*; and* ~~.~~

3. The individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and s. 443.101(5).

(3) Benefits based on service in employment described in s. 443.1216(2) and (3) are payable in the same amount, on the same terms, and subject to the same conditions as benefits payable based on other service subject to this chapter, except that:

(a) Benefits are not payable for services in an instructional, research, or principal administrative capacity for an educational institution or an institution of higher education for any week of unemployment commencing during the period between 2 successive academic years; during a similar period between two regular terms, whether or not successive; or during a period of paid sabbatical leave provided for in the individual's contract, to any individual, if the individual performs those services in the first of those academic years or terms and there is a contract or a reasonable assurance that the individual will perform services in any such capacity for any educational institution or institution of higher education in the second of those academic years or terms.

(b) Benefits may not be based on services in any other capacity for an educational institution or an institution of higher education to any in-

dividual for any week that commences during a period between 2 successive academic years or terms if the individual performs those services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform those services in the second of the academic years or terms. However, if compensation is denied to any individual under this paragraph and the individual was not offered an opportunity to perform those services for the educational institution for the second of those academic years or terms, that individual is entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this paragraph.

(c) Benefits are not payable based on services provided to an educational institution or institution of higher learning to any individual for any week that commences during an established and customary vacation period or holiday recess if the individual performs any services described in paragraph (a) or paragraph (b) in the period immediately before the vacation period or holiday recess and there is a reasonable assurance that the individual will perform any service in the period immediately after the vacation period or holiday recess.

(d) Benefits are not payable for services in any capacity specified in paragraphs (a), (b), and (c) to any individual who performed those services in an educational institution while in the employ of a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing those services to one or more educational institutions.

(e) Benefits are not payable for services in any capacity specified in paragraphs (a), (b), (c), and (d) to any individual who provided those services to or on behalf of an educational institution, or an institution of higher education.

*(f) Effective July 1, 2013, paragraphs (a), (b), and (c) shall apply to services provided by an individual for an educational institution while in the employ of a private employer holding a contractual relationship with such educational institution, but only if the base period wages attributable to such services are identified as such in the quarterly reports filed pursuant to s. 443.131(1).*

*(g)*~~(f)~~ As used in this subsection, the term:

1. "Fixed contract" means a written agreement of employment for a specified period of time.

2. "Continuing contract" means a written agreement that is automatically renewed until terminated by one of the parties to the contract.

Section 7. Subsections (5), (6), (9), and (11) and paragraph (b) of subsection (10) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(5) For any week with respect to which or a part of which he or she has received or is seeking *reemployment assistance or* unemployment benefits under *a reemployment assistance or* ~~an~~ unemployment compensation law of another state or of the United States. For the purposes of this subsection, *a reemployment assistance or* ~~an~~ unemployment compensation law of the United States is any law of the United States which provides for payment of any type and in any amounts for periods of unemployment due to lack of work. However, if the appropriate agency of the other state or of the United States finally determines that he or she is not entitled to *reemployment assistance or* unemployment benefits, this disqualification does not apply.

(6) For ~~a period not to exceed 1 year from the date of the discovery by the Department of Economic Opportunity of the~~ making ~~of~~ any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter, constituting a violation under s. 443.071. *The disqualification imposed under this subsection shall begin with the week in which the false or fraudulent representation is made and shall continue for a period not to exceed 1 year after the date the Department of Economic Opportunity discovers the false or fraudulent representation and until any overpayment of benefits resulting from such representation has been repaid in full.* This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

(9) If the individual was terminated from his or her work as follows:

(a) If the Department of Economic Opportunity or the *Reemployment Assistance* ~~Unemployment~~ Appeals Commission finds that the individual was terminated from work for violation of any criminal law, under any jurisdiction, which was in connection with his or her work, and the individual was convicted, or entered a plea of guilty or nolo contendere, the individual is not entitled to *reemployment assistance* ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules adopted by the department, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission of guilt, or a plea of nolo contendere, the employer proves by competent substantial evidence to the department that the arrest was due to a crime against the employer or the employer's business, customers, or invitees, the individual is not entitled to *reemployment assistance* ~~unemployment~~ benefits.

(b) If the department or the *Reemployment Assistance* ~~Unemployment~~ Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to *reemployment assistance* ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules adopted by the department, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If the employer terminates an individual as a result of a dishonest act in connection with his or her work and the department finds misconduct in connection with his or her work, the individual is not entitled to *reemployment assistance* ~~unemployment~~ benefits.

If an individual is disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is noncharged at the time the disqualification is imposed.

(10) Subject to the requirements of this subsection, if the claim is made based on the loss of employment as a leased employee for an employee leasing company or as a temporary employee for a temporary help firm.

(b) A temporary or leased employee is deemed to have voluntarily quit employment and is disqualified for benefits under subparagraph (1)(a)1. if, upon conclusion of his or her latest assignment, the temporary or leased employee, without good cause, failed to contact the temporary help or employee-leasing firm for reassignment, if the employer advised the temporary or leased employee at the time of hire and that the leased employee is notified also at the time of separation that he or she must report for reassignment upon conclusion of each assignment, regardless of the duration of the assignment, and that *reemployment assistance* ~~unemployment~~ benefits may be denied for failure to report. For purposes of this section, the time of hire for a day laborer is upon his or her acceptance of the first assignment following completion of an employment application with the labor pool. The labor pool as defined in s. 448.22(1) must provide notice to the temporary employee upon conclusion of the latest assignment that work is available the next business day and that the temporary employee must report for reassignment the next business day. The notice must be given by means of a notice printed on the paycheck, written notice included in the pay envelope, or other written notification at the conclusion of the current assignment.

(11) If an individual is discharged from employment for drug use as evidenced by a positive, confirmed drug test as provided in paragraph (1)(d), or is rejected for offered employment because of a positive, confirmed drug test as provided in paragraph (2)(c), test results and chain of custody documentation provided to the employer by a licensed and approved drug-testing laboratory is self-authenticating and admissible in *reemployment assistance* ~~unemployment compensation~~ hearings, and such evidence creates a rebuttable presumption that the individual used, or was using, controlled substances, subject to the following conditions:

(a) To qualify for the presumption described in this subsection, an employer must have implemented a drug-free workplace program under ss. 440.101 and 440.102, and must submit proof that the employer has qualified for the insurance discounts provided under s. 627.0915, as certified by the insurance carrier or self-insurance unit. In lieu of these

requirements, an employer who does not fit the definition of "employer" in s. 440.102 may qualify for the presumption if the employer is in compliance with equivalent or more stringent drug-testing standards established by federal law or regulation.

(b) Only laboratories licensed and approved as provided in s. 440.102(9), or as provided by equivalent or more stringent licensing requirements established by federal law or regulation may perform the drug tests.

(c) Disclosure of drug test results and other information pertaining to drug testing of individuals who claim or receive compensation under this chapter shall be governed by s. 443.1715.

Section 8. Paragraph (b) of subsection (1), subsection (2), and paragraph (a) of subsection (5) of section 443.111, Florida Statutes, are amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the Department of Economic Opportunity, subject to the following requirements:

(b) As required under s. 443.091(1), each claimant must report at least biweekly to receive *reemployment assistance* ~~unemployment~~ benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work and has *met the requirements of s. 443.091(d).* ~~contacted at least five prospective employers or reported in person to a one-stop career center for reemployment services for each week of unemployment claimed~~, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.

(2) QUALIFYING REQUIREMENTS.—To establish a benefit year for *reemployment assistance* ~~unemployment~~ benefits, an individual must have:

(a) Wage credits in two or more calendar quarters of the individual's base period.

(b) Minimum total base period wage credits equal to the high quarter wages multiplied by 1.5, but at least $3,400 in the base period.

(5) DURATION OF BENEFITS.—

(a) As used in this section, the term "Florida average unemployment rate" means the average of the 3 months for the most recent third calendar year quarter of the seasonally adjusted statewide unemployment rates as published by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

Section 9. Section 443.1113, Florida Statutes, is amended to read:

443.1113 *Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the *Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits Information System by the Legislature, the Department of Economic Opportunity shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the "*Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits Information System":

(a) Claims and benefit mainframe system.

(b) Florida unemployment Internet direct.

(c) Florida continued claim Internet directory.

(d) Call center interactive voice response system.

(e) Benefit overpayment screening system.

(f) Internet and Intranet appeals system.

(2) The *Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits System shall accomplish the following main business objectives:

(a) Wherever cost-effective and operationally feasible, eliminate or automate existing paper processes and enhance any existing automated workflows in order to expedite customer transactions and eliminate redundancy.

(b) Enable online, self-service access to claimant and employer information and federal and state reporting.

(c) Integrate benefit payment control with the adjudication program and collection system in order to improve the detection of fraud.

(d) Comply with all requirements established in federal and state law for *reemployment assistance* ~~unemployment compensation~~.

(e) Integrate with the Department of Revenue's statewide unified tax system that collects *reemployment assistance* ~~unemployment compensation~~ taxes.

(3) The scope of the *Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits Information System does not include any of the following functionalities:

(a) Collection of *reemployment assistance* ~~unemployment compensation~~ taxes.

(b) General ledger, financial management, or budgeting capabilities.

(c) Human resource planning or management capabilities.

(4) The project to implement the *Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits Information System shall be comprised of the following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) The *Reemployment Assistance* ~~Unemployment~~ Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet and Intranet Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

(5) The Department of Economic Opportunity shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

(a) The project sponsor for the *Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits Information System project is the department.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The executive director of the department.

2. The executive director of the Department of Revenue.

3. The director of the Division of Workforce Services within the department.

4. The program director of the General Tax Administration Program Office within the Department of Revenue.

5. The chief information officer of the department.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.

2. Assessing the project's alignment with the strategic goals of the department for administering the *reemployment assistance* ~~unemployment compensation~~ program.

3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.

4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.

5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the department and the Department of Revenue. The project management team is responsible for:

1. Providing daily planning, management, and oversight of the project.

2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.

3. Submitting written monthly project status reports to the executive steering committee which include:

a. Planned versus actual project costs;

b. An assessment of the status of major milestones and deliverables;

c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;

d. Identification of risks that must be managed; and

e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 10. Paragraph (b) of subsection (8) of section 443.1116, Florida Statutes, is amended to read:

443.1116 Short-time compensation.—

(8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

(b) An individual who receives all of the short-time compensation or combined *reemployment assistance or* unemployment compensation and short-time compensation available in a benefit year is considered an exhaustee for purposes of the extended benefits program in s. 443.1115 and, if otherwise eligible under those provisions, is eligible to receive extended benefits.

Section 11. Subsection (3) of section 443.1215, Florida Statutes, is amended to read:

443.1215 Employers.—

(3) An employing unit that fails to keep the records of employment required by this chapter and by the rules of the Department of Economic Opportunity and the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number of individuals employed by the employing unit. However, the tax collection service provider shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 12. Paragraphs (a) and (d) of subsection (1), subsections (8) and (12), and paragraphs (f), (h), and (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

*a. However, except for the internal employees of an employee leasing company, each employee leasing company may make a separate one-time election to report and pay contributions under the tax identification number and contribution rate for each client of the employee leasing company. Under the client method, an employee leasing company choosing this option must assign leased employees to the client company that is leasing the employees. The client method is solely a method to report and pay unemployment contributions and whichever method is chosen, such election may not impact any other aspect of state law. An employee leasing company that elects the client method must pay contributions at the rates assigned to each client company.*

*(I) The election applies to all of the employee leasing company's current and future clients.*

*(II) The employee leasing company must notify the Department of Revenue of its election by July 1, 2012, and such election applies to reports and contributions for the first quarter of the following calendar year. The notification must include:*

*(A) A list of each client company and the unemployment account number or, if one has not yet been issued, the federal employment identification number, as established by the employee leasing company upon the election to file by client method;*

*(B) A list of each client company's current and previous employees and their respective social security numbers for the prior 3 state fiscal years or, if the client company has not been a client for the prior 3 state fiscal years, such portion of the prior 3 state fiscal years that the client company has been a client must be supplied;*

*(C) The wage data and benefit charges associated with each client company for the prior 3 state fiscal years or, if the client company has not been a client for the prior 3 state fiscal years, such portion of the prior 3 state fiscal years that the client company has been a client must be supplied. If the client company's employment record is chargeable with benefits for less than 8 calendar quarters while being a client of the employee leasing company, the client company must pay contributions at the initial rate of 2.7 percent; and*

*(D) The wage data and benefit charges for the prior 3 state fiscal years that cannot be associated with a client company must be reported and charged to the employee leasing company.*

*(III) Subsequent to choosing the client method, the employee leasing company may not change its reporting method.*

*(IV) The employee leasing company shall file a Florida Department of Revenue Employer's Quarterly Report for each client company by approved electronic means, and pay all contributions by approved electronic means.*

*(V) For the purposes of calculating experience rates when the client method is chosen, each client's own benefit charges and wage data ex-*

*perience while with the employee leasing company determines each client's tax rate where the client has been a client of the employee leasing company for at least 8 calendar quarters before the election. The client company shall continue to report the nonleased employees under its tax rate.*

*(VI) The election is binding on each client of the employee leasing company, for as long as a written agreement is in effect between the client and the employee leasing company pursuant to s. 468.525(3)(a). If the relationship between the employee leasing company and the client terminates, the client retains the wage and benefit history experienced under the employee leasing company.*

*(VII) Notwithstanding which election method the employee leasing company chooses, the applicable client company is an employing unit for purposes of s. 443.071. The employee leasing company or any of its officers or agents are liable for any violation of s. 443.071 engaged in by such persons or entities. The applicable client company or any of its officers or agents are liable for any violation of s. 443.071 engaged in by such persons or entities. The employee leasing company or its applicable client company are not liable for any violation of s. 443.071 engaged in by the other party or by the other party's officers or agents.*

*(VIII) If an employee leasing company fails to select the client method of reporting not later than July 1, 2012, the entity is required to report under the employee leasing company's tax identification number and contribution rate.*

*(IX) After an employee leasing company is licensed pursuant to part XI of chapter 468, each newly licensed entity has 30 days after the date the license is granted to notify the tax collection service provider in writing of their selection of the client method. A newly licensed employee leasing company that fails to timely select reporting pursuant to the client method of reporting must report under the employee leasing company's tax identification number and contribution rate.*

*(X) Irrespective of the election, each transfer of trade or business, including workforce, or a portion thereof, between employee leasing companies is subject to the provisions of s. 443.131(3)(g) if, at the time of the transfer, there is common ownership, management, or control between the entities.*

*b.*~~a.~~ In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the Department of Economic Opportunity which includes each client establishment and each establishment of the ~~employee~~ leasing company, or as otherwise directed by the department. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former *reemployment assistance* ~~unemployment compensation~~ account number, if available;

(III) The former federal employer's identification number ~~(FEIN)~~, if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to *reemployment assistance* ~~unemployment compensation~~ taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to *reemployment assistance* ~~unemployment compensation~~ taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify each establishment of each client;

(X) The month and year that the client entered into the contract for services; and

(XI) The month and year that the client terminated the contract for services.

*c.*~~b.~~ The report *must* ~~shall~~ be submitted electronically or in a manner otherwise prescribed by the Department of Economic Opportunity in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within the department, or as otherwise directed by the department, and must be filed by the last day of the month immediately *after* ~~following~~ the end of the calendar quarter. The information required in sub-sub-subparagraphs *b.(X) and (XI)* ~~a.(X) and (XI)~~ need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the *reemployment assistance* ~~unemployment compensation~~ quarterly tax and wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

*d.*~~c.~~ The department shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

*e.*~~d.~~ For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in *the* ~~their~~ business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(d) If two or more related corporations concurrently employ the same individual and compensate the individual through a common paymaster, each related corporation is considered to have paid wages to the individual only in the amounts actually disbursed by that corporation to the individual and is not considered to have paid the wages actually disbursed to the individual by another of the related corporations. The department and the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services may adopt rules necessary to administer this paragraph.

1. As used in this paragraph, the term "common paymaster" means a member of a group of related corporations that disburses wages to concurrent employees on behalf of the related corporations and that is responsible for keeping payroll records for those concurrent employees. A common paymaster is not required to disburse wages to all the employees of the related corporations; however, this subparagraph does not apply to wages of concurrent employees which are not disbursed through a common paymaster. A common paymaster must pay concurrently

employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term "concurrent employment" means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.

3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

a. The corporations are members of a "controlled group of corporations" as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.

b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.

c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.

d. At least 30 percent of the employees of one corporation are concurrently employees of the other corporation.

4. The common paymaster must report to the tax collection service provider, as part of the *reemployment assistance* ~~unemployment compensation~~ quarterly tax and wage report, the state *reemployment assistance* ~~unemployment compensation~~ account number and name of each related corporation for which concurrent employees are being reported. Failure to timely report this information shall result in the related corporations being denied common paymaster status for that calendar quarter.

5. The common paymaster *shall remit* ~~also has the primary responsibility for remitting~~ contributions due under this chapter for the wages it disburses as the common paymaster. The common paymaster must compute these contributions as though it were the sole employer of the concurrently employed individuals. If a common paymaster fails to timely remit these contributions or reports, in whole or in part, the common paymaster *is* ~~remains~~ liable for the full amount of the unpaid portion of these contributions. In addition, each of the other related corporations using the common paymaster is jointly and severally liable for its appropriate share of these contributions. Each related corporation's share equals the greater of:

a. The liability of the common paymaster under this chapter, after taking into account any contributions made.

b. The liability under this chapter which, notwithstanding this section, would have existed for the wages from the other related corporations, reduced by an allocable portion of any contributions previously paid by the common paymaster for those wages.

(8) Services not covered under paragraph (7)(b) which are performed entirely outside of this state, and for which contributions are not required or paid under *a reemployment assistance or* ~~an~~ unemployment compensation law of any other state or of the Federal Government, are deemed to be employment subject to this chapter if the individual performing the services is a resident of this state and the tax collection service provider approves the election of the employing unit for whom the services are performed, electing that the entire service of the individual is deemed to be employment subject to this chapter.

(12) The employment subject to this chapter includes services covered by a reciprocal arrangement under s. 443.221 between the Department of Economic Opportunity or its tax collection service provider and the agency charged with the administration of another state *reemployment assistance or* unemployment compensation law or a federal *reemployment assistance or* unemployment compensation law, under which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, if the department or its tax collection service provider approved an election of the employing unit in which all of the services performed by the individual during the period covered by the election are deemed to be insured work.

(13) The following are exempt from coverage under this chapter:

(f) Service performed in the employ of a public employer as defined in s. 443.036, except as provided in subsection (2), and service performed in the employ of an instrumentality of a public employer as described in s. *443.036(36)(b) or (c)* ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is immune under the United States Constitution from the tax imposed by s. 3301 of the Internal Revenue Code for that service.

(h) Service for which *reemployment assistance* ~~unemployment compensation~~ is payable under *a reemployment assistance or* ~~an~~ unemployment compensation system established by the United States Congress, of which this chapter is not a part.

(p) Service covered by an arrangement between the Department of Economic Opportunity, or its tax collection service provider, and the agency charged with the administration of another state or federal *reemployment assistance or* unemployment compensation law under which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election is deemed to be performed entirely within the other agency's state or under the federal law.

Section 13. Effective upon this act becoming a law and operating retroactively to June 29, 2011, paragraph (a) of subsection (2) of section 443.1217, Florida Statutes, is amended to read:

443.1217 Wages.—

(2) For the purpose of determining an employer's contributions, the following wages are exempt from this chapter:

(a)~~1. Beginning January 1, 2010, that part of remuneration paid to an individual by an employer for employment during a calendar year in excess of the first $7,000 of remuneration paid to the individual by an employer or his or her predecessor during that calendar year, unless that part of the remuneration is subject to a tax, under a federal law imposing the tax, against which credit may be taken for contributions required to be paid into a state unemployment fund.~~

*1.*~~2.~~ Beginning January 1, 2012, that part of remuneration paid to an individual by an employer for employment during a calendar year in excess of the first *$8,000* ~~$8,500~~ of remuneration paid to the individual by the employer or his or her predecessor during that calendar year, unless that part of the remuneration is subject to a tax, under a federal law imposing the tax, against which credit may be taken for contributions required to be paid into a state unemployment fund.

*2.*~~3.~~ Beginning January 1, 2015, the part of remuneration paid to an individual by an employer for employment during a calendar year in excess of the first $7,000 of remuneration paid to the individual by an employer or his or her predecessor during that calendar year, unless that part of the remuneration is subject to a tax, under a federal law imposing the tax, against which credit may be taken for contributions required to be paid into a state unemployment fund. The wage base exemption adjustment authorized by this subparagraph shall be suspended in any calendar year in which repayment of the principal amount of an advance received from the Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

Section 14. Effective upon this act becoming a law and operating retroactively to June 29, 2011, paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e) *Assignment of variations from the standard rate.*—

1. As used in this paragraph, the terms "total benefit payments," "benefits paid to an individual," and "benefits charged to the employ-

ment record of an employer" mean the amount of benefits paid to individuals multiplied by:

a. For benefits paid prior to July 1, 2007, 1.

b. For benefits paid during the period beginning on July 1, 2007, and ending March 31, 2011, 0.90.

c. For benefits paid after March 31, 2011, 1.

2. For the calculation of contribution rates effective January 1, *2012* ~~2010~~, and thereafter:

a. The tax collection service provider shall assign a variation from the standard rate of contributions for each calendar year to each eligible employer. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors computed under sub-sub-subparagraphs (I)-(IV) are added to the benefit ratio. This addition shall be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor. The sum of these adjustment factors computed under sub-sub-subparagraphs (I)-(IV) shall first be algebraically summed. The sum of these adjustment factors shall next be divided by a gross benefit ratio determined as follows: Total benefit payments for the 3-year period described in subparagraph (b)3. are charged to employers eligible for a variation from the standard rate, minus excess payments for the same period, divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) to the gross benefit ratio is multiplied by each individual benefit ratio that is less than the maximum contribution rate to obtain variable adjustment factors; except that if the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum contribution rate, the variable adjustment factor is reduced in order for the sum to equal the maximum contribution rate. The variable adjustment factor for each of these employers is multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products is divided by the taxable payroll of the employers who entered into the computation of their benefit ratios. The resulting ratio is subtracted from the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor must be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor is added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate. An employer's contribution rate may not, however, be rounded to less than 0.1 percent.

(I) An adjustment factor for noncharge benefits is computed to the fifth decimal place and rounded to the fourth decimal place by dividing the amount of noncharge benefits during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-subparagraph, the term "noncharge benefits" means benefits paid to an individual from the Unemployment Compensation Trust Fund, but which were not charged to the employment record of any employer.

(II) An adjustment factor for excess payments is computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for noncharge benefits under sub-sub-subparagraph (I). As used in this sub-sub-subparagraph, the term "excess payments" means the amount of benefits charged to the employment record of an employer during the 3-year period described in subparagraph (b)3., less the product of the maximum contribution rate and the employer's taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-subparagraph, the term "total excess payments" means the sum of the individual employer excess payments for those employers that were eligible for assignment of a contribution rate different from the standard rate.

(III) With respect to computing a positive adjustment factor:

(A) Beginning January 1, 2012, if the balance of the Unemployment Compensation Trust Fund on September 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor is computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to *one-fifth* ~~one-third~~ of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds *4* ~~5~~ percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(B) Beginning January 1, *2018* ~~2015~~, and for each year thereafter, the positive adjustment shall be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(IV) If, beginning January 1, 2015, and each year thereafter, the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year, a negative adjustment factor must be computed. The negative adjustment factor shall be computed annually beginning on January 1, 2015, and each year thereafter, to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of the current calendar year and 5 percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate is less than 5 percent, but more than 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. The negative adjustment authorized by this section is suspended in any calendar year in which repayment of the principal amount of an advance received from the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

(V) The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer's employment record.

(VI) As used in this subsection, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first

$7,000. Beginning January 1, 2012, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year as described in s. 443.1217(2). For the purposes of the employer rate calculation that will take effect in January 1, 2012, and in January 1, 2013, the tax collection service provider shall use the data available for taxable payroll from 2009 based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first $7,000, and from 2010 and 2011, the data available for taxable payroll based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first $8,500.

b. If the transfer of an employer's employment record to an employing unit under paragraph (f) which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

Section 15. Paragraph (a) and (f) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) *Employment records.*—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the individual wages of at least $100 during the individual's base period in proportion to the total wages paid by all employers who paid the individual wages during the individual's base period. Benefits may not be charged to the employment record of an employer who furnishes part-time work to an individual who, because of loss of employment with one or more other employers, is eligible for partial benefits while being furnished part-time work by the employer on substantially the same basis and in substantially the same amount as the individual's employment during his or her base period, regardless of whether this part-time work is simultaneous or successive to the individual's lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes the Department of Economic Opportunity with notice, as prescribed in rules of the department, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer's employment record. As used in this subparagraph, the term "initial employment probationary period" means an established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those benefits are based on wages paid by the employer before the individual's refusal to accept suitable work. As used in this subparagraph, the term "good cause" does not include distance to employment caused by a change of residence by the individual. The department shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

*5. If an individual is separated from work as a direct result of an oil spill, terrorist attack, or other similar disaster of national significance not subject to a declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.*

(f) *Transfer of employment records.*—

1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, are deemed a single employer and are considered to be one employer with a continuous employment record if the tax collection service provider finds that the successor employer continues to carry on the employing enterprises of all of the predecessor employers and that the successor employer has paid all contributions required of and due from all of the predecessor employers and has assumed liability for all contributions that may become due from all of the predecessor employers. In addition, an employer may not be considered a successor under this subparagraph if the employer purchases a company with a lower rate into which employees with job functions unrelated to the business endeavors of the predecessor are transferred for the purpose of acquiring the low rate and avoiding payment of contributions. As used in this paragraph, notwithstanding s. 443.036(14), the term "contributions" means all indebtedness to the tax collection service provider, including, but not limited to, interest, penalty, collection fee, and service fee. A successor employer must accept the transfer of all of the predecessor employers' employment records within 30 days after the date of the official notification of liability by succession. If a predecessor employer has unpaid contributions or outstanding quarterly reports, the successor employer must pay the total amount with certified funds within 30 days after the date of the notice listing the total amount due. After the total indebtedness is paid, the tax collection service provider shall transfer the employment records of all of the predecessor employers to the successor employer's employment record. The tax collection service provider shall determine the contribution rate of the combined successor and predecessor employers upon the transfer of the employment records, as prescribed by rule, in order to calculate any change in the contribution rate resulting from the transfer of the employment records.

2. Regardless of whether a predecessor employer's employment record is transferred to a successor employer under this paragraph, the tax collection service provider shall treat the predecessor employer, if he or she subsequently employs individuals, as an employer without a previous employment record or, if his or her coverage is terminated under s. 443.121, as a new employing unit.

3. The state agency providing *reemployment assistance* ~~unemployment~~ tax collection services may adopt rules governing the partial transfer of experience rating when an employer transfers an identifiable and segregable portion of his or her payrolls and business to a successor employing unit. As a condition of each partial transfer, these rules must require the following to be filed with the tax collection service provider: an application by the successor employing unit, an agreement by the predecessor employer, and the evidence required by the tax collection service provider to show the benefit experience and payrolls attributable to the transferred portion through the date of the transfer. These rules must provide that the successor employing unit, if not an employer subject to this chapter, becomes an employer as of the date of the transfer and that the transferred portion of the predecessor employer's employment record is removed from the employment record of the predecessor employer. For each calendar year after the date of the transfer of the employment record in the records of the tax collection service provider, the service provider shall compute the contribution rate payable by the successor employer or employing unit based on his or her employment record, combined with the transferred portion of the predecessor employer's employment record. These rules may also prescribe what contribution rates are payable by the predecessor and successor employers for the period between the date of the transfer of the transferred portion of the predecessor employer's employment record in the

records of the tax collection service provider and the first day of the next calendar year.

4. This paragraph does not apply to an employee leasing company and client contractual agreement as defined in s. 443.036*, except as provided in s. 443.1216(1)(a)2.a*. The tax collection service provider shall, if the contractual agreement is terminated or the employee leasing company fails to submit reports or pay contributions as required by the service provider, treat the client as a new employer without previous employment record unless the client is otherwise eligible for a variation from the standard rate.

Section 16. Paragraph (d) of subsection (2) of section 443.1312, Florida Statutes, is amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with this section.

(2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF REIMBURSEMENT.—A nonprofit organization that is, or becomes, subject to this chapter under s. 443.1215(1)(c) or s. 443.121(3)(a) must pay contributions under s. 443.131 unless it elects, in accordance with this subsection, to reimburse the Unemployment Compensation Trust Fund for all of the regular benefits, short-time compensation benefits, and one-half of the extended benefits paid, which are attributable to service in the employ of the nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of the election.

(d) In accordance with rules adopted by the Department of Economic Opportunity or the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services, the tax collection service provider shall notify each nonprofit organization of any determination of the organization's status as an employer, the effective date of any election the organization makes, and the effective date of any termination of the election. Each determination is subject to reconsideration, appeal, and review under s. 443.141(2)(c).

Section 17. Subsection (3) and paragraph (a) of subsection (4) of section 443.1313, Florida Statutes, are amended to read:

443.1313 Public employers; reimbursements; election to pay contributions.—Benefits paid to employees of a public employer, as defined in s. 443.036, based on service described in s. 443.1216(2) shall be financed in accordance with this section.

(3) CHANGE OF ELECTION.—Upon electing to be a reimbursing or contributing employer under this section, a public employer may not change this election for at least 2 calendar years. This subsection does not prevent a public employer subject to this subsection from changing its election after completing 2 calendar years under another financing method if the new election is timely filed. The state agency providing *reemployment assistance* ~~unemployment~~ tax collection services may adopt rules prescribing procedures for changing methods of reporting.

(4) PUBLIC EMPLOYERS *REEMPLOYMENT ASSISTANCE* ~~UNEMPLOYMENT COMPENSATION~~ BENEFIT ACCOUNT.—

(a) There is established within the Unemployment Compensation Trust Fund a Public Employers *Reemployment Assistance* ~~Unemployment Compensation~~ Benefit Account, which must be maintained as a separate account within the trust fund. All benefits paid to the employees of a public employer that elects to become a contributing employer under paragraph (b) must be charged to the Public Employers Unemployment Compensation Benefit Account.

Section 18. Subsection (7) of section 443.1315, Florida Statutes, is amended to read:

443.1315 Treatment of Indian tribes.—

(7) The Department of Economic Opportunity and the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services shall adopt rules necessary to administer this section.

Section 19. Section 443.1316, Florida Statutes, is amended to read:

443.1316 *Reemployment assistance* ~~Unemployment~~ tax collection services; interagency agreement.—

(1) The Department of Economic Opportunity shall contract with the Department of Revenue, through an interagency agreement, to perform the duties of the tax collection service provider and provide other *reemployment assistance* ~~unemployment~~ tax collection services under this chapter. Under the interagency agreement, the tax collection service provider may only implement:

(a) The provisions of this chapter conferring duties upon the tax collection service provider.

(b) The provisions of law conferring duties upon the department which are specifically delegated to the tax collection service provider in the interagency agreement.

(2)(a) The Department of Revenue is considered to be administering a revenue law of this state when the department implements this chapter, or otherwise provides *reemployment assistance* ~~unemployment~~ tax collection services, under contract with the department through the interagency agreement.

(b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21); 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055; 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25; 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37; 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and 213.757 apply to the collection of *reemployment assistance* ~~unemployment~~ contributions and reimbursements by the Department of Revenue unless prohibited by federal law.

Section 20. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 443.1317, Florida Statutes, are amended to read:

443.1317 Rulemaking authority; enforcement of rules.—

(1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) Except as otherwise provided in s. 443.012, the Department of Economic Opportunity has ultimate authority over the administration of the *Reemployment Assistance* ~~Unemployment Compensation~~ Program.

(2) TAX COLLECTION SERVICE PROVIDER.—The state agency providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316 may adopt rules under ss. 120.536(1) and 120.54, subject to approval by the department, to administer the provisions of law described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by the department or with the interagency agreement.

(3) ENFORCEMENT OF RULES.—The Department of Economic Opportunity may enforce any rule adopted by the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services to administer this chapter. The tax collection service provider may enforce any rule adopted by the department to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 21. Paragraphs (b) and (g) of subsection (1), paragraph (c) of subsection (2), and paragraphs (c) and (e) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

(b) *Penalty for delinquent, erroneous, incomplete, or insufficient reports.*—

1. An employing unit that fails to file any report required by the Department of Economic Opportunity or its tax collection service provider, in accordance with rules for administering this chapter, shall pay to the service provider for each delinquent report the sum of $25 for each 30 days or fraction thereof that the employing unit is delinquent, unless the *department* ~~agency~~ or its service provider, whichever required the report, finds that the employing unit has good reason for failing to file the report. The department or its service provider may assess penalties only through the date of the issuance of the final assessment notice. However, additional penalties accrue if the delinquent report is subsequently filed.

2.a. An employing unit that files an erroneous, incomplete, or insufficient report with the department or its tax collection service provider shall pay a penalty. The amount of the penalty is $50 or 10 percent of any tax due, whichever is greater, but no more than $300 per report. The penalty shall be added to any tax, penalty, or interest otherwise due.

b. The department or its tax collection service provider shall waive the penalty if the employing unit files an accurate, complete, and sufficient report within 30 days after a penalty notice is issued to the employing unit. The penalty may not be waived pursuant to this subparagraph more than one time during a 12-month period.

c. As used in this subsection, the term "erroneous, incomplete, or insufficient report" means a report so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports having missing wage or employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by the department or its tax collection service provider; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(g) *Adoption of rules.*—The department and the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services may adopt rules to administer this subsection.

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(c) *Appeals.*—The department and the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

(4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF CONTRIBUTIONS AND REIMBURSEMENTS.—

(c) Any agent or employee designated by the Department of Economic Opportunity or its tax collection service provider may administer an oath to any person for any return or report required by this chapter or by the rules of the department or the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services, and an oath made before the department or its service provider or any authorized agent or employee has the same effect as an oath made before any judicial officer or notary public of the state.

(e) The tax collection service provider may commence an action in any other state to collect *reemployment assistance* ~~unemployment compensation~~ contributions, reimbursements, penalties, and interest legally due this state. The officials of other states that extend a like comity to this state may sue for the collection of contributions, reimbursements, interest, and penalties in the courts of this state. The courts of this state shall recognize and enforce liability for contributions, reimbursements, interest, and penalties imposed by other states that extend a like comity to this state.

Section 22. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), paragraph (c) of subsection (3), and paragraphs (a) and (b) of subsection (6) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(1) POSTING OF INFORMATION.—

(b)1. The department shall advise each individual filing a new claim for *reemployment assistance* ~~unemployment compensation~~, at the time of filing the claim, that:

a. *Reemployment assistance* ~~unemployment compensation~~ is subject to federal income tax.

b. Requirements exist pertaining to estimated tax payments.

c. The individual may elect to have federal income tax deducted and withheld from the individual's payment of *reemployment assistance* ~~unemployment compensation~~ at the amount specified in the federal Internal Revenue Code.

d. The individual is not permitted to change a previously elected withholding status more than twice per calendar year.

2. Amounts deducted and withheld from *reemployment assistance* ~~unemployment compensation~~ must remain in the Unemployment Compensation Trust Fund until transferred to the federal taxing authority as payment of income tax.

3. The department shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. If more than one authorized request for deduction and withholding is made, amounts must be deducted and withheld in accordance with the following priorities:

a. *Reemployment assistance* ~~Unemployment~~ overpayments have first priority;

b. Child support payments have second priority; and

c. Withholding under this subsection has third priority.

(2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(b) *Process.*—When the *Reemployment Assistance* ~~Unemployment Compensation~~ Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. A claim for benefits may not be processed until the work registration requirement is satisfied. The department may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

(3) DETERMINATION OF ELIGIBILITY.—

(c) *Nonmonetary determinations.*—If the department receives information that may result in a denial of benefits, the department must complete an investigation of the claim required by subsection (2) and provide notice of a nonmonetary determination to the claimant and the employer from whom the claimant's reason for separation affects his or her entitlement to benefits. The determination must state the reason for the determination and whether the *reemployment assistance* ~~unemployment~~ tax account of the contributing employer is charged for benefits paid on the claim. The nonmonetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The department may adopt rules as necessary to implement the processes described in this paragraph relating to notices of nonmonetary determination and the appeals or reconsideration requests filed in response to such notices, and may adopt rules prescribing the manner and procedure by which employers within the base period of a claimant become entitled to notice of nonmonetary determination.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to the Department of Economic Opportunity on behalf of the trust fund or, in the discretion of the department, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, the department must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be *commenced* ~~effected~~ within 7 ~~5~~ years after the redetermination or decision.

(b) Any person who, by reason other than her or his fraud, receives benefits under this chapter to which, under a redetermination or decision pursuant to this section, she or he is not entitled, is liable for repaying those benefits to the department on behalf of the trust fund or, in the discretion of the department, to have those benefits deducted from any future benefits payable to her or him under this chapter. Any recovery or recoupment of benefits must be *commenced* ~~effected~~ within 7 ~~3~~ years after the redetermination or decision.

Section 23. Subsection (1) and paragraph (c) of subsection (3) of section 443.163, Florida Statutes, are amended to read:

443.163 Electronic reporting and remitting of contributions and reimbursements.—

(1) An employer may file any report and remit any contributions or reimbursements required under this chapter by electronic means. The Department of Economic Opportunity or the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services shall adopt rules prescribing the format and instructions necessary for electronically filing reports and remitting contributions and reimbursements to ensure a full collection of contributions and reimbursements due. The acceptable method of transfer, the method, form, and content of the electronic means, and the method, if any, by which the employer will be provided with an acknowledgment shall be prescribed by the department or its tax collection service provider. However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for each calendar quarter in the current calendar year, beginning with reports due for the second calendar quarter of 2003, by electronic means approved by the tax collection service provider.

(3) The tax collection service provider may waive the requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer's reasonable control.

(c) The department or the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on this subsection.

Section 24. Subsections (2) and (5) and paragraphs (a) and (c) of subsection (9) of section 443.171, Florida Statutes, are amended to read:

443.171 Department of Economic Opportunity and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(2) PUBLICATION OF ACTS AND RULES.—The Department of Economic Opportunity shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by the department or the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services and any other matter relevant and suitable. The department shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(5) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing the information required by the Department of Economic Opportunity or its tax collection service provider. These records must be open to inspection and are subject to being copied by the department or its tax collection service provider at any reasonable time and as often as necessary. The department or its tax collection service provider may require from any employing unit any sworn or unsworn reports, for persons employed by the employing unit, necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. ~~Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual through the administration of this chapter, is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, confidential and exempt from s. 119.07(1). This confidential information is available only to public employees in the performance of their public duties. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission must be supplied with information from these records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission, any employee of the department or its tax collection service provider, or any other person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the department or its tax collection service provider may furnish to any employer copies of any report previously submitted by that employer, upon the request of the employer. The department or its tax collection service provider may charge a reasonable fee for copies of reports, which may not exceed the actual reasonable cost of the preparation of the copies as prescribed by rules adopted by the department or the state agency providing tax collection services. Fees received by the department or its tax collection service provider for copies furnished under this subsection must be deposited in the Employment Security Administration Trust Fund.~~

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the Department of Economic Opportunity and its tax collection service provider shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of federal law relating to *reemployment assistance* ~~unemployment compensation~~.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, the department shall take those actions necessary to ensure that those provisions are interpreted and applied to meet the requirements of the federal act as interpreted by the United States Department of Labor and to secure for this state the full reimbursement of the federal share of extended benefits paid under this chapter which is reimbursable under the federal act.

3. The department and its tax collection service provider shall comply with the regulations of the United States Department of Labor relating to the receipt or expenditure by this state of funds granted under federal law; shall submit the reports in the form and containing the information the United States Department of Labor requires; and shall comply with directions of the United States Department of Labor necessary to assure the correctness and verification of these reports.

(c) The department and its tax collection service provider shall cooperate with the agencies of other states, and shall make every proper effort within their means, to oppose and prevent any further action leading to the complete or substantial federalization of state *reemployment assistance* ~~unemployment compensation~~ funds or state employment security programs. The department and its tax collection service provider may make, and may cooperate with other appropriate agencies in making, studies as to the practicability and probable cost of possible new state-administered social security programs and the relative desirability of state, rather than federal, action in that field of study.

Section 25. Subsections (1) and (2) of section 443.1715, Florida Statutes, are amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing an employing unit's or individual's identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, ~~except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending or is receiving compensation benefits,~~ is confidential and exempt from s.

119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential information may be released *in accordance with the provisions in 20 C.F.R. part 603* ~~only to public employees in the performance of their public duties. Except as otherwise provided by law, public employees receiving this confidential information must maintain the confidentiality of the information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission is entitled to information from these records to the extent necessary for the proper presentation of her or his claim. A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~ The Department of Economic Opportunity or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. The department or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies under this subsection must be deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the Department of Economic Opportunity or the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any *reemployment assistance or* unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The department shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and *reemployment assistance* ~~unemployment~~ benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, the department shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

(b) The employer or the employer's workers' compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from the department records of wages of the employee reported to the department by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters.

1. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee after the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the *department* ~~agency~~. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. The department shall provide the most current information readily available within 15 days after receiving the request.

Section 26. Subsections (1), (4), (5), (6), and (7) and paragraph (c) of subsection (2) of section 443.17161, Florida Statutes, are amended to read:

443.17161 Authorized electronic access to employer information.—

(1) Notwithstanding any other provision of this chapter, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall contract with one or more consumer reporting agencies to provide users with secured electronic access to employer-provided information relating to the quarterly wages report submitted in accordance with the state's *reemployment assistance* ~~unemployment compensation~~ law. The access is limited to the wage reports for the appropriate amount of time for the purpose the information is requested.

(2) Users must obtain consent in writing or by electronic signature from an applicant for credit, employment, or other permitted purposes. Any written or electronic signature consent from an applicant must be signed and must include the following:

(c) Notice that the files of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or its tax collection service provider containing information concerning wage and employment history which is submitted by the applicant or his or her employers may be accessed; and

(4) If a consumer reporting agency or user violates this section, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall, upon 30 days' written notice to the consumer reporting agency, terminate the contract established between the *department* ~~Agency for Workforce Innovation~~ and the consumer reporting agency or require the consumer reporting agency to terminate the contract established between the consumer reporting agency and the user under this section.

(5) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ shall establish minimum audit, security, net worth, and liability insurance standards, technical requirements, and any other terms and conditions considered necessary in the discretion of the state agency to safeguard the confidentiality of the information released under this section and to otherwise serve the public interest. The *department* ~~Agency for Workforce Innovation~~ shall also include, in coordination with any necessary state agencies, necessary audit procedures to ensure that these rules are followed.

(6) In contracting with one or more consumer reporting agencies under this section, any revenues generated by the contract must be used to pay the entire cost of providing access to the information. Further, in accordance with federal regulations, any additional revenues generated by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ or the state under this section must be paid into the Administrative Trust Fund of the *department* ~~Agency for Workforce Innovation~~ for the administration of the unemployment compensation system or be used as program income.

(7) The *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ may not provide wage and employment history information to any consumer reporting agency before the consumer reporting agency or agencies under contract with the *department* ~~Agency for Workforce Innovation~~ pay all development and other startup costs incurred by the state in connection with the design, installation, and administration of technological systems and procedures for the electronic access program.

Section 27. Subsection (2) of section 443.181, Florida Statutes, is amended to read:

443.181 Public employment service.—

(2) All funds received by this state under 29 U.S.C. ss. 49-49l-1 must be paid into the Employment Security Administration Trust Fund, and these funds are available to the Department of Economic Opportunity for expenditure as provided by this chapter or by federal law. For the purpose of establishing and maintaining one-stop career centers, the department may enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of *a reemployment assistance or* ~~an~~ unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization. As a part of any such agreement, the department may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

Section 28. Subsection (6) of section 443.191, Florida Statutes, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment Compensation Trust Fund is the sole and exclusive source for paying *reemployment assistance* ~~unemployment~~ benefits, and these benefits are due and payable only to the extent that contributions or reimbursements, with increments thereon, actually collected and credited to the fund and not otherwise appropriated or allocated, are available for payment. The state shall administer the fund without any liability on the part of the state beyond the amount of moneys received from the United States Department of Labor or other federal agency.

Section 29. Paragraphs (b), (c), and (d) of subsection (1) and subsections (3) and (4) of section 443.221, Florida Statutes, are amended to read:

443.221 Reciprocal arrangements.—

(1)

(b) For services to be considered as performed within a state under a reciprocal agreement, the employing unit must have an election in effect for those services, which is approved by the agency charged with the administration of such state's *reemployment assistance or* unemployment compensation law, under which all the services performed by the individual for the employing unit are deemed to be performed entirely within that state.

(c) The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with her or his wages and employment covered under the *reemployment assistance or* unemployment compensation laws of other states, which are approved by the United States Secretary of Labor, in consultation with the state *reemployment assistance or* unemployment compensation agencies, as reasonably calculated to assure the prompt and full payment of compensation in those situations and which include provisions for:

1. Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state *reemployment assistance or* unemployment compensation laws; and

2. Avoiding the duplicate use of wages and employment because of the combination.

(d) Contributions or reimbursements due under this chapter with respect to wages for insured work are, for the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal *reemployment assistance or* unemployment compensation law, but an arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as the department or its tax collection service provider finds are fair and reasonable as to all affected interests.

(3) The Department of Economic Opportunity or its tax collection service provider may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. The department or its tax collection service provider may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate the administration of any *reemployment assistance or* unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.

(4) To the extent permissible under federal law, the Department of Economic Opportunity may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the *reemployment assistance or* unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 30. Paragraph (c) of subsection (5) and subsection (8) of section 20.60, Florida Statutes, are amended to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(c) The Division of Workforce Services shall:

1. Prepare and submit a unified budget request for workforce in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board.

2. Ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to regional workforce boards shall emanate from the Department of Economic Opportunity pursuant to plans and policies of Workforce Florida, Inc., which shall be responsible for all policy directions to the regional workforce boards.

b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Department of Economic Opportunity shall apply.

3. Implement the state's *reemployment assistance* ~~unemployment compensation~~ program. The Department of Economic Opportunity shall ensure that the state appropriately administers the *reemployment assistance* ~~unemployment compensation~~ program pursuant to state and federal law.

4. Assist in developing the 5-year statewide strategic plan required by this section.

(8) The *Reemployment Assistance* ~~Unemployment~~ Appeals Commission, authorized by s. 443.012, is not subject to control, supervision, or direction by the department in the performance of its powers and duties but shall receive any and all support and assistance from the department which is required for the performance of its duties.

Section 31. Paragraph (a) of subsection (1) of section 27.52, Florida Statutes, is amended to read:

27.52 Determination of indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of a public defender under s. 27.51 based upon an inability to pay must apply to the clerk of the court for a determination of indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, *reemployment assistance or* unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

5. If applicable, the amount of any bail paid for the applicant's release from incarceration and the source of the funds.

The application must include a signature by the applicant which attests to the truthfulness of the information provided. The application form developed by the corporation must include notice that the applicant may seek court review of a clerk's determination that the applicant is not indigent, as provided in this section.

Section 32. Subsection (6) of section 40.24, Florida Statutes, is amended to read:

40.24 Compensation and reimbursement policy.—

(6) A juror who receives *reemployment assistance* ~~unemployment~~ benefits does not lose such benefits because he or she receives compensation for juror service.

Section 33. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if the Department of Economic Opportunity or the former Agency for Workforce Innovation was named as a defendant while the Department of Revenue was providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity or the former Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

Section 34. Subsection (2) of section 55.204, Florida Statutes, is amended to read:

55.204 Duration and continuation of judgment lien; destruction of records.—

(2) Liens securing the payment of child support or tax obligations under s. 95.091(1)(b) lapse 20 years after the date of the original filing of the warrant or other document required by law to establish a lien. Liens securing the payment of *reemployment assistance* ~~unemployment~~ tax obligations lapse 10 years after the date of the original filing of the notice of lien. A second lien based on the original filing may not be obtained.

Section 35. Paragraph (a) of subsection (1) of section 57.082, Florida Statutes, is amended to read:

57.082 Determination of civil indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of an attorney in a civil case eligible for court-appointed counsel, or seeking relief from payment of filing fees and prepayment of costs under s. 57.081, based upon an inability to pay must apply to the clerk of the court for a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, *reemployment assistance or* unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

The application must include a signature by the applicant which attests to the truthfulness of the information provided. The application form developed by the corporation must include notice that the applicant may seek court review of a clerk's determination that the applicant is not indigent, as provided in this section.

Section 36. Subsection (8) of section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.—As used in this chapter, the term:

(8) "Income" means any form of payment to an individual, regardless of source, including, but not limited to: wages, salary, commissions and bonuses, compensation as an independent contractor, worker's compensation, disability benefits, annuity and retirement benefits, pensions, dividends, interest, royalties, trusts, and any other payments, made by any person, private entity, federal or state government, or any unit of local government. United States Department of Veterans Affairs disability benefits and *reemployment assistance or* unemployment compensation, as defined in chapter 443, are excluded from this definition of income except for purposes of establishing an amount of support.

Section 37. Paragraph (a) of subsection (3) of section 61.1824, Florida Statutes, is amended to read:

61.1824 State Disbursement Unit.—

(3) The State Disbursement Unit shall perform the following functions:

(a) Disburse all receipts from intercepts, including, but not limited to, United States Internal Revenue Service, *reemployment assistance or* unemployment compensation, lottery, and administrative offset intercepts.

Section 38. Paragraph (a) of subsection (2) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

(2) Income shall be determined on a monthly basis for each parent as follows:

(a) Gross income shall include, but is not limited to, the following:

1. Salary or wages.

2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.

3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.

4. Disability benefits.

5. All workers' compensation benefits and settlements.

6. *Reemployment assistance or* unemployment compensation.

7. Pension, retirement, or annuity payments.

8. Social security benefits.

9. Spousal support received from a previous marriage or court ordered in the marriage before the court.

10. Interest and dividends.

11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.

12. Income from royalties, trusts, or estates.

13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.

14. Gains derived from dealings in property, unless the gain is nonrecurring.

Section 39. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for support, as defined in s. 409.2554, or interest in an *reemployment assistance* ~~unemployment compensation~~ tax lien under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316, against the subject property and with the same priority, regardless of whether a default against the department, the Department of Economic Opportunity, or the former Agency for Workforce Innovation has been entered for failure to file an answer or other responsive pleading.

Section 40. Subsection (1) of section 77.041, Florida Statutes, is amended to read:

77.041 Notice to individual defendant for claim of exemption from garnishment; procedure for hearing.—

(1) Upon application for a writ of garnishment by a plaintiff, if the defendant is an individual, the clerk of the court shall attach to the writ the following "Notice to Defendant":

NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF WAGES, MONEY, AND OTHER PROPERTY

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within 3 business days if you hand delivered to the plaintiff a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 8 business days if you mailed a copy of the form for claim and request to the plaintiff. If the plaintiff files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

CLAIM OF EXEMPTION AND REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

....1. Head of family wages. (You must check a. or b. below.)

....a. I provide more than one-half of the support for a child or other dependent and have net earnings of $750 or less per week.

....b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than $750 per week, but have not agreed in writing to have my wages garnished.

....2. Social Security benefits.

....3. Supplemental Security Income benefits.

....4. Public assistance (welfare).

....5. Workers' Compensation.

....6. *Reemployment assistance or* unemployment Compensation.

....7. Veterans' benefits.

....8. Retirement or profit-sharing benefits or pension money.

....9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.

....10. Disability income benefits.

....11. Prepaid College Trust Fund or Medical Savings Account.

....12. Other exemptions as provided by law.....(explain)

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

Address: .....

Telephone number:.....

The statements made in this request are true to the best of my knowledge and belief.

.....

Defendant's signature

Date.....

STATE OF FLORIDA

COUNTY OF

Sworn and subscribed to before me this ..... day of ...(month and year)..., by ...(name of person making statement)...

Notary Public/Deputy Clerk

Personally Known .....OR Produced Identification....

Type of Identification Produced.....

Section 41. Paragraph (n) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(n)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from

the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the *Reemployment Assistance* ~~Unemployment~~ Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsel of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

Section 42. Subsection (4) of section 110.502, Florida Statutes, is amended to read:

110.502 Scope of act; status of volunteers.—

(4) Persons working with state agencies pursuant to this part shall be considered as unpaid independent volunteers and shall not be entitled to *reemployment assistance* ~~unemployment compensation~~.

Section 43. Subsection (10) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) Notwithstanding s. 120.54, the rulemaking provisions of this chapter do not apply to *reemployment assistance* ~~unemployment~~ appeals referees.

(b) Notwithstanding s. 120.54(5), the uniform rules of procedure do not apply to appeal proceedings conducted under chapter 443 by the *Reemployment Assistance* ~~Unemployment~~ Appeals Commission, special deputies, or *reemployment assistance* ~~unemployment~~ appeals referees.

(c) Notwithstanding s. 120.57(1)(a), hearings under chapter 443 may not be conducted by an administrative law judge assigned by the division, but instead shall be conducted by the *Reemployment Assistance* ~~Unemployment~~ Appeals Commission in *reemployment assistance* ~~unemployment compensation~~ appeals, *reemployment assistance* ~~unemployment~~ appeals referees, and the Department of Economic Opportunity or its special deputies under s. 443.141.

Section 44. Subsection (4) of section 125.9502, Florida Statutes, is amended to read:

125.9502 Scope of ss. 125.9501-125.9506; status of volunteers.—

(4) Persons working with a unit of county government or a constitutional county officer pursuant to ss. 125.9501-125.9506 are considered unpaid independent volunteers and are not entitled to *reemployment assistance* ~~unemployment compensation~~.

Section 45. Paragraph (d) of subsection (1) and paragraph (b) of subsection (2) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(d) "Job" means a full-time position, as consistent with terms used by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of *reemployment assistance* ~~unemployment compensation~~ tax administration and employment estimation resulting directly from a business operation in this state. This term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 220.181(1). The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month. The person must be performing such duties at a business site located in the enterprise zone.

(2)

(b) The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone pursuant to s. 290.004, in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for $4 above the hourly federal minimum wage rate; 41 percent for $5 above the hourly federal minimum wage rate; 42 percent for $6 above the hourly federal minimum wage rate; 43 percent for $7 above the hourly federal minimum wage rate; and 44 percent for $8 above the hourly federal minimum wage rate. For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to *reemployment assistance* ~~unemployment~~ tax. The credit shall be allowed for up to 24 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

Section 46. Subsection (4) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(4) The department, while providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316, may release *reemployment assistance* ~~unemployment~~ tax rate information to the agent of an employer who provides payroll services for more than 100 employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain *reemployment assistance* ~~unemployment~~ tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.

Section 47. Paragraph (a) of subsection (6) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316.

Section 48. Paragraph (ff) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(ff) "Job" means a full-time position, as consistent with terms used by the Department of Economic Opportunity and the United States Department of Labor for purposes of *reemployment assistance* ~~unemployment compensation~~ tax administration and employment estimation resulting directly from business operations in this state. The term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 212.096. The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

Section 49. Paragraph (b) of subsection (1) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(1)

(b) This credit applies only with respect to wages subject to *reemployment assistance* ~~unemployment~~ tax. The credit provided in this section does not apply:

1. For any employee who is an owner, partner, or majority stockholder of an eligible business.

2. For any new employee who is employed for any period less than 3 months.

Section 50. Paragraph (e) of subsection (1) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(e) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Department of Economic Opportunity and the United States Department of Labor for purposes of *reemployment assistance* ~~unemployment~~ tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

Section 51. Paragraph (d) of subsection (3) of section 220.194, Florida Statutes, is amended to read:

220.194 Corporate income tax credits for spaceflight projects.—

(3) DEFINITIONS.—As used in this section, the term:

(d) "New job" means the full-time employment of an employee in a manner that is consistent with terms used by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of *reemployment assistance* ~~unemployment compensation~~ tax administration and employment estimation. In order to meet the requirement for certification specified in paragraph (5)(b), a new job must:

1. Pay new employees at least 115 percent of the statewide or countywide average annual private sector wage for the 3 taxable years immediately preceding filing an application for certification;

2. Require a new employee to perform duties on a regular full-time basis in this state for an average of at least 36 hours per week each month for the 3 taxable years immediately preceding filing an application for certification; and

3. Not be held by a person who has previously been included as a new employee on an application for any credit authorized under this section.

Section 52. Section 222.15, Florida Statutes, is amended to read:

222.15 Wages or *reemployment assistance or* unemployment compensation payments due deceased employee may be paid spouse or certain relatives.—

(1) It is lawful for any employer, in case of the death of an employee, to pay to the wife or husband, and in case there is no wife or husband, then to the child or children, provided the child or children are over the age of 18 years, and in case there is no child or children, then to the father or mother, any wages or travel expenses that may be due such employee at the time of his or her death.

(2) It is also lawful for the Department of Economic Opportunity, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any *reemployment assistance or* unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 53. Section 222.16, Florida Statutes, is amended to read:

222.16 Wages or *reemployment assistance or* unemployment compensation payments so paid not subject to administration.—Any wages, travel expenses, or *reemployment assistance or* unemployment compensation payments so paid under the authority of s. 222.15 shall not be considered as assets of the estate and subject to administration; provided, however, that the travel expenses so exempted from administration shall not exceed the sum of $300.

Section 54. Paragraph (m) of subsection (1) of section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than $300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than $75,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(m) Any contractor may be considered ineligible to bid by the governmental entity if the contractor has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, workers' compensation, *reemployment assistance or* unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years.

Section 55. Subsection (5) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A federal employer identification number, *reemployment assistance* ~~unemployment compensation~~ account number, or Florida sales tax registration number held by an economic development agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 56. Paragraph (c) of subsection (1) of section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(1) DEFINITIONS.—As used in this section:

(c) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the department for *reemployment assistance* ~~unemployment compensation~~ purposes or means a subcategory or division of an employing unit that is accepted by the department as a reporting unit.

Section 57. Paragraph (d) of subsection (2) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(d) "Business" means an employing unit, as defined in s. 443.036, that is registered for *reemployment assistance* ~~unemployment compensation~~ purposes with the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services under an interagency agreement pursuant to s. 443.1316, or a subcategory or division of an employing unit that is accepted by the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services as a reporting unit.

Section 58. Paragraph (b) of subsection (3) of section 288.1081, Florida Statutes, is amended to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

(3)

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, *reemployment assistance* ~~unemployment~~ account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the department or the loan administrator.

Section 59. Paragraph (a) of subsection (3) of section 288.1089, Florida Statutes, is amended to read:

288.1089 Innovation Incentive Program.—

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to the department before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, *reemployment assistance* ~~unemployment~~ account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the department in writing before the disbursement of any payments under this section.

Section 60. Subsection (1) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than $500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless the project is on the State Highway System;

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the department;

(d) Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and

(e) Would be owned by the department upon completion or termination of the agreement.

The department shall ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. The department shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation. Because the Legislature recognizes that private entities or consortia thereof would perform a governmental or public purpose or function when they enter into agreements with the department to design, build, operate, own, or finance transportation facilities, the transportation facilities, including leasehold interests thereof, are exempt from ad valorem taxes as provided in chapter 196 to the extent property is owned by the state or other government entity, and from intangible taxes as provided in chapter 199 and special assessments of the state, any city, town, county, special district, political subdivision of the state, or any other governmental entity. The private entities or consortia thereof are exempt from tax imposed by chapter 201 on all documents or obligations to pay money which arise out of the agreements to design, build, operate, own, lease, or finance transportation facilities. Any private entities or consortia thereof must pay any applicable corporate taxes as provided in chapter 220, and *reemployment assistance* ~~unemployment compensation~~ taxes as provided in chapter 443, and sales and use tax as provided in chapter 212 shall be applicable. The private entities or consortia thereof must also register and collect the tax imposed by chapter 212 on all their direct sales and leases that are subject to tax under chapter 212. The agreement between the private entity or consortia thereof and the department establishing a transportation facility under this chapter constitutes documentation sufficient to claim any exemption under this section.

Section 61. Subsection (8) of section 408.809, Florida Statutes, is amended to read:

408.809 Background screening; prohibited offenses.—

(8) There is no *reemployment assistance* ~~unemployment compensation~~ or other monetary liability on the part of, and no cause of action for damages arising against, an employer that, upon notice of a disqualifying offense listed under chapter 435 or this section, terminates the person against whom the report was issued, whether or not that person has filed for an exemption with the Department of Health or the agency.

Section 62. Paragraph (e) of subsection (7) of section 409.2563, Florida Statutes, is amended to read:

409.2563 Administrative establishment of child support obligations.—

(7) ADMINISTRATIVE SUPPORT ORDER.—

(e) An administrative support order must comply with ss. 61.13(1) and 61.30. The department shall develop a standard form or forms for administrative support orders. An administrative support order must provide and state findings, if applicable, concerning:

1. The full name and date of birth of the child or children;

2. The name of the parent from whom support is being sought and the other parent or caregiver;

3. The parent's duty and ability to provide support;

4. The amount of the parent's monthly support obligation;

5. Any obligation to pay retroactive support;

6. The parent's obligation to provide for the health care needs of each child, whether through health insurance, contribution toward the cost of health insurance, payment or reimbursement of health care expenses for the child, or any combination thereof;

7. The beginning date of any required monthly payments and health insurance;

8. That all support payments ordered must be paid to the Florida State Disbursement Unit as provided by s. 61.1824;

9. That the parents, or caregiver if applicable, must file with the department when the administrative support order is rendered, if they have not already done so, and update as appropriate the information required pursuant to paragraph (13)(b);

10. That both parents, or parent and caregiver if applicable, are required to promptly notify the department of any change in their mailing addresses pursuant to paragraph (13)(c); and

11. That if the parent ordered to pay support receives *reemployment assistance or* unemployment compensation benefits, the payor shall withhold, and transmit to the department, 40 percent of the benefits for payment of support, not to exceed the amount owed.

An income deduction order as provided by s. 61.1301 must be incorporated into the administrative support order or, if not incorporated into the administrative support order, the department or the Division of Administrative Hearings shall render a separate income deduction order.

Section 63. Paragraph (a) of subsection (3), subsection (8), and paragraph (a) of subsection (9) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

(3) EMPLOYERS TO FURNISH REPORTS.—

(a) Each employer subject to the reporting requirements of chapter 443 with 250 or more employees, shall provide to the State Directory of New Hires, a report listing the employer's legal name, address, and *reemployment assistance* ~~unemployment compensation~~ identification number. The report must also provide the name and social security number of each new employee or rehired employee at the end of the first pay period following employment or reemployment.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State Directory of New Hires must furnish information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with the Department of Economic Opportunity or its tax collection service provider for the quarterly reporting to the National Directory of New Hires information on wages and *reemployment assistance* ~~unemployment compensation~~ taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(9) DISCLOSURE OF INFORMATION.—

(a) New hire information shall be disclosed to the state agency administering the following programs for the purposes of determining eligibility under those programs:

1. Any state program funded under part A of Title IV of the Social Security Act;

2. The Medicaid program under Title XIX of the Social Security Act;

3. The *reemployment assistance or* unemployment compensation program under s. 3304 of the Internal Revenue Code of 1954;

4. The food assistance program under the Food and Nutrition Act of 2008; and

5. Any state program under a plan approved under Title I (Old-Age Assistance for the Aged), Title X (Aid to the Blind), Title XIV (Aid to the Permanently and Totally Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act.

Section 64. Paragraph (f) of subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, the Office of Early Learning, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(f) The administration of the *reemployment assistance* ~~unemployment compensation~~ program.

Section 65. Subsection (4) of section 435.06, Florida Statutes, is amended to read:

435.06 Exclusion from employment.—

(4) There is no *reemployment assistance* ~~unemployment compensation~~ or other monetary liability on the part of, and no cause of action for damages against, an employer that, upon notice of a conviction or arrest for a disqualifying offense listed under this chapter, terminates the person against whom the report was issued or who was arrested, regardless of whether or not that person has filed for an exemption pursuant to this chapter.

Section 66. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

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

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than $20 per week. However, if the employee's wages at the time of injury are less than $20 per week, he or she shall receive his or her full weekly wages. If the employee's wages at the time of the injury exceed $20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66 2/3 percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and

(b) Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida *Reemployment Assistance Program* ~~Unemployment Compensation~~ Law as reported to the Department of Economic Opportunity for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the Department of Economic Opportunity on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the Department of Economic Opportunity shall be reported annually to the Legislature.

Section 67. Paragraph (c) of subsection (9) and subsection (10) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) Disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), may not be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the department, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the Department of Economic Opportunity to release *reemployment assistance* ~~unemployment compensation~~ information relating to her or him, in accordance with rules to be adopted by the department prescribing the procedure and manner for requesting the authorization and for compliance by the employee. The department or the employer or carrier may not make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph is effective for a period not to exceed 12 months and such authority may be renewed, as the department prescribes by rule.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED OR IS ENTITLED TO RECEIVE *REEMPLOYMENT ASSISTANCE* ~~UNEMPLOYMENT COMPENSATION~~.—

(a) No compensation benefits shall be payable for temporary total disability or permanent total disability under this chapter for any week in which the injured employee has received, or is receiving, *reemployment assistance or* unemployment compensation benefits.

(b) If an employee is entitled to temporary partial benefits pursuant to subsection (4) and *reemployment assistance or* unemployment compensation benefits, such *reemployment assistance or* unemployment compensation benefits shall be primary and the temporary partial benefits shall be supplemental only, the sum of the two benefits not to exceed the amount of temporary partial benefits which would otherwise be payable.

Section 68. Subsections (4) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(4) Each employer must submit a copy of the quarterly earnings report required by chapter 443 at the end of each quarter to the carrier and submit self-audits supported by the quarterly earnings reports required by chapter 443 and the rules adopted by the Department of Economic Opportunity or by the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316. The reports must include a sworn statement by an officer or principal of the employer attesting to the accuracy of the information contained in the report.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the Department of Economic Opportunity or the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316 before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. Failure of the employer to indemnify the insurer within 21 days after demand by the insurer is grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier is cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer is entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in the action.

Section 69. Subsection (2) of section 440.42, Florida Statutes, is amended to read:

440.42 Insurance policies; liability.—

(2) A workers' compensation insurance policy may require the employer to release certain employment and wage information maintained by the state pursuant to federal and state *reemployment assistance* ~~unemployment compensation~~ laws except to the extent prohibited or limited under federal law. By entering into a workers' compensation insurance policy with such a provision, the employer consents to the release of the information. The insurance carrier requiring such consent shall safeguard the information and maintain its confidentiality. The carrier shall limit use of the information to verifying compliance with the terms of the workers' compensation insurance policy. The department may charge a fee to cover the cost of disclosing the information.

Section 70. Paragraph (i) of subsection (1) and paragraph (b) of subsection (9) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(1) The one-stop delivery system is the state's primary customer-service strategy for offering every Floridian access, through service sites or telephone or computer networks, to the following services:

(i) Claim filing for *reemployment assistance* ~~unemployment compensation~~ services.

(9)

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system:

1. The *Reemployment Assistance* ~~Unemployment Compensation~~ Program under chapter 443.

2. The public employment service described in s. 443.181.

3. The FLORIDA System and the components related to temporary cash assistance, food assistance, and Medicaid eligibility.

4. The Student Financial Assistance System of the Department of Education.

5. Enrollment in the public postsecondary education system.

6. Other information systems determined appropriate by Workforce Florida, Inc.

Section 71. Subsection (6) of section 445.016, Florida Statutes, is amended to read:

445.016 Untried Worker Placement and Employment Incentive Act.—

(6) During an untried worker's probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker, and shall provide workers' compensation and *reemployment assistance* ~~unemployment compensation~~ coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

Section 72. Paragraph (c) of subsection (2) and paragraph (a) of subsection (3) of section 446.50, Florida Statutes, are amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(2) DEFINITION.—For the purposes of this section, the term "displaced homemaker" means an individual who:

(c) Is not adequately employed, as defined by rule of the *Department of Economic Opportunity* ~~agency~~;

(3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) The Department of Economic Opportunity, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.

b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

c. Utilization of the services of the state employment service in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as the department determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and *reemployment* ~~unemployment~~ assistance programs that the department determines would be of interest and benefit to displaced homemakers.

Section 73. Paragraph (b) of subsection (4) of section 448.110, Florida Statutes, is amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(4)

(b) The Department of Revenue and the Department of Economic Opportunity shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the Department of Economic Opportunity and the Department of Revenue by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the Department of Economic Opportunity shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current *reemployment assistance* ~~unemployment compensation~~ database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the *reemployment assistance* ~~unemployment compensation~~ database. The Department of Economic Opportunity is not responsible for failure to provide notice due to incorrect or incomplete address information in the database. The Department of Economic Opportunity shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

Section 74. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

(e) Failed to pay *reemployment assistance* ~~unemployment compensation~~ taxes as determined by the Department of Economic Opportunity; or

Section 75. Subsection (9) of section 450.33, Florida Statutes, is amended to read:

450.33 Duties of farm labor contractor.—Every farm labor contractor must:

(9) Comply with all applicable statutes, rules, and regulations of the United States and of the State of Florida for the protection or benefit of labor, including, but not limited to, those providing for wages, hours, fair labor standards, social security, workers' compensation, *reemployment assistance or* unemployment compensation, child labor, and transportation.

Section 76. Subsections (1) and (3) of section 468.529, Florida Statutes, are amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(1) A licensed employee leasing company is the employer of the leased employees, except that this provision is not intended to affect the determination of any issue arising under Pub. L. No. 93-406, the Employee Retirement Income Security Act, as amended from time to time. An employee leasing company shall be responsible for timely payment of *reemployment assistance* ~~unemployment~~ taxes pursuant to chapter 443, and shall be responsible for providing workers' compensation coverage pursuant to chapter 440. However, no licensed employee leasing company shall sponsor a plan of self-insurance for health benefits, except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employee Retirement Income Security Act, as amended from time to time. For purposes of this section, a "plan of self-insurance" shall exclude any arrangement where an admitted insurance carrier has issued a policy of insurance primarily responsible for the obligations of the health plan.

(3) A licensed employee leasing company shall within 30 days after initiation or termination notify its workers' compensation insurance carrier, the Division of Workers' Compensation of the Department of Financial Services, and the state agency providing *reemployment assistance* ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316 of both the initiation or the termination of the company's relationship with any client company.

Section 77. Subsection (8) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. The private provider shall be permitted to send a duly authorized representative to the building site to perform the required inspections, provided all required reports are prepared by and bear the signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive *reemployment assistance* ~~unemployment compensation~~ benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

Section 78. Paragraph (b) of subsection (5) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(5)

(b) For purposes of this subsection:

1. The term "salaries" does not include amounts paid as commissions.

2. The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except adjusters, managing general agents, and service representatives, as defined in s. 626.015.

3. The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

4. An affiliated group of corporations that created a service company within its affiliated group on July 30, 2002, shall allocate the salary of each service company employee covered by contracts with affiliated group members to the companies for which the employees perform services. The salary allocation is based on the amount of time during the tax year that the individual employee spends performing services or otherwise working for each company over the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the affiliated group shall be included as that insurer's employee salaries for purposes of this section.

a. Except as provided in subparagraph (a)2., the term "affiliated group of corporations" means two or more corporations that are entirely owned by a single corporation and that constitute an affiliated group of corporations as defined in s. 1504(a) of the Internal Revenue Code.

b. The term "service company" means a separate corporation within the affiliated group of corporations whose employees provide services to affiliated group members and which are treated as service company employees for *reemployment assistance or* unemployment compensation and common law purposes. The holding company of an affiliated group may not qualify as a service company. An insurance company may not qualify as a service company.

c. If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

5. A service company that is a subsidiary of a mutual insurance holding company, which mutual insurance holding company was in existence on or before January 1, 2000, shall allocate the salary of each service company employee covered by contracts with members of the mutual insurance holding company system to the companies for which the employees perform services. The salary allocation is based on the ratio of the amount of time during the tax year which the individual employee spends performing services or otherwise working for each company to the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the mutual insurance holding company system shall be included as that insurer's employee salaries for purposes of this section. However, this subparagraph does not apply for any tax year unless funds sufficient to offset the anticipated salary credits have been appropriated to the General Revenue Fund prior to the due date of the final return for that year.

a. The term "mutual insurance holding company system" means two or more corporations that are subsidiaries of a mutual insurance holding company and in compliance with part IV of chapter 628.

b. The term "service company" means a separate corporation within the mutual insurance holding company system whose employees provide services to other members of the mutual insurance holding company system and are treated as service company employees for *reemployment assistance or* unemployment compensation and common-law purposes. The mutual insurance holding company may not qualify as a service company.

c. If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

Section 79. Paragraph (c) of subsection (8) of section 679.4061, Florida Statutes, is amended to read:

679.4061 Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.—

(8) This section is subject to law other than this chapter which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes. Subsections (4) and (6) do not apply to the creation, attachment, perfection, or enforcement of a security interest in:

(c) The interest of a debtor who is a natural person in *reemployment assistance or* unemployment, alimony, disability, pension, or retirement benefits or victim compensation funds.

Section 80. Paragraph (c) of subsection (6) of section 679.4081, Florida Statutes, is amended to read:

679.4081 Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.—

(6) Subsections (1) and (3) do not apply to the creation, attachment, perfection, or enforcement of a security interest in:

(c) The interest of a debtor who is a natural person in *reemployment assistance or* unemployment, alimony, disability, pension, or retirement benefits or victim compensation funds.

Section 81. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Section 403.727(3)(b), relating to environmental control.

4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit *reemployment assistance* ~~unemployment compensation~~ fraud.

8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

13. Chapter 550, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Chapter 831, relating to forgery and counterfeiting.

38. Chapter 832, relating to issuance of worthless checks and drafts.

39. Section 836.05, relating to extortion.

40. Chapter 837, relating to perjury.

41. Chapter 838, relating to bribery and misuse of public office.

42. Chapter 843, relating to obstruction of justice.

43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

45. Chapter 874, relating to criminal gangs.

46. Chapter 893, relating to drug abuse prevention and control.

47. Chapter 896, relating to offenses related to financial transactions.

48. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

49. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 82. Paragraph (g) of subsection (8) of section 896.101, Florida Statutes, is amended to read:

896.101 Florida Money Laundering Act; definitions; penalties; injunctions; seizure warrants; immunity.—

(8)

(g)1. Upon service of the temporary order served pursuant to this section, the petitioner shall immediately notify by certified mail, return receipt requested, or by personal service, both the person or entity in possession of the monetary instruments or funds and the owner of the monetary instruments or funds if known, of the order entered pursuant to this section and that the lawful owner of the monetary instruments or funds being enjoined may request a hearing to contest and modify the order entered pursuant to this section by petitioning the court that issued the order, so that such notice is received within 72 hours.

2. The notice shall advise that the hearing shall be held within 3 days of the request, and the notice must state that the hearing will be set and noticed by the person against whom the order is served.

3. The notice shall specifically state that the lawful owner has the right to produce evidence of legitimate business expenses, obligations, and liabilities, including but not limited to, employee payroll expenses verified by current *reemployment assistance* ~~unemployment compensation~~ records, employee workers' compensation insurance, employee health insurance, state and federal taxes, and regulatory or licensing fees only as may become due before the expiration of the temporary order.

4. Upon determination by the court that the expenses are valid, payment of such expenses may be effected by the owner of the enjoined monetary instruments or funds only to the court-ordered payees through court-reviewed checks, issued by the owner of, and the person or entity in possession of, the enjoined monetary instruments or funds. Upon presentment, the person or entity in possession of the enjoined funds or monetary instruments shall only honor the payment of the check to the court-ordered payee.

Section 83. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

| FloridaStatute | Felony-Degree | Description |
|---|---|---|
| 24.118(3)(a) | 3rd | Counterfeit or altered state lottery ticket. |
| 212.054(2)(b) | 3rd | Discretionary sales surtax; limitations, administration, and collection. |
| 212.15(2)(b) | 3rd | Failure to remit sales taxes, amount greater than $300 but less than $20,000. |
| 316.1935(1) | 3rd | Fleeing or attempting to elude law enforcement officer. |
| 319.30(5) | 3rd | Sell, exchange, give away certificate of title or identification number plate. |
| 319.35(1)(a) | 3rd | Tamper, adjust, change, etc., an odometer. |
| 320.26(1)(a) | 3rd | Counterfeit, manufacture, or sell registration license plates or validation stickers. |
| 322.212 (1)(a)-(c) | 3rd | Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification. |
| 322.212(4) | 3rd | Supply or aid in supplying unauthorized driver's license or identification card. |
| 322.212(5)(a) | 3rd | False application for driver's license or identification card. |
| 414.39(2) | 3rd | Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than $200. |
| 414.39(3)(a) | 3rd | Fraudulent misappropriation of public assistance funds by employee/official, value more than $200. |
| 443.071(1) | 3rd | False statement or representation to obtain or increase *reemployment assistance* ~~unemployment compensation~~ benefits. |
| 509.151(1) | 3rd | Defraud an innkeeper, food or lodging value greater than $300. |
| 517.302(1) | 3rd | Violation of the Florida Securities and Investor Protection Act. |
| 562.27(1) | 3rd | Possess still or still apparatus. |
| 713.69 | 3rd | Tenant removes property upon which lien has accrued, value more than $50. |
| 812.014(3)(c) | 3rd | Petit theft (3rd conviction); theft of any property not specified in subsection (2). |
| 812.081(2) | 3rd | Unlawfully makes or causes to be made a reproduction of a trade secret. |
| 815.04(4)(a) | 3rd | Offense against intellectual property (i.e., computer programs, data). |
| 817.52(2) | 3rd | Hiring with intent to defraud, motor vehicle services. |
| 817.569(2) | 3rd | Use of public record or public records information to facilitate commission of a felony. |
| 826.01 | 3rd | Bigamy. |
| 828.122(3) | 3rd | Fighting or baiting animals. |
| 831.04(1) | 3rd | Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28. |
| 831.31(1)(a) | 3rd | Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs. |
| 832.041(1) | 3rd | Stopping payment with intent to defraud $150 or more. |
| 832.05(2)(b) & (4)(c) | 3rd | Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more. |
| 838.15(2) | 3rd | Commercial bribe receiving. |
| 838.16 | 3rd | Commercial bribery. |
| 843.18 | 3rd | Fleeing by boat to elude a law enforcement officer. |
| 847.011(1)(a) | 3rd | Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction). |
| 849.01 | 3rd | Keeping gambling house. |
| 849.09(1)(a)-(d) | 3rd | Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for |

| FloridaStatute | Felony-Degree | Description |
|---|---|---|
| | | prizes, or dispose of property or money by means of lottery. |
| 849.23 | 3rd | Gambling-related machines; "common offender" as to property rights. |
| 849.25(2) | 3rd | Engaging in bookmaking. |
| 860.08 | 3rd | Interfere with a railroad signal. |
| 860.13(1)(a) | 3rd | Operate aircraft while under the influence. |
| 893.13(2)(a)2. | 3rd | Purchase of cannabis. |
| 893.13(6)(a) | 3rd | Possession of cannabis (more than 20 grams). |
| 934.03(1)(a) | 3rd | Intercepts, or procures any other person to intercept, any wire or oral communication. |

Section 84. Subsection (2) of section 946.513, Florida Statutes, is amended to read:

946.513 Private employment of inmates; disposition of compensation received.—

(2) No inmate is eligible for *reemployment assistance benefits* ~~unemployment compensation~~, whether employed by the corporation or by any other private enterprise operating on the grounds of a correctional institution or elsewhere, when such employment is part of a correctional work program or work-release program of either the corporation or the department.

Section 85. Subsection (2) of section 946.523, Florida Statutes, is amended to read:

946.523 Prison industry enhancement (PIE) programs.—

(2) Notwithstanding any other law to the contrary, including s. 440.15(8), private sector employers shall provide workers' compensation coverage to inmates who participate in prison industry enhancement (PIE) programs under subsection (1). However, inmates are not entitled to *reemployment assistance benefits* ~~unemployment compensation~~.

Section 86. Paragraph (c) of subsection (5) of section 985.618, Florida Statutes, is amended to read:

985.618 Educational and career-related programs.—

(5)

(c) Notwithstanding any other law to the contrary, including s. 440.15(8), private sector employers shall provide juveniles participating in juvenile work programs under paragraph (b) with workers' compensation coverage, and juveniles shall be entitled to the benefits of such coverage. Nothing in this subsection shall be construed to allow juveniles to participate in *reemployment assistance* ~~unemployment compensation~~ benefits.

Section 87. Subsection (3) of section 1003.496, Florida Statutes, is amended to read:

1003.496 High School to Business Career Enhancement Program.—

(3) Employment under this section of a student intern who meets the criteria of s. 443.1216(13)(q) is not employment for purposes of *reemployment assistance* ~~unemployment compensation~~ under chapter 443.

Section 88. Subsection (3) of section 1008.39, Florida Statutes, is amended to read:

1008.39 Florida Education and Training Placement Information Program.—

(3) The Florida Education and Training Placement Information Program must not make public any information that could identify an individual or the individual's employer. The Department of Education must ensure that the purpose of obtaining placement information is to evaluate and improve public programs or to conduct research for the purpose of improving services to the individuals whose social security numbers are used to identify their placement. If an agreement assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the *reemployment assistance* ~~unemployment insurance~~ wage reports maintained by the Department of Economic Opportunity, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

Section 89. Paragraph (b) of subsection (1) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(1) The Commissioner of Education shall coordinate uniform program structures, common definitions, and uniform management information systems for workforce education for all divisions within the department. In performing these functions, the commissioner shall designate deadlines after which data elements may not be changed for the coming fiscal or school year. School districts and Florida College System institutions shall be notified of data element changes at least 90 days prior to the start of the subsequent fiscal or school year. Such systems must provide for:

(b) Compliance with state and federal confidentiality requirements, except that the department shall have access to the *reemployment assistance* ~~unemployment insurance~~ wage reports to collect and report placement information about former students. Such placement reports must not disclose the individual identities of former students.

Section 90. Notwithstanding the expiration date contained in section 13 of chapter 2011-235, Laws of Florida, operating retroactive to January 4, 2012, and expiring January 5, 2013, section 443.1117, Florida Statutes, is revived, readopted, and amended to read:

443.1117 Temporary extended benefits.—

(1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if the result is inconsistent with other provisions of this section, s. 443.1115(2), (3), (4), (6), and (7) apply to all claims covered by this section.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Regular benefits" and "extended benefits" have the same meaning as in s. 443.1115.

(b) "Eligibility period" means the weeks in an individual's benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) "Emergency benefits" means *benefits* ~~Emergency Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252, *and any subsequent federal law that provides for the payment of Emergency Unemployment Compensation* ~~Pub. L. No. 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No. 111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L. No. 111-312~~.

(d) "Extended benefit period" means a period that:

1. Begins with the third week after a week for which there is a state "on" indicator; and

2. Ends with any of the following weeks, whichever occurs later:

a. The third week after the first week for which there is a state "off" indicator; or

b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state "on" indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) "Emergency benefit period" means the period during which an individual receives emergency benefits.

(f) "Exhaustee" means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available even if, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year that expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) "State 'on' indicator" means, with respect to weeks of unemployment ending on or before *December 8, 2012* ~~December 10, 2011~~, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in any or all of the preceding 3 calendar years; and

2. Equals or exceeds 6.5 percent.

(h) "High unemployment period" means, with respect to weeks of unemployment ending on or before *December 8, 2012* ~~December 10, 2011~~, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in any or all of the preceding 3 calendar years; and

2. Equals or exceeds 8 percent.

(i) "State 'off' indicator" means the occurrence of a week in which there is no state "on" indicator or which does not constitute a high unemployment period.

(3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in subsection (4):

(a) For any week for which there is an "on" indicator pursuant to paragraph (2)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period, the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.

Section 91. *The provisions of s. 443.1117, Florida Statutes, as revived, readopted, and amended by this act, apply only to claims for weeks of unemployment in which an exhaustee establishes entitlement to extended benefits pursuant to that section which are established for the period between January 4, 2012, and January 5, 2013.*

Section 92. *The Department of Economic Opportunity shall convene a work group to study Florida's reemployment assistance contribution calculation as specified in s. 443.131, Florida Statutes, and other related law.*

*(1) The work group shall consist of 10 members as follows:*

*(a) The executive director of the Department of Economic Opportunity, or his or her designee, who shall serve as the chair of the work group.*

*(b) The executive director of the Department of Revenue, or his or her designee.*

*(c) Four representatives of the business community, two of whom shall represent small businesses, to be appointed by joint agreement of the executive directors of the departments.*

*(d) The director of the Division of Workforce Services within the Department of Economic Opportunity, or his or her designee.*

*(e) The program director of the General Tax Administration Program Office within the Department of Revenue, or his or her designee.*

*(f) A member of the Senate designated by the President of the Senate.*

*(g) A member of the House of Representatives designated by the Speaker of the House of Representatives.*

*(2) The work group shall convene its first meeting by July 15, 2012. Thereafter, the chair of the work group shall call a meeting as often as necessary to carry out the provisions of this section. The Department of Economic Opportunity shall keep a complete record of the proceedings of each meeting, which includes the names of the members present at each meeting and the actions taken. The records shall be public records pursuant to chapter 119, Florida Statutes. A quorum shall consist of a majority of the group members. Members of the group shall not receive compensation.*

*(3) The purpose of the work group is to study Florida's reemployment assistance contribution calculation and provide recommendations to the Legislature for changes to the calculation designed to ensure the long-term solvency of the reemployment assistance program while promoting equitable, minimal tax burdens on Florida employers. The recommendations shall be limited to changes to the calculation and related law and shall not include changes to eligibility for benefits or any other portion of the reemployment assistance program. The work group may review the laws of other states to develop recommendations appropriate to Florida.*

*(4) Relevant staff from the Department of Economic Opportunity and the Department of Revenue who are knowledgeable in the subject area may be assigned to assist the work group. The President of the Senate and the Speaker of the House of Representatives may also assign their respective staff to provide technical guidance and assistance to the work group in the development of alternative proposals.*

*(5) Members of the work group are entitled to reimbursement for travel and per diem expenses, as provided in s. 112.061, Florida Statutes, while performing their duties under this section. Travel and per diem expenses of work group members and other staff who are state employees shall be reimbursed by the respective state agency employing the member or staff. The Department of Economic Opportunity and the Department of Revenue shall jointly provide administrative support for the work group, shall pay equally for travel and per diem expenses of work group members who are not state employees, and shall pay equally any other operational expenses of the work group as deemed reasonable and appropriate by joint agreement of the executive directors of the departments.*

*(6) The findings and recommendations of the work group shall be submitted to the Legislature by December 31, 2012.*

*(7) This section expires January 31, 2013.*

Section 93. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provision of the act are severable.*

Section 94. *The Legislature finds that this act fulfills an important state interest.*

Section 95. *There is appropriated to the Department of Economic Opportunity from the Employment Security Administration Trust Fund $346,463 for the 2011-2012 fiscal year and $100,884 for the 2012-2013 fiscal year, which funds shall be used to contract with the Department of Revenue to implement the provisions of this act. There is appropriated to the Department of Revenue from the Federal Grants Fund $346,463 for the 2011-2012 fiscal year and $100,884 for the 2012-2013 fiscal year to implement the provisions of this act. This section shall be effective upon this act becoming a law.*

Section 96. 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, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to unemployment compensation; amending s. 443.011, F.S.; revising a short title to rename "unemployment compensation" as "reemployment assistance"; amending s. 443.012, F.S.; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; amending s. 443.036, F.S.; providing a definition for the term "reemployment assistance"; revising references to conform to changes made by the act; amending s. 443.071, F.S.; specifying what constitutes prima facie evidence that the person claimed and received reemployment assistance from the state through transaction history and payment; revising references to conform to changes made by the act; amending s. 443.091, F.S.; providing scoring requirements relating to initial skills reviews; providing for workforce training for certain eligible claimants; requiring the development and use of best practices; providing reporting requirements; providing work search requirements for certain claimants; revising references to conform to changes made by the act; providing for the applicability of certain exceptions relating to benefits based on employment with a private employer under contract with an educational institution; amending s. 443.101, F.S.; clarifying how a disqualification for benefits for fraud is imposed; revising references to conform to changes made by the act; amending s. 443.1216, F.S.; providing that employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; revising references to conform to the changes made by this act; amending s. 443.1217, F.S.; reducing the amount of an employee's wages that are exempt from the employer's contribution to the Unemployment Compensation Trust Fund for a certain period of time; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund until January 1, 2018; providing for retroactive application; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; revising references to conform to changes made by the act; amending s. 443.151, F.S.; revising the statute of limitations related to the collection of unemployment compensation benefits overpayments; revising references to conform to changes made by the act; amending s. 443.171, F.S.; deleting an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending s. 443.1715, F.S.; revising an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending ss. 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03, 220.181, 220.191, 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 443.051, 443.111, 443.1113, 443.1116, 443.1215, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.163, 443.17161, 443.181, 443.191, 443.221, 445.009, 445.016, 446.50, 448.110, 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523, 985.618, 1003.496, 1008.39, and 1008.41, F.S.; revising references to conform to changes made by the act; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; providing for applicability relating to extended benefits for certain weeks and for periods of high unemployment; providing for applicability; creating a work group to study Florida's reemployment assistance contribution calculation and provide recommendations; providing for membership; providing for reimbursement; providing for future expiration; providing for severability; providing that the act fulfills an important state interest; providing appropriations for purposes of implementation; providing effective dates.

On motion by Senator Bogdanoff, by two-thirds vote **CS for HB 7027** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Joyner

---

**SB 1470**—A bill to be entitled An act relating to the repeal of administrative rules; amending s. 120.536, F.S.; providing for repeal of administrative rules upon the repeal of the law implemented; creating s. 120.555, F.S.; providing a process for summary repeal of administrative rules that are no longer in effect; nullifying specific administrative rules adopted by the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, South Florida Water Management District, the former Department of Commerce, the former Department of Health and Rehabilitative Services, Health Program Office, the former Advisory Council on Intergovernmental Relations, or the former Department of Labor and Employment Security; directing the Department of Health and the Department of Education to initiate necessary rulemaking before the effective date of specified rule nullifications; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1470**, on motion by Senator Norman, by two-thirds vote **HB 7029** was withdrawn from the Committees on Governmental Oversight and Accountability; and Budget.

On motion by Senator Norman—

**HB 7029**—A bill to be entitled An act relating to the repeal of administrative rules; amending s. 120.536, F.S.; providing for repeal of administrative rules upon the repeal of the law implemented; creating s. 120.555, F.S.; providing a process for summary repeal of administrative rules that are no longer in effect; nullifying specific administrative rules adopted by the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, South Florida Water Management District, the former Department of Commerce, the former Department of Health and Rehabilitative Services, Health Program Office, the former Advisory Council on Intergovernmental Relations, or the former Department of Labor and Employment Security; directing the Department of Health and the Department of Education to initiate necessary rulemaking before the effective date of specified rule nullifications; providing an effective date.

—a companion measure, was substituted for **SB 1470** and read the second time by title.

On motion by Senator Norman, by two-thirds vote **HB 7029** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

Consideration of **CS for SB 1312** was deferred.

---

**CS for SJR 1508**—A joint resolution proposing an amendment to Section 7 of Article IX of the State Constitution to revise the selection process for the student member of the Board of Governors of the State University System.

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

That the following amendment to Section 7 of Article IX 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 IX

EDUCATION

SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, *and the chair of the council of student body presidents, which council shall be organized by the board of governors and consist of all the student body presidents of the state university system* ~~and the president of the Florida student association, or the equivalent~~, shall also be members of the board.

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

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 7

APPOINTMENT OF STUDENT BODY PRESIDENT TO BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM.—Proposing an amendment to the State Constitution to remove the Florida Student Association as the organization responsible for electing the student member of the Board of Governors of the State University System and to require that the Board of Governors organize a council of state university student body presidents for the purpose of electing one of the state university student body presidents to the Board of Governors.

—was read the second time in full.

Pending further consideration of **CS for SJR 1508**, on motion by Senator Montford, by two-thirds vote **CS for HJR 931** was withdrawn from the Committees on Higher Education; Judiciary; Rules Subcommittee on Ethics and Elections; and Rules.

On motion by Senator Montford—

**CS for HJR 931**—A joint resolution proposing an amendment to Section 7 of Article IX of the State Constitution to revise the selection process for the student member of the Board of Governors of the State University System.

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

That the following amendment to Section 7 of Article IX 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 IX

EDUCATION

SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the *chair of the council of student body presidents, which council shall be organized by the board of governors and consist of all the student body presidents of the state university system* ~~president of the Florida student association, or the equivalent~~, shall also be members of the board.

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

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 7

APPOINTMENT OF STUDENT BODY PRESIDENT TO BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM.—Proposing an amendment to the State Constitution to replace the president of the Florida Student Association with the chair of the council of state university student body presidents as the student member of the Board of Governors of the State University System and to require that the Board of Governors organize such council of state university student body presidents.

—a companion measure, was substituted for **CS for SJR 1508** and read the second time in full.

On motion by Senator Montford, by two-thirds vote **CS for HJR 931** 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—37

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

Nays—3

| | | |
|---|---|---|
| Dockery | Fasano | Joyner |

---

**CS for CS for CS for SB 1516**—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.062, F.S.; providing additional legislative findings relating to the provision of services for individuals who have developmental disabilities; reordering and amending s. 393.063, F.S.; revising current definitions and providing definitions for the terms "adult day services," "nonwaiver resources," and "waiver"; amending s. 393.065, F.S.; clarifying provisions relating to eligibility requirements based on citizenship and state residency; amending s. 393.066, F.S.; revising provisions relating to community services and treatment; revising an express list of services; requiring the agency to promote partnerships and collaborative efforts to enhance the availability of nonwaiver services; deleting a requirement that the agency promote day habilitation services for certain individuals; amending s. 393.0661, F.S.; revising provisions relating to eligibility under the Medicaid waiver redesign; providing that final tier eligibility be determined at the time a waiver slot and funding are available; providing criteria for moving an individual between tiers; deleting a cap on tier one expenditures for certain individuals; authorizing the agency and the Agency for Health Care Administration to adopt rules; deleting certain directions relating to the adjustment of an individual's cost plan; providing criteria for reviewing Medicaid waiver provider agreements, including support coordinators; deleting obsolete provisions; amending s. 393.0662, F.S.; providing criteria for calculating an individual's iBudget; deleting obsolete provisions; amending s. 393.067, F.S.; requiring that facilities that are accredited by certain organizations be inspected and reviewed by the agency every 2 years; providing agency criteria for monitoring licensees; amending s. 393.068, F.S.; conforming a cross-reference and terminology; amending s. 393.11, F.S.; clarifying eligibility for involuntary admission to residential services; amending s. 393.125, F.S.; requiring the Department of Children and Family Services to submit its hearing recommendations to the agency; amending s. 393.23, F.S.; providing that receipts from the operation of canteens, vending machines, and other activities may be used to pay certain wages; creating s. 393.28, F.S.; directing the agency to adopt sanitation standards by rule; providing penalties for violations; authorizing the agency to contract for food services and inspection services to enforce standards; amending s. 393.502, F.S.; revising the membership of family care councils; amending s. 514.072, F.S.; conforming a cross-reference; deleting an obsolete provision; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **CS for CS for CS for SB 1516** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**CS for CS for SB 1620**—A bill to be entitled An act relating to insurance; amending s. 320.27, F.S.; providing that a salvage motor vehicle dealer is not required to carry certain insurance on vehicles that cannot be legally operated on roads, highways, or streets; amending s. 624.402, F.S.; revising a provision exempting alien insurers from the requirement to obtain a certificate of authority; revising the definition of the term "nonresident"; providing that a life insurance policy or annuity contract

may be issued by an insurer domiciled outside the United States under certain conditions; specifying the terms and conditions that must be satisfied before an alien insured may issue a policy or contract; authorizing the Office of Insurance Regulation to conduct an examination of an alien insurer if the office has reason to believe that the insurer is insolvent or is in unsound financial condition; providing that an alien insurer issuing policies or contracts in this state is subject to the Unfair Insurance Trade Practices Act; providing that policies and contracts issued pursuant to the act are not subject to the premium tax; requiring that an application for a life insurance policy or an annuity contract contain certain specified statements to protect consumers; amending s. 624.4625, F.S.; authorizing corporation not for profit self-insurance funds that are required to maintain a continuing program of excess insurance coverage and reserve evaluation to purchase excess insurance from eligible surplus lines insurers or reinsurers; authorizing certain corporation not for profit self-insurance funds to purchase certain group insurance coverage for its members; providing requirements and conditions relating to such purchases; amending s. 624.501, F.S.; conforming a cross-reference; amending s. 624.610, F.S.; revising provisions specifying which insurers are not subject to certain filing requirements relating to reinsurance; amending s. 626.261, F.S.; authorizing the Department of Financial Services to provide examinations in Spanish; amending s. 626.321, F.S.; revising provisions relating to limited licenses for travel insurance; providing that a full-time salaried employee of a licensed general lines agent or a business entity that offers travel planning services may be issued such license under certain circumstances; amending s. 626.7491, F.S.; clarifying the definition of the term "licensed insurer" or "insurer"; creating s. 626.8675, F.S.; providing that provisions relating to insurance adjusters do not apply to individuals who conduct data entry into an automated claims adjustment system for portable electronics insurance claims; amending s. 626.9201, F.S.; providing certain exceptions to the notice of cancellation or nonrenewal requirements; amending s. 626.9541, F.S.; adding the practice of knowingly altering property and casualty certificates of insurance to the list of unfair or deceptive acts or practices; amending s. 627.351, F.S.; increasing the amount of surplus required for an association to qualify as a limited apportionment company; requiring the corporation to offer certain types of basic personal lines policies; providing valuation criteria for establishing replacement costs for coverage on a dwelling issued by the corporation; creating s. 627.6011, F.S.; providing that mandatory health benefits apply only to certain health benefit plans; amending s. 627.6699, F.S.; revising the definition of "carrier"; amending s. 627.7015, F.S.; revising provisions relating to alternative procedures for the resolution of disputed property insurance claims; amending s. 627.707, F.S.; defining the term "rebate"; amending s. 627.7295, F.S.; revising provisions relating to cancellation for nonpayment of premiums for motor vehicle insurance; amending s. 627.736, F.S.; clarifying provisions relating to the amount of interest on overdue payments for personal injury protection benefits; amending s. 627.7405, F.S.; providing that certain owners or registrants are not liable for an insurers' right of reimbursement; 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.; expanding the kinds of insurance for which a captive insurer may seek licensure; limiting the risks that certain captive insurers may insure; specifying requirements and conditions relating to a captive insurer's authority to conduct business; requiring that before licensure certain captive insurers must file or submit to the Office of Insurance Regulation specified information, documents, and statements; requiring a captive insurance company to file specific evidence with the office relating to the financial condition and quality of management and operations of the company; specifying certain fees to be paid by captive insurance companies; authorizing a foreign or alien captive insurance company to become a domestic captive insurance company by complying with specified requirements; authorizing the office to waive any requirements for public hearings relating to the redomestication of an alien captive insurance company; creating s. 628.906, F.S.; requiring biographical affidavits, background investigations, and fingerprint cards for all officers and directors; providing restrictions on officers and directors involved with insolvent insurers under certain conditions; providing restrictions on officers and directors that are found guilty of, or have pleaded guilty or nolo contendere to, any felony or crime involving moral turpitude, including a crime of dishonesty or breach of trust; amending s. 628.907, F.S.; revising capitalization requirements for specified captive insurance companies; requiring capital of specified captive insurance companies to be held in certain forms; requiring contributions to captive insurance companies that are stock insurer corporations to be in a certain form; authorizing the office to issue a captive insurance company license conditioned upon certain evidence relating to possession of specified capital; authorizing revocation of a conditional license under certain circumstances; authorizing the office to prescribe certain additional capital and net asset requirements; requiring such additional requirements relating to capital and net assets to be held in specified forms; requiring dividends or distributions of capital or surplus to meet certain conditions and be approved by the office; requiring certain irrevocable letters of credit to meet certain standards; creating s. 628.908, F.S.; prohibiting the issuance of a license to specified captive insurance companies unless such companies possess and maintain certain levels of unimpaired surplus; authorizing the office to condition issuance of a captive insurance company license upon the provision of certain evidence relating to the possession of a minimum amount of unimpaired surplus; authorizing revocation of a conditional license under certain circumstances; requiring dividends or distributions of capital or surplus to meet certain conditions and be approved by the office; requiring certain irrevocable letters of credit to meet certain standards; amending s. 628.909, F.S.; providing for applicability of certain statutory provisions to specified captive insurers; creating s. 628.910, F.S.; providing requirements, options, and conditions relating to how a captive insurance company may be incorporated or organized as a business; amending s. 628.911, F.S.; providing reporting requirements for specified captive insurance companies and captive reinsurance companies; creating s. 628.912, F.S.; authorizing a captive reinsurance company to discount specified losses subject to certain conditions; amending s. 628.913, F.S.; authorizing a captive reinsurance company to apply to the office for licensure to write reinsurance covering property and casualty insurance or reinsurance contracts; authorizing the office to allow a captive reinsurance company to write reinsurance contracts covering risks in any state; specifying that a captive reinsurance company is subject to specified requirements and must meet specified conditions in order to conduct business in this state; creating s. 628.914, F.S.; specifying requirements and conditions relating to the capitalization or maintenance of reserves by a captive reinsurance company; creating s. 628.9141, F.S.; specifying requirements and conditions relating to the incorporation of a captive reinsurance company; creating s. 628.9142, F.S.; providing for the effect on reserves of certain actions taken by a captive insurance company relating to providing reinsurance for specified risks; creating s. 628.918, F.S.; requiring a specified percentage of a captive reinsurance company's assets to be managed by an asset manager domiciled in this state; creating s. 628.919, F.S.; authorizing the Financial Services Commission to adopt rules establishing certain standards for control of an unaffiliated business by a parent or affiliated company relating to coverage by a pure captive insurance company; creating s. 628.920, F.S.; requiring that a licensed captive insurance company must be considered for issuance of a certificate of authority as an insurer under certain circumstances; amending s. 631.271, F.S.; providing for the order of distribution for interest on allowed claims; providing that if CS for SB 578 or similar legislation becomes law, a surplus lines insurer removing policies from the Citizens Property Insurance Corporation must maintain a certain financial rating; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1620**, on motion by Senator Richter, by two-thirds vote **CS for CS for HB 1101** was withdrawn from the Committees on Banking and Insurance; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Richter—

**CS for CS for HB 1101**—A bill to be entitled An act relating to insurance; amending s. 320.27, F.S.; exempting salvage motor vehicle dealers from having to carry certain types of insurance coverage under certain circumstances; amending s. 624.4625, F.S.; authorizing corporation not for profit self-insurance funds that are required to maintain a continuing program of excess insurance coverage and reserve evaluation to purchase excess insurance from eligible surplus lines insurers or reinsurers; authorizing certain corporation not for profit self-insurance funds to purchase certain group insurance coverage for its members; providing requirements and conditions relating to such purchases; amending s. 624.501, F.S.; conforming a cross-reference; amending s. 624.402, F.S.; revising provisions relating to determining whether the domicile of an insurer is outside the United States for certain purposes; providing that life insurance policies or annuity contracts may be solicited, sold, or issued in this state by insurers domiciled outside the United States in certain circumstances; amending s. 624.610, F.S.; re-

vising provisions specifying which insurers are not subject to certain filing requirements relating to reinsurance; amending s. 626.261, F.S.; authorizing the Department of Financial Services to provide examinations in Spanish; providing for costs to be paid by applicants who request examinations in Spanish; providing a requirement with respect to whether an examination in Spanish should be allowed; amending s. 626.321, F.S.; revising provisions relating to limited licenses for travel insurance; providing that a full-time salaried employee of a licensed general lines agent or a business entity that offers travel planning services may be issued such license under certain circumstances; creating s. 626.8685, F.S.; exempting certain employees who conduct data entry from licensure as insurance adjusters under certain circumstances; defining the term "automated claims adjudication system" with respect to application of such exemption; prohibiting residents of Canada from licensure as nonresident independent adjusters under certain circumstances; amending s. 626.9201, F.S.; providing specified exemptions from the requirement that an insurer provide notification of nonrenewal to an insured; amending s. 626.9541, F.S.; providing an additional action that is a misrepresentation and false advertising of insurance policies; amending s. 627.351, F.S.; increasing the amount of surplus as to policyholders that certain insurers who are members of a plan to equitably apportion or share windstorm coverage may have in order to petition the Department of Financial Services to qualify as a limited apportionment company; requiring the Citizens Property Insurance Corporation to offer certain policies; specifying acceptable valuations for replacement costs; creating s. 627.6011, F.S.; providing legislative intent relating to the application of certain mandatory health benefits regulated under ch. 627, F.S.; defining the term "mandatory health benefits"; amending s. 627.6699, F.S.; revising the definition of the term "carrier" for purposes of the Employee Health Care Access Act; amending s. 627.7015, F.S.; revising provisions relating to alternative procedures for the resolution of disputed property insurance claims; amending s. 627.707, F.S.; providing a definition; amending s. 627.7295, F.S.; clarifying provisions relating to cancellation for nonpayment of premiums for motor vehicle insurance; allowing the cancellation of such policies under certain circumstances; amending s. 627.736, F.S.; specifying the interest rate applicable to the accrual of interest on overdue payments of personal injury protection benefits; amending s. 627.7405, F.S.; providing an exception for liability for right of reimbursement; amending s. 628.901, F.S.; providing definitions; amending s. 628.905, F.S.; expanding the kinds of insurance for which a captive insurer may seek licensure; limiting the risks that certain captive insurers may insure; specifying requirements and conditions relating to a captive insurer's authority to conduct business; requiring that before licensure certain captive insurers must file or submit to the Office of Insurance Regulation specified information, documents, and statements; requiring a captive insurance company to file specific evidence with the office relating to the financial condition and quality of management and operations of the company; specifying certain fees to be paid by captive insurance companies; authorizing a foreign or alien captive insurance company to become a domestic captive insurance company by complying with specified requirements; authorizing the office to waive any requirements for public hearings relating to the redomestication of an alien captive insurance company; creating s. 628.906, F.S.; requiring biographical affidavits, background investigations, and fingerprint cards for all officers and directors; providing restrictions on officers and directors involved with insolvent insurers under certain conditions; providing restrictions on officers and directors that are found guilty of, or have pleaded guilty or nolo contendere to, any felony or crime involving moral turpitude, including a crime of dishonesty or breach of trust; amending s. 628.907, F.S.; revising capitalization requirements for specified captive insurance companies; requiring capital of specified captive insurance companies to be held in certain forms; requiring contributions to captive insurance companies that are stock insurer corporations to be in a certain form; authorizing the office to issue a captive insurance company license conditioned upon certain evidence relating to possession of specified capital; authorizing revocation of a conditional license under certain circumstances; authorizing the office to prescribe certain additional capital and net asset requirements; requiring such additional requirements relating to capital and net assets to be held in specified forms; requiring dividends or distributions of capital or surplus to meet certain conditions and be approved by the office; requiring certain irrevocable letters of credit to meet certain standards; creating s. 628.908, F.S.; prohibiting the issuance of a license to specified captive insurance companies unless such companies possess and maintain certain levels of unimpaired surplus; authorizing the office to condition issuance of a captive insurance company license upon the provision of certain evidence relating to the possession of a minimum amount of unimpaired surplus; authorizing revocation of a conditional license under certain circumstances; requiring dividends or distributions of capital or surplus to meet certain conditions and be approved by the office; requiring certain irrevocable letters of credit to meet certain standards; amending s. 628.909, F.S.; providing for applicability of certain statutory provisions to specified captive insurers; creating s. 628.910, F.S.; providing requirements, options, and conditions relating to how a captive insurance company may be incorporated or organized as a business; amending s. 628.911, F.S.; providing reporting requirements for specified captive insurance companies and captive reinsurance companies; creating s. 628.912, F.S.; authorizing a captive reinsurance company to discount specified losses subject to certain conditions; amending s. 628.913, F.S.; authorizing a captive reinsurance company to apply to the office for licensure to write reinsurance covering property and casualty insurance or reinsurance contracts; authorizing the office to allow a captive reinsurance company to write reinsurance contracts covering risks in any state; specifying that a captive reinsurance company is subject to specified requirements and must meet specified conditions in order to conduct business in this state; creating s. 628.914, F.S.; specifying requirements and conditions relating to the capitalization or maintenance of reserves by a captive reinsurance company; creating s. 628.9141, F.S.; specifying requirements and conditions relating to the incorporation of a captive reinsurance company; creating s. 628.9142, F.S.; providing for the effect on reserves of certain actions taken by a captive insurance company relating to providing reinsurance for specified risks; creating s. 628.918, F.S.; requiring a specified percentage of a captive reinsurance company's assets to be managed by an asset manager domiciled in this state; creating s. 628.919, F.S.; authorizing the Financial Services Commission to adopt rules establishing certain standards for control of an unaffiliated business by a parent or affiliated company relating to coverage by a pure captive insurance company; creating s. 628.920, F.S.; requiring that a licensed captive insurance company must be considered for issuance of a certificate of authority as an insurer under certain circumstances; amending s. 626.7491, F.S.; conforming a cross-reference; repealing s. 628.903, F.S., relating to the definition of the term "industrial insured captive insurer," to conform to changes made by the act; amending s. 631.271, F.S.; providing for priority of interest on allowed claims; providing that if this act and certain legislation become law in the same legislative session or an extension thereof, a surplus lines insurer removing policies from the Citizens Property Insurance Corporation must maintain a specified financial rating; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1620** and read the second time by title.

On motion by Senator Richter, by two-thirds vote **CS for CS for HB 1101** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

Consideration of **CS for CS for SB 1718** was deferred.

---

**CS for CS for CS for SB 1626**—A bill to be entitled An act relating to state contracting; amending s. 11.45, F.S.; conforming provisions to changes made by the act; amending s. 215.985, F.S.; revising provisions

relating to the Chief Financial Officer's intergovernmental contract tracking system under the Transparency Florida Act; requiring state agencies to post certain information in the tracking system and to update that information; requiring that exempt and confidential information be redacted from contracts and procurement documents posted on the system; authorizing the Chief Financial Officer to make available the information posted on the system to the public through a secure website; authorizing the Department of Financial Services to adopt rules; repealing s. 216.0111, F.S., relating to a requirement that state agencies report certain contract information to the Department of Financial Services and transferring that requirement to s. 215.985, F.S.; authorizing a state agency, a special district, or a local government to competitively bid professional services; providing a procedure for considering proposals for the selection of competing firms or vendors; requiring that each agency adopt rules; providing an effective date.

—was read the second time by title.

Senator Bogdanoff moved the following amendment:

**Amendment 1 (287310) (with title amendment)**—Delete lines 178-188.

And the title is amended as follows:

Delete lines 20-24.

On motion by Senator Gaetz, further consideration of **CS for CS for CS for SB 1626** with pending **Amendment 1 (287310)** was deferred.

---

**CS for SB 1656**—A bill to be entitled An act relating to public accountancy; amending s. 473.308, F.S.; revising and updating education and work experience requirements for applicants for licensure as a certified public accountant; revising provisions governing licensure by endorsement; amending s. 473.313, F.S.; revising requirements for reactivation of an inactive license as a certified public accountant; requiring the Board of Accountancy to conduct a study to assess the privatization of the Division of Certified Public Accounting; providing a deadline for completion of the study; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1656**, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 769** was withdrawn from the Committees on Regulated Industries; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Latvala—

**CS for CS for HB 769**—A bill to be entitled An act relating to public accountancy; amending s. 473.308, F.S.; revising and updating education and work experience requirements for applicants for licensure as a certified public accountant; revising provisions governing licensure by endorsement; amending s. 473.313, F.S.; revising requirements for reactivation of an inactive license as a certified public accountant; requiring the Board of Accountancy to conduct a study to assess the privatization of the Division of Certified Public Accounting; providing a deadline for completion of the study; providing an effective date.

—a companion measure, was substituted for **CS for SB 1656** and read the second time by title.

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 769** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

---

**CS for CS for SB 2024**—A bill to be entitled An act relating to state retirement; creating s. 121.012, F.S.; providing applicability; amending s. 121.021, F.S.; clarifying the definitions of the terms "normal retirement date" and "vesting"; amending s. 121.0515, F.S.; correcting a cross-reference; amending s. 121.055, F.S.; authorizing distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the Department of Management Services; clarifying provisions related to the prohibition of hardship loans or payments; clarifying that a retiree who is reemployed in a regularly established position after a certain date may not be enrolled as a renewed member; amending s. 121.071, F.S.; clarifying provisions related to the prohibition of hardship loans or payments; amending s. 121.091, F.S.; making conforming changes to the Deferred Retirement Option Program regarding deferral age; amending s. 121.122, F.S.; clarifying that a retiree who is reemployed in a regularly established position after a certain date may not be enrolled as a renewed member; amending s. 121.35, F.S.; providing that a benefit for the purposes of the optional retirement program for the State University System includes a certain distribution; authorizing distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the Department of Management Services; clarifying provisions related to the prohibition of hardship loans or payments; clarifying when voluntary contributions may be paid out; amending s. 121.4501, F.S.; specifying that the definition of the term "eligible employee" does not include certain members reemployed in regularly established positions; clarifying that a retiree who is reemployed in a regularly established position after a certain date may not be enrolled as a renewed member; amending s. 121.591, F.S.; clarifying provisions related to the prohibition of hardship loans or payments; amending s. 1012.875, F.S.; authorizing distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the boards of trustees for colleges; clarifying provisions related to the prohibition of hardship loans or payments; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 2024**, on motion by Senator Ring, by two-thirds vote **CS for HB 7079** was withdrawn from the Committees on Governmental Oversight and Accountability; and Budget.

On motion by Senator Ring—

**CS for HB 7079**—A bill to be entitled An act relating to state retirement; creating s. 121.012, F.S.; providing applicability; amending s. 121.021, F.S.; clarifying the definitions of the terms "normal retirement date" and "vesting"; amending s. 121.0515, F.S.; correcting a cross-reference; amending s. 121.055, F.S.; authorizing distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the Department of Management Services; clarifying provisions related to the prohibition of hardship loans or payments; clarifying that a retiree who is reemployed in a regularly established position after a certain date may not be enrolled as a renewed member; amending s. 121.071, F.S.; clarifying provisions related to the prohibition of hardship loans or payments; amending s. 121.091, F.S.; making conforming changes to the Deferred Retirement Option Program regarding deferral age; amending s. 121.122, F.S.; clarifying that a retiree who is reemployed in a regularly established position after a certain date may not be enrolled as a renewed member; amending s. 121.35, F.S.; providing that a benefit for the purposes of the optional retirement program for the State University System includes a certain distribution; authorizing distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the Department of Management Services; clarifying provisions related to the prohibition of hardship loans or payments; clarifying when voluntary contributions may be paid

out; amending s. 121.4501, F.S.; specifying that the definition of the term "eligible employee" does not include certain members reemployed in regularly established positions; clarifying that a retiree who is reemployed in a regularly established position after a certain date may not be enrolled as a renewed member; amending s. 121.591, F.S.; clarifying provisions related to the prohibition of hardship loans or payments; amending s. 1012.875, F.S.; authorizing distributions to a member who is terminated from employment for 1 calendar month if the member has reached the normal retirement date; providing rulemaking authority to the boards of trustees for colleges; clarifying provisions related to the prohibition of hardship loans or payments; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2024** and read the second time by title.

On motion by Senator Ring, by two-thirds vote **CS for HB 7079** 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 | Gibson | Ring |
| Bogdanoff | Hays | 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

Vote after roll call:

Yea—Bullard

---

Consideration of **CS for SB 1824** and **SM 1836** was deferred.

---

**CS for CS for SB 1874**—A bill to be entitled An act relating to child visitation and adoption; amending s. 39.802, F.S.; requiring the Department of Children and Family Services to inform the parents of a child of the availability of private placement of the child with an adoption entity in certain circumstances; amending s. 63.022, F.S.; revising legislative intent to delete reference to reporting requirements for placements of minors and exceptions; amending s. 63.032, F.S.; revising definitions; amending s. 63.037, F.S.; exempting adoption proceedings initiated under ch. 39, F.S., from a requirement for a search of the Florida Putative Father Registry; amending s. 63.039, F.S.; providing that all adoptions of minor children require the use of an adoption entity that will assume the responsibilities provided in specified provisions; providing an exception; amending s. 63.0423, F.S.; revising terminology relating to surrendered infants; providing for an infant who tests positive for illegal drugs, narcotic prescription drugs, alcohol, or other substances, but who shows no other signs of child abuse or neglect, to be placed in the custody of an adoption entity; providing that a specified reporting requirement is not superseded; requiring that if the Department of Children and Family Services is contacted regarding a surrendered infant who does not appear to have been the victim of actual or suspected child abuse or neglect, the department shall provide instruction to contact an adoption entity and may not take custody of the infant; providing an exception; revising provisions relating to scientific testing to determine the paternity or maternity of a minor; amending s. 63.0425, F.S.; requiring that a child's residence be continuous for a specified period in order to entitle the grandparent to notice of certain proceedings; amending s. 63.0427, F.S.; prohibiting a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parent or parents; amending s. 63.052, F.S.; deleting a requirement that a minor be permanently committed to an adoption entity in order for the entity to be guardian of the person of the minor; limiting the circumstances in which an intermediary may remove a child; providing that an intermediary does not become responsible for a minor child's medical bills that were incurred before taking physical custody of the child; providing additional placement options for a minor surrendered to an adoption entity for subsequent adoption when a suitable prospective adoptive home is not available; amending s. 63.053, F.S.; requiring that an unmarried biological father strictly comply with specified provisions in order to protect his interests; amending s. 63.054, F.S.; authorizing submission of an alternative document to the Office of Vital Statistics by the petitioner in each proceeding for termination of parental rights; providing that by filing a claim of paternity form, the registrant expressly consents to paying for DNA testing; requiring that an alternative address designated by a registrant be a physical address; providing that the filing of a claim of paternity with the Florida Putative Father Registry does not relieve a person from compliance with specified requirements; amending s. 63.062, F.S.; revising requirements for when a minor's father must be served prior to termination of parental rights; providing that consent of an unmarried biological father is not required if he fails to comply with specified requirements; revising such requirements; providing that the mere fact that a father expresses a desire to fulfill his responsibilities toward his child which is unsupported by acts evidencing this intent does not meet the requirements; providing for the sufficiency of an affidavit of nonpaternity; providing an exception to a condition to a petition to adopt an adult; amending s. 63.063, F.S.; conforming terminology; amending s. 63.082, F.S.; revising provisions concerning applicability of notice and consent requirements in cases in which the child is conceived as a result of a violation of criminal law; providing that a criminal conviction is not required in order for the court to find that the child was conceived as a result of a violation of criminal law; requiring an affidavit of diligent search to be filed whenever a person who is required to consent is unavailable because the person cannot be located; providing that in an adoption of a stepchild or a relative, a certified copy of the death certificate of the person whose consent is required may be attached to the petition for adoption if a separate petition for termination of parental rights is not being filed; authorizing the execution of an affidavit of nonpaternity before the birth of a minor in preplanned adoptions; revising the language of the consent to adoption; providing that a home study provided by the adoption entity is deemed to be sufficient except in certain circumstances; providing for a hearing if an adoption entity moves to intervene in a dependency case; revising provisions concerning seeking to revoke consent to an adoption of a child older than 6 months of age; providing that if the consent of one parent is set aside or revoked, any other consents executed by the other parent or a third party whose consent is required for the adoption of the child may not be used by the parent whose consent was revoked or set aside to terminate or diminish the rights of the other parent or third party; amending s. 63.085, F.S.; revising the language of the adoption disclosure statement; requiring that a copy of a waiver by prospective adoptive parents of receipt of certain records must be filed with the court; amending s. 63.087, F.S.; specifying that a failure to personally appear at a proceeding to terminate parental rights constitutes grounds for termination; amending s. 63.088, F.S.; providing that, in a termination of parental rights proceeding, if a required inquiry identifies a father who has been adjudicated by a court as the father of the minor child before the date a petition for termination of parental rights is filed, the inquiry must terminate at that point; amending s. 63.089, F.S.; specifying that failure to personally appear provides grounds for termination of parental rights in certain circumstances; revising provisions relating to dismissal of petitions to terminate parental rights; providing that contact between a parent seeking relief from a judgment terminating parental rights and a child may be awarded only in certain circumstances; providing for placement of a child in the event that a court grants relief from a judgment terminating parental rights and no new pleading is filed to terminate parental rights; amending s. 63.092, F.S.; requiring that a signed copy of the home study be provided to the intended adoptive parents who were the subject of the study; amending s. 63.097, F.S.; providing guidelines for a court considering a reasonable attorney fee associated with adoption services; amending s. 63.152, F.S.; authorizing an adoption entity to transmit a certified statement of the entry of a judgment of adoption to the state registrar of vital statistics; amending s. 63.162, F.S.; authorizing a birth parent to petition the court to appoint an intermediary or an adoption entity to contact an adult adoptee and advise both of the availability of the adoption registry and that the birth parent wishes to establish contact; amending s. 63.167, F.S.; requiring that the state adoption center provide contact information for all adoption entities in a caller's county or, if no adoption entities are located in the caller's

county, the number of the nearest adoption entity when contacted for a referral to make an adoption plan; amending s. 63.212, F.S.; restricting who may place a paid advertisement or paid listing of the person's telephone number offering certain adoption services; requiring publishers of telephone directories to include certain statements at the beginning of any classified heading for adoption and adoption services; providing requirements for such advertisements; providing criminal penalties for violations; prohibiting the offense of adoption deception by a person who is a birth mother or a woman who holds herself out to be a birth mother; providing criminal penalties; providing liability for certain damages; amending s. 63.213, F.S.; providing that a preplanned adoption arrangement does not constitute consent of a mother to place her biological child for adoption until 48 hours following birth; providing that a volunteer mother's right to rescind her consent in a preplanned adoption applies only when the child is genetically related to her; revising the definitions of the terms "child," "preplanned adoption arrangement," and "volunteer mother"; amending s. 63.222, F.S.; providing that provisions designated as remedial may apply to any proceedings pending on the effective date of the provisions; amending s. 63.2325, F.S.; revising terminology relating to revocation of consent to adoption; creating s. 753.06, F.S.; adopting state standards for supervised visitation programs; requiring each program to annually affirm compliance with the standards to the court; providing that after a specified date, only those programs that adhere to the state standards may receive state funding; creating s. 753.07, F.S.; providing factors for the court or child-placing agency to consider when referring cases for supervised visitation or exchange monitoring; specifying training requirements for persons providing such services; authorizing supervised visitation programs to alert the court to problems with referred cases; creating s. 753.08, F.S.; requiring supervised visitation programs to conduct security background checks of employees and volunteers; providing requirements for such checks; requiring that an employer furnish a copy of the personnel record for the employee or former employee upon request; providing immunity to employers who provide information for purposes of a background check; requiring that all applicants hired or certified by a program after a specified date undergo a level 2 background screening; delegating responsibility for screening criminal history information and for costs; authorizing a supervised visitation program to participate in the Volunteer and Employee Criminal History System in order to obtain criminal history information; providing that certain persons providing services at a supervised visitation program are presumed to act in good faith; providing that such persons acting in good faith are immune from civil and criminal liability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1874** to **CS for CS for CS for HB 1163**.

Pending further consideration of **CS for CS for SB 1874** as amended, on motion by Senator Wise, by two-thirds vote **CS for CS for CS for HB 1163** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; Budget Subcommittee on Health and Human Services Appropriations; and Budget.

On motion by Senator Wise—

**CS for CS for CS for HB 1163**—A bill to be entitled An act relating to adoption; amending s. 39.802, F.S.; requiring the Department of Children and Family Services to inform the parents of a child of the availability of private placement of the child with an adoption entity in certain circumstances; amending s. 63.022, F.S.; revising legislative intent to delete reference to reporting requirements for placements of minors and exceptions; amending s. 63.032, F.S.; revising definitions; amending s. 63.037, F.S.; exempting adoption proceedings initiated under chapter 39, F.S., from a requirement for a search of the Florida Putative Father Registry; amending s. 63.039, F.S.; providing that all adoptions of minor children require the use of an adoption entity that will assume the responsibilities provided in specified provisions; providing an exception; amending s. 63.0423, F.S.; revising procedures with respect to surrendered infants; providing that an infant who tests positive for illegal drugs, narcotic prescription drugs, alcohol, or other substances, but shows no other signs of child abuse or neglect, shall be placed in the custody of a licensed child-placing agency; providing that a specified reporting requirement is not superseded; providing that when the Department of Children and Family Services is contacted regarding a surrendered infant who does not appear to have been the victim of actual or suspected child abuse or neglect, it shall provide instruction to contact a licensed child-placing agency and may not take custody of the infant; providing an exception; revising provisions relating to scientific testing to determine the paternity or maternity of a minor; amending s. 63.0427, F.S.; prohibiting a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parent or parents; amending s. 63.052, F.S.; deleting a requirement that a minor be permanently committed to an adoption entity in order for the entity to be guardian of the person of the minor; limiting the circumstances in which an intermediary may remove a child; providing that an intermediary does not become responsible for a minor child's medical bills that were incurred before taking physical custody of the child; providing additional placement options for a minor surrendered to an adoption entity for subsequent adoption when a suitable prospective adoptive home is not available; amending s. 63.053, F.S.; requiring that an unmarried biological father strictly comply with specified provisions in order to protect his interests; amending s. 63.054, F.S.; authorizing submission of an alternative document to the Office of Vital Statistics by the petitioner in each proceeding for termination of parental rights; providing that by filing a claim of paternity form the registrant expressly consents to paying for DNA testing; requiring that an alternative address designated by a registrant be a physical address; providing that the filing of a claim of paternity with the Florida Putative Father Registry does not relieve a person from compliance with specified requirements; amending s. 63.062, F.S.; revising requirements for when a minor's father must be served prior to termination of parental rights; requiring that an unmarried biological father comply with specified requirements in order for his consent to be required for adoption; revising such requirements; providing that the mere fact that a father expresses a desire to fulfill his responsibilities towards his child which is unsupported by acts evidencing this intent does not meet the requirements; providing for the sufficiency of an affidavit of nonpaternity; providing an exception to a condition to a petition to adopt an adult; amending s. 63.063, F.S.; conforming terminology; amending s. 63.082, F.S.; revising language concerning applicability of notice and consent provisions in cases in which the child is conceived as a result of a violation of criminal law; requiring notice to be provided to the father of a child alleged to be conceived as a result of a violation of criminal law if charges are not filed; providing that a criminal conviction is not required for the court to find that the child was conceived as a result of a violation of criminal law; requiring an affidavit of diligent search to be filed whenever a person who is required to consent is unavailable because the person cannot be located; providing that in an adoption of a stepchild or a relative, a certified copy of the death certificate of the person whose consent is required may be attached to the petition for adoption if a separate petition for termination of parental rights is not being filed; authorizing the execution of an affidavit of nonpaternity before the birth of a minor in preplanned adoptions; revising language of a consent to adoption; providing that a home study provided by the adoption entity shall be deemed to be sufficient except in certain circumstances; providing for a hearing if an adoption entity moves to intervene in a dependency case; requiring the court to provide information to prospective adoptive parents regarding parent training classes in the community upon determining the child dependent; requiring the department to file an acknowledgement of receipt of information; requiring the adoption entity to provide updates to the court at specified intervals; requiring the court to advise a biological parent who is a party to a dependency proceeding of the right to participate in a private adoption; revising language concerning seeking to revoke consent to an adoption of a child older than 6 months of age; providing that if the consent of one parent is set aside or revoked, any other consents executed by the other parent or a third party whose consent is required for the adoption of the child may not be used by the parent who consent was revoked or set aside to terminate or diminish the rights of the other parent or third party; amending s. 63.085, F.S.; revising language of an adoption disclosure statement; requiring that a copy of a waiver by prospective adoptive parents of receipt of certain records must be filed with the court; amending s. 63.087, F.S.; specifying that a failure to personally appear at a proceeding to terminate parental rights constitutes grounds for termination; amending s. 63.088, F.S.; providing that in a termination of parental rights proceeding if a required inquiry that identifies a father who has been adjudicated by a court as the father of the minor child before the date a petition for termination of parental rights is filed the inquiry must terminate at that point; amending s. 63.089, F.S.; specifying that it is a failure to personally appear that provides grounds for termination of parental rights in certain circumstances; providing additional grounds upon which a finding of abandonment may be made; revising provisions relating to dismissal of petitions to terminate parental rights; providing

that contact between a parent seeking relief from a judgment terminating parental rights and a child may be awarded only in certain circumstances; providing for placement of a child in the event that a court grants relief from a judgment terminating parental rights and no new pleading is filed to terminate parental rights; amending s. 63.092, F.S.; requiring that a signed copy of the home study must be provided to the intended adoptive parents who were the subject of the study; amending s. 63.152, F.S.; authorizing an adoption entity to transmit a certified statement of the entry of a judgment of adoption to the state registrar of vital statistics; amending s. 63.162, F.S.; authorizing a birth parent to petition that court to appoint an intermediary or a licensed child-placing agency to contact an adult adoptee and advise both of the availability of the adoption registry and that the birth parent wishes to establish contact; amending s. 63.167, F.S.; requiring that the state adoption center provide contact information for all adoption entities in a caller's county or, if no adoption entities are located in the caller's county, the number of the nearest adoption entity when contacted for a referral to make an adoption plan; amending s. 63.202, F.S.; revising terminology in provisions relating to licensing by the department; amending s. 63.212, F.S.; restricting who may place a paid advertisement or paid listing of the person's telephone number offering certain adoption services; requiring of publishers of telephone directories to include certain statements at the beginning of any classified heading for adoption and adoption services; providing requirements for such advertisements; providing criminal penalties for violations; prohibiting the offense of adoption deception by a person who is a birth mother or a woman who holds herself out to be a birth mother; providing criminal penalties; providing liability by violators for certain damages; amending s. 63.213, F.S.; providing that a preplanned adoption arrangement does not constitute consent of a mother to place her biological child for adoption until 48 hours following birth; providing that a volunteer mother's right to rescind her consent in a preplanned adoption applies only when the child is genetically related to her; revising the definitions of the terms "child," "preplanned adoption arrangement," and "volunteer mother"; amending s. 63.222, F.S.; providing that provisions designated as remedial may apply to any proceedings pending on the effective date of the provisions; amending s. 63.2325, F.S.; revising terminology relating to revocation of consent to adoption; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1874** as amended and 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 which was adopted:

**Amendment 1 (154434) (with title amendment)**—Delete lines 823-829 and insert: lewd acts perpetrated upon a minor, or incest.

And the title is amended as follows:

Delete lines 76-85 and insert: terminology; amending s. 63.082, F.S.; requiring an

On motion by Senator Wise, further consideration of **CS for CS for CS for HB 1163** as amended was deferred.

---

**CS for SB 2044**—A bill to be entitled An act relating to child protection; amending s. 39.01, F.S.; revising the definitions of the term "abandoned" or "abandonment," "institutional child abuse or neglect," and "abandons the child within the context of harm"; amending s. 39.013, F.S.; specifying when jurisdiction attaches for a petition for an injunction to prevent child abuse issued pursuant to specified provisions; amending s. 39.0138, F.S.; revising provisions relating to criminal history records check on persons being considered for placement of a child; requiring a records check through the State Automated Child Welfare Information System; providing for an out-of-state criminal history records check of certain persons who have lived out of state if such records may be obtained; amending s. 39.201, F.S.; providing procedures for calls from a parent or legal custodian seeking assistance for himself or herself which do not meet the criteria for being a report of child abuse, abandonment, or neglect, but show a potential future risk of harm to a child and requiring a referral if a need for community services exists; specifying that the central abuse hotline is the first step in the safety assessment and investigation process; amending s. 39.205, F.S.; permitting discontinuance of an investigation of child abuse, abandonment, or neglect during the course of the investigation if it is determined that the report was false; amending s. 39.301, F.S.; substituting references to a standard electronic child welfare case for a master file; revising requirements for such a file; revising requirements for informing the subject of an investigation; deleting provisions relating to a preliminary determination as to whether an investigation report is complete; revising requirements for child protective investigation activities to be performed to determine child safety; specifying uses for certain criminal justice information accesses by child protection investigators; requiring documentation of the present and impending dangers to each child through use of a standardized safety assessment; revising provisions relating to required protective, treatment, and ameliorative services; revising requirements for the Department of Children and Family Service's training program for staff responsible for responding to reports accepted by the central abuse hotline; requiring the department's training program at the regional and district levels to include results of qualitative reviews of child protective investigation cases handled within the region or district; revising requirements for the department's quality assurance program; amending s. 39.302, F.S.; requiring that a protective investigation must include an interview with the child's parent or legal guardian; amending s. 39.307, F.S.; requiring the department, contracted sheriff's office providing protective investigation services, or contracted case management personnel responsible for providing services to adhere to certain procedures relating to reports of child-on-child sexual abuse; deleting a requirement that an assessment of service and treatment needs to be completed within a specified period; amending s. 39.504, F.S.; revising provisions relating to the process for seeking a child protective injunction; providing for temporary ex parte injunctions; providing requirements for service on an alleged offender; revising provisions relating to the contents of an injunction; providing for certain relief; providing requirements for notice of a hearing on a motion to modify or dissolve an injunction; providing that a person against whom an injunction is entered does not automatically become a party to a subsequent dependency action concerning the same child unless he or she was a party to the action in which the injunction was entered; amending s. 39.521, F.S.; requiring a home study report if a child has been removed from the home and will be remaining with a parent; substituting references to the State Automated Child Welfare Information System for the Florida Abuse Hotline Information System applicable to records checks; authorizing submission of fingerprints of certain household members; authorizing requests for national criminal history checks and fingerprinting of any visitor to the home known to the department; amending s. 39.6011, F.S.; providing additional options for the court with respect to case plans; providing for expiration of a child's case plan no later than 12 months after the date the child was adjudicated dependent; conforming a cross-reference to changes made by the act; amending s. 39.621, F.S.; revising terminology relating to permanency determinations; amending s. 39.701, F.S.; providing that a court must schedule a judicial review hearing if the citizen review panel recommends extending the goal of reunification for any case plan beyond 12 months from the date the child was adjudicated dependent, unless specified other events occurred earlier; conforming a cross-reference to changes made by the act; amending s. 39.8055, F.S.; requiring the department to file a petition to terminate parental rights within a certain number of days after the completion of a specified period after the child was sheltered or adjudicated dependent, whichever occurs first; amending s. 39.806, F.S.; providing additional criteria for the court to consider when deciding whether to terminate the parental rights of a parent or legal guardian because the parent or legal guardian is incarcerated; increasing the number of months of failure of the parent or parents to substantially comply with a child's case plan in certain circumstances that constitutes evidence of continuing abuse, neglect, or abandonment and grounds for termination of parental rights; revising a cross-reference; clarifying applicability of certain amendments made by the act; amending ss. 39.502, 39.823, and 39.828, F.S.; conforming cross-references to changes made by the act; amending s. 402.56, F.S.; directing the Children and Youth Cabinet to meet at least four times per year rather than six times per year; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2044** to **CS for CS for HB 803**.

Pending further consideration of **CS for SB 2044** as amended, on motion by Senator Storms, by two-thirds vote **CS for CS for HB 803**

was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Budget.

On motion by Senator Storms—

**CS for CS for HB 803**—A bill to be entitled An act relating to child protection; amending s. 39.01, F.S.; revising definitions; amending s. 39.013, F.S.; specifying when jurisdiction attaches for a petition for an injunction to prevent child abuse issued pursuant to specified provisions; amending s. 39.0138, F.S.; revising provisions relating to criminal history records check on persons being considered for placement of a child; requiring a records check through the State Automated Child Welfare Information System; providing for an out-of-state criminal history records check of certain persons who have lived out of state if such records may be obtained; amending s. 39.201, F.S.; providing procedures for calls from a parent or legal custodian seeking assistance for himself or herself which do not meet the criteria for being a report of child abuse, abandonment, or neglect, but show a potential future risk of harm to a child and requiring a referral if a need for community services exists; specifying that the central abuse hotline is the first step in the safety assessment and investigation process; amending s. 39.205, F.S.; permitting discontinuance of an investigation of child abuse, abandonment, or neglect during the course of the investigation if it is determined that the report was false; amending s. 39.301, F.S.; substituting references to a standard electronic child welfare case for a master file; revising requirements for such a file; revising requirements for informing the subject of an investigation; deleting provisions relating to a preliminary determination as to whether an investigation report is complete; revising requirements for child protective investigation activities to be performed to determine child safety; specifying uses for certain criminal justice information accesses by child protection investigators; requiring documentation of the present and impending dangers to each child through use of a standardized safety assessment; revising provisions relating to required protective, treatment, and ameliorative services; revising requirements for the Department of Children and Family Service's training program for staff responsible for responding to reports accepted by the central abuse hotline; requiring the department's training program at the regional and district levels to include results of qualitative reviews of child protective investigation cases handled within the region or district; revising requirements for the department's quality assurance program; amending s. 39.302, F.S.; requiring that a protective investigation must include an interview with the child's parent or legal guardian; amending s. 39.307, F.S.; requiring the department, contracted sheriff's office providing protective investigation services, or contracted case management personnel responsible for providing services to adhere to certain procedures relating to reports of child-on-child sexual abuse; deleting a requirement that an assessment of service and treatment needs to be completed within a specified period; amending s. 39.504, F.S.; revising provisions relating to the process for seeking a child protective injunction; providing for temporary ex parte injunctions; providing requirements for service on an alleged offender; revising provisions relating to the contents of an injunction; providing for certain relief; providing requirements for notice of a hearing on a motion to modify or dissolve an injunction; providing that a person against whom an injunction is entered does not automatically become a party to a subsequent dependency action concerning the same child; amending s. 39.521, F.S.; requiring a home study report if a child has been removed from the home and will be remaining with a parent; substituting references to the State Automated Child Welfare Information System for the Florida Abuse Hotline Information System applicable to records checks; authorizing submission of fingerprints of certain household members; authorizing requests for national criminal history checks and fingerprinting of any visitor to the home known to the department; amending s. 39.6011, F.S.; providing additional options for the court with respect to case plans; providing for expiration of a child's case plan no later than 12 months after the date the child was adjudicated dependent; conforming a cross-reference to changes made by the act; amending s. 39.621, F.S.; revising terminology relating to permanency determinations; amending s. 39.701, F.S.; providing that a court must schedule a judicial review hearing if the citizen review panel recommends extending the goal of reunification for any case plan beyond 12 months from the date the child was adjudicated dependent, unless specified other events occurred earlier; conforming a cross-reference to changes made by the act; amending s. 39.8055, F.S.; requiring the department to file a petition to terminate parental rights within a certain number of days after the completion of a specified period after the child was sheltered or adjudicated dependent, whichever occurs first; amending s. 39.806, F.S.; providing additional criteria for the court to consider when deciding whether to terminate the parental rights of a parent or legal guardian because the parent or legal guardian is incarcerated; increasing the number of months of failure of the parent or parents to substantially comply with a child's case plan in certain circumstances that constitutes evidence of continuing abuse, neglect, or abandonment and grounds for termination of parental rights; revising a cross-reference; amending s. 402.56, F.S.; providing that the Children and Youth Cabinet shall meet at least four times but no more than six times each year; amending ss. 39.502, 39.823, and 39.828, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 2044** as amended and read the second time by title.

On motion by Senator Storms, by two-thirds vote **CS for CS for HB 803** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

---

Consideration of **CS for SB 2074** and **CS for CS for CS for SB 2094** was deferred.

---

**CS for CS for SB 1196**—A bill to be entitled An act relating to residential construction warranties; creating s. 553.835, F.S.; providing legislative findings; providing legislative intent to affirm the limitations to the doctrine of implied warranty of fitness and merchantability or habitability associated with the construction and sale of a new home; providing a definition; prohibiting a cause of action in law or equity based upon the doctrine of implied warranty of fitness and merchantability or habitability for offsite improvements; providing that the existing rights of purchasers of homes or homeowners' associations to pursue certain causes of action are not altered or limited; providing for applicability of the act; providing for severability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1196**, on motion by Senator Bennett, by two-thirds vote **CS for HB 1013** was withdrawn from the Committees on Community Affairs; Judiciary; and Budget.

On motion by Senator Bennett—

**CS for HB 1013**—A bill to be entitled An act relating to residential construction warranties; creating s. 553.835, F.S.; providing legislative findings; providing legislative intent to affirm the limitations to the doctrine or theory of implied warranty of fitness and merchantability or habitability associated with the construction and sale of a new home; providing a definition; prohibiting a cause of action in law or equity based upon the doctrine or theory of implied warranty of fitness and merchantability or habitability for damages to offsite improvements; providing that the existing rights of purchasers of homes or homeowners' associations to pursue certain causes of action are not altered or limited; providing for applicability of the act; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1196** and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for HB 1013** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—4

| | | |
|---|---|---|
| Joyner | Margolis | Rich |
| Smith | | |

Vote after roll call:

Yea to Nay—Dockery, Lynn

---

The Senate resumed consideration of—

**CS for CS for CS for SB 1626**—A bill to be entitled An act relating to state contracting; amending s. 11.45, F.S.; conforming provisions to changes made by the act; amending s. 215.985, F.S.; revising provisions relating to the Chief Financial Officer's intergovernmental contract tracking system under the Transparency Florida Act; requiring state agencies to post certain information in the tracking system and to update that information; requiring that exempt and confidential information be redacted from contracts and procurement documents posted on the system; authorizing the Chief Financial Officer to make available the information posted on the system to the public through a secure website; authorizing the Department of Financial Services to adopt rules; repealing s. 216.0111, F.S., relating to a requirement that state agencies report certain contract information to the Department of Financial Services and transferring that requirement to s. 215.985, F.S.; authorizing a state agency, a special district, or a local government to competitively bid professional services; providing a procedure for considering proposals for the selection of competing firms or vendors; requiring that each agency adopt rules; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (287310)** by Senator Bogdanoff was adopted.

On motion by Senator Gaetz, by two-thirds vote **CS for CS for CS for SB 1626** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 800, with 1 amendment, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**CS for SB 800**—A bill to be entitled An act relating to county boundary lines; amending s. 7.43, F.S.; incorporating a portion of St. Lucie County into Martin County; revising the legal description of Martin County; amending s. 7.59, F.S.; revising the legal description of St. Lucie County, to conform; transferring certain roads and associated rights-of-way; requiring that St. Lucie County and Martin County enter into an interlocal agreement that provides for a feasible plan for the transfer of county services, buildings, infrastructure, waterways, and employees and for the transfer of income generated from the area transferred by a time certain; limiting the annual loss of revenue from the transferred land; providing that the transfer is contingent upon approval of a referendum by the qualified electors residing in the area being transferred from St. Lucie County to Martin County; providing effective dates.

**House Amendment 1 (831651) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 7.43, Florida Statutes, is amended to read:

7.43 Martin County.—The boundary lines of Martin County are as follows: Beginning at the northwest corner of township thirty-eight south, range thirty-seven east; thence east, concurrent with the south boundary line of St. Lucie County, to the southwest corner of section thirty-one, township thirty-seven south, range forty-one east; thence north on the west line of said section thirty-one and *section thirty, township thirty-seven south, range forty-one east, 6,459 feet to a point lying within the water body of the north fork of the St. Lucie River; thence departing said line within the north fork of the St. Lucie River a bearing direction (State Plane Coordinate System, Florida East Zone) of 41 degrees north, 4 minutes west, a distance of 6,155 feet, more or less, to a point lying within the water body of the north fork of the St. Lucie River; thence departing said point a bearing direction (State Plane Coordinate System, Florida East Zone) of 45 degrees north, 16 minutes east, a distance of 2,355 feet, more or less, to a point intersecting with the north shore of the north fork of the St. Lucie River and the west edge of the Howard Creek as concurrent with the City of Port St. Lucie municipal boundary limits; thence departing said intersecting shore and edge lines following along the City of Port St. Lucie municipal boundary line north along the west edge of Howard Creek to the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south line of the northeast quarter to the intersection of the east 924.15 feet of section twenty-four, township thirty-seven south, range forty east; thence north along said east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east, to the intersection of the north line of the south 508.15 feet of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south 508.15-foot line of the northeast quarter of said section twenty-four, township thirty-seven south, range forty east, to an intersection with the west line of township thirty-seven south, range forty-one east, also being the existing Martin County boundary line; thence north concurrent with the Martin County boundary line, along the west line of sections nineteen and eighteen, township thirty-seven south, range forty-one east,* ~~other sections~~ to the northwest corner of section eighteen, township thirty-seven south, range forty-one east; thence east on the north line of said section eighteen and other sections to the waters of the Atlantic Ocean; thence easterly to the eastern boundary of the State of Florida; thence southward along the coast, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the south line of section twenty, township forty south, range forty-three east, produced easterly; thence west on the south line of said section twenty, and other sections, to the southwest corner of section twenty-

two, township forty south, range forty-two east; thence south on the east line of section twenty-eight, township forty south, range forty-two east, to the southeast corner of said section twenty-eight; thence west on the south line of said section twenty-eight and other sections to the east shore of Lake Okeechobee; thence continue west in a straight course to the northeast corner of section thirty-six, township forty south, range thirty-four east, being the southwest corner of section thirty, township forty south, range thirty-five east; thence northeasterly in a straight course to the line of normal water level on the boundary of Lake Okeechobee at its intersection with the line dividing ranges thirty-six and thirty-seven east, township thirty-eight south; thence north on said range line to the place of beginning.

Section 2. Section 7.59, Florida Statutes, is amended to read:

7.59 St. Lucie County.—The boundary lines of St. Lucie County are as follows: Beginning on the eastern boundary of the State of Florida at a point where the north section line of section thirteen, township thirty-seven south, range forty-one east, produced easterly, would intersect the same; thence westerly on the north line of said section and other sections to the northwest corner of section eighteen, township thirty-seven south, range forty-one east; thence south *along the range line between ranges forty east and forty-one east which is concurrent with the St. Lucie County and Martin County boundary lines to the intersection with the north line of the south 508.15 feet of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence west along the south 508.15-foot line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east and concurrent with the municipal boundary line of the City of Port St. Lucie to the intersection of the east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east; thence south along the east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east and continuing along the municipal boundary line of the City of Port St. Lucie, to the intersection of the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence west along the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east to the intersection with the west edge of Howard Creek; thence southerly and along with the west edge of Howard Creek being concurrent with the municipal boundary line of the City of Port St. Lucie to the intersection of the north shore of the north fork of the St. Lucie River and the west edge of Howard Creek as concurrent with the City of Port St. Lucie municipal boundary; thence departing said north shore of the north fork of the St. Lucie River and the municipal boundary line of the City of Port St. Lucie, a bearing direction (State Plane Coordinate System, Florida East Zone) of south 45 degrees, 16 minutes west, 2,355 feet more or less, to a point within the body of water of the north fork of the St. Lucie River; thence departing said point a bearing direction (State Plane Coordinate System, Florida East Zone) of south 41 degrees, 4 minutes east, 6,155 feet more or less to a point located in the body of the north fork of the St. Lucie River which intersects with the west line of section thirty, township thirty-seven south, range forty-one east; thence south 6,459 feet along the west line of sections thirty and thirty-one, township thirty-seven south, range forty-one east, to the intersection with* ~~on the range line between ranges forty and forty-one east, to~~ the township line between townships thirty-seven and thirty-eight south; *also being the southwest corner of section thirty-one, township thirty-seven, range forty-one east;* thence west on the said township line to the range line dividing ranges thirty-six and thirty-seven east; thence north on said range line, concurrent with the east boundary of Okeechobee County, to the northwest corner of township thirty-four south, range thirty-seven east; thence east on the township line dividing townships thirty-three and thirty-four south, to the Atlantic Ocean; thence continuing easterly to the eastern boundary of the State of Florida; thence southerly along said east boundary, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the place of beginning.

Section 3. *All public roads, and the public rights-of-way associated therewith, lying within the limits of the lands being incorporated into Martin County as described in sections 1 and 2 are transferred from the jurisdiction of St. Lucie County to the jurisdiction of Martin County on the effective date of the change in county boundaries pursuant to this act.*

Section 4. *The governing bodies of St. Lucie County and Martin County shall enter into an interlocal agreement no later than May 1, 2013, which shall provide a financially feasible plan for transfer of services, personnel, and public infrastructure from St. Lucie County to Martin County. The agreement shall include compensation for the value of infrastructure investments by St. Lucie County in the transferred property minus depreciation, if any. Upon the effective date of this act, the total tax and assessment revenue that would have been generated in fiscal year 2013-2014 by all St. Lucie County taxing authorities levying taxes or assessments within the area transferred to Martin County less 10 percent shall be transmitted to St. Lucie County for distribution to the county and all other affected taxing authorities. Thereafter, through fiscal year 2022-2023, the tax and assessment revenue amount that would have been generated by all St. Lucie County taxing authorities levying taxes or assessments in the transferred area for fiscal year 2013-2014 shall serve as the base amount of tax and assessment revenue for further annual reductions of 10 percent of the base amount before annual distributions to the St. Lucie County through fiscal year 2022-2023. However, for any fiscal year through fiscal year 2022-2023 when the total taxes and assessments collected within the transferred area exceed the base amount by more than 3 percent, St. Lucie County shall receive the same percentage distribution from the tax and assessment revenue that exceeds the base amount by more than 3 percent as they will receive from the base amount. All distributions to St. Lucie County shall occur within 30 days after the beginning of each calendar year.*

Section 5. Upon approval by a majority vote of those qualified electors residing in the area being transferred from St. Lucie County to Martin County as described in section 1 voting in a referendum to be held by the Board of County Commissioners of St. Lucie County and conducted by the Supervisor of Elections of St. Lucie County in conjunction with the next general, special, or other election to be held in St. Lucie County, in accordance with the provisions of law relating to elections currently in force, this act shall take effect July 1, 2013, except that this section shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to county boundary lines; amending s. 7.43, F.S.; incorporating a portion of St. Lucie County into Martin County; revising the legal description of Martin County; amending s. 7.59, F.S.; revising the legal description of St. Lucie County, to conform; transferring roads; providing for transition pursuant to an interlocal agreement; providing requirements for such agreement; providing for Martin County to compensate St. Lucie County for certain loss of revenue; providing effective dates, including an effective date contingent on approval at a referendum.

On motion by Senator Negron, the Senate concurred in the House amendment.

**CS for SB 800** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 692, with 1 amendment, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**CS for SB 692**—A bill to be entitled An act relating to local government; amending s. 165.031, F.S.; deleting definitions; amending s. 165.041, F.S.; revising the deadline for submission of a feasibility study of a proposed incorporation of a municipality; revising a requirement for the content of the study; amending s. 257.171, F.S.; conforming a cross-reference; amending s. 163.3167, F.S.; authorizing a local government to retain certain initiatives or referendum processes that were in effect as of a specified date; providing that qualified electors of certain independent districts may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district; providing an exception; providing criteria for the petition; providing that the petition must be filed with the governing body of the independent special district and submitted to the supervisor of elections of each county in which the district lands are located; requiring that the supervisor of elections certify within a certain time to the governing body the number of signatures of qualified electors contained in the petition; requiring the governing body to meet, prepare, and approve by resolution, a proposed elector-initiated combined conversion and incorporation plan; providing criteria for the plan; providing criteria for approving the resolution; requiring the governing body to provide notice and public access to the elector-initiated combined municipal incorporation plan; providing criteria for a public hearing on the proposed elector-initiated combined municipal incorporation plan; providing notice of a final public hearing, a descriptive summary of the elector-initiated combined municipal incorporation plan, and a reference to the public place where a copy of the plan can be examined; authorizing the governing body to amend the municipal incorporation plan after the final hearing if notice and public hearing requirements are met; requiring the governing body to approve the final version of the plan within a certain time after the final hearing; requiring the governing body to notify the supervisor of elections of the county within which the special district is located of the adoption of the resolution; providing for notice of the referendum; requiring that the referenda be held in accordance with the election code; requiring the independent special district to bear the costs associated with the referenda; providing for the form of the ballot question; providing for the counting of ballots, making and canvassing of returns, and certifying the results; requiring a majority of the votes cast in the independent special district for the incorporation plan to take effect; requiring that the independent special district notify the special district information program and certain local general-purpose governments that the plan was approved; prohibiting a conversion process from being initiated for 2 years if the referendum fails; providing for interim governance of the district; providing for an effective date of the incorporation; prohibiting the municipal conversion of home rule counties, hospital districts, or children's services districts; providing an effective date.

**House Amendment 1 (001215) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 165.031, Florida Statutes, is amended to read:

165.031 Definitions.—The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~(1) "Unit of local government" means any local general-purpose government.~~

~~(2) "Local general-purpose government" means a county, municipality, or consolidated city-county government.~~

*(1)*~~(3)~~ "County" means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution.

*(2)*~~(6)~~ "Formation" means any one of the following activities:

(a) "Incorporation"—The establishment of a municipality.

(b) "Dissolution"—The dissolving of the corporate status of a municipality.

(c) "Merger"—The merging of two or more municipalities with each other and with any unincorporated areas authorized pursuant to this act to form a new municipality; the merging of one or more municipalities or special districts, in any combination thereof, with each other; or the merging of one or more counties with one or more special districts.

*(3)*~~(4)~~ "Municipality" means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

~~(7) "Service delivery" means any mechanism used by a unit of local government to provide governmental services.~~

*(4)*~~(8)~~ "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

*(5)*~~(9)~~ "Parties affected" means any person owning property or residing in a municipality proposing a formation or in the territory that is proposed for a formation or any governmental unit with jurisdiction over such area.

*(6)*~~(10)~~ "Qualified voter" means any person registered to vote in accordance with law.

*(7)*~~(5)~~ "Special district" means a local unit of special government, as defined in s. 189.403(1). This term includes dependent special districts, as defined in s. 189.403(2), and independent special districts, as defined in s. 189.403(3). All provisions of s. 200.001(8)(d) and (e) shall be considered provisions of this chapter.

~~(11) "Sufficiency of petition" means the verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposal pursuant to this chapter.~~

Section 2. Paragraph (b) of subsection (1) of section 165.041, Florida Statutes, is amended to read:

165.041 Incorporation; merger.—

(1)

(b) To inform the Legislature on the feasibility of a proposed incorporation of a municipality, a feasibility study shall be completed and submitted to the Legislature *no later than the first Monday after September 1 of the year* ~~90 days~~ before ~~the first day of~~ the regular session of the Legislature during which the municipal charter would be enacted. The feasibility study shall contain the following:

1. The ~~general~~ location of territory subject to boundary change and a map of the area which identifies the proposed change.

2. The major reasons for proposing the boundary change.

3. The following characteristics of the area:

a. A list of the current land use designations applied to the subject area in the county comprehensive plan.

b. A list of the current county zoning designations applied to the subject area.

c. A general statement of present land use characteristics of the area.

d. A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.

4. A list of all public agencies, such as local governments, school districts, and special districts, whose current boundary falls within the boundary of the territory proposed for the change or reorganization.

5. A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each current service.

6. A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such proposed services.

7. The names and addresses of three officers or persons submitting the proposal.

8. Evidence of fiscal capacity and an organizational plan as it relates to the area seeking incorporation that, at a minimum, includes:

a. Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate.

b. A 5-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, and budgets.

9. Data and analysis to support the conclusions that incorporation is necessary and financially feasible, including population projections and population density calculations, and an explanation concerning methodologies used for such analysis.

10. Evaluation of the alternatives available to the area to address its policy concerns.

11. Evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061.

Section 3. Section 165.0615, Florida Statutes, is created to read:

*165.0615 Municipal conversion of independent special districts upon elector-initiated and approved referendum.—*

*(1) The qualified electors of an independent special district may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district proposed to be converted if the district meets all of the following criteria:*

*(a) It was created by special act of the Legislature.*

*(b) It is designated as an improvement district and created pursuant to chapter 298 or is designated as a stewardship district and created pursuant to s. 189.404.*

*(c) Its governing board is elected.*

*(d) Its governing board agrees to the conversion.*

*(e) It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities.*

*(f) No portion of the district is located within the jurisdictional limits of a municipality.*

*(2)(a) The petition must include signatures of at least 40 percent of the qualified electors of the independent special district and must be submitted as provided in subsection (3) not later than 1 year after the start of the qualified elector-initiated municipal conversion proceeding.*

*(b) The petition must comply with, and be circulated in, the following form:*

*PETITION FOR MUNICIPAL CONVERSION OF*

*INDEPENDENT SPECIAL DISTRICT*

*We, the undersigned electors and legal voters of (...name of independent special district...), qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors and legal voters of (...name of independent special district proposed to be converted to a municipality...) for their approval or rejection at a referendum held for that purpose, a proposal to convert (...name of independent special district...) and incorporate (...proposed name of municipality...).*

*In witness thereof, we have signed our names on the date indicated next to our signatures.*

*Date Name (print under signature) Home Address*

_____

_____

*(c) The petition must be validated by a signed statement by a witness who is a duly qualified elector of the independent special district, a notary public, or another person authorized to take acknowledgements.*

*(d) A statement that is signed by a witness who is a duly qualified elector of the district shall be accepted for all purposes as the equivalent of an affidavit. The statement must be in substantially the following form:*

*"I, (...name of witness...), state that I am a duly qualified voter of (...name of independent special district...). Each of the (...insert number...) persons who have signed this petition sheet has signed his or her name in my presence on the dates indicated above and identified himself or herself to be the same person who signed the sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a materially false statement, shall subject me to the penalties of perjury."*

*Date Signature of Witness*

*(e) A statement that is signed by a notary public or another person authorized to take acknowledgements must be in substantially the following form:*

*"On the date indicated above before me personally came each of the (...insert number...) electors and legal voters whose signatures appear on this petition sheet, who signed the petition in my presence and who, being by me duly sworn, each for himself or herself, identified himself or herself as the same person who signed the petition, and I declare that the foregoing information they provided was true."*

*Date Signature of Witness*

*(f) An alteration or correction of information appearing on a petition's signature line, other than a signature that was not initialed, and date, does not invalidate the signature. In matters of form, this paragraph must be liberally construed, not inconsistent with substantial compliance thereto and the prevention of fraud.*

*(3) The appropriately signed petition must be filed with the governing body of the independent special district. The petition must be submitted to the supervisor of elections of the county in which the district lands are located. The supervisor of elections shall, within 30 business days after receipt of the petition, certify to the governing body the number of signatures of qualified electors contained on the petition.*

*(4) Upon verification by the supervisor of elections of the county within which the independent special district lands are located that 40 percent of the qualified electors have petitioned for municipal conversion and that all such petitions have been executed within 1 year after the date of the initiation of the qualified-elector conversion process, the governing body of the independent special district shall meet within 30 business days to prepare and approve by resolution a proposed elector-initiated combined conversion and incorporation plan. The proposed plan must include:*

*(a) The name of the independent special district to be converted to a municipality.*

*(b) The name of the municipality to be created.*

*(c) The conversion schedule.*

*(d) Notwithstanding s. 165.061(1)(d), certification by a licensed surveyor that the boundaries of the proposed municipality do not overlap with any other municipal boundary and are contained within a single county.*

*(e) The rights, duties, and obligations of the municipality, and a feasibility study that contains the requirements under s. 165.041(1)(b), except that the provisions of s. 165.061(1)(b)-(d) do not apply if the buildout of the land use allowed under the current county-approved comprehensive plan and zoning designations will meet the population and density requirements of s. 165.061(1)(b) and (c).*

*(f) The territorial boundaries of the proposed municipality.*

*(g) The governmental organization of the proposed municipality and independent special district as the organization concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials.*

*(h) An accounting of the independent special district's assets, including, but not limited to, real and personal property, and the current value of the property.*

*(i) An accounting of the independent special district's liabilities and indebtedness, bonded and otherwise, and the current value of the liabilities and indebtedness.*

*(j) Terms for addressing the ownership and obligations related to existing assets, liabilities, and indebtedness of the independent special district, jointly, separately, or in defined proportions.*

*(k) Terms for the common administration and uniform enforcement of existing laws within the proposed municipality.*

*(l) An estimated date for final payment of any bonded indebtedness of the independent special district, and if maintained by the district after incorporation, the estimated date of automatic dissolution of the independent special district.*

*(m) The time and place for a public hearing on the proposed incorporation.*

*(n) The effective date of the proposed incorporation.*

*(5) The resolution endorsing the proposed elector-initiated municipal incorporation plan must be approved by a majority vote of the governing body of the independent special district and must be adopted at least 60 business days before any general or special election on the proposed elector-initiated plan.*

*(6) Within 5 business days after the independent special district approves the proposed elector-initiated municipal incorporation plan, the governing body must:*

*(a) Cause a copy of the proposed elector-initiated municipal incorporation plan, along with a descriptive summary of the plan, to be displayed and be readily accessible to the public for inspection in at least three public places within the territorial limits of the independent special district, unless the independent special district has fewer than three public places, in which case the plan must be accessible for inspection in all public places within the independent special district.*

*(b) If applicable, cause the proposed elector-initiated municipal incorporation plan, along with a descriptive summary of the plan and a reference to the public places within the independent special district where a copy of the plan may be examined, to be displayed on a website maintained by the district or otherwise on a website maintained by the county in which the district is located.*

*(c) Arrange for a descriptive summary of the proposed elector-initiated municipal incorporation plan, and a reference to the public places within the district where a copy may be examined, to be published in a newspaper of general circulation within the independent special district at least once each week for 4 successive weeks.*

*(7) The governing body of the independent special district shall set a time and place for one or more public hearings on the proposed elector-initiated combined municipal incorporation plan. Each public hearing shall be held on a weekday at least 7 business days after the day the first advertisement is published on the proposed elector-initiated merger plan. An interested person residing in the respective district shall be given a reasonable opportunity to be heard on any aspect of the proposed merger at the public hearing.*

*(8) Notice of the final public hearing on the proposed elector-initiated combined municipal incorporation plan must be published pursuant to the notice requirements in s. 189.417 and must provide a descriptive summary of the elector-initiated municipal incorporation plan and a reference to the public places within the independent special district where a copy of the plan may be examined.*

*(9) After the final public hearing, the governing body of the independent special district may amend the proposed elector-initiated municipal incorporation plan if the amended version complies with the notice and public hearing requirements provided in this section. The governing body shall approve a final version of the plan within 60 business days after the final hearing.*

*(10) After the final public hearing, the governing body must notify the supervisor of elections of the county in which district lands are located of the adoption of the resolution by the governing body. The supervisor of elections shall schedule a date for the referenda for the district.*

*(11) Notice of a referendum on the municipal incorporation of the independent special district must be provided pursuant to the notice requirements in s. 100.342. The notice must include:*

*(a) A brief summary of the resolution and elector-initiated municipal incorporation plan;*

*(b) A statement as to where a copy of the resolution and petition for municipal incorporation may be examined;*

*(c) The name of the independent special district to be converted to a municipality and a description of the territory included in the plan;*

*(d) The time and place at which the referendum will be held; and*

*(e) Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct of the referendum and the canvass of the returns.*

*(12) The referendum must be held in accordance with the Florida Election Code and may be held pursuant to ss. 101.6101-101.6107. The costs associated with the referendum must be borne by the independent special district.*

*(13) The ballot question in the referendum placed before the qualified electors of the independent special district to be incorporated must be in substantially the following form:*

*"Shall (...name of independent special district...) be converted into (...name of newly created municipality...), which will assume all authority, powers, rights, and obligations of the district?*

*YES*

*NO"*

*(14) In any referendum held pursuant to this section, the ballots must be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the independent special district.*

*(15) The incorporation plan will not take effect unless a majority of the votes cast in the independent special district are in favor of the plan.*

*(16) If the incorporation plan is approved by a majority of the votes cast in the independent special district, the district shall notify the special district information program pursuant to s. 189.418(2) and the local general-purpose governments in which any part of the independent special district is situated pursuant to s. 189.418(7).*

*(17) If the referendum fails, the conversion process under this section may not be initiated for the same purpose within 2 years after the date of the referendum.*

*(18) An independent special district proposed for conversion under an elector-initiated municipal incorporation plan must continue to be governed as before the approved referendum until the effective date specified in the adopted elector-initiated municipal incorporation plan.*

*(19) The effective date of the incorporation shall be as provided in the elector-initiated combined conversion and incorporation plan, as appropriate, and is not contingent upon a future act of the Legislature.*

Section 4. Section 257.171, Florida Statutes, is amended to read:

257.171 Multicounty libraries.—Units of local government~~, as defined in s. 165.031(1),~~ may establish a multicounty library. The Division of Library and Information Services may establish operating standards

and rules under which a multicounty library is eligible to receive state moneys. For a multicounty library, a local government may pay moneys in advance in lump sum from its public funds for the provision of library services only.

Section 5. This act shall take effect July 1, 2012.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the formation of local governments; amending s. 165.031, F.S.; deleting definitions; amending s. 165.041, F.S.; revising the deadline for submission of a feasibility study of a proposed incorporation of a municipality; revising a requirement for the content of the study; creating s. 165.0615, F.S.; providing that qualified electors of an independent special district that meets certain criteria may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district; providing criteria for the petition; providing that the petition must be filed with the governing body of the independent special district and submitted to the supervisor of elections of each county in which the district lands are located; requiring that the supervisor of elections certify within a certain time to the governing body the number of signatures of qualified electors contained in the petition; requiring the governing body to meet, prepare, and approve by resolution a proposed elector-initiated combined conversion and incorporation plan; providing criteria for the plan; providing criteria for approving the resolution; requiring the governing body to provide notice and public access to the elector-initiated combined municipal incorporation plan; providing criteria for a public hearing on the proposed elector-initiated combined municipal incorporation plan; providing notice of a final public hearing, a descriptive summary of the elector-initiated combined municipal incorporation plan, and a reference to the public place where a copy of the plan can be examined; authorizing the governing body to amend the municipal incorporation plan after the final hearing if notice and public hearing requirements are met; requiring the governing body to approve the final version of the plan within a certain time after the final hearing; requiring the governing body to notify the supervisor of elections of the county within which the special district is located of the adoption of the resolution; providing for notice of the referendum; requiring that the referendum be held in accordance with the election code; requiring the independent special district to bear the costs associated with the referendum; providing for the form of the ballot question; providing for the counting of ballots, making and canvassing of returns, and certifying of the results; requiring a majority of the votes cast in the independent special district for the incorporation plan to take effect; requiring that the independent special district notify the special district information program and certain local general-purpose governments that the plan was approved; prohibiting a conversion process from being initiated for 2 years if the referendum fails; providing for interim governance of the district; providing for an effective date of the incorporation; amending s. 257.171, F.S.; conforming a cross-reference; providing an effective date.

On motion by Senator Bennett, the Senate concurred in the House amendment.

**CS for SB 692** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Hays

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed SB 524, with 1 amendment, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**SB 524**—A bill to be entitled An act relating to the restraint of incarcerated pregnant women; providing a short title; defining terms; prohibiting use of restraints on a prisoner known to be pregnant during labor, delivery, and postpartum recovery unless a corrections official determines that the prisoner presents an extraordinary circumstance; requiring that a corrections officer or other official accompanying a prisoner remove all restraints if the doctor, nurse, or other health care professional treating the prisoner requests that restraints not be used; prohibiting leg, ankle, or waist restraints from being used on a prisoner under specified circumstances; requiring that restraints be applied in the least restrictive manner necessary; requiring that the corrections official make written findings within 10 days as to the extraordinary circumstance that dictated the use of restraints; requiring that the findings be kept on file for a certain period and be made available for public inspection; restricting the use of waist, wrist, or leg and ankle restraints during the third trimester of pregnancy or when requested by a doctor, nurse, or other health care professional treating the prisoner; requiring that the use of restraints on a pregnant prisoner be by the least restrictive manner necessary; authorizing any woman who is restrained in violation of the act to file a grievance within a specified period; providing that these remedies do not prevent a woman harmed from filing a complaint under any other relevant federal or state law; directing the Department of Corrections and the Department of Juvenile Justice to adopt rules; requiring that correctional institutions and detention facilities inform female prisoners of the rules upon admission, include the policies and practices in the prisoner handbook, and post the policies and practices in the correctional institution or detention facility; requiring that the Secretary of Corrections, the Secretary of Juvenile Justice, and county and municipal corrections officials annually file written reports with the Executive Office of the Governor detailing each incident of restraint in violation of law or as an authorized exception; requiring that the reports be made available for public inspection; providing an effective date.

**House Amendment 1 (603303) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. *Shackling of incarcerated pregnant women.—*

*(1) SHORT TITLE.—This section may be cited as the "Healthy Pregnancies for Incarcerated Women Act."*

*(2) DEFINITIONS.—As used in this section, the term:*

*(a) "Correctional institution" means any facility under the authority of the department or the Department of Juvenile Justice, a county or municipal detention facility, or a detention facility operated by a private entity.*

*(b) "Corrections official" means the official who is responsible for oversight of a correctional institution, or his or her designee.*

*(c) "Department" means the Department of Corrections.*

*(d) "Extraordinary circumstance" means a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.*

*(e) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.*

*(f) "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the recovery period when a woman is in the hospital or infirmary following birth, up to 24 hours after delivery unless the physician after consultation with the department or correctional institution recommends a longer period of time.*

*(g) "Prisoner" means any person incarcerated or detained in any correctional institution who is accused of, convicted of, sentenced for, or adjudicated delinquent for a violation of criminal law or the terms and conditions of parole, probation, community control, pretrial release, or a diversionary program. For purposes of this section, the term includes any woman detained under the immigration laws of the United States at any correctional institution.*

*(h) "Restraints" means any physical restraint or mechanical device used to control the movement of a prisoner's body or limbs, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, chubb cuffs, leg irons, belly chains, a security or tether chain, or a convex shield.*

*(3) RESTRAINT OF PRISONERS.—*

*(a) Restraints may not be used on a prisoner who is known to be pregnant during labor, delivery, and postpartum recovery, unless the corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance, except that:*

*1. The physician may request that restraints not be used for documentable medical purposes. The correctional officer, correctional institution employee, or other officer accompanying the pregnant prisoner may consult with the medical staff; however, if the officer determines there is an extraordinary public safety risk, the officer is authorized to apply restraints as limited by subparagraph 2.*

*2. Under no circumstances shall leg, ankle, or waist restraints be used on any pregnant prisoner who is in labor or delivery.*

*(b) If restraints are used on a pregnant prisoner pursuant to paragraph (a):*

*1. The type of restraint applied and the application of the restraint must be done in the least restrictive manner necessary; and*

*2. The corrections official shall make written findings within 10 days after the use of restraints as to the extraordinary circumstance that dictated the use of the restraints. These findings shall be kept on file by the department or correctional institution for at least 5 years.*

*(c) During the third trimester of pregnancy or when requested by the physician treating a pregnant prisoner, unless there are significant documentable security reasons noted by the department or correctional institution to the contrary that would threaten the safety of the prisoner, the unborn child, or the public in general:*

*1. Leg, ankle, and waist restraints may not be used; and*

*2. If wrist restraints are used, they must be applied in the front so the pregnant prisoner is able to protect herself in the event of a forward fall.*

*(d) In addition to the specific requirements of paragraphs (a)-(c), any restraint of a prisoner who is known to be pregnant must be done in the least restrictive manner necessary in order to mitigate the possibility of adverse clinical consequences.*

*(4) ENFORCEMENT.—*

*(a) Notwithstanding any relief or claims afforded by federal or state law, any prisoner who is restrained in violation of this section may file a grievance with the correctional institution, and be granted a 45-day extension if requested in writing pursuant to rules promulgated by the correctional institution.*

*(b) This section does not prevent a woman harmed through the use of restraints under this section from filing a complaint under any other relevant provision of federal or state law.*

*(5) NOTICE TO PRISONERS.—*

*(a) By September 1, 2012, the department and the Department of Juvenile Justice shall adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.*

*(b) Each correctional institution shall inform female prisoners of the rules developed pursuant to paragraph (a) upon admission to the correctional institution, including the policies and practices in the prisoner handbook, and post the policies and practices in locations in the correctional institution where such notices are commonly posted and will be seen by female prisoners, including common housing areas and medical care facilities.*

Section 2. This act shall take effect July 1, 2012.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the restraint of incarcerated pregnant women; providing a short title; defining terms; prohibiting use of restraints on a prisoner known to be pregnant during labor, delivery, and postpartum recovery unless a corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance requiring restraints; authorizing an officer to apply restraints after consulting with medical staff; requiring that any restraint applied must be done in the least restrictive manner necessary; requiring the corrections official to make written findings as to the extraordinary circumstance requiring restraints; restricting the use of certain restraints during the third trimester of pregnancy unless there are significant security concerns documented by the department or correctional institution; requiring that the findings be kept on file by the department or correctional institution for at least 5 years; authorizing any woman who is restrained in violation of the act to file a grievance within a specified period; providing that these remedies do not prevent a woman harmed through the use of restraints from filing a complaint under federal or state law; directing the Department of Corrections and the Department of Juvenile Justice to adopt rules; requiring correctional institutions to inform female prisoners of the rules upon admission, include the policies and practices in the prisoner handbook, and post the policies and practices in the correctional institution; providing an effective date.

WHEREAS, restraining a pregnant prisoner can pose undue health risks and increase the potential for physical harm to the woman and her pregnancy, and

WHEREAS, the vast majority of female prisoners in this state are nonviolent offenders, and

WHEREAS, the impact of such harm to a pregnant woman can negatively affect her pregnancy, and

WHEREAS, freedom from physical restraints is especially critical during labor, delivery, and postpartum recovery after delivery as women often need to move around during labor and recovery, including moving their legs as part of the birthing process, and

WHEREAS, restraints on a pregnant woman can interfere with the medical staff's ability to appropriately assist in childbirth or to conduct sudden emergency procedures, and

WHEREAS, the Federal Bureau of Prisons, the United States Marshals Service, the American Correctional Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association all oppose restraining women during labor, delivery, and postpartum recovery because it is unnecessary and dangerous to a woman's health and well-being, NOW, THEREFORE

On motion by Senator Joyner, the Senate concurred in the House amendment.

**SB 524** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

| | | |
|---|---|---|
| Mr. President | Benacquisto | Braynon |
| Alexander | Bennett | Bullard |
| 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 |
| Gibson | Rich | |
| Hays | Richter | |

Nays—None

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 364, with 1 amendment, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**CS for SB 364**—A bill to be entitled An act relating to blood establishments; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Business and Professional Regulation to adopt rules regarding the distribution of prescription drugs by blood establishments; providing an effective date.

**House Amendment 1 (982397) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 381.06014, Florida Statutes, is amended to read:

381.06014 Blood establishments.—

(1) As used in this section, the term*:*

*(a)* "Blood establishment" means any person, entity, or organization, operating within the state, which examines an individual for the purpose of blood donation or which collects, processes, stores, tests, or distributes blood or blood components collected from the human body for the purpose of transfusion, for any other medical purpose, or for the production of any biological product. *A person, entity, or organization that uses a mobile unit to conduct such activities within the state is also a blood establishment.*

*(b) "Volunteer donor" means a person who does not receive remuneration, other than an incentive, for a blood donation intended for transfusion, and the product container of the donation from the person qualifies for labeling with the statement "volunteer donor" under 21 C.F.R. s. 606.121.*

(2) Any blood establishment operating in the state may not conduct any activity defined in *paragraph (1)(a)* ~~subsection (1)~~ unless that blood establishment is operated in a manner consistent with the provisions of ~~Title~~ 21 *C.F.R.* parts 211 and 600-640~~, Code of Federal Regulations~~.

(3) Any blood establishment determined to be operating in the state in a manner not consistent with the provisions of ~~Title~~ 21 *C.F.R.* parts 211 and 600-640~~, Code of Federal Regulations,~~ and in a manner that constitutes a danger to the health or well-being of donors or recipients as evidenced by the federal Food and Drug Administration's inspection reports and the revocation of the blood establishment's license or registration *is* ~~shall be~~ in violation of this chapter and *must* ~~shall~~ immediately cease all operations in the state.

(4) The operation of a blood establishment in a manner not consistent with the provisions of ~~Title~~ 21 *C.F.R.* parts 211 and 600-640~~, Code of Federal Regulations,~~ and in a manner that constitutes a danger to the health or well-being of blood donors or recipients as evidenced by the federal Food and Drug Administration's inspection process is declared a nuisance and inimical to the public health, welfare, and safety. The Agency for Health Care Administration or any state attorney may bring an action for an injunction to restrain such operations or enjoin the future operation of the blood establishment.

*(5) A local government may not restrict the access to or use of any public facility or infrastructure for the collection of blood or blood components from volunteer donors based on whether the blood establishment is operating as a for-profit organization or not-for-profit organization.*

*(6) In determining the service fee of blood or blood components received from volunteer donors and sold to hospitals or other health care providers, a blood establishment may not base the service fee of the blood or blood component solely on whether the purchasing entity is a for-profit organization or not-for-profit organization.*

*(7) A blood establishment that collects blood or blood components from volunteer donors must disclose on the Internet the information required under this subsection to educate and inform donors and the public about the blood establishment's activities. A hospital that collects blood or blood components to be used only by that hospital's licensed facilities or by a health care provider that is a part of the hospital's business entity is exempt from the disclosure requirements in this subsection. The information required to be disclosed under this subsection may be cumulative for all blood establishments within a business entity. A blood establishment must disclose on its website all of the following information:*

*(a) A description of the steps involved in collecting, processing, and distributing volunteer donations.*

*(b) By March 1 of each year, the number of units of blood components which were:*

*1. Produced by the blood establishment during the preceding calendar year;*

*2. Obtained from other sources during the preceding calendar year;*

*3. Distributed during the preceding calendar year to health care providers located outside this state. However, if the blood establishment collects donations in a county outside this state, distributions to health care providers in that county shall be excluded. Such information shall be reported in the aggregate for health care providers located within the United States and its territories or outside the United States and its territories; and*

*4. Distributed during the preceding calendar year to entities that are not health care providers. Such information shall be reported in the aggregate for purchasers located within the United States and its territories or outside the United States and its territories.*

*(c) The blood establishment's conflict-of-interest policy, policy concerning related-party transactions, whistleblower policy, and policy for determining executive compensation. If a change occurs to any of these documents, the revised document must be available on the blood establishment's website by the following March 1.*

*(d) Except for a hospital that collects blood or blood components from volunteer donors:*

*1. The most recent 3 years of the Return of Organization Exempt from Income Tax, Internal Revenue Service Form 990, if the business entity for the blood establishment is eligible to file such return. The Form 990 must be available on the blood establishment's website within 60 calendar days after it is filed with the Internal Revenue Service; or*

*2. If the business entity for the blood establishment is not eligible to file the Form 990 return, a balance sheet, income statement, and statement of changes in cash flow, along with the expression of an opinion thereon by an independent certified public accountant who audited or reviewed such financial statements. Such documents must be available on the blood establishment's website within 120 days after the end of the blood establishment's fiscal year and must remain on the blood establishment's website for at least 36 months.*

*(8) A blood establishment is liable for a civil penalty for failing to make the disclosures required under subsection (7). The Department of Legal Affairs may assess the civil penalty against the blood establishment for each day that it fails to make such required disclosures, but the penalty may not exceed $10,000 per year. If multiple blood establishments operated by a single business entity fail to meet such disclosure requirements, the civil penalty may be assessed against only one of the business entity's blood establishments. The Department of Legal Affairs may terminate an action if the blood establishment agrees to pay a stipulated civil penalty. A civil penalty so collected accrues to the state and shall be deposited as received into the General Revenue Fund unallocated. The Department of Legal Affairs may terminate the action and waive the civil penalty upon a showing of good cause by the blood establishment as to why the required disclosures were not made.*

Section 2. Subsection (23) 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:

(23) "Health care entity" means a closed pharmacy or any person, organization, or business entity that provides diagnostic, medical, surgical, or dental treatment or care, or chronic or rehabilitative care, but does not include any wholesale distributor or retail pharmacy licensed under state law to deal in prescription drugs. *However, a blood establishment is a health care entity that may engage in the wholesale distribution of prescription drugs under s. 499.01(2)(g)1.c.*

Section 3. Subsection (21) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.—It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(21) The wholesale distribution of any prescription drug that was:

(a) Purchased by a public or private hospital or other health care entity; or

(b) Donated or supplied at a reduced price to a charitable organization*, unless the wholesale distribution of the prescription drug is authorized in s. 499.01(2)(g)1.c.*

Section 4. Paragraphs (a) and (g) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(a) Prescription drug manufacturer permit.—A prescription drug manufacturer permit is required for any person that is a manufacturer of a prescription drug and that manufactures or distributes such prescription drugs in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in wholesale distribution of prescription drugs manufactured at that establishment and must comply with all of the provisions of this part, except s. 499.01212, and the rules adopted under this part, except s. 499.01212, *which* ~~that~~ apply to a wholesale distributor.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

*3. A blood establishment, as defined in s. 381.06014, operating in a manner consistent with the provisions of 21 C.F.R. parts 211 and 600-640, and manufacturing only the prescription drugs described in s. 499.003(54)(d) is not required to be permitted as a prescription drug manufacturer under this paragraph or to register products under s. 499.015.*

(g) Restricted prescription drug distributor permit.—

*1.* A restricted prescription drug distributor permit is required for*:*

*a.* Any person *located in this state who* ~~that~~ engages in the distribution of a prescription drug, which distribution is not considered "wholesale distribution" under s. 499.003(54)(a).

*b.*~~1.~~ *Any* ~~A~~ person *located in this state* who engages in the receipt or distribution of a prescription drug in this state for the purpose of processing its return or its destruction ~~must obtain a permit as a restricted prescription drug distributor~~ if such person is not the person initiating the return, the prescription drug wholesale supplier of the person initiating the return, or the manufacturer of the drug.

*c. A blood establishment located in this state which collects blood and blood components only from volunteer donors as defined in s. 381.06014 or pursuant to an authorized practitioner's order for medical treatment or therapy and engages in the wholesale distribution of a prescription drug not described in s. 499.003(54)(d) to a health care entity. A mobile blood unit operated by a blood establishment permitted under this sub-subparagraph is not required to be separately permitted. The health care entity receiving a prescription drug distributed under this sub-subparagraph must be licensed as a closed pharmacy or provide health care services at that establishment. The blood establishment must operate in accordance with s. 381.06014 and may distribute only:*

*(I) Prescription drugs indicated for a bleeding or clotting disorder or anemia;*

*(II) Blood-collection containers approved under s. 505 of the federal act;*

*(III) Drugs that are blood derivatives, or a recombinant or synthetic form of a blood derivative;*

*(IV) Prescription drugs that are identified in rules adopted by the department and that are essential to services performed or provided by blood establishments and authorized for distribution by blood establishments under federal law; or*

*(V) To the extent authorized by federal law, drugs necessary to collect blood or blood components from volunteer blood donors; for blood establishment personnel to perform therapeutic procedures under the direction and supervision of a licensed physician; and to diagnose, treat, manage, and prevent any reaction of a volunteer blood donor or a patient undergoing a therapeutic procedure performed under the direction and supervision of a licensed physician,*

*as long as all of the health care services provided by the blood establishment are related to its activities as a registered blood establishment or the health care services consist of collecting, processing, storing, or administering human hematopoietic stem cells or progenitor cells or performing diagnostic testing of specimens if such specimens are tested together with specimens undergoing routine donor testing. The blood establishment may purchase and possess the drugs described in this sub-subparagraph without a health care clinic establishment permit.*

2. Storage, handling, and recordkeeping of these distributions *by a person required to be permitted as a restricted prescription drug distributor* must *be in accordance* ~~comply~~ with the requirements for wholesale distributors under s. 499.0121, but not those set forth in s. 499.01212 *if the distribution occurs pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b.*

3. A person who applies for a permit as a restricted prescription drug distributor, or for the renewal of such a permit, must provide to the department the information required under s. 499.012.

4. The department may adopt rules regarding the distribution of prescription drugs by hospitals, health care entities, charitable organizations, ~~or~~ other persons not involved in wholesale distribution, *and blood establishments,* which rules are necessary for the protection of the public health, safety, and welfare.

Section 5. This act shall take effect July 1, 2012.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to blood establishments; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Business and Professional Regulation to adopt rules regarding the distribution of prescription drugs by blood establishments; providing an effective date.

On motion by Senator Gaetz, the Senate concurred in the House amendment.

**CS for SB 364** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 922, with 1 amendment, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**CS for CS for SB 922**—A bill to be entitled An act relating to current and former military personnel; amending s. 265.003, F.S.; creating the Florida Veterans' Hall of Fame Council; providing for membership and terms of appointment; providing for the appointment of a chair; providing for meetings, a quorum, and voting; providing for reimbursement of travel expenses; providing for the removal of an appointee; providing for the Florida Veterans' Hall of Fame Council rather than the Department of Veterans' Affairs to select nominees for induction into the Florida Veterans' Hall of Fame and to establish the criteria for selection; amending s. 295.187, F.S.; revising legislative intent; renaming and revising the Florida Service-Disabled Veteran Business Enterprise Opportunity Act to expand the vendor preference in state contracting to include certain businesses owned and operated by wartime veterans or veterans of a period of war; amending s. 320.08056, F.S.; providing the license plate annual use fee for an American Legion license plate; amending s. 320.08058, F.S.; creating the American Legion license plate; providing for the distribution of use fees received from the sale of the license plates; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; providing for issuance of a Vietnam War Veterans' license plate and the Korean Conflict Veterans' license plate; providing qualifications and requirements for the plates; creating s. 320.0892, F.S.; providing for the Department of Highway Safety and Motor Vehicles to issue Silver Star, Distinguished Service Cross, Navy Cross, and Air Force Cross license plates, without payment of the license tax, to persons meeting specified criteria; creating s. 683.146, F.S.; designating August 7 of each year as "Purple Heart Day"; providing a short title; creating a court program for certain servicemembers and military veterans who suffer from mental illness, traumatic brain injury, substance use disorder, or psychological problems as a result of their military service; providing qualifications for entrance into the court program; amending s. 948.08, F.S.; creating a pretrial veterans' and servicemembers' treatment intervention program; providing requirements for a defendant to be voluntarily admitted to the pretrial program; providing certain exceptions to such admission; providing for the disposition of pending charges following a defendant's completion of the pretrial intervention program; providing for the charges to be expunged under certain circumstances; amending s. 948.16, F.S.; creating a misdemeanor pretrial veterans' treatment intervention program; providing requirements for voluntary admission to the misdemeanor pretrial program; providing for the misdemeanor charges to be expunged under certain circumstances; exempting treatment services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs from certain contract requirements; creating s. 948.21, F.S.; authorizing the court to impose a condition of probation or community control for certain defendant veterans or servicemembers which requires participation in a treatment program capable of treating a mental illness, a traumatic brain injury, a substance use disorder, or a psychological problem; amending s. 1003.05, F.S.; requiring that a school board provide an option to school-aged dependents of military personnel to choose certain schools if the student is reassigned as a result of school rezoning; creating s. 1004.075, F.S.; requiring certain Florida College System institutions and state universities to provide priority course registration for veterans; providing eligibility requirements; creating s. 1005.09, F.S.; encouraging certain independent postsecondary educational institutions to provide priority course registration for veterans; amending s. 1009.21, F.S.; providing that veterans of the Armed Services of the United States, including reserve components thereof, who attend the physical location of a public college, university, or institution of higher learning within the state are residents for tuition purposes; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing effective dates.

**House Amendment 1 (423155) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 14.34, Florida Statutes, is amended to read:

14.34 Governor's Medal of Merit.—

(1) The Governor may present, in the name of the State of Florida, a medal to be known as the "Governor's Medal of Merit," which shall bear a suitable inscription and ribbon of appropriate design, to:

(a) Any legal resident of this state who has rendered exceptional meritorious service to the citizens of this state;

(b) Any legal resident of this state who is serving under honorable conditions on active duty as a member of the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and has rendered exceptional meritorious service to the citizens of this state while on active duty; or

(c) Any legal resident of this state who has been honorably discharged from active duty as a member of the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and, while on active duty, rendered exceptional meritorious service to the citizens of this state.

As used in this subsection, the term "exceptional meritorious service" means acts ~~of bravery~~ above and beyond the level of duty normally required by that person's respective military or civilian position.

Section 2. Subsections (3), (5), and (6) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(3) The Florida *Defense Support Task Force* ~~Council on Military Base and Mission Support~~ may recommend to the Legislature changes to the military installations and local governments specified in subsection (2) based on a military base's potential for impacts from encroachment, and incompatible land uses and development.

(5) The commanding officer or his or her designee may provide *advisory* comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such *advisory* comments *shall be based on appropriate data and analyses provided with the comments and* may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

The commanding officer's comments, underlying studies, and reports *shall be considered by the local government in the same manner as the comments received from other reviewing agencies pursuant to s. 163.3184* ~~are not binding on the local government~~.

(6) The affected local government shall take into consideration any comments *and accompanying data and analyses* provided by the commanding officer or his or her designee pursuant to subsection (4) *as they relate to the strategic mission of the base, public safety, and the economic vitality associated with the base's operations, while also respecting* ~~and must also be sensitive to~~ private property rights and not *being* ~~be~~ unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

Section 3. Effective upon becoming a law and first applying to ad valorem tax rolls for 2012, subsection (2) of section 196.173, Florida Statutes, is amended to read:

196.173 Exemption for deployed servicemembers.—

(2) The exemption is available to servicemembers who were deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of:

*(a) Operation Noble Eagle, which began on September 15, 2001;*

*(b)*~~(a)~~ Operation Enduring Freedom, which began on October 7, 2001;

*(c)*~~(b)~~ Operation Iraqi Freedom, which began on March 19, 2003, and ended on August 31, 2010; ~~or~~

*(d)*~~(c)~~ Operation New Dawn, which began on September 1, 2010*, and ended on December 15, 2011; or*

*(e) Operation Odyssey Dawn, which began on March 19, 2011, and ended on October 31, 2011.*

The Department of Revenue shall notify all property appraisers and tax collectors in this state of the designated military operations.

Section 4. *This section is effective upon becoming a law. Notwithstanding the application deadline in s. 196.173(5), Florida Statutes, the deadline for an eligible servicemember to file a claim for an additional ad valorem tax exemption for a qualifying deployment during the 2011 calendar year is June 1, 2012. Any applicant who seeks to claim the additional exemption and who fails to file an application by June 1 must file an application for the exemption with the property appraiser on or before the 25th day following the mailing by the property appraiser of the notices required under s. 194.011(1), Florida Statutes. Upon receipt of sufficient evidence, as determined by the property appraiser, demonstrating the applicant was unable to apply for the exemption in a timely manner or otherwise demonstrating extenuating circumstances judged by the property appraiser to warrant granting the exemption, the property appraiser may grant the exemption. If the applicant fails to produce sufficient evidence demonstrating the applicant was unable to apply for the exemption in a timely manner or otherwise demonstrating extenuating circumstances as judged by the property appraiser, the applicant may file, pursuant to s. 194.011(3), Florida Statutes, a petition with the value adjustment board requesting that the exemption be granted. Such petition must be filed during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1), Florida Statutes. Notwithstanding s. 194.013, Florida Statutes, the applicant is not required to pay a filing fee for such a petition. Upon reviewing the petition, if the applicant is qualified to receive the exemption and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the exemption, the value adjustment board may grant the exemption for the current year.*

Section 5. Section 265.003, Florida Statutes, is amended to read:

265.003 Florida Veterans' Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those military veterans who, through their works and lives during or after military service, have made a significant contribution to the State of Florida.

(2) There is established the Florida Veterans' Hall of Fame.

(a) The Florida Veterans' Hall of Fame is administered by the Florida Department of Veterans' Affairs without appropriation of state funds.

(b) The Department of Management Services shall set aside an area on the Plaza Level of the Capitol Building along the northeast front wall and shall consult with the Department of Veterans' Affairs regarding the design and theme of the area.

(c) Each person who is inducted into the Florida Veterans' Hall of Fame shall have his or her name placed on a plaque displayed in the designated area of the Capitol Building.

*(3)(a) The Florida Veterans' Hall of Fame Council is created within the Department of Veterans' Affairs as an advisory council, as defined in s. 20.03(7), consisting of seven members who shall all be honorably discharged veterans, and at least four of whom must be members of a congressionally chartered veterans service organization. The Governor, the President of the Senate, the Speaker of the House of Representatives, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the executive director of the Department of Veterans' Affairs shall each appoint one member. For the purposes of ensuring staggered terms, the council members appointed by the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture shall be appointed to 4-year terms beginning on January 1 of the year of appointment, and the council members appointed by the*

*President of the Senate, the Speaker of the House of Representatives, and the executive director of the Department of Veterans' Affairs shall be appointed to 2-year terms beginning on January 1 of the year of appointment. After the initial appointments, all appointees shall be appointed to 4-year terms. A member whose term expires shall continue to serve on the council until such time as a replacement is appointed.*

*(b) The members shall annually elect a chair from among their number. The council shall meet at the call of its chair, at the request of the executive director of the Department of Veterans' Affairs, or at such times as may be prescribed by the council. A majority of the members of the council currently appointed constitutes a quorum, and a meeting may not be held unless a quorum is present. The affirmative vote of a majority of the members of the council present is necessary for any official action by the council.*

*(c) Members of the council may not receive compensation or honorarium for their services. Members may be reimbursed for travel expenses incurred in the performance of their duties, as provided in s. 112.061, however, no state funds may be used for this purpose.*

*(d) The original appointing authority may remove his or her appointee from the council for misconduct or malfeasance in office, neglect of duty, incompetence, or permanent inability to perform official duties or if the member is adjudicated guilty of a felony.*

*(4)*~~(3)~~(a) The *Florida Veterans' Hall of Fame Council* ~~Department of Veterans' Affairs~~ shall annually accept nominations of persons to be considered for induction into the Florida Veterans' Hall of Fame and shall ~~then~~ transmit *a list of up to 20 nominees* ~~its recommendations~~ to the *Department of Veterans' Affairs for submission to the* Governor and the Cabinet who will select the nominees to be inducted.

(b) In *selecting its nominees for submission* ~~making its recommendations~~ to the Governor and the Cabinet, the *Florida Veterans' Hall of Fame Council* ~~Department of Veterans' Affairs~~ shall give preference to veterans who were born in Florida or adopted Florida as their home state or base of operation and who have made a significant contribution to the state in civic, business, public service, or other pursuits.

*(5)*~~(4)~~ The *Florida Veterans' Hall of Fame Council* ~~Department of Veterans' Affairs~~ may establish criteria and set specific time periods for acceptance of nominations and for the process of selection of nominees for membership and establish a formal induction ceremony to coincide with the annual commemoration of Veterans' Day.

Section 6. Subsections (9) and (10) of section 288.972, Florida Statutes, are amended to read:

288.972 Legislative intent.—It is the policy of this state, once the Federal Government has proposed any base closure or has determined that military bases, lands, or installations are to be closed and made available for reuse, to:

~~(9) Coordinate the development of the Defense-Related Business Adjustment Program to increase commercial technology development by defense companies.~~

*(9)*~~(10)~~ Coordinate the development, maintenance, and analysis of a workforce database to assist workers adversely affected by defense-related activities in their relocation efforts.

Section 7. Section 288.980, Florida Statutes, is amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)(a) It is the intent of this state to provide the necessary means to assist communities with military installations *in supporting and sustaining those installations* ~~that would be adversely affected by federal base realignment or closure actions~~. It is further the intent to encourage communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal *government relating to realignments and closures* ~~Base Realignment and Closure Commission~~. It is critical that ~~closure vulnerable~~ communities develop *and implement strategies* ~~such a program~~ to preserve *and protect* ~~affected~~ military installations. The Legislature hereby recognizes that the state needs to coordinate all efforts that can *support* ~~facilitate the retention of all remaining~~ military installations *throughout* ~~in~~ the state. The Legislature, therefore, declares that providing such assistance to support the defense-related initiatives within this section is a public purpose for which public money may be used.

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for defense-related activity of Enterprise Florida, Inc. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the department.

*(2) The Military Base Protection Program is created. Funds appropriated to this program may be used to address emergent needs relating to mission sustainment and base retention. All funds appropriated for the purposes of this program are eligible to be used for matching of federal funds. The department shall coordinate and implement this program.*

*(3)*~~(2)~~(a) The department is authorized to award grants *on a competitive basis* from any funds available to it to support activities related to the *Florida Defense Reinvestment Grant Program and the Florida Defense Infrastructure Grant Program* ~~retention of military installations potentially affected by federal base closure or realignment~~.

(b) The term "activities" as used in this section means studies, presentations, analyses, plans, and modeling. *For the purposes of the Florida Defense Infrastructure Grant Program, the term "activities" also includes, but is not limited to, construction, land purchases, and easements.* Staff salaries are not considered an "activity" for which grant funds may be awarded. Travel costs and costs incidental thereto incurred by a grant recipient shall be considered an "activity" for which grant funds may be awarded.

(c) ~~Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(e), the amount of any grant provided to an applicant may not exceed $250,000.~~ The department shall require that an applicant:

1. Represent a local government with a military installation or military installations that could be adversely affected by federal *actions* ~~base realignment or closure~~.

2. Agree to match at least 30 percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for *changes to the mission* ~~realignment or closure~~ of a military installation located in the applicant's community and the *potential* ~~adverse~~ impacts such *changes* ~~realignment or closure~~ will have on the applicant's community.

(d) In making grant awards the *department* ~~office~~ shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations ~~vulnerable to closure~~.

2. The potential job displacement within the local community should the *mission of the* military installation be *changed* ~~closed~~.

3. The potential ~~adverse~~ impact on industries and technologies which service the military installation.

*(4)*~~(3)~~ The Florida *Defense Reinvestment Grant Program* ~~Economic Reinvestment Initiative~~ is established to respond to the need for this state *to work in conjunction with defense-dependent communities in developing and implementing strategies and approaches that will help communities support the missions of military installations, and in developing and implementing* ~~and defense-dependent communities in this state to develop~~ alternative economic diversification strategies to *transition from a defense economy to a nondefense economy* ~~lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse~~. *Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities.* The

*program* ~~initiative~~ shall ~~consist of the following two distinct grant programs to~~ be administered by the department *and grant awards may be provided to support community-based activities that*:

(a) *Protect existing military installations;* ~~The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed $250,000 per applicant and shall be available on a competitive basis.~~

(b) *Diversify the economy of a defense-dependent community; or* ~~The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed $100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.~~

(c) ~~The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils~~ Develop ~~and implement~~ plans for the reuse of closed or realigned military installations, including any *plans* necessary *for* infrastructure improvements needed to facilitate reuse and related marketing activities.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

*(5)*~~(4)~~ The Defense Infrastructure Grant Program is created. The department shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for projects that benefit both the local community and the military installation. ~~It is not the intent, however, to fund on-base military construction projects.~~ Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. *The program may not be used to fund on-base military construction projects.* The department shall establish guidelines to implement the purpose of this subsection.

~~(5)(a) The Defense Related Business Adjustment Program is hereby created. The department shall coordinate the development of the Defense Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.~~

~~(b) The department shall require that an applicant:~~

~~1. Be a defense related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.~~

~~2. Agree to match at least 50 percent of any funds awarded by the United States Department of Defense in cash or in kind services. Such match shall be directly related to activities for which the funds are being sought.~~

~~3. Prepare a coordinated program or plan delineating how the funds will be administered.~~

~~4. Provide documentation describing how defense related realignment or closure will adversely impact defense related companies.~~

~~(6) The Retention of Military Installations Program is created. The department shall coordinate and implement this program.~~

*(6)*~~(7)~~ The department may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

*(7)*~~(8)~~ Payment of administrative expenses shall be limited to no more than 10 percent of any grants issued pursuant to this section.

*(8)*~~(9)~~ The department shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 8. *(1) This section shall take effect upon this act becoming a law.*

*(2) The powers, duties, functions, records, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Florida Defense Support Task Force within the Department of Economic Opportunity.*

Section 9. *(1) This section shall take effect upon this act becoming a law.*

*(2) Section 288.984, Florida Statutes, is repealed.*

Section 10. Effective upon this act becoming a law, subsections (1) and (2) of section 288.985, Florida Statutes, are amended to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida *Defense Support Task Force* ~~Council on Military Base and Mission Support~~ are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and closure process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.

(c) That portion of a record which relates to the state's strategy to retain its military bases during any United States Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2) Meetings or portions of meetings of the Florida *Defense Support Task Force* ~~Council on Military Base and Mission Support~~, or a workgroup of the *task force* ~~council~~, at which records are presented or discussed which are exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 11. Effective upon this act becoming a law, subsections (2), (5), (6), and (7) of section 288.987, Florida Statutes, are amended to read:

288.987 Florida Defense Support Task Force.—

(2) The mission of the task force is to make recommendations to *preserve and protect military installations* ~~prepare the state to effectively compete in any federal base realignment and closure action,~~ to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.

(5) The *executive* director of *Department of Economic Opportunity* ~~the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor~~, or his or her designee, shall serve as the ex officio, nonvoting executive director of the task force.

(6) ~~The chair shall schedule and conduct the first meeting of the task force by October 1, 2011.~~ The task force shall submit *an annual* ~~a~~ progress report and work plan ~~for the remainder of the 2011-2012 fiscal year~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives ~~by February 1, 2012, and shall submit an annual report~~ each February 1 ~~thereafter~~.

(7) The *department* ~~Office of Tourism, Trade, and Economic Development~~ shall contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to $200,000 of funds appropriated to the *department* ~~Executive Office of the Governor, Office of Tourism, Trade, and Economic Development~~, for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 12. Section 295.187, Florida Statutes, is amended to read:

295.187 Florida ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act."

(2) INTENT.—It is the intent of the Legislature to rectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state, and the public, by providing opportunities for service-disabled veteran business enterprises as set forth in this section. *The Legislature also intends to recognize wartime veterans and veterans of a period of war for their sacrifices as set forth in this section.*

(3) DEFINITIONS.—For the purpose of this section, the term:

(a) "Certified ~~service-disabled~~ veteran business enterprise" means a business that has been certified by the Department of Management Services to be a ~~service-disabled~~ veteran business enterprise as defined in paragraph (c).

(b) "Service-disabled veteran" means a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense.

(c) "~~Service-disabled~~ Veteran business enterprise" means an independently owned and operated business that:

1. Employs 200 or fewer permanent full-time employees;

2. Together with its affiliates has a net worth of $5 million or less or, if a sole proprietorship, has a net worth of $5 million or less including both personal and business investments;

3. Is organized to engage in commercial transactions;

4. Is domiciled in this state;

5. Is at least 51 percent owned by one or more *wartime veterans or* service-disabled veterans; and

6. The management and daily business operations of which are controlled by one or more *wartime veterans or* service-disabled veterans or, for a service-disabled veteran *having* ~~with~~ a permanent and total disability, by the spouse or permanent caregiver of the veteran.

*(d) "Wartime veteran" means:*

*1. A wartime veteran as defined in s. 1.01(14); or*

*2. A veteran of a period of war, as used in 38 U.S.C. s. 1521, who served in the active military, naval, or air service:*

*a. For 90 days or more during a period of war;*

*b. During a period of war and was discharged or released from such service for a service-connected disability;*

*c. For a period of 90 consecutive days or more and such period began or ended during a period of war; or*

*d. For an aggregate of 90 days or more in two or more separate periods of service during more than one period of war.*

(4) VENDOR PREFERENCE.—

(a) A state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified ~~service-disabled~~ veteran business enterprise, *which* ~~that~~ are equal with respect to all relevant considerations, including price, quality, and service, shall award such procurement or contract to the certified ~~service-disabled~~ veteran business enterprise.

(b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~ veteran business enterprise entitled to the vendor preference under this section and one or more businesses entitled to this preference or another vendor preference provided by law submit bids, proposals, or replies for procurement of commodities or contractual services *which* ~~that~~ are equal with respect to all relevant considerations, including price, quality, and service, ~~then~~ the state agency shall award the procurement or contract to the business having the smallest net worth.

(c) Political subdivisions of the state are encouraged to offer a similar consideration to businesses certified under this section.

(5) CERTIFICATION PROCEDURE.—

(a) The application for certification as a ~~service-disabled~~ veteran business enterprise must, at a minimum, include:

1. The name of the business enterprise applying for certification and the name of the ~~service-disabled~~ veteran submitting the application on behalf of the business enterprise.

2. The names of all owners of the business enterprise, including owners who are *wartime veterans,* service-disabled veterans*,* and owners who are not *a wartime veteran or a* service-disabled *veteran* ~~veterans~~, and the percentage of ownership interest held by each owner.

3. The names of all persons involved in both the management and daily operations of the business, including the spouse or permanent caregiver of a veteran *who has* ~~with~~ a permanent and total disability.

4. The service-connected disability rating of all persons listed under subparagraphs 1., 2., and 3., as applicable, with supporting documentation from the United States Department of Veterans Affairs or the United States Department of Defense.

*5. Documentation of the wartime service of all persons listed under subparagraphs 1., 2., and 3., as applicable, from the United States Department of Veterans Affairs or the United States Department of Defense.*

*6.*~~5.~~ The number of permanent full-time employees.

*7.*~~6.~~ The location of the business headquarters.

*8.*~~7.~~ The total net worth of the business enterprise and its affiliates. In the case of a sole proprietorship, the net worth includes personal and business investments.

(b) To maintain certification, a ~~service-disabled~~ veteran business enterprise shall renew its certification biennially.

(c) ~~The provisions of~~ Chapter 120*,* relating to application, denial, and revocation procedures*, applies* ~~shall apply~~ to certifications under this section.

(d) A certified ~~service-disabled~~ veteran business enterprise must notify the Department of Management Services within 30 business days after any event that may significantly affect the certification of the business, including, but not limited to, a change in ownership or change in management and daily business operations.

(e) The certification of a ~~service-disabled~~ veteran business enterprise shall be revoked for 12 months if the Department of Management Services determines that the business enterprise violated paragraph (d). An owner of a certified ~~service-disabled~~ veteran business enterprise whose certification is revoked *may* ~~is~~ not ~~permitted to~~ reapply for certification under this section as an owner of any business enterprise during the 12-month revocation period.

1. During the 12-month revocation period, a ~~service-disabled~~ veteran business enterprise whose certification has been revoked may bid on state contracts but is not eligible for any preference available under this section.

2. A ~~service-disabled~~ veteran business enterprise whose certification has been revoked may apply for certification at the conclusion of the 12-month revocation period by complying with requirements applicable to initial certifications.

(6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The department shall:

(a) Assist the Department of Management Services in establishing a certification procedure, which shall be reviewed biennially and updated as necessary.

(b) Identify eligible ~~service-disabled~~ veteran business enterprises by any electronic means, including electronic mail or Internet website, or by any other reasonable means.

(c) Encourage and assist eligible ~~service-disabled~~ veteran business enterprises to apply for certification under this section.

(d) Provide information regarding services that are available from the Office of Veterans' Business Outreach of the Florida Small Business Development Center to ~~service-disabled~~ veteran business enterprises.

(7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The department shall:

(a) With assistance from the Department of Veterans' Affairs, establish a certification procedure, which shall be reviewed biennially and updated as necessary.

(b) Grant, deny, or revoke the certification of a ~~service-disabled~~ veteran business enterprise under this section.

(c) Maintain an electronic directory of certified ~~service-disabled~~ veteran business enterprises for use by the state, political subdivisions of the state, and the public.

(8) REPORT.—The Small Business Development Center shall include in its report required by s. 288.705 the percentage of certified ~~service-disabled~~ veteran business enterprises using the statewide contracts register.

(9) RULES.—The Department of Veterans' Affairs and the Department of Management Services, as appropriate, may adopt rules as necessary to administer this section.

Section 13. Effective October 1, 2012, section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; Operation Iraqi Freedom and Operation Enduring Freedom Veterans; *Combat Infantry Badge recipients; Vietnam War Veterans; Korean Conflict Veterans;* special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an active or retired member of any branch of the United States Armed Forces Reserve*, or a recipient of the Combat Infantry Badge* shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, ~~or~~ proof of active or retired membership in any branch of the Armed Forces Reserve, *or proof of membership in the Combat Infantrymen's Association, Inc., or other proof of being a recipient of the Combat Infantry Badge,* and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," ~~or~~ "U.S. Reserve," *or "Combat Infantry Badge,"* as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

(b) Notwithstanding any other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter, the first $100,000 in general revenue generated from the sale of license plates issued under this section shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund. Any additional general revenue generated from the sale of such plates shall be deposited into the State Homes for Veterans Trust Fund and used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

(c) Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued the appropriate special license plate without payment of the license tax imposed by s. 320.08.

(2) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Ex-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States

were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

(3) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

(4) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use who is a resident of the state and a current or former member of the United States military who was deployed and served in Iraq during Operation Iraqi Freedom or in Afghanistan during Operation Enduring Freedom shall, upon application to the department, accompanied by proof of active membership or former active duty status during one of these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words "Operation Iraqi Freedom" or "Operation Enduring Freedom," as appropriate, followed by the registration license number of the plate.

*(5) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use, who is a resident of the state and a current or former member of the United States military, and who was deployed and served in Vietnam during United States military deployment in Indochina shall, upon application to the department, accompanied by proof of active membership or former active duty status during these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words "Vietnam War Veteran," followed by the registration license number of the plate.*

*(6) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use, who is a resident of the state and a current or former member of the United States military, and who was deployed and served in Korea during United States military deployment in Korea shall, upon application to the department, accompanied by proof of active membership or former active duty status during these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words "Korean Conflict Veteran," followed by the registration license number of the plate.*

Section 14. Effective October 1, 2012, section 320.0892, Florida Statutes, is created to read:

*320.0892 Motor vehicle license plates for recipients of the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross.—Upon receipt of an application and proof that the applicant meets the qualifications listed in this section for the applicable license plate, the department shall issue the license plate without payment of the license tax imposed under s. 320.08:*

*(1) SILVER STAR.—Any United States citizen who is a resident of Florida and who was awarded the Silver Star while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Silver Star" followed by the serial number.*

*(2) DISTINGUISHED SERVICE CROSS.—Any United States citizen who is a resident of Florida and who was awarded the Distinguished Service Cross while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Distinguished Service Cross" followed by the serial number.*

*(3) NAVY CROSS.—Any United States citizen who is a resident of Florida and who was awarded the Navy Cross while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Navy Cross" followed by the serial number.*

*(4) AIR FORCE CROSS.—Any United States citizen who is a resident of Florida and who was awarded the Air Force Cross while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Air Force Cross" followed by the serial number.*

Section 15. Section 683.146, Florida Statutes, is created to read:

*683.146 Purple Heart Day.—*

*(1) August 7 of each year is designated as "Purple Heart Day."*

*(2) The Governor may annually issue a proclamation designating August 7 as "Purple Heart Day." Public officials, schools, private organizations, and all residents of the state are encouraged to commemorate Purple Heart Day and honor those wounded or killed while serving in any branch of the United States Armed Services.*

Section 16. *Sections 16 through 20 of this act may be cited as the "T. Patt Maney Veterans' Treatment Intervention Act."*

Section 17. Section 394.47891, Florida Statutes, is created to read:

*394.47891 Military veterans and servicemembers court programs.—The chief judge of each judicial circuit may establish a Military Veterans and Servicemembers Court Program under which veterans, as defined in s. 1.01, and servicemembers, as defined in s. 250.01, who are convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921 in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any Military Veterans and Servicemembers Court Program must be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.*

Section 18. Present subsection (7) of section 948.08, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

948.08 Pretrial intervention program.—

*(7)(a) Notwithstanding any provision of this section, a person who is charged with a felony, other than a felony listed in s. 948.06(8)(c), and identified as a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, is eligible for voluntary admission into a pretrial veterans' treatment intervention program approved by the chief judge of the circuit, upon motion of either party or the court's own motion, except:*

*1. If a defendant was previously offered admission to a pretrial veterans' treatment intervention program at any time before trial and the defendant rejected that offer on the record, the court may deny the defendant's admission to such a program.*

*2. If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the pretrial veterans' treatment program.*

*(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic jurisprudence principles and key components in s. 397.334(4), with treatment specific to the needs of servicemembers and veterans. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for non-*

*compliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial veterans' treatment intervention program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record to the dismissed charges expunged under s. 943.0585.*

*(c) At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.*

Section 19. Section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program*; misdemeanor pretrial veterans' treatment intervention program*.—

(1)(a) A person who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under chapter 893, and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period based on the program requirements and the treatment plan for the offender, upon motion of either party or the court's own motion, except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.

(b) While enrolled in a pretrial intervention program authorized by this section, the participant is subject to a coordinated strategy developed by a drug court team under s. 397.334(4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

*(2)(a) A veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program approved by the chief judge of the circuit, for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a misdemeanor pretrial veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.*

*(b) While enrolled in a pretrial intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic jurisprudence principles and key components in s. 397.334(4), with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a misdemeanor pretrial veterans' treatment intervention program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the misdemeanor pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record to the dismissed charges expunged under s. 943.0585.*

*(3)*~~(2)~~ At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to s. 397.334(4) *or by the veterans' treatment intervention team*, if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the pretrial intervention program.

*(4)*~~(3)~~ Any public or private entity providing a pretrial substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. The terms of the contract shall include, but not be limited to, the requirements established for private entities under s. 948.15(3). *This requirement does not apply to services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.*

Section 20. Section 948.21, Florida Statutes, is created to read:

*948.21 Condition of probation or community control; military servicemembers and veterans.—Effective for a probationer or community controllee whose crime was committed on or after July 1, 2012, and who is a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer or community controllee is eligible through the United States Department of Veterans Affairs or the Florida Department of Veterans' Affairs. The Department of Corrections is not required to spend state funds to implement this section.*

Section 21. Section 1004.075, Florida Statutes, is created to read:

*1004.075 Priority course registration for veterans.—Each Florida College System institution and state university that offers priority course registration for a segment of the student population, or upon implementation of priority course registration for a segment of the student population, shall provide priority course registration for each veteran of the United States Armed Forces who is receiving GI Bill educational benefits or for the spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred. Each eligible veteran, or his or her spouse or dependent children, shall be granted priority for course registration until the expiration of the GI Bill educational benefits.*

Section 22. Section 1005.09, Florida Statutes, is created to read:

*1005.09 Priority course registration for veterans.—Each independent postsecondary educational institution defined in s. 1005.02(11) that offers priority course registration for a segment of the student population, or upon implementation of priority course registration for a segment of the*

*student population, is encouraged to provide priority course registration for each veteran of the United States Armed Forces, or his or her spouse or dependent children, who is receiving GI Bill educational benefits, in accordance with s. 1004.075.*

Section 23. *SP4 Thomas Berry Corbin Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County is designated as "SP4 Thomas Berry Corbin Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating SP4 Thomas Berry Corbin Memorial Highway as described in subsection (1).*

Section 24. *U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as "U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway as described in subsection (1).*

Section 25. *Marine Lance Corporal Brian R. Buesing Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as "Marine Lance Corporal Brian R. Buesing Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating Marine Lance Corporal Brian R. Buesing Memorial Highway as described in subsection (1).*

Section 26. *United States Army Sergeant Karl A. Campbell Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as "United States Army Sergeant Karl A. Campbell Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating United States Army Sergeant Karl A. Campbell Memorial Highway as described in subsection (1).*

Section 27. *U.S. Army SPC James A. Page Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as "U.S. Army SPC James A. Page Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army SPC James A. Page Memorial Highway as described in subsection (1).*

Section 28. *USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."*

*(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).*

Section 29. *Captain Jim Reynolds, Jr., USAF "Malibu" Road designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of State Road 44 between U.S. Highway 441 and State Road 44/East Orange Avenue near the City of Eustis in Lake County is designated as "Captain Jim Reynolds, Jr., USAF 'Malibu' Road."*

*(2) The Department of Transportation is directed to erect suitable markers designating Captain Jim Reynolds, Jr., USAF "Malibu" Road as described in subsection (1).*

Section 30. *Veterans Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of State Road 19 between U.S. 17/State Road 15 and Carriage Drive in Putnam County is designated as "Veterans Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating Veterans Memorial Highway as described in subsection (1).*

Section 31. *U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County is designated as "U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway as described in subsection (1).*

Section 32. *U.S. Marine Corps Corporal Dustin Schrage Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as "U.S. Marine Corps Corporal Dustin Schrage Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating U.S. Marine Corps Corporal Dustin Schrage Highway as described in subsection (1).*

Section 33. *Purple Heart Memorial Highway designated; Department of Transportation to erect suitable markers.—*

*(1) That portion of State Road 20/John Sims Parkway (57-040-000) between State Road 85 and the Walton County Line in Okaloosa County is designated as "Purple Heart Memorial Highway."*

*(2) The Department of Transportation is directed to erect suitable markers designating Purple Heart Memorial Highway as described in subsection (1).*

Section 34. 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, 2012.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to military support; amending s. 14.34, F.S.; revising the definition of "exceptional meritorious service" with respect to the Governor's Medal of Merit; amending s. 163.3175, F.S.; authorizing the Florida Defense Support Task Force to recommend to the Legislature specified changes in military installations and local governments under the Community Planning Act; clarifying and revising procedures related to exchange of information between military installations and local governments under the act; amending s. 196.173, F.S.; authorizing servicemembers who receive a homestead exemption and who are deployed in certain military operations to receive an additional ad valorem tax exemption; providing a deadline for claiming tax exemptions for qualifying deployments during the 2011 calendar year; providing procedures and requirements for filing applications and petitions to receive the tax exemption after expiration of the deadline; providing application; amending s. 265.003, F.S.; creating the Florida Veterans' Hall of Fame Council;

providing for membership and terms of appointment; providing for the appointment of a chair; providing for meetings, a quorum, and voting; providing for reimbursement of travel expenses; providing for the removal of an appointee; providing for the Florida Veterans' Hall of Fame Council rather than the Department of Veterans' Affairs to select nominees for induction into the Florida Veterans' Hall of Fame and to establish the criteria for selection; amending s. 288.972, F.S.; revising legislative intent with respect to proposed closure or reuse of military bases; amending s. 288.980, F.S.; creating the Military Base Protection Program within the Department of Economic Opportunity; providing for use of program funds; revising provisions relating to the award of grants for retention of military installations; revising a definition; eliminating the Florida Economic Reinvestment Initiative; establishing the Florida Defense Reinvestment Grant Program to be administered by the Department of Economic Opportunity; specifying purposes of the program; specifying activities for which grant awards may be provided; eliminating the Defense-Related Business Adjustment Program, the Florida Defense Planning Grant Program, the Florida Defense Implementation Grant Program, the Florida Military Installation Reuse Planning and Marketing Grant Program, and the Retention of Military Installations Program; transferring and reassigning the functions and responsibilities of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity to the Florida Defense Support Task Force within the Department of Economic Opportunity by type two transfer; repealing s. 288.984, F.S., which establishes the Florida Council on Military Base and Mission Support and provides purposes thereof; amending s. 288.985, F.S.; conforming provisions relating to exempt records and meetings of the Council on Military Base and Mission Support; amending s. 288.987, F.S.; revising provisions relating to the Florida Defense Support Task Force, to conform; amending s. 295.187, F.S.; revising legislative intent; renaming and revising the Florida Service-Disabled Veteran Business Enterprise Opportunity Act to expand the vendor preference in state contracting to include certain businesses owned and operated by wartime veterans or veterans of a period of war; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; providing for issuance of a Vietnam War Veterans' license plate and the Korean Conflict Veterans' license plate; providing qualifications and requirements for the plates; creating s. 320.0892, F.S.; providing for the Department of Highway Safety and Motor Vehicles to issue Silver Star, Distinguished Service Cross, Navy Cross, and Air Force Cross license plates, without payment of the license tax, to persons meeting specified criteria; creating s. 683.146, F.S.; designating August 7 of each year as "Purple Heart Day"; providing a short title; creating s. 394.47891, F.S.; authorizing the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program for specified veterans and servicemembers; providing criteria for entry into the program; authorizing a judge to impose a condition of supervision upon specified probationers and community controllees requiring such person to participate in a treatment program; requiring the court to give preference to certain treatment programs; providing that the Department of Corrections is not required to spend state funds to implement these provisions; amending s. 948.08, F.S.; creating a pretrial veterans' and servicemembers' treatment intervention program; providing requirements for a defendant to be voluntarily admitted to the pretrial program; providing certain exceptions to such admission; providing for the disposition of pending charges following a defendant's completion of the pretrial intervention program; providing for the charges to be expunged under certain circumstances; amending s. 948.16, F.S.; creating a misdemeanor pretrial veterans' treatment intervention program; providing requirements for voluntary admission to the misdemeanor pretrial program; providing for the misdemeanor charges to be expunged under certain circumstances; exempting treatment services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs from certain contract requirements; creating s. 948.21, F.S.; authorizing a judge to impose a condition of supervision upon specified probationers and community controllees requiring such person to participate in a treatment program; requiring the court to give preference to certain treatment programs; providing that the Department of Corrections is not required to spend state funds to implement these provisions; creating s. 1004.075, F.S.; requiring certain Florida College System institutions and state universities to provide priority course registration for veterans; providing eligibility requirements; creating s. 1005.09, F.S.; encouraging certain independent postsecondary educational institutions to provide priority course registration for veterans; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing effective dates.

On motion by Senator Bennett, the Senate concurred in the House amendment.

**CS for CS for SB 922** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

---

**MOTION**

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 8:00 p.m.

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 694, with 1 amendment, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**CS for CS for CS for SB 694**—A bill to be entitled An act relating to adult day care centers; amending s. 429.917, F.S.; prohibiting an adult day care center from claiming to be licensed or designated as a specialized Alzheimer's services adult day care center under certain circumstances; creating s. 429.918, F.S.; providing a short title; providing definitions; providing for the licensure designation of adult day care centers that provide specialized Alzheimer's services by the Agency for Health Care Administration; providing for the denial or revocation of such designation under certain circumstances; requiring an adult day care center seeking such designation to meet specified criteria; providing educational and experience requirements for the operator of an adult day care center seeking licensure designation as a specialized Alzheimer's services adult day care center; providing criteria for staff training and supervision; requiring the Department of Elderly Affairs to approve the staff training; requiring the department to adopt rules; requiring that the employee be issued a certificate upon completion of the staff training; providing requirements for staff orientation; providing requirements for admission into such an adult day care center; requiring that a participant's file include a data sheet, which shall be completed within a certain timeframe; requiring that certain information be included in the data sheet; requiring that dementia-specific services be documented in a participant's file; requiring that a participant's plan of care be reviewed quarterly; requiring that certain notes be entered into a participant's file; requiring the participant, or caregiver, to provide the adult day care center with updated medical documentation; requiring the center to give each person who enrolls as a participant, or the caregiver, a copy of the participant's plan of care and safety information; requiring that the center coordinate and execute discharge procedures with a participant who has a documented diagnosis of Alzheimer's disease or a dementia-related disorder and the caregiver if the participant's enrollment in the center is involuntarily terminated; providing that the act does not prohibit a licensed adult day care center that does not receive such a designation from providing adult day care services to per-

sons who have Alzheimer's disease or other dementia-related disorders; authorizing the Department of Elderly Affairs to adopt rules; providing an effective date.

**House Amendment 1 (854775)**—Remove lines 76-77 and insert:

*(1) This act may be cited as the "Specialized Alzheimer's Services Adult Day Care Act."*

On motion by Senator Fasano, the Senate concurred in the House amendment.

**CS for CS for CS for SB 694** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Rich

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 701 and requests the Senate to recede.

*Robert L. "Bob" Ward*, Clerk

**CS for HB 701**—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.804, F.S.; providing that a statement offered against a party that wrongfully caused the declarant's unavailability is not excluded as hearsay; providing an effective date.

On motion by Senator Bennett, the Senate receded from Senate Amendment 1.

**CS for HB 701** passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 31 and requests the Senate to recede.

*Robert L. "Bob" Ward*, Clerk

**CS for HB 31**—A bill to be entitled An act relating to protest activities; creating s. 871.015, F.S.; providing definitions; prohibiting engaging in protest activities within a specified distance of the property line of the location of a funeral, burial, or memorial service; providing criminal penalties; providing an effective date.

On motion by Senator Benacquisto, the Senate refused to recede from the Senate amendment to **CS for HB 31** and again requested that the House concur. The action of the Senate was certified to the House.

## SPECIAL ORDER CALENDAR

**CS for SB 378**—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; providing that the elements necessary to permit a witness to testify as an expert witness are satisfied if the principles or methods on which such knowledge is based are generally accepted by the relevant expert community; providing for applicability; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 378**, on motion by Senator Richter, by two-thirds vote **HB 243** was withdrawn from the Committees on Judiciary; and Budget.

On motion by Senator Richter—

**HB 243**—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; subjecting pure opinion testimony to such requirements; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

—a companion measure, was substituted for **CS for SB 378** and read the second time by title.

### MOTION

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

Senator Simmons moved the following amendment which was adopted:

**Amendment 1 (358794) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 90.702, Florida Statutes, is amended to read:

90.702 Testimony by experts.—

*(1)* If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion*, or otherwise, if:*

*(a) The testimony is based upon sufficient facts or data;*

*(b) The testimony is the product of reliable principles and methods; and*

*(c) The witness has applied the principles and methods reliably to the facts of the case*~~; however, the opinion is admissible only if it can be applied to evidence at trial~~.

*(2) The threshold required by subsection (1) to permit a witness to testify as an expert witness is satisfied if the principles and methods on which such knowledge is based are sufficiently established as generally accepted by the relevant expert community and are relevant to the facts of the particular case.*

*(3) The stated testimonial requirements apply in any case in which the expert opinion testimony is based on scientific, technical, or other specialized knowledge. All proposed expert testimony, including pure opinion testimony, is subject to ss. 90.702 and 90.704.*

Section 2. Section 90.704, Florida Statutes, is amended to read:

90.704 Basis of opinion testimony by experts.—The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, the expert at or before the trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence. *Facts or data that are otherwise inadmissible shall not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.*

Section 3. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert:An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; providing that the elements necessary to permit a witness to testify as an expert witness are satisfied if the principles and methods on which such knowledge is based are generally accepted by the relevant expert community; providing for applicability; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

WHEREAS, the Legislature finds that the admissibility of expert testimony in the state of Florida is in need of revision and clarification, and

WHEREAS, the Legislature finds that the admissibility of expert testimony should be subject to a standard that generally applies the requirement of *Daubert v. Merrell Dow Pharmaceuticals, Inc.,* 509 U.S. 579 (1993), and federal rule of evidence 702, while recognizing that once knowledge is based upon principles and methods that are generally accepted within an expert community, a court need not continually reexamine the basis for such knowledge, but must ensure that the generally accepted principles and methods are relevant to the facts of the case before the court. This act does not alter the authority of the courts in this state to manage their dockets as they deem appropriate, including, but not limited to, deciding whether a hearing or presentation of live testimony is required to resolve a pending motion, and

WHEREAS, the Legislature finds that all proposed expert testimony should be subject to the new standards of s. 90.702, Florida Statutes, as revised in this act, and as such, *Marsh v. Valyou,* 977 So. 2d 543 (Fla. 2007) and its holding as to pure opinion testimony, is overruled, NOW, THEREFORE,

On motion by Senator Richter, further consideration of **HB 243** as amended was deferred.

---

**CS for SB 750**—A bill to be entitled An act relating to bonds; amending s. 1010.49, F.S.; revising the period for which bonds are to be retired; providing that all bonds are callable at times and upon terms prescribed by the district school board; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 750**, on motion by Senator Flores, by two-thirds vote **CS for HB 465** was withdrawn from the Committees on Education Pre-K - 12; Budget Subcommittee on Finance and Tax; and Budget

On motion by Senator Flores—

**CS for HB 465**—A bill to be entitled An act relating to district school board bonds; amending s. 1010.49, F.S.; revising provisions relating to the issuance and retirement of bonds; providing an effective date.

—a companion measure, was substituted for **CS for SB 750** and read the second time by title.

On motion by Senator Flores, by two-thirds vote **CS for HB 465** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**SB 676**—A bill to be entitled An act relating to the workers' compensation certificate-of-exemption process; amending s. 440.02, F.S.; redefining the term "employee" for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements relating to election of exemption from coverage to include applicability to members of limited liability companies; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption; providing effective dates.

—was read the second time by title.

Pending further consideration of **SB 676**, on motion by Senator Smith, by two-thirds vote **HB 307** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Smith—

**HB 307**—A bill to be entitled An act relating to the workers' compensation certificate-of-exemption process; amending s. 440.02, F.S.; redefining the term "employee" for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements relating to election of exemption from coverage to include applicability to members of limited liability companies; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expand-

ing applicability of requirements relating to certificates of exemption; providing effective dates.

—a companion measure, was substituted for **SB 676** and 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 (335992) (with title amendment)**—Delete lines 18-181 and insert:

Section 1. Effective July 1, 2013, subsection (9) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(9) "Corporate officer" or "officer of a corporation" means any person who fills an office provided for in the corporate charter or articles of incorporation filed with the Division of Corporations of the Department of State or as permitted or required by chapter 607. ~~As to persons engaged in the construction industry,~~ The term "officer of a corporation" includes a member owning at least 10 percent of a limited liability company created and approved under chapter 608.

Section 2. Paragraph (b) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing ~~written~~ notice of the election with the department as provided in s. 440.05.

2. As to officers of a corporation who are engaged in the construction industry, no more than three officers of a corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing ~~written~~ notice of the election with the department as provided in s. 440.05. Officers must be shareholders, each owning at least 10 percent of the stock of such corporation and listed as an officer of such corporation with the Division of Corporations of the Department of State, in order to elect exemptions under this chapter. For purposes of this subparagraph, the term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes, but is not limited to, the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a ~~written~~ notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

Section 3. Subsections (3) and (6) of section 440.05, Florida Statutes, are amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(3) Each officer of a corporation who is engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must *submit* ~~mail~~ a ~~written~~ notice to such effect to the department on a form prescribed by the department. ~~The notice of election to be exempt from the provisions of this chapter must be notarized and under oath.~~ The notice of election to be exempt which is *electronically* submitted to the department by the officer of a corporation who is allowed to claim an exemption as provided by this chapter must list the name, federal tax identification number, *date of birth, Florida driver license number or Florida identification card number* ~~social security number~~, all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption, ~~a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the department, a copy of the relevant occupational license in the primary jurisdiction of the business, and~~ the registration number of the corporation filed with the Division of Corporations of the Department of State*, and the percentage of ownership* ~~along with a copy of the stock certificate~~ evidencing the required ownership under this chapter. The notice of election to be exempt must identify each corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer and the additional documentation required by this section. In addition, the notice of election to be exempt must provide that the officer electing an exemption is not entitled to benefits under this chapter, must provide that the election does not exceed exemption limits for officers provided in s. 440.02, and must certify that any employees of the corporation whose officer elects an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, receipt of all application fees, and a determination by the department that the notice meets the requirements of this subsection, the department shall issue a certification of the election to the officer, unless the department determines that the information contained in the notice is invalid. The department shall revoke a certificate of election to be exempt from coverage upon a determination by the department that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid. The certificate of election must list the name of the corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new or different corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, an officer who is a subcontractor or an officer of a corporate subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the department, the department shall notify the workers' compensation carriers identified in the request for exemption.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the department. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. A construction industry certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days *before* ~~prior to~~ the expiration date of a construction industry certificate of exemption ~~issued after December 1, 1998~~, the department shall send notice of the expiration date ~~and an application for renewal~~ to the certificateholder at the address on the certificate *or to the e-mail address on file with the department*.

Section 4. Effective January 1, 2013, subsection (6) of section 440.05, Florida Statutes, as amended by this act, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(6) A ~~construction industry~~ certificate of election to be exempt which is issued *on or after January 1, 2013,* in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the department. The ~~construction industry~~ certificate must expire at midnight, 2 years from its issue date, as noted on the face of the

exemption certificate. A ~~construction industry~~ certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days before the expiration date of a ~~construction industry~~ certificate of exemption, the department shall send notice of the expiration date to the certificateholder at the address on the certificate or to the e-mail address on file with the department.

Section 5. Subsection (15) is added to section 440.107, Florida Statutes, to read:

440.107 Department powers to enforce employer compliance with coverage requirements.—

*(15) A limited liability company that is not engaged in the construction industry and that meets the definition of "employment" at any time between July 1, 2013, and December 31, 2013, shall not be issued a penalty pursuant to this section for failing to secure the payment of workers' compensation.*

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1. 2012.

And the title is amended as follows:

Delete lines 4-13 and insert: F.S.; redefining the terms "corporate officer" and "employee" for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption; amending s. 440.107, F.S.; exempting certain limited liability companies from penalties for failure to secure the payment of workers' compensation;

Senator Smith moved the following substitute amendment:

**Amendment 2 (487606) (with title amendment)**—Delete lines 18-181 and insert:

Section 1. Effective July 1, 2013, subsection (9) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(9) "Corporate officer" or "officer of a corporation" means any person who fills an office provided for in the corporate charter or articles of incorporation filed with the Division of Corporations of the Department of State or as permitted or required by chapter 607. ~~As to persons engaged in the construction industry,~~ The term "officer of a corporation" includes a member owning at least 10 percent of a limited liability company created and approved under chapter 608.

Section 2. Paragraph (b) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing ~~written~~ notice of the election with the department as provided in s. 440.05.

2. As to officers of a corporation who are engaged in the construction industry, no more than three officers of a corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing *a* ~~written~~ notice of the election with the department as provided in s. 440.05. Officers must be shareholders, each owning at least 10 percent of the stock of such corporation and listed as an officer of such corporation with the Division of Corporations of the Department of State, in order to elect exemptions under this chapter. For purposes of this subparagraph, the term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes, but is not limited to, the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a ~~written~~ notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

Section 3. Subsections (3) and (6) of section 440.05, Florida Statutes, are amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(3) Each officer of a corporation who is engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must *submit* ~~mail~~ a ~~written~~ notice to such effect to the department on a form prescribed by the department. ~~The notice of election to be exempt from the provisions of this chapter must be notarized and under oath.~~ The notice of election to be exempt which is *electronically* submitted to the department by the officer of a corporation who is allowed to claim an exemption as provided by this chapter must list the name, federal tax identification number, *date of birth, Florida driver license number or Florida identification card number* ~~social security number~~, all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption, ~~a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the department, a copy of the relevant occupational license in the primary jurisdiction of the business, and~~ the registration number of the corporation filed with the Division of Corporations of the Department of State*, and the percentage of ownership* ~~along with a copy of the stock certificate~~ evidencing the required ownership under this chapter. The notice of election to be exempt must identify each corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer and the additional documentation required by this section. In addition, the notice of election to be exempt must provide that the officer electing an exemption is not entitled to benefits under this chapter, must provide that the election does not exceed exemption limits for officers provided in s. 440.02, and must certify that any employees of the corporation whose officer elects an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, receipt of all application fees, and a determination by the department that the notice meets the requirements of this subsection, the department shall issue a certification of the election to the officer, unless the department determines that the information contained in the notice is invalid. The department shall revoke a certificate of election to be exempt from coverage upon a determination by the department that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid. The certificate of election must list the name of the corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new or different corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, an officer who is a subcontractor or an officer of a corporate subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the department, the department shall notify the workers' compensation carriers identified in the request for exemption.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the ex-

piration date must be listed on the face of the certificate by the department. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. A construction industry certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days *before* ~~prior to~~ the expiration date of a construction industry certificate of exemption ~~issued after December 1, 1998~~, the department shall send notice of the expiration date ~~and an application for renewal~~ to the certificateholder at the address on the certificate *or to the e-mail address on file with the department*.

Section 4. Effective January 1, 2013, subsection (6) of section 440.05, Florida Statutes, as amended by this act, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(6) A ~~construction industry~~ certificate of election to be exempt which is issued *on or after January 1, 2013,* in accordance with this section *is* ~~shall be~~ valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the department. The ~~construction industry~~ certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. A ~~construction industry~~ certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days before the expiration date of a ~~construction industry~~ certificate of exemption, the department shall send notice of the expiration date to the certificateholder at the address on the certificate or to the e-mail address on file with the department.

Section 5. Subsection (15) is added to section 440.107, Florida Statutes, to read:

440.107 Department powers to enforce employer compliance with coverage requirements.—

*(15) A limited liability company that is not engaged in the construction industry and that meets the definition of "employment" at any time between July 1, 2013, and December 31, 2013, may not be issued a penalty pursuant to this section for failing to secure the payment of workers' compensation.*

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2012.

And the title is amended as follows:

Delete lines 2-13 and insert: An act relating to commercial insurance; amending s. 44.02,F.S.; redefining the terms "corporate officer" and "employee" for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption; amending s. 440.107, F.S.; exempting certain limited liability companies from penalties for failure to secure the payment of workers' compensation;

**MOTION**

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

Senator Smith moved the following amendments to **Amendment 2** which were adopted:

**Amendment 2A (141424)**—Delete line 6 and insert:

Section 1. Effective January 1, 2013, subsection (9) of

**Amendment 2B (149120) (with title amendment)**—Between lines 165 and 166 insert:

Section 6. Section 627.215, Florida Statutes, is amended to read:

627.215 Excessive profits for ~~workers' compensation, employer's liability,~~ commercial property~~,~~ and commercial casualty insurance prohibited.—

(1)(a) Each insurer group writing ~~workers' compensation and employer's liability insurance as defined in s. 624.605(1)(e),~~ commercial property insurance as defined in s. 627.0625, commercial umbrella liability insurance as defined in s. 627.0625, or commercial casualty insurance as defined in s. 627.0625 shall file with the office *before* ~~prior to~~ July 1 of each year, on a form prescribed by the commission, the following data for the component types of such insurance as provided in the form:

1. Calendar-year earned premium.

2. Accident-year incurred losses and loss adjustment expenses.

3. The administrative and selling expenses incurred in this state or allocated to this state for the calendar year.

4. Policyholder dividends applicable to the calendar year.

*This does not* ~~Nothing herein is intended to~~ prohibit an insurer from filing on a calendar-year basis.

(b) The data filed for the group shall be a consolidation of the data of the individual insurers of the group. However, an insurer may elect to ~~either~~ consolidate commercial umbrella liability insurance data with commercial casualty insurance data or to separately file data for commercial umbrella liability insurance. Each insurer shall elect its method of filing commercial umbrella liability insurance at the time of filing data for accident year 1987 and shall thereafter continue filing under the same method. In the case of commercial umbrella liability insurance data reported separately, a separate excessive profits test shall be applied and the test period shall be 10 years. ~~In the case of workers' compensation and employer's liability insurance, the final report for the test period including accident years 1984, 1985, and 1986 must be filed prior to July 1, 1988. In the case of commercial property and commercial casualty insurance, the final report for the test period including accident years 1987, 1988, and 1989 must be filed prior to July 1, 1991.~~

~~(2) Each insurer group writing workers' compensation and employer's liability insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 3 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year to be reported, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of three evaluations will be provided for each accident year. The first year to be so reported shall be accident year 1984, so that the reporting of 3 accident years under this revised evaluation will not take place until accident years 1985 and 1986 have become available. For reporting purposes unrelated to determining excessive profits, the loss and loss adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.~~

*(2)*~~(3)~~(a) Each insurer group writing commercial property insurance or commercial casualty insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 3 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of 3 evaluations will be provided for each accident year. ~~The first year to be so reported shall be accident year 1987, which shall first be reported on or before July 1, 1989, and the reporting of 3 accident years will not take place until accident years 1988 and 1989 have become available. For medical malpractice insurance, the first year to be so reported shall be accident year 1990, which shall first be reported on or before July 1, 1992, and the reporting of 3 accident years for full inclusion of medical malpractice experience in commercial casualty insurance will not take place until accident years 1991 and 1992 become available. Accordingly, no medical malpractice insured shall be eligible for refunds or credits until the reporting period ending with calendar accident year 1992.~~ For reporting purposes unrelated to determining excess profits, the loss and loss adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.

(b) Each insurer group writing commercial umbrella liability insurance which elects to file separate data for such insurance shall also

file a schedule of Florida loss and loss adjustment experience for each of the 10 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year, developed to an ultimate basis, and at nine 12-month intervals thereafter, each developed to an ultimate basis, so that a total of 10 evaluations will be provided for each accident year. ~~The first year to be so reported shall be accident year 1987, which shall first be reported on or before October 1, 1989, and the reporting of 10 accident years will not take place until accident year 1996 data is reported.~~

*(3)*~~(4)~~ Each insurer group's underwriting gain or loss for each calendar-accident year shall be computed as follows: The sum of the accident-year incurred losses and loss adjustment expenses as of December 31 of the year, developed to an ultimate basis, plus the administrative and selling expenses incurred in the calendar year, plus policyholder dividends applicable to the calendar year, shall be subtracted from the calendar-year earned premium to determine the underwriting gain or loss.

*(4)*~~(5)~~ For the 3 most recent calendar-accident years for which data is to be filed under this section, the underwriting gain or loss shall be compared to the anticipated underwriting profit, except in the case of separately reported commercial umbrella liability insurance for which such comparison shall be made for the 10 most recent calendar-accident years.

~~(6) For those insurer groups writing workers' compensation and employer's liability insurance during the years 1984, 1985, 1986, 1987, and 1988, an excessive profit has been realized if underwriting gain is greater than the anticipated underwriting profit plus 5 percent of earned premiums for the 3 most recent calendar years for which data is to be filed under this section. Any excess profit of an insurance company offering workers' compensation or employer's liability insurance during this period of time, shall be returned to policyholders in the form of a cash refund or a credit toward future purchase of insurance. The excessive amount shall be refunded on a pro rata basis in relation to the final compilation year earned premiums to the workers' compensation policyholders of record of the insurer group on December 31 of the final compilation year.~~

*(5)*~~(7)~~(a) Beginning with the July 1, 1991, report for ~~workers' compensation insurance, employer's liability insurance,~~ commercial property insurance, and commercial casualty insurance, an excessive profit has been realized if the net aggregate underwriting gain for ~~all~~ these lines combined is greater than the net aggregate anticipated underwriting profit for these lines plus 5 percent of earned premiums for the 3 most recent calendar years for which data is to be filed under this section. For calculation purposes commercial property insurance and commercial casualty insurance shall be broken down into sublines in order to ascertain the anticipated underwriting profit factor versus the actual underwriting gain for the given subline.

(b) Beginning with the July 1, 1998, report for commercial umbrella liability insurance, if an insurer has elected to file data separately for such insurance, an excessive profit has been realized if the underwriting gain for such insurance is greater than the anticipated underwriting profit for such insurance plus 5 percent of earned premiums for the 10 most recent calendar years for which data is to be filed under this section.

*(6)*~~(8)~~ As used in this section with respect to any 3-year period, or with respect to any 10-year period in the case of commercial umbrella liability insurance, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by Florida business, except that the anticipated underwriting profit for the purposes of this section shall be calculated using a profit and contingencies factor that is not less than zero. Separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.

*(7)*~~(9)~~ If the insurer group has realized an excessive profit, the office shall order a return of the excessive amounts after affording the insurer group an opportunity for hearing and otherwise complying with the requirements of chapter 120. Such excessive amounts shall be refunded in all instances unless the insurer group affirmatively demonstrates to the office that the refund of the excessive amounts will render a member of the insurer group financially impaired or will render it insolvent under the provisions of the Florida Insurance Code.

*(8)*~~(10)~~ Any excess profit of an insurance company ~~as determined on July 1, 1991, and thereafter~~ shall be returned to policyholders in the form of a cash refund or a credit toward the future purchase of insurance. The excessive amount shall be refunded on a pro rata basis in relation to the final compilation year earned premiums to the policyholders of record of the insurer group on December 31 of the final compilation year.

*(9)*~~(11)~~(a) Cash refunds to policyholders may be rounded to the nearest dollar.

(b) Data in required reports to the office may be rounded to the nearest dollar.

(c) Rounding, if elected by the insurer, shall be applied consistently.

*(10)*~~(12)~~(a) Refunds shall be completed in one of the following ways:

1. If the insurer group elects to make a cash refund, the refund shall be completed within 60 days *after* ~~of~~ entry of a final order indicating that excessive profits have been realized.

2. If the insurer group elects to make refunds in the form of a credit to renewal policies, such credits shall be applied to policy renewal premium notices which are forwarded to insureds more than 60 calendar days after entry of a final order indicating that excessive profits have been realized. If an insurer group has made this election but an insured thereafter cancels her or his policy or otherwise allows the policy to terminate, the insurer group shall make a cash refund *within* ~~not later than~~ 60 days after termination of such coverage.

(b) Upon completion of the renewal credits or refund payments, the insurer group shall immediately certify to the office that the refunds have been made.

*(11)*~~(13)~~ Any refund or renewal credit made pursuant to this section shall be treated as a policyholder dividend applicable to the year immediately succeeding the compilation period giving rise to the refund or credit, for purposes of reporting under this section for subsequent years.

*(12)*~~(14)~~ The application of this law to commercial property and commercial casualty insurance, which includes commercial umbrella liability insurance, ceases on January 1, 1997.

Section 7. Subsection (4) of section 628.6017, Florida Statutes, is amended to read:

628.6017 Converting assessable mutual insurer.—

(4) An assessable mutual insurer becoming a stock insurer or a nonassessable mutual insurer *is* ~~shall~~ not ~~be~~ subject to s. 627.215 or s. 627.351(5) for 5 years following authorization of the conversion by the office. However, the converted stock insurer or nonassessable mutual insurer *must* ~~shall~~ file all necessary data required by s. 627.215. Such amounts otherwise subject to s. *627.215(8) must* ~~627.215(10) shall~~ be maintained as surplus as to policyholders and *are* not ~~be~~ available for dividends for ~~a period of~~ 5 years.

And the title is amended as follows:

Delete line 184 and insert: payment of workers' compensation; amending s. 627.215, F.S.; removing workers' compensation and employer's liability insurance from those types of insurance that must report and refund excess profits; deleting obsolete provisions; amending s. 628.6017, F.S.; conforming a cross-reference;

**Amendment 2C (176792) (with title amendment)**—Between lines 165 and 166 insert:

Section 6. *The recurring sum of $193,850 is appropriated from the Workers' Compensation Administrative Trust Fund to the Department of Financial Services and four additional full-time equivalent positions are authorized for the purpose of implementing the provisions of this act.*

And the title is amended as follows:

Delete line 184 and insert: payment of workers' compensation; providing an appropriation to and authorizing additional positions within the Department of Financial Services;

**Amendment 2D (631014)**—Delete line 163 and insert: *"employment" at any time between January 1, 2013, and December 31,*

**Amendment 2** as amended was adopted.

On motion by Senator Smith, by two-thirds vote **HB 307** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Margolis

---

**SENATOR BENNETT PRESIDING**

**CS for CS for CS for SB 2094**—A bill to be entitled An act relating to energy; amending s. 186.801, F.S.; adding factors for the Public Service Commission to consider in reviewing the 10-year site plans submitted to the commission by electric utilities; amending s. 212.055, F.S.; providing for a portion of the proceeds of the local government infrastructure surtax to be used for financial assistance to residential and commercial property owners who make energy efficiency improvements or install renewable energy devices; defining the term "energy efficiency improvement"; amending s. 212.08, F.S.; providing definitions for the terms "biodiesel," "ethanol," and "renewable fuel"; providing for tax exemptions in the form of a rebate for the sale or use of certain equipment, machinery, and other materials for renewable energy technologies; providing eligibility requirements and tax credit limits; authorizing the Department of Revenue and the Department of Agriculture and Consumer Services to adopt rules; directing the Department of Agriculture and Consumer Services to determine and publish certain information relating to exemptions; providing for expiration of the exemption; amending s. 220.192, F.S., providing definitions; reestablishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing rulemaking authority to the Department of Revenue and the Department of Agriculture and Consumer Services; directing the Department of Agriculture and Consumer Services to determine and publish certain information; providing for expiration of the tax credit; amending s. 220.193, F.S.; reestablishing a corporate tax credit for renewable energy production; providing definitions; providing a tax credit for the production and sale of renewable energy; providing requirements relating to the priority and proration of such tax credits under certain circumstances; providing for the use and transfer of the tax credit; limiting the amount of tax credits that may be granted to all taxpayers during a specified period; providing rulemaking authority to the Department of Revenue; providing for expiration of the tax credit; amending s. 255.257, F.S.; directing the Department of Management Services, in coordination with the Department of Agriculture and Consumer Services, to further develop the state energy management plan; amending s. 288.106, F.S.; redefining the term "target industry business," for purposes of a tax refund program, to exclude certain electrical utilities; amending s. 366.92, F.S.; deleting an obsolete directive to the Public Service Commission to adopt rules for a renewable portfolio standard; deleting related definitions; creating s. 366.94, F.S.; providing that the provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity; providing that the rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under ch. 366, F.S.; requiring the Department of Agriculture and Consumer Services to develop rules for sales at electric vehicle charging stations; prohibiting the obstruction of a parking space at an electric vehicle charging station; providing a penalty; requiring that the Public Service Commission study the effects of charging stations on energy consumption in the state and the effects on the grid and report the results to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor; amending s. 526.203, F.S.; revising the definitions of the terms "blended gasoline" and "unblended gasoline"; defining the term "alternative fuel"; authorizing the sale of unblended fuels for certain uses; directing the Department of Agriculture and Consumer Services to compile a list of retail fuel stations that sell or offer to sell unblended gasoline and provide that information on the department's website; amending s. 581.083, F.S.; prohibiting the cultivation of certain algae in plantings greater in size than 2 contiguous acres; providing exceptions; providing for exemption from special permitting requirements by rule; revising certain bonding requirements; requiring the Department of Agriculture and Consumer Services to conduct a statewide forest inventory; requiring the Department of Agriculture and Consumer Services to work with other specified entities to develop information on cost savings for energy efficiency and conservation measures and post it on the department's website; providing an appropriation from the Florida Public Service Regulatory Trust Fund for the purpose of the Public Service Commission, in consultation with the Department of Agriculture and Consumer Services, to contract for an independent evaluation of the Florida Energy Efficiency and Conservation Act; requiring reports to the Legislature and the Executive Office of the Governor; 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 2094** to **CS for CS for HB 7117**.

Pending further consideration of **CS for CS for CS for SB 2094** as amended, on motion by Senator Gardiner, by two-thirds vote **CS for CS for HB 7117** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Agriculture; and Budget.

On motion by Senator Gardiner—

**CS for CS for HB 7117**—A bill to be entitled An act relating to energy; amending s. 163.08, F.S.; revising the definition of the term "local government"; amending s. 186.801, F.S.; requiring utilities' 10-year site plans to address existing and proposed renewable energy production and purchases; amending s. 212.055, F.S.; providing for a portion of the proceeds of the local government infrastructure surtax to be used to provide loans, grants, and rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, subject to referendum; defining the term "energy efficiency improvement"; amending s. 212.08, F.S.; providing definitions for the terms "biodiesel," "ethanol," and "renewable fuel"; providing for tax exemptions in the form of a rebate for the sale or use of certain equipment, machinery, and other materials for renewable energy technologies; providing eligibility requirements and tax credit limits; authorizing the Department of Revenue and the Department of Agriculture and Consumer Services to adopt rules; directing the Department of Agriculture and Consumer Services to determine and publish certain information relating to exemptions; providing for expiration of the exemption; amending s. 213.053, F.S.; expanding the authority of the Department of Revenue to disclose certain information; amending s. 220.192, F.S.; providing definitions; reestablishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing for use of authorized but unallocated credit amounts; providing rulemakingauthority to the Department of Revenue and the Department of Agriculture and Consumer Services; directing the Department of Agriculture and Consumer Services to determine and publish certain information; providing for expiration of the tax credit; amending s. 220.193, F.S.; reestablishing a corporate tax credit for renewable energy production; providing definitions; providing a tax credit for the production and sale of renewable energy; providing requirements relating to the priority and proration of such tax credits under certain circumstances; providing for the use and transfer of the tax credit; limiting the amount of tax credits that may be

granted to an individual taxpayer per state fiscal year and for all taxpayers per state fiscal year; increasing the cap for all taxpayers during a specified period; providing for use of authorized but unallocated credit amounts; providing rulemaking authority to the Department of Revenue and the Department of Agriculture and Consumer Services; directing the Department of Agriculture and Consumer Services to provide certain information on its website; providing for expiration of the tax credit; amending s. 255.257, F.S.; directing the Department of Management Services in coordination with the Department of Agriculture and Consumer Services to further develop the state energy management plan; amending s. 288.106, F.S.; clarifying the definition of "target industry business" for purposes of the tax refund program for qualified target industry businesses; amending s. 20.60, F.S.; requiring the Department of Economic Opportunity to prepare an independent economic impact study for certain renewable energy projects; amending s. 366.92, F.S.; providing and revising definitions; authorizing a utility to petition the Public Service Commission to determine that a proposed renewable energy project is in the public interest; providing standards and criteria for review; providing for cost recovery for reasonable and prudent costs incurred by a utility for an approved renewable energy project; requiring the Public Service Commission to adopt rules to establish a public interest determination process for renewable energy projects; establishing procedural guidelines for public interest determination; creating s. 366.94, F.S., relating to electric vehicle charging stations; providing legislative findings; providing that the rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation by the Public Service Commission; providing construction; providing rulemaking authority to the Department of Agriculture and Consumer Services; prohibiting parking in spaces specifically designated for charging an electric vehicle under specified circumstances; providing penalties; amending s. 377.703, F.S.; requiring the Department of Agriculture and Consumer Services to annually prepare an assessment of the use of specified energy-related tax credits; requiring specified information to be included in such assessment; amending s. 403.519, F.S.; requiring the Public Service Commission, in an electrical power plant need determination, to consider the need for fuel diversity to foster fuel supply reliability and fuel rate stability; amending s. 526.203, F.S.; revising the definitions of the terms "blended gasoline" and "unblended gasoline"; defining the term "alternative fuel"; authorizing the sale of unblended fuels for certain uses; directing the Department of Agriculture and Consumer Services to compile a list of retail fuel stations that sell or offer to sell unblended gasoline and provide that information on the department's website; amending s. 581.083, F.S.; prohibiting the cultivation of certain algae in plantings greater in size than 2 contiguous acres; providing exceptions; providing for exemption from special permitting requirements by rule; revising certain bonding requirements; requiring the Department of Agriculture and Consumer Services to conduct a statewide forest inventory analysis; requiring the Department of Agriculture and Consumer Services, in consultation with other state agencies, to develop a clearinghouse of information regarding cost savings associated with energy efficiency and conservation measures; requiring such information to be posted on its website; directing the Public Service Commission to conduct a study on the potential effects of electric vehicle charging stations on both energy consumption and the electric grid; providing an appropriation for the purpose of the Public Service Commission, in consultation with the Department of Agriculture and Consumer Services, contracting for an independent evaluation of the effectiveness of the Florida Energy Efficiency and Conservation Act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2094** as amended and read the second time by title.

**MOTION**

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

Senator Gardiner moved the following amendment:

**Amendment 1 (471800) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 163.08, Florida Statutes, is amended to read:

163.08 Supplemental authority for improvements to real property.—

(2) As used in this section, the term:

(a) "Local government" means a county, a municipality, ~~or~~ a dependent special district as defined in s. 189.403*, or a separate legal entity created pursuant to s. 163.01(7)*.

Section 2. Subsection (2) of section 186.801, Florida Statutes, is amended to read:

186.801 Ten-year site plans.—

(2) Within 9 months after the receipt of the proposed plan, the commission shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The commission may suggest alternatives to the plan. All findings of the commission shall be made available to the Department of Environmental Protection for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the commission. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment to the 10-year site plan. In its preliminary study of each 10-year site plan, the commission shall consider such plan as a planning document and shall review:

(a) The need, including the need as determined by the commission, for electrical power in the area to be served.

(b) The effect on fuel diversity within the state.

(c) The anticipated environmental impact of each proposed electrical power plant site.

(d) Possible alternatives to the proposed plan.

(e) The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of salt water or fresh water for cooling purposes.

(f) The extent to which the plan is consistent with the state comprehensive plan.

(g) The plan with respect to the information of the state on energy availability and consumption.

*(h) The amount of renewable energy resources the utility produces or purchases.*

*(i) The amount of renewable energy resources the utility plans to produce or purchase over the 10-year planning horizon and the means by which the production or purchases will be achieved.*

*(j) A statement describing how the production and purchase of renewable energy resources impact the utility's present and future capacity and energy needs.*

Section 3. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a nego-

tiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire land for public recreation, conservation, or protection of natural resources; *to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum;* or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any related land acquisition, land improvement, design, and engineering costs.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

*2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; and installation of efficient lighting equipment.*

*3.*~~2.~~ Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit in a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 4. Paragraph (hhh) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

*(hhh) Equipment, machinery, and other materials for renewable energy technologies.—*

*1. As used in this paragraph, the term:*

*a. "Biodiesel" means the mono-alkyl esters of long-chain fatty acids derived from plant or animal matter for use as a source of energy and meeting the specifications for biodiesel and biodiesel blends with petroleum products as adopted by rule of the Department of Agriculture and Consumer Services. "Biodiesel" may refer to biodiesel blends designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend.*

*b. "Ethanol" means an anhydrous denatured alcohol produced by the conversion of carbohydrates meeting the specifications for fuel ethanol and fuel ethanol blends with petroleum products as adopted by rule of the Department of Agriculture and Consumer Services. "Ethanol" may refer to fuel ethanol blends designated EXX, where XX represents the volume percentage of fuel ethanol in the blend.*

*c. "Renewable fuel" means a fuel produced from biomass that is used to replace or reduce the quantity of fossil fuel present in motor fuel or diesel fuel. "Biomass" means biomass as defined in s. 366.91, "motor fuel" means motor fuel as defined in s. 206.01, and "diesel fuel" means diesel fuel as defined in s. 206.86.*

*2. The sale or use in the state of the following is exempt from the tax imposed by this chapter. Materials used in the distribution of biodiesel (B10-B100), ethanol (E10-E100), and other renewable fuels, including fueling infrastructure, transportation, and storage, up to a limit of $1 million in tax each state fiscal year for all taxpayers. Gasoline fueling station pump retrofits for biodiesel (B10-B100), ethanol (E10-E100), and other renewable fuel distribution qualify for the exemption provided in this paragraph.*

*3. The Department of Agriculture and Consumer Services shall provide to the department a list of items eligible for the exemption provided in this paragraph.*

*4.a. The exemption provided in this paragraph shall be available to a purchaser only through a refund of previously paid taxes. An eligible item is subject to refund one time. A person who has received a refund on an eligible item shall notify the next purchaser of the item that the item is no longer eligible for a refund of paid taxes. The notification shall be pro-*

*vided to each subsequent purchaser on the sales invoice or other proof of purchase.*

*b. To be eligible to receive the exemption provided in this paragraph, a purchaser shall file an application with the Department of Agriculture and Consumer Services. The application shall be developed by the Department of Agriculture and Consumer Services, in consultation with the department, and shall require:*

*(I) The name and address of the person claiming the refund.*

*(II) A specific description of the purchase for which a refund is sought, including, when applicable, a serial number or other permanent identification number.*

*(III) The sales invoice or other proof of purchase showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.*

*(IV) A sworn statement that the information provided is accurate and that the requirements of this paragraph have been met.*

*c. Within 30 days after receipt of an application, the Department of Agriculture and Consumer Services shall review the application and notify the applicant of any deficiencies. Upon receipt of a completed application, the Department of Agriculture and Consumer Services shall evaluate the application for the exemption and issue a written certification that the applicant is eligible for a refund or issue a written denial of such certification. The Department of Agriculture and Consumer Services shall provide the department a copy of each certification issued upon approval of an application.*

*d. Each certified applicant is responsible for applying for the refund and forwarding the certification that the applicant is eligible to the department within 6 months after certification by the Department of Agriculture and Consumer Services.*

*e. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval by the department.*

*f. The Department of Agriculture and Consumer Services may adopt by rule the form for the application for a certificate, requirements for the content and format of information submitted to the Department of Agriculture and Consumer Services in support of the application, other procedural requirements, and criteria by which the application will be determined. The Department of Agriculture and Consumer Services may adopt other rules pursuant to ss. 120.536(1) and 120.54 to administer this paragraph, including rules establishing additional forms and procedures for claiming the exemption.*

*g. The Department of Agriculture and Consumer Services shall be responsible for ensuring that the total amount of the exemptions authorized do not exceed the limits specified in subparagraph 2.*

*5. Approval of the exemptions under this paragraph is on a first-come, first-served basis, based upon the date complete applications are received by the Department of Agriculture and Consumer Services. Incomplete placeholder applications shall not be accepted and shall not secure a place in the first-come, first-served application line. The Department of Agriculture and Consumer Services shall determine and publish on its website on a regular basis the amount of sales tax funds remaining in each fiscal year.*

*6. This paragraph expires July 1, 2016.*

Section 5. Paragraph (w) of subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(w) Information relative to *ss. 212.08(7)(hhh), 220.192, and 220.193* ~~s. 220.192~~ to the Department of Agriculture and Consumer Services for use in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 6. Subsections (1), (2), (4), (6), (7), and (8) of section 220.192, Florida Statutes, are amended to read:

220.192 Renewable energy technologies investment tax credit.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Biodiesel" means biodiesel as defined in *s. 212.08(7)(hhh)* ~~former s. 212.08(7)(ccc)~~.

(b) "Corporation" includes a general partnership, limited partnership, limited liability company, unincorporated business, or other business entity, including entities taxed as partnerships for federal income tax purposes.

(c) "Eligible costs" means~~:~~

~~1. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of $3 million per state fiscal year for all taxpayers, in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state, including, but not limited to, the costs of constructing, installing, and equipping such technologies in the state.~~

~~2. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of $1.5 million per state fiscal year for all taxpayers, and limited to a maximum of $12,000 per fuel cell, in connection with an investment in commercial stationary hydrogen fuel cells in the state, including, but not limited to, the costs of constructing, installing, and equipping such technologies in the state.~~

~~3.~~ *75* ~~Seventy-five~~ percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, *2012* ~~2006~~, and June 30, *2016* ~~2010~~, *not to exceed $1 million per state fiscal year for each taxpayer and* up to a limit of *$10* ~~$6.5~~ million per state fiscal year for all taxpayers, in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100)*,* ~~and~~ ethanol (E10-E100)*, and other renewable fuel* in the state, including the costs of constructing, installing, and equipping such technologies in the state. Gasoline fueling station pump retrofits for *biodiesel (B10-B100),* ethanol (E10-E100)*, and other renewable fuel* distribution qualify as an eligible cost under this *section* ~~subparagraph~~.

(d) "Ethanol" means ethanol as defined in *s. 212.08(7)(hhh)* ~~former s. 212.08(7)(ccc)~~.

*(e) "Renewable fuel" means a fuel produced from biomass that is used to replace or reduce the quantity of fossil fuel present in motor fuel or diesel fuel. "Biomass" means biomass as defined in s. 366.91, "motor fuel" means motor fuel as defined in s. 206.01, and "diesel fuel" means diesel fuel as defined in s. 206.86.*

~~(e) "Hydrogen fuel cell" means hydrogen fuel cell as defined in former s. 212.08(7)(ccc).~~

(f) "Taxpayer" includes a corporation as defined in paragraph (b) or s. 220.03.

(2) TAX CREDIT.—For tax years beginning on or after January 1, *2013* ~~2007~~, a credit against the tax imposed by this chapter shall be granted in an amount equal to the eligible costs. Credits may be used in tax years beginning January 1, *2013* ~~2007~~, and ending December 31, *2016* ~~2010~~, after which the credit shall expire. If the credit is not fully used in any one tax year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward and used in tax years beginning January 1, *2013* ~~2007~~, and ending December 31, *2018* ~~2012~~, after which the credit carryover expires and may not be used. A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of tax imposed upon the consolidated group. Any eligible cost for which a credit is claimed and

which is deducted or otherwise reduces federal taxable income shall be added back in computing adjusted federal income under s. 220.13.

(4) TAXPAYER APPLICATION PROCESS.—To claim a credit under this section, each taxpayer must apply to the Department of Agriculture and Consumer Services for an allocation of each type of annual credit by the date established by the Department of Agriculture and Consumer Services. The application form adopted by *rule of* the Department of Agriculture and Consumer Services must include an affidavit from each taxpayer certifying that all information contained in the application, including all records of eligible costs claimed as the basis for the tax credit, are true and correct. Approval of the credits under this section is on a first-come, first-served basis, based upon the date complete applications are received by the Department of Agriculture and Consumer Services. A taxpayer must submit only one complete application based upon eligible costs incurred within a particular state fiscal year. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line. If a taxpayer does not receive a tax credit allocation due to the exhaustion of the annual tax credit authorizations, then such taxpayer may reapply in the following year for those eligible costs and will have priority over other applicants for the allocation of credits. *If the annual tax credit authorization amount is not exhausted by allocations of credits within that particular state fiscal year, any authorized but unallocated credit amounts may be used to grant credits that were earned pursuant to s. 220.193 but unallocated due to a lack of authorized funds.*

(6) TRANSFERABILITY OF CREDIT.—

(a) For tax years beginning on or after January 1, *2014* ~~2009~~, any corporation or subsequent transferee allowed a tax credit under this section may transfer the credit, in whole or in part, to any taxpayer by written agreement without transferring any ownership interest in the property generating the credit or any interest in the entity owning such property. The transferee is entitled to apply the credits against the tax with the same effect as if the transferee had incurred the eligible costs.

(b) To perfect the transfer, the transferor shall provide the Department of Revenue with a written transfer statement notifying the Department of Revenue of the transferor's intent to transfer the tax credits to the transferee; the date the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and the amount of tax credits to be transferred. The Department of Revenue shall, upon receipt of a transfer statement conforming to the requirements of this section, provide the transferee with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply such tax credits.

(c) A tax credit authorized under this section that is held by a corporation and not transferred under this subsection shall be passed through to the taxpayers designated as partners, members, or owners, respectively, in the manner agreed to by such persons regardless of whether such partners, members, or owners are allocated or allowed any portion of the federal energy tax credit for the eligible costs. A corporation that passes the credit through to a partner, member, or owner must comply with the notification requirements described in paragraph (b). The partner, member, or owner must attach a copy of the certificate to each tax return on which the partner, member, or owner claims any portion of the credit.

(7) RULES.—The Department of Revenue *and the Department of Agriculture and Consumer Services* shall have the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules relating to:

(a) The forms required to claim a tax credit under this section, the requirements and basis for establishing an entitlement to a credit, and the examination and audit procedures required to administer this section.

(b) The implementation and administration of the provisions allowing a transfer of a tax credit, including rules prescribing forms, reporting requirements, and specific procedures, guidelines, and requirements necessary to transfer a tax credit.

(8) PUBLICATION.—The Department of Agriculture and Consumer Services shall determine and publish *on its website* on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 7. Section 220.193, Florida Statutes, is amended to read:

220.193 Florida renewable energy production credit.—

(1) The purpose of this section is to encourage the development and expansion of facilities that produce renewable energy in Florida.

(2) As used in this section, the term:

(a) "Commission" *means* ~~shall mean~~ the Public Service Commission.

(b) "Department" *means* ~~shall mean~~ the Department of Revenue.

(c) "Expanded facility" *means* ~~shall mean~~ a Florida renewable energy facility that increases its electrical production and sale by more than 5 percent above the facility's electrical production and sale during the *2011* ~~2005~~ calendar year.

(d) "Florida renewable energy facility" *means* ~~shall mean~~ a facility in the state that produces electricity for sale from renewable energy, as defined in s. 377.803.

(e) "New facility" *means* ~~shall mean~~ a Florida renewable energy facility that is operationally placed in service after May 1, 2006. *The term includes a Florida renewable energy facility that has had an expansion operationally placed in service after May 1, 2006, and whose cost exceeded 50 percent of the assessed value of the facility immediately before the expansion.*

(f) "Sale" or "sold" includes the use of electricity by the producer of such electricity which decreases the amount of electricity that the producer would otherwise have to purchase.

(g) "Taxpayer" includes a general partnership, limited partnership, limited liability company, trust, or other artificial entity in which a corporation, as defined in s. 220.03(1)(e), owns an interest and is taxed as a partnership or is disregarded as a separate entity from the corporation under this chapter.

(3) An annual credit against the tax imposed by this section shall be allowed to a taxpayer, based on the taxpayer's production and sale of electricity from a new or expanded Florida renewable energy facility. For a new facility, the credit shall be based on the taxpayer's sale of the facility's entire electrical production. For an expanded facility, the credit shall be based on the increases in the facility's electrical production that are achieved after May 1, *2012* ~~2006~~.

(a) The credit shall be $0.01 for each kilowatt-hour of electricity produced and sold by the taxpayer to an unrelated party during a given tax year.

(b) The credit may be claimed for electricity produced and sold on or after January 1, *2013* ~~2007~~. Beginning in *2014* ~~2008~~ and continuing until *2017* ~~2011~~, each taxpayer claiming a credit under this section must ~~first~~ apply to the Department *of Agriculture and Consumer Services by the date established by the Department of Agriculture and Consumer Services* ~~by February 1 of each year~~ for an allocation of available *credits for that year* ~~credit~~. *The application form shall be adopted by rule of the Department of Agriculture and Consumer Services in consultation with the commission.* ~~The department, in consultation with the commission, shall develop an application form.~~ The application form shall, at a minimum, require a sworn affidavit from each taxpayer certifying the increase in production and sales that form the basis of the application and certifying that all information contained in the application is true and correct.

(c) If the amount of credits applied for each year exceeds *the amount authorized in paragraph (g)* ~~$5 million~~, the Department *of Agriculture and Consumer Services shall allocate credits to qualified applicants based on the following priority:* ~~shall award to each applicant a prorated amount based on each applicant's increased production and sales and the increased production and sales of all applicants.~~

*1. An applicant who places a new facility in operation after May 1, 2012, shall be allocated credits first, up to a maximum of $250,000 each, with any remaining credits to be granted pursuant to subparagraph 3.,*

*but if the claims for credits under this subparagraph exceed the state fiscal year cap in paragraph (g), credits shall be allocated pursuant to this subparagraph on a prorated basis based upon each applicant's qualified production and sales as a percentage of total production and sales for all applicants in this category for the fiscal year.*

*2. An applicant who does not qualify under subparagraph 1. but who claims a credit of $50,000 or less shall be allocated credits next, but if the claims for credits under this subparagraph, combined with credits allocated in subparagraph 1. exceed the state fiscal year cap in paragraph (g), credits shall be allocated pursuant to this subparagraph on a prorated basis based upon each applicant's qualified production and sales as a percentage of total qualified production and sales for all applicants in this category for the fiscal year.*

*3. An applicant who does not qualify under subparagraph 1. or subparagraph 2. and an applicant whose credits have not been fully allocated under subparagraph 1., shall be allocated credits next. If there is insufficient capacity within the amount authorized for the state fiscal year in paragraph (g), and after allocations pursuant to subparagraphs 1. and 2., the credits allocated under this subparagraph shall be prorated based upon each applicant's unallocated claims for qualified production and sales as a percentage of total unallocated claims for qualified production and sales of all applicants in this category, up to a maximum of $1 million per taxpayer per state fiscal year. If, after application of this $1 million cap, there is excess capacity under the state fiscal year cap in paragraph (g) in any state fiscal year, that remaining capacity shall be used to allocate additional credits with priority given in the order set forth in this subparagraph and without regard to the $1 million per taxpayer cap.*

(d) If the credit granted pursuant to this section is not fully used in one year because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year, after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(e) A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of tax imposed upon the consolidated group.

(f)1. Tax credits that may be available under this section to an entity eligible under this section may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner with the same limitations.

2. The entity or its surviving or acquiring entity as described in subparagraph 1. may transfer any unused credit in whole or in units of no less than 25 percent of the remaining credit. The entity acquiring such credit may use it in the same manner and with the same limitations under this section. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section.

3. In the event the credit provided for under this section is reduced as a result of an examination or audit by the department, such tax deficiency shall be recovered from the first entity or the surviving or acquiring entity to have claimed such credit up to the amount of credit taken. Any subsequent deficiencies shall be assessed against any entity acquiring and claiming such credit, or in the case of multiple succeeding entities in the order of credit succession.

(g) Notwithstanding any other provision of this section, credits for the production and sale of electricity from a new or expanded Florida renewable energy facility may be earned between January 1, *2013* ~~2007~~, and June 30, *2016* ~~2010~~. The combined total amount of tax credits which may be granted for all taxpayers under this section is limited to $5 million *in state fiscal year 2012-2013 and $10 million* per state fiscal year *in state fiscal years 2013-2014 through 2016-2017. If the annual tax credit authorization amount is not exhausted by allocations of credits within that particular state fiscal year, any authorized but unallocated credit amounts may be used to grant credits that were earned pursuant to s. 220.192 but unallocated due to a lack of authorized funds.*

(h) A taxpayer claiming a credit under this section shall be required to add back to net income that portion of its business deductions claimed on its federal return paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under this section.

(i) A taxpayer claiming credit under this section may not claim a credit under s. 220.192. A taxpayer claiming credit under s. 220.192 may not claim a credit under this section.

(j) When an entity treated as a partnership or a disregarded entity under this chapter produces and sells electricity from a new or expanded renewable energy facility, the credit earned by such entity shall pass through in the same manner as items of income and expense pass through for federal income tax purposes. When an entity applies for the credit and the entity has received the credit by a pass-through, the application must identify the taxpayer that passed the credit through, all taxpayers that received the credit, and the percentage of the credit that passes through to each recipient and must provide other information that the *Department of Agriculture and Consumer Services* ~~department~~ requires.

(k) A taxpayer's use of the credit granted pursuant to this section does not reduce the amount of any credit available to such taxpayer under s. 220.186.

*(4) The Department of Agriculture and Consumer Services shall make a determination on the eligibility of the applicant for the credits sought and certify the determination to the applicant and the Department of Revenue. The corporation must attach the Department of Agriculture and Consumer Services' certification to the tax return on which the credit is claimed. The Department of Agriculture and Consumer Services is responsible for ensuring that the corporate income tax credits granted in each fiscal year do not exceed the limits provided for in this section.*

*(5)(a) In addition to its existing audit and investigation authority, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, and records of the tax credit applicant, which are necessary to verify the information included in the tax credit return and to ensure compliance with this section. The Department of Agriculture and Consumer Services shall provide technical assistance when requested by the Department of Revenue on any technical audits or examinations performed pursuant to this section.*

*(b) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of an audit or examination or from information received from the Department of Agriculture and Consumer Services, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.*

*(c) The Department of Agriculture and Consumer Services may revoke or modify any written decision granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The Department of Agriculture and Consumer Services shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.*

*(d) The taxpayer shall file with the Department of Revenue an amended return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax and interest within 60 days after the taxpayer receives notification from the Department of Agriculture and Consumer Services that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the taxpayer shall file an amended return or other report as provided in this paragraph within 60 days after a final order is issued after proceedings.*

*(e) A notice of deficiency may be issued by the Department of Revenue at any time within 3 years after the taxpayer receives formal notification from the Department of Agriculture and Consumer Services that pre-*

*viously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any changes to its tax credit claimed, a notice of deficiency may be issued at any time.*

*(6)*~~(4)~~ The *Department of Revenue and the Department of Agriculture and Consumer Services* ~~department~~ may adopt rules to implement and administer this section, including rules prescribing forms, the documentation needed to substantiate a claim for the tax credit, and the specific procedures and guidelines for claiming the credit.

*(7) The Department of Agriculture and Consumer Services shall determine and publish on its website on a regular basis the amount of available tax credits remaining in each fiscal year.*

*(8)*~~(5)~~ This section shall take effect upon becoming law and shall apply to tax years beginning on and after January 1, *2013* ~~2007~~.

Section 8. Subsection (3) of section 255.257, Florida Statutes, is amended to read:

255.257 Energy management; buildings occupied by state agencies.—

(3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.—The Department of Management Services*, in coordination with the Department of Agriculture and Consumer Services,* shall *further* develop *the* ~~a~~ state energy management plan consisting of, but not limited to, the following elements:

(a) Data-gathering requirements;

(b) Building energy audit procedures;

(c) Uniform data analysis *and reporting* procedures;

(d) Employee energy education program measures;

(e) Energy consumption reduction techniques;

(f) Training program for state agency energy management coordinators; and

(g) Guidelines for building managers.

The plan shall include a description of actions that state agencies shall take to reduce consumption of electricity and nonrenewable energy sources used for space heating and cooling, ventilation, lighting, water heating, and transportation.

Section 9. Paragraph (q) of subsection (2) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(q) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the department in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or services.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. Positive economic impact.—The industry is expected to have strong positive economic impacts on or benefits to the state or regional economies. Special consideration should be given to industries that facilitate the development of the state as a hub for domestic and global trade and logistics.

The term does not include any business engaged in retail industry activities; any electrical utility company *as defined in s. 366.02(2)*; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the department, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 10. Section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers.

(2) As used in this section, the term:

~~(a) "Florida renewable energy resources" means renewable energy, as defined in s. 377.803, that is produced in Florida.~~

*(a)*~~(b)~~ "Provider" means a "utility" as defined in s. 366.8255(1)(a).

*(b)*~~(c)~~ "Renewable energy" means renewable energy as defined in s. 366.91(2)(d).

~~(d) "Renewable energy credit" or "REC" means a product that represents the unbundled, separable, renewable attribute of renewable energy produced in Florida and is equivalent to 1 megawatt hour of electricity generated by a source of renewable energy located in Florida.~~

~~(e) "Renewable portfolio standard" or "RPS" means the minimum percentage of total annual retail electricity sales by a provider to consumers in Florida that shall be supplied by renewable energy produced in Florida.~~

~~(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits.~~

~~In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Department of Agriculture and Consumer Services. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.~~

~~(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.~~

~~(b) The commission's rule:~~

~~1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.~~

~~2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.~~

~~3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.~~

~~4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.~~

~~5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.~~

~~6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.~~

~~7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.~~

~~8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.~~

~~(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.~~

~~(4) In order to demonstrate the feasibility and viability of clean energy systems, the commission shall provide for full cost recovery under the environmental cost recovery clause of all reasonable and prudent costs incurred by a provider for renewable energy projects that are zero greenhouse gas emitting at the point of generation, up to a total of 110 megawatts statewide, and for which the provider has secured necessary land, zoning permits, and transmission rights within the state. Such costs shall be deemed reasonable and prudent for purposes of cost recovery so long as the provider has used reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner appropriate to the location of the facility. The provider shall report to the commission as part of the cost-recovery proceedings the construction costs, in-service costs, operating and maintenance costs, hourly energy production of the renewable energy project, and any other information deemed relevant by the commission. Any provider constructing a clean energy facility pursuant to this section shall file for cost recovery no later than July 1, 2009.~~

*(3)*~~(5)~~ Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, 2009, and annually thereafter, each municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.

*(4)*~~(6)~~ Nothing in this section shall be construed to impede or impair terms and conditions of existing contracts.

*(5)*~~(7)~~ The commission may adopt rules to administer and implement the provisions of this section.

Section 11. Section 366.94, Florida Statutes, is created to read:

*366.94 Electric vehicle charging stations.—*

*(1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.*

*(2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.*

*(3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle.*

*(b) If a law enforcement officer finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.*

*(4) The Public Service Commission is directed to conduct a study of the potential effects of public charging stations and privately owned electric vehicle charging on both energy consumption and the impact on the electric grid in the state. The Public Service Commission shall also investigate the feasibility of using off-grid solar photovoltaic power as a source of electricity for the electric vehicle charging stations. The commission shall submit the results of the study to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by December 31, 2012.*

Section 12. Paragraph (n) is added to subsection (2) of section 377.703, Florida Statutes, to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

*(n) On an annual basis, the department shall prepare an assessment of the utilization of the tax exemption authorized in s. 212.08(7)(hhh), the renewable energy technologies investment tax credit authorized in s. 220.192, and the renewable energy production credit authorized in s. 220.193, which the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by February 1 of each year. The assessment shall include, at a minimum, the following information:*

*1. For the tax exemption authorized in s. 212.08(7)(hhh):*

*a. The name of each taxpayer receiving an exemption under this section;*

*b. The amount of the exemption received by each taxpayer; and*

*c. The type and description of each eligible item for which each taxpayer is applying.*

*2. For the renewable energy technologies investment tax credit authorized in s. 220.192:*

*a. The name of each taxpayer receiving an allocation under this section;*

*b. The amount of the credits allocated for that fiscal year for each taxpayer; and*

*c. The type of technology and a description of each investment for which each taxpayer receives an allocation.*

*3. For the renewable energy production credit authorized in s. 220.193:*

*a. The name of each taxpayer receiving an allocation under this section;*

*b. The amount of credits allocated for that fiscal year for each taxpayer;*

*c. The type and amount of renewable energy produced and sold, whether the facility producing that energy is a new or expanded facility, and the approximate date on which production began; and*

*d. The aggregate amount of credits allocated for all taxpayers claiming credits under this section for the fiscal year.*

Section 13. Subsection (1) of section 526.203, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

526.203 Renewable fuel standard.—

(1) DEFINITIONS.—As used in this act*, the term*:

*(a) "Alternative fuel" means a fuel produced from biomass, as defined in s. 366.91, which is used to replace or reduce the quantity of fossil fuel present in a petroleum fuel that meets the specifications as adopted by the department.*

*(b)*~~(a)~~ "Blender," "importer," "terminal supplier," and "wholesaler" are defined as provided in s. 206.01.

*(c)*~~(b)~~ "Blended gasoline" means a mixture of 90 to 91 percent gasoline and 9 to 10 percent fuel ethanol *or other alternative fuel*, by volume, *which* ~~that~~ meets the specifications as adopted by the department. The fuel ethanol *or other alternative fuel* portion may be derived from any agricultural source.

*(d)*~~(c)~~ "Fuel ethanol" means an anhydrous denatured alcohol produced by the conversion of carbohydrates *which* ~~that~~ meets the specifications as adopted by the department.

*(e)*~~(d)~~ "Unblended gasoline" means gasoline that has not been blended with fuel ethanol *or other alternative fuel* and that meets the specifications as adopted by the department.

*(5) The Department of Agriculture and Consumer Services shall compile a list of retail fuel stations that sell or offer to sell unblended gasoline. This information shall be compiled by the department as part of its routine retail fuel station inspections, authorized under s. 525.07, and from information provided voluntarily by retail dealers. The Department of Agriculture and Consumer Services shall provide this information on its website to inform consumers of the options available for unblended gasoline.*

Section 14. Subsection (4) of section 581.083, Florida Statutes, is amended to read:

581.083 Introduction or release of plant pests, noxious weeds, or organisms affecting plant life; cultivation of nonnative plants; special permit and security required.—

(4) A person may not cultivate a nonnative plant*, algae, or blue-green algae,* including a genetically engineered plant*, algae, or blue-green algae* ~~or a plant that has been introduced, for purposes of fuel production or purposes other than agriculture~~ in plantings greater in size than 2 contiguous acres, except under a special permit issued by the department through the division, which is the sole agency responsible for issuing such special permits. *A permit is not required to cultivate any plant or group of plants that, based on experience or research data, does not pose a threat of becoming an invasive species and is commonly grown in this state for the purpose of human food consumption, commercial feed, feedstuff, forage for livestock, nursery stock, or silviculture. The department is authorized to adopt additional exemptions to the permitting requirements of this section if the department determines, after consulting with the Institute of Food and Agricultural Sciences at the University of Florida, that based on experience or research data, the nonnative plant, algae, or blue-green algae does not pose a threat of becoming an invasive species or a pest of plants or native fauna under conditions in this state and subsequently exempts the plant or group of plants by rule* ~~Such a permit shall not be required if the department determines, in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida, that the plant is not invasive and subsequently exempts the plant by rule~~.

(a)1. Each application for a special permit must be accompanied by a fee as described in subsection (2) and proof that the applicant has obtained*, on a form approved by the department,* a bond ~~in the form approved by the department and~~ issued by a surety company admitted to do business in this state or a certificate of deposit*, or other type of security adopted by rule of the department, which provides a financial assurance of cost recovery for the removal of a planting*. The application must include, on a form provided by the department, the name of the applicant and the applicant's address or the address of the applicant's principal place of business; a statement completely identifying the nonnative plant to be cultivated; and a statement of the estimated cost of removing and destroying the plant that is the subject of the special permit and the basis for calculating or determining that estimate. If the applicant is a corporation, partnership, or other business entity, the applicant must also provide in the application the name and address of each officer, partner, or managing agent. The applicant shall notify the department within 10 business days of any change of address or change in the principal place of business. The department shall mail all notices to the applicant's last known address.

2. As used in this subsection, the term "certificate of deposit" means a certificate of deposit at any recognized financial institution doing business in the United States. The department may not accept a certificate of deposit in connection with the issuance of a special permit unless the issuing institution is properly insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) Upon obtaining a permit, the permitholder may annually cultivate and maintain the nonnative plants as authorized by the special permit. If the permitholder ceases to maintain or cultivate the plants authorized by the special permit, if the permit expires, or if the permitholder ceases to abide by the conditions of the special permit, the permitholder shall immediately remove and destroy the plants that are subject to the permit, if any remain. The permitholder shall notify the department of the removal and destruction of the plants within 10 days after such event.

(c) If the department:

1. Determines that the permitholder is no longer maintaining or cultivating the plants subject to the special permit and has not removed and destroyed the plants authorized by the special permit;

2. Determines that the continued maintenance or cultivation of the plants presents an imminent danger to public health, safety, or welfare;

3. Determines that the permitholder has exceeded the conditions of the authorized special permit; or

4. Receives a notice of cancellation of the surety bond, the department may issue an immediate final order, which shall be immediately appealable or enjoinable as provided by chapter 120, directing the permitholder to immediately remove and destroy the plants authorized to be cultivated under the special permit. A copy of the immediate final

order *must* ~~shall~~ be mailed to the permitholder and to the surety company or financial institution that has provided security for the special permit, if applicable.

(d) If, upon issuance by the department of an immediate final order to the permitholder, the permitholder fails to remove and destroy the plants subject to the special permit within 60 days after issuance of the order, or such shorter period as is designated in the order as public health, safety, or welfare requires, the department may enter the cultivated acreage and remove and destroy the plants that are the subject of the special permit. If the permitholder makes a written request to the department for an extension of time to remove and destroy the plants that demonstrates specific facts showing why the plants could not reasonably be removed and destroyed in the applicable timeframe, the department may extend the time for removing and destroying plants subject to a special permit. The reasonable costs and expenses incurred by the department for removing and destroying plants subject to a special permit shall be reimbursed to the department by the permitholder within 21 days after the date the permitholder and the surety company or financial institution are served a copy of the department's invoice for the costs and expenses incurred by the department to remove and destroy the cultivated plants, along with a notice of administrative rights, unless the permitholder or the surety company or financial institution object to the reasonableness of the invoice. In the event of an objection, the permitholder or surety company or financial institution is entitled to an administrative proceeding as provided by chapter 120. Upon entry of a final order determining the reasonableness of the incurred costs and expenses, the permitholder *has* ~~shall have~~ 15 days *after* ~~following~~ service of the final order to reimburse the department. Failure of the permitholder to timely reimburse the department for the incurred costs and expenses entitles the department to reimbursement from the applicable bond or certificate of deposit.

(e) Each permitholder shall maintain for each separate growing location a bond or a certificate of deposit in an amount determined by the department, but not *more* ~~less~~ than 150 percent of the estimated cost of removing and destroying the cultivated plants. The bond or certificate of deposit may not exceed $5,000 per acre, unless a higher amount is determined by the department to be necessary to protect the public health, safety, and welfare or unless an exemption is granted by the department based on conditions specified in the application which would preclude the department from incurring the cost of removing and destroying the cultivated plants and would prevent injury to the public health, safety, and welfare. The aggregate liability of the surety company or financial institution to all persons for all breaches of the conditions of the bond or certificate of deposit may not exceed the amount of the bond or certificate of deposit. The original bond or certificate of deposit required by this subsection shall be filed with the department. A surety company shall give the department 30 days' written notice of cancellation, by certified mail, in order to cancel a bond. Cancellation of a bond does not relieve a surety company of liability for paying to the department all costs and expenses incurred or to be incurred for removing and destroying the permitted plants covered by an immediate final order authorized under paragraph (c). A bond or certificate of deposit must be provided or assigned in the exact name in which an applicant applies for a special permit. The penal sum of the bond or certificate of deposit to be furnished to the department by a permitholder in the amount specified in this paragraph must guarantee payment of the costs and expenses incurred or to be incurred by the department for removing and destroying the plants cultivated under the issued special permit. The bond or certificate of deposit assignment or agreement must be upon a form prescribed or approved by the department and must be conditioned to secure the faithful accounting for and payment of all costs and expenses incurred by the department for removing and destroying all plants cultivated under the special permit. The bond or certificate of deposit assignment or agreement must include terms binding the instrument to the Commissioner of Agriculture. Such certificate of deposit shall be presented with an assignment of the permitholder's rights in the certificate in favor of the Commissioner of Agriculture on a form prescribed by the department and with a letter from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution. Such assignment is irrevocable while a special permit is in effect and for an additional period of 6 months after termination of the special permit if operations to remove and destroy the permitted plants are not continuing and if the department's invoice remains unpaid by the permitholder under the issued immediate final order. If operations to remove and destroy the plants are pending, the assignment remains in effect until all plants are removed and destroyed and the department's invoice has been paid. The bond or certificate of deposit may be released by the assignee of the surety company or financial institution to the permitholder, or to the permitholder's successors, assignee, or heirs, if operations to remove and destroy the permitted plants are not pending and no invoice remains unpaid at the conclusion of 6 months after the last effective date of the special permit. The department may not accept a certificate of deposit that contains any provision that would give to any person any prior rights or claim on the proceeds or principal of such certificate of deposit. The department shall determine by rule whether an annual bond or certificate of deposit will be required. The amount of such bond or certificate of deposit shall be increased, upon order of the department, at any time if the department finds such increase to be warranted by the cultivating operations of the permitholder. In the same manner, the amount of such bond or certificate of deposit may be *adjusted downward or removed* ~~decreased~~ when a decrease in the cultivating operations *of the permitholder occurs or when research or practical field knowledge and observations indicate a low risk of invasiveness by the nonnative species* ~~warrants such decrease~~. *Factors that may be considered for change include multiple years or cycles of successful large-scale contained cultivation; no observation of plant, algae, or blue-green algae escape from managed areas; or science-based evidence that established or approved adjusted cultivation practices provide a similar level of containment of the nonnative plant, algae, or blue-green algae.* This paragraph applies to any bond or certificate of deposit, regardless of the anniversary date of its issuance, expiration, or renewal.

(f) In order to carry out the purposes of this subsection, the department or its agents may require from any permitholder verified statements of the cultivated acreage subject to the special permit and may review the permitholder's business or cultivation records at her or his place of business during normal business hours in order to determine the acreage cultivated. The failure of a permitholder to furnish such statement, to make such records available, or to make and deliver a new or additional bond or certificate of deposit is cause for suspension of the special permit. If the department finds such failure to be willful, the special permit may be revoked.

Section 15. *The Department of Agriculture and Consumer Services shall conduct a comprehensive statewide forest inventory analysis and study, using a geographic information system, to identify where available biomass is located, determine the available biomass resources, and ensure forest sustainability within the state. The department shall submit the results of the study to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by July 1, 2013.*

Section 16. *The Office of Energy within the Department of Agriculture and Consumer Services, in consultation with the Public Service Commission, the Florida Building Commission, and the Florida Energy Systems Consortium, shall develop a clearinghouse of information regarding cost savings associated with various energy efficiency and conservation measures. The department shall post the information on its website by July 1, 2013.*

Section 17. *For the 2012-2013 fiscal year, the nonrecurring sum of $250,000 is appropriated from the Florida Public Service Regulatory Trust Fund for the purpose of the Public Service Commission, in consultation with the Department of Agriculture and Consumer Services, contracting for an independent evaluation of the Florida Energy Efficiency and Conservation Act to determine if the act remains in the public interest. The evaluation must consider the costs to ratepayers, the incentives and disincentives associated with the provisions in the act, and if the programs create benefits without undue burden on the customer. The models and methods used to determine conservation goals must be specifically addressed in the report. The commission shall submit the report to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by January 31, 2013.*

Section 18. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to energy; amending s. 163.08, F.S.; revising the definition of the term "local government"; amending s. 186.801, F.S.; adding factors for the Public Service Commission to consider in re-

viewing the 10-year site plans submitted to the commission by electric utilities; amending s. 212.055, F.S.; providing for a portion of the proceeds of the local government infrastructure surtax to be used for financial assistance to residential and commercial property owners who make energy efficiency improvements or install renewable energy devices; defining the term "energy efficiency improvement"; amending s. 212.08, F.S.; providing definitions for the terms "biodiesel," "ethanol," and "renewable fuel"; providing for tax exemptions in the form of a rebate for the sale or use of certain equipment, machinery, and other materials for renewable energy technologies; providing eligibility requirements and tax credit limits; authorizing the Department of Revenue and the Department of Agriculture and Consumer Services to adopt rules; directing the Department of Agriculture and Consumer Services to determine and publish certain information relating to exemptions; providing for expiration of the exemption; amending s. 213.053, F.S.; expanding the authority of the Department of Revenue to disclose certain information; amending s. 220.192, F.S.; providing definitions; reestablishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing for use of authorized but unallocated credit amounts; providing rulemaking authority to the Department of Revenue and the Department of Agriculture and Consumer Services; directing the Department of Agriculture and Consumer Services to determine and publish certain information; providing for expiration of the tax credit; amending s. 220.193, F.S.; reestablishing a corporate tax credit for renewable energy production; providing definitions; providing a tax credit for the production and sale of renewable energy; providing requirements relating to the priority and proration of such tax credits under certain circumstances; providing for the use and transfer of the tax credit; limiting the amount of tax credits that may be granted to an individual taxpayer per state fiscal year and for all taxpayers per state fiscal year; increasing the cap for all taxpayers during a specified period; providing for use of authorized but unallocated credit amounts; providing rulemaking authority to the Department of Revenue and the Department of Agriculture and Consumer Services; directing the Department of Agriculture and Consumer Services to provide certain information on its website; providing for expiration of the tax credit; amending s. 255.257, F.S.; directing the Department of Management Services, in coordination with the Department of Agriculture and Consumer Services, to further develop the state energy management plan; amending s. 288.106, F.S.; redefining the term "target industry business," for purposes of a tax refund program, to exclude certain electrical utilities; amending s. 366.92, F.S.; deleting an obsolete directive to the Public Service Commission to adopt rules for a renewable portfolio standard; deleting related definitions; removing a provision that allowed full cost recovery for certain renewable energy projects; creating s. 366.94, F.S.; providing that the provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity; providing that the rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under ch. 366, F.S.; requiring the Department of Agriculture and Consumer Services to develop rules for sales at electric vehicle charging stations; prohibiting the obstruction of a parking space at an electric vehicle charging station; providing a penalty; requiring that the Public Service Commission study the effects of charging stations on energy consumption in the state and the effects on the grid and report the results to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor; amending s. 377.703, F.S.; requiring the Department of Agriculture and Consumer Services to annually prepare an assessment of the use of specified energy-related tax credits; requiring specified information to be included in such assessment; amending s. 526.203, F.S.; revising the definitions of the terms "blended gasoline" and "unblended gasoline"; defining the term "alternative fuel"; directing the Department of Agriculture and Consumer Services to compile a list of retail fuel stations that sell or offer to sell unblended gasoline and provide that information on the department's website; amending s. 581.083, F.S.; prohibiting the cultivation of certain algae in plantings greater in size than 2 contiguous acres; providing exceptions; providing for exemption from special permitting requirements by rule; revising certain bonding requirements; requiring the Department of Agriculture and Consumer Services to conduct a statewide forest inventory; requiring the Department of Agriculture and Consumer Services to work with other specified entities to develop information on cost savings for energy efficiency and conservation measures and post it on the department's website; providing an appropriation from the Florida Public Service Regulatory Trust Fund for the purpose of the Public Service Commission, in consultation with the Department of Agriculture and Consumer Services, to contract for an independent evaluation of the Florida Energy Efficiency and Conservation Act; requiring reports to the Legislature and the Executive Office of the Governor; providing an effective date.

**MOTION**

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

Senator Gardiner moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (972436)**—Delete line 1023 and insert:

*(5) This section does not prohibit a retail dealer, as defined in s. 206.01, from selling or offering to sell unblended gasoline. The Department of Agriculture and Consumer Services*

**Amendment 1** as amended was adopted.

On motion by Senator Gardiner, by two-thirds vote **CS for CS for HB 7117** as amended was read the third time by title, passed by the required two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

| | |
|---|---|
| Hays | Negron |

---

The Senate resumed consideration of—

**HB 243**—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; subjecting pure opinion testimony to such requirements; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Richter, by two-thirds vote **HB 243** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

| | | |
|---|---|---|
| Gibson | Negron | Siplin |
| Hays | Norman | Smith |
| Jones | Oelrich | Sobel |
| Joyner | Rich | Storms |
| Latvala | Richter | Thrasher |
| Lynn | Ring | Wise |
| Margolis | Sachs | |
| Montford | Simmons | |

Nays—None

---

The Senate resumed consideration of—

**CS for CS for CS for HB 1163**—A bill to be entitled An act relating to adoption; amending s. 39.802, F.S.; requiring the Department of Children and Family Services to inform the parents of a child of the availability of private placement of the child with an adoption entity in certain circumstances; amending s. 63.022, F.S.; revising legislative intent to delete reference to reporting requirements for placements of minors and exceptions; amending s. 63.032, F.S.; revising definitions; amending s. 63.037, F.S.; exempting adoption proceedings initiated under chapter 39, F.S., from a requirement for a search of the Florida Putative Father Registry; amending s. 63.039, F.S.; providing that all adoptions of minor children require the use of an adoption entity that will assume the responsibilities provided in specified provisions; providing an exception; amending s. 63.0423, F.S.; revising procedures with respect to surrendered infants; providing that an infant who tests positive for illegal drugs, narcotic prescription drugs, alcohol, or other substances, but shows no other signs of child abuse or neglect, shall be placed in the custody of a licensed child-placing agency; providing that a specified reporting requirement is not superseded; providing that when the Department of Children and Family Services is contacted regarding a surrendered infant who does not appear to have been the victim of actual or suspected child abuse or neglect, it shall provide instruction to contact a licensed child-placing agency and may not take custody of the infant; providing an exception; revising provisions relating to scientific testing to determine the paternity or maternity of a minor; amending s. 63.0427, F.S.; prohibiting a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parent or parents; amending s. 63.052, F.S.; deleting a requirement that a minor be permanently committed to an adoption entity in order for the entity to be guardian of the person of the minor; limiting the circumstances in which an intermediary may remove a child; providing that an intermediary does not become responsible for a minor child's medical bills that were incurred before taking physical custody of the child; providing additional placement options for a minor surrendered to an adoption entity for subsequent adoption when a suitable prospective adoptive home is not available; amending s. 63.053, F.S.; requiring that an unmarried biological father strictly comply with specified provisions in order to protect his interests; amending s. 63.054, F.S.; authorizing submission of an alternative document to the Office of Vital Statistics by the petitioner in each proceeding for termination of parental rights; providing that by filing a claim of paternity form the registrant expressly consents to paying for DNA testing; requiring that an alternative address designated by a registrant be a physical address; providing that the filing of a claim of paternity with the Florida Putative Father Registry does not relieve a person from compliance with specified requirements; amending s. 63.062, F.S.; revising requirements for when a minor's father must be served prior to termination of parental rights; requiring that an unmarried biological father comply with specified requirements in order for his consent to be required for adoption; revising such requirements; providing that the mere fact that a father expresses a desire to fulfill his responsibilities towards his child which is unsupported by acts evidencing this intent does not meet the requirements; providing for the sufficiency of an affidavit of nonpaternity; providing an exception to a condition to a petition to adopt an adult; amending s. 63.063, F.S.; conforming terminology; amending s. 63.082, F.S.; revising language concerning applicability of notice and consent provisions in cases in which the child is conceived as a result of a violation of criminal law; requiring notice to be provided to the father of a child alleged to be conceived as a result of a violation of criminal law if charges are not filed; providing that a criminal conviction is not required for the court to find that the child was conceived as a result of a violation of criminal law; requiring an affidavit of diligent search to be filed whenever a person who is required to consent is unavailable because the person cannot be located; providing that in an adoption of a stepchild or a relative, a certified copy of the death certificate of the person whose consent is required may be attached to the petition for adoption if a separate petition for termination of parental rights is not being filed; authorizing the execution of an affidavit of nonpaternity before the birth of a minor in preplanned adoptions; revising language of a consent to adoption; providing that a home study provided by the adoption entity shall be deemed to be sufficient except in certain circumstances; providing for a hearing if an adoption entity moves to intervene in a dependency case; requiring the court to provide information to prospective adoptive parents regarding parent training classes in the community upon determining the child dependent; requiring the department to file an acknowledgement of receipt of information; requiring the adoption entity to provide updates to the court at specified intervals; requiring the court to advise a biological parent who is a party to a dependency proceeding of the right to participate in a private adoption; revising language concerning seeking to revoke consent to an adoption of a child older than 6 months of age; providing that if the consent of one parent is set aside or revoked, any other consents executed by the other parent or a third party whose consent is required for the adoption of the child may not be used by the parent who consent was revoked or set aside to terminate or diminish the rights of the other parent or third party; amending s. 63.085, F.S.; revising language of an adoption disclosure statement; requiring that a copy of a waiver by prospective adoptive parents of receipt of certain records must be filed with the court; amending s. 63.087, F.S.; specifying that a failure to personally appear at a proceeding to terminate parental rights constitutes grounds for termination; amending s. 63.088, F.S.; providing that in a termination of parental rights proceeding if a required inquiry that identifies a father who has been adjudicated by a court as the father of the minor child before the date a petition for termination of parental rights is filed the inquiry must terminate at that point; amending s. 63.089, F.S.; specifying that it is a failure to personally appear that provides grounds for termination of parental rights in certain circumstances; providing additional grounds upon which a finding of abandonment may be made; revising provisions relating to dismissal of petitions to terminate parental rights; providing that contact between a parent seeking relief from a judgment terminating parental rights and a child may be awarded only in certain circumstances; providing for placement of a child in the event that a court grants relief from a judgment terminating parental rights and no new pleading is filed to terminate parental rights; amending s. 63.092, F.S.; requiring that a signed copy of the home study must be provided to the intended adoptive parents who were the subject of the study; amending s. 63.152, F.S.; authorizing an adoption entity to transmit a certified statement of the entry of a judgment of adoption to the state registrar of vital statistics; amending s. 63.162, F.S.; authorizing a birth parent to petition that court to appoint an intermediary or a licensed child-placing agency to contact an adult adoptee and advise both of the availability of the adoption registry and that the birth parent wishes to establish contact; amending s. 63.167, F.S.; requiring that the state adoption center provide contact information for all adoption entities in a caller's county or, if no adoption entities are located in the caller's county, the number of the nearest adoption entity when contacted for a referral to make an adoption plan; amending s. 63.202, F.S.; revising terminology in provisions relating to licensing by the department; amending s. 63.212, F.S.; restricting who may place a paid advertisement or paid listing of the person's telephone number offering certain adoption services; requiring of publishers of telephone directories to include certain statements at the beginning of any classified heading for adoption and adoption services; providing requirements for such advertisements; providing criminal penalties for violations; prohibiting the offense of adoption deception by a person who is a birth mother or a woman who holds herself out to be a birth mother; providing criminal penalties; providing liability by violators for certain damages; amending s. 63.213, F.S.; providing that a preplanned adoption arrangement does not constitute consent of a mother to place her biological child for adoption until 48 hours following birth; providing that a volunteer mother's right to rescind her consent in a preplanned adoption applies only when the child is genetically related to her; revising the definitions of the terms "child," "preplanned adoption arrangement," and "volunteer mother"; amending s. 63.222, F.S.; providing that provisions designated as remedial may apply to any proceedings pending on the effective date of the provisions; amending s. 63.2325, F.S.; revising terminology relating to revocation of consent to adoption; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Wise, by two-thirds vote **CS for CS for CS for HB 1163** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**SENATOR THRASHER PRESIDING**

The Senate resumed consideration of—

**CS for CS for SB 292**—A bill to be entitled An act relating to legal notices; creating s. 50.0211, F.S.; requiring that, after a specified date, if a legal notice is published in a newspaper, the newspaper publishing the notice shall also place the notice on a website maintained by the newspaper, at no additional charge; providing requirements for size and placement of such website publication; requiring free access to such online publications; requiring that legal notices published in newspapers also be published on another specified website; requiring that, after a specified date, newspapers that publish legal notice must provide e-mail notification of new legal notices; providing requirements for such notice; providing that an error on a newspaper or statewide website shall be considered a harmless error and legal notice requirements shall be considered met if the notice published in the newspaper is correct; amending s. 50.041, F.S.; revising physical requirements for proof of publication affidavits; authorizing electronic affidavits that meet specified requirements; amending s. 50.061, F.S.; limiting the rate that may be charged for government notices required to be published more than once in certain circumstances; deleting provisions specifying rates for legal notices based on county population; specifying that if a public notice is published in a newspaper, publication of a notice on a website pursuant to specified provisions must be done at no charge; amending ss. 125.66, 166.041, 190.005, and 200.065, F.S.; requiring that website publication of certain legal notices include maps that appear in the newspaper advertisements; amending s. 17.325, F.S.; making it optional for the Chief Financial Officer to advertise the availability of the governmental efficiency hotline; amending s. 215.68, F.S.; deleting specific criteria for publishing certain bond notices; amending ss. 120.60 215.555, 253.52, 255.518, and 380.0668, F.S.; deleting requirements that certain legal notices be published in Leon County; amending s. 455.275, F.S.; deleting a requirement that certain notices concerning professional licensees who cannot be personally served be published in Leon County; requiring that plain notice to the licensee to be posted on the front page of the Department of Business and Professional Regulation's website and provided to certain news outlets; amending s. 473.3141, F.S.; deleting a requirement that notices concerning discipline of certain certified public accountants be published in Leon County; amending s. 527.23, F.S.; deleting requirements relating to the newspaper publication of certain notices relating to marketing orders for propane gas; providing for Internet publication of such orders and for providing information to certain news outlets; amending ss. 573.109 and 573.111, F.S.; deleting requirements relating to the newspaper publication of certain notices relating to agricultural marketing orders; providing for Internet publication of such orders and for providing information to certain news outlets; amending s. 631.59, F.S.; deleting requirements for the newspaper publication of certain notices concerning insolvent insurers; providing for notice by e-mail or telephone; providing for applicability; providing effective dates.

—which was previously considered this day with pending **Amendment 1 (920062)** by Senator Bennett.

**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 to **Amendment 1** which failed:

**Amendment 1A (107054)**—Delete lines 21-54 and insert: in the English language, *in which 25 percent of the content is news and editorial in nature, and whose total minimum circulation of greater than 2,500 is biannually audited and certified in an affidavit by an independent third-party auditor approved by the Community Papers of Florida, the Florida Community Paper Advertising Network, the Florida Press Association, or a similarly sanctioned organization recognized by the newspaper industry or* entered or qualified to be admitted and entered as periodicals matter at a post office in the county where published, ~~for sale to the public generally, available to the public generally~~ for the publication of official or other notices and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public.

Section 2. Section 50.031, Florida Statutes, is amended to read:

50.031 Newspapers in which legal notices and process may be published.—No notice or publication required to be published in a newspaper in the nature of or in lieu of process of any kind, nature, character or description provided for under any law of the state, whether heretofore or hereafter enacted, and whether pertaining to constructive service, or the initiating, assuming, reviewing, exercising or enforcing jurisdiction or power, by any court in this state, or any notice of sale of property, real or personal, for taxes, state, county or municipal, or sheriff's, guardian's or administrator's or any sale made pursuant to any judicial order, decree or statute or any other publication or notice pertaining to any affairs of the state, or any county, municipality or other political subdivision thereof, shall be deemed to have been published in accordance with the statutes providing for such publication, unless the same shall have been published for the prescribed period of time required for such publication, in a newspaper which at the time of such publication shall have been in existence for 1 year*, in which 25 percent of the content is news and editorial in nature, and whose total minimum circulation of greater than 2,500 is biannually audited and certified in an affidavit*

On motion by Senator Bennett, further consideration of **CS for CS for SB 292** with pending **Amendment 1 (920062)** was deferred.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 730, with amendment(s), and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**CS for SB 730**—A bill to be entitled An act relating to Medicaid managed care plans; amending s. 409.9122, F.S.; requiring the Agency for Health Care Administration to establish per-member, per-month payments; substituting the Medicare Advantage Coordinated Care Plan for the Medicare Advantage Special Needs Plan; amending s. 409.962, F.S.; revising the definition of "eligible plan" to include certain Medicare plans; amending s. 409.967, F.S.; limiting the penalty that a plan must pay if it leaves a region before the end of the contract term; amending s. 409.974, F.S.; correcting a cross-reference; providing that certain Medicare plans are not subject to procurement requirements or plan limits; amending s. 409.977, F.S.; requiring dually eligible Medicaid recipients to be enrolled in the Medicare plan in which they are already enrolled; amending s. 409.981, F.S.; revising the list of Medicare plans that are not subject to procurement requirements for long-term care plans; amending s. 409.984, F.S.; revising the list of Medicare plans in which

dually eligible Medicaid recipients are enrolled in order to receive long-term care; providing an effective date.

**House Amendment 1 (504515) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (4) and subsection (21) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 5., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. The agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. Except as provided in subparagraph 5., the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts must be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demon-

strating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

3. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

4. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

5. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, that are open for child welfare services in the statewide automated child welfare information system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. The agency shall work with the specialty plan to develop clinically effective, evidence-based alternatives as a downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the statewide automated child welfare information system and who reside in AHCA area 10 shall be enrolled in a capitated provider service network or other capitated managed care plan, which, in coordination with available community-based care providers specified in s. 409.1671, shall provide sufficient medical, developmental, and behavioral health services to meet the needs of these children.

*Effective July, 1, 2012, in order to ensure continuity of care, the agency is authorized to extend or modify current contracts based on current service areas or on a regional basis, as determined appropriate by the agency, with comprehensive behavioral health care providers as described in this paragraph during the period prior to its expiration.* This paragraph expires October 1, 2014.

(21) The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed $2,500 per violation. In no event shall such fine exceed an aggregate amount of $10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed $20,000 for each such violation. In no event shall such fine exceed an aggregate amount of $100,000 for all knowing and willful violations arising out of the same action. ~~This subsection expires October 1, 2014.~~

Section 2. Subsection (21) is added to section 409.9122, Florida Statutes, to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

*(21) If required as a condition of a waiver, the agency may calculate a medical loss ratio for managed care plans. The calculation shall utilize uniform financial data collected from all plans and shall be computed for each plan on a statewide basis. The method for calculating the medical loss ratio shall meet the following criteria:*

*(a) Except as provided in paragraphs (b) and (c), expenditures shall be classified in a manner consistent with 45 C.F.R. part 158.*

*(b) Funds provided by plans to graduate medical education institutions to underwrite the costs of residency positions shall be classified as medical expenditures, provided the funding is sufficient to sustain the position for the number of years necessary to complete the residency requirements and the residency positions funded by the plans are active providers of care to Medicaid and uninsured patients.*

*(c) Prior to final determination of the medical loss ratio for any period, a plan may contribute to a designated state trust fund for the purpose of supporting Medicaid and indigent care and have the contribution counted as a medical expenditure for the period.*

Section 3. Section 409.961, Florida Statutes, is amended to read:

409.961 Statutory construction; applicability; rules.—It is the intent of the Legislature that if any conflict exists between the provisions contained in this part and in other parts of this chapter, the provisions in this part control. Sections 409.961–409.985 apply only to the Medicaid managed medical assistance program and long-term care managed care program, as provided in this part. The agency shall adopt any rules necessary to comply with or administer this part and all rules necessary to comply with federal requirements. In addition, the department shall adopt and accept the transfer of any rules necessary to carry out the department's responsibilities for receiving and processing Medicaid applications and determining Medicaid eligibility and for ensuring compliance with and administering this part, as those rules relate to the department's responsibilities, and any other provisions related to the department's responsibility for the determination of Medicaid eligibility. *Contracts with the agency and a person or entity, including Medicaid providers and managed care plans, necessary to administer the Medicaid program are not rules and are not subject to chapter 120.*

Section 4. Subsections (4) and (6) of section 409.962, Florida Statutes, are amended to read:

409.962 Definitions.—As used in this part, except as otherwise specifically provided, the term:

(4) "Comprehensive long-term care plan" means a managed care plan*, including a Medicare Advantage Special Needs Plan organized as a preferred provider organization, provider-sponsored organization, health maintenance organization, or coordinated care plan,* that provides services described in s. 409.973 and also provides the services described in s. 409.98.

(6) "Eligible plan" means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641, or a provider service network authorized under s. 409.912(4)(d) or an accountable care organization authorized under federal law. For purposes of the managed medical assistance program, the term also includes the Children's Medical Services Network authorized under chapter 391 *and*~~. For purposes of the long-term care managed care program, the term also includes~~ entities qualified under 42 C.F.R. part 422 as Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-sponsored Organizations, *Medicare Advantage Health Maintenance Organizations, Medicare Advantage Coordinated Care Plans,* and Medicare Advantage Special Needs Plans, and the Program of All-inclusive Care for the Elderly.

Section 5. Paragraph (c) of subsection (3) of section 409.966, Florida Statutes, is amended to read:

409.966 Eligible plans; selection.—

(3) QUALITY SELECTION CRITERIA.—

(c) After negotiations are conducted, the agency shall select the eligible plans that are determined to be responsive and provide the best value to the state. Preference shall be given to plans that:

1. Have signed contracts with primary and specialty physicians in sufficient numbers to meet the specific standards established pursuant to s. 409.967(2)(b).

2. Have well-defined programs for recognizing patient-centered medical homes and providing for increased compensation for recognized medical homes, as defined by the plan.

3. Are organizations that are based in and perform operational functions in this state, in-house or through contractual arrangements, by staff located in this state. Using a tiered approach, the highest number of points shall be awarded to a plan that has all or substantially all of its operational functions performed in the state. The second highest number of points shall be awarded to a plan that has a majority of its operational functions performed in the state. The agency may establish a third tier; however, preference points may not be awarded to plans that perform only community outreach, medical director functions, and state administrative functions in the state. For purposes of this subparagraph, operational functions include *corporate headquarters,* claims processing, member services, provider relations, utilization and prior authorization, case management, disease and quality functions, and finance and administration. For purposes of this subparagraph, the term *"corporate headquarters"* ~~"based in this state"~~ means ~~that~~ the ~~entity's~~ principal office *of* ~~is in this state and~~ the *organization, which may not be* ~~plan is not~~ a subsidiary, directly or indirectly through one or more subsidiaries of, or a joint venture with, any other entity whose principal office is not located in the state.

4. Have contracts or other arrangements for cancer disease management programs that have a proven record of clinical efficiencies and cost savings.

5. Have contracts or other arrangements for diabetes disease management programs that have a proven record of clinical efficiencies and cost savings.

6. Have a claims payment process that ensures that claims that are not contested or denied will be promptly paid pursuant to s. 641.3155.

Section 6. Paragraph (h) of subsection (2) of section 409.967, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

409.967 Managed care plan accountability.—

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(h) Penalties.—

1. Withdrawal and enrollment reduction.—Managed care plans that reduce enrollment levels or leave a region before the end of the contract term must reimburse the agency for the cost of enrollment changes and other transition activities. If more than one plan leaves a region at the same time, costs must be shared by the departing plans proportionate to their enrollments. In addition to the payment of costs, departing provider services networks must pay a *per-enrollee* ~~per enrollee~~ penalty of up to 3 months' payment and continue to provide services to the enrollee for 90 days or until the enrollee is enrolled in another plan, whichever occurs first. In addition to payment of costs, all other *departing* plans must pay a penalty of 25 percent of *that portion of* the minimum surplus *maintained* ~~requirement~~ pursuant to s. 641.225(1) *which is attributable to the provision of coverage to Medicaid enrollees*. Plans shall provide at least 180 days' notice to the agency before withdrawing from a region. If a managed care plan leaves a region before the end of the contract term, the agency shall terminate all contracts with that plan in other regions~~,~~ pursuant to the termination procedures in subparagraph 3.

2. Encounter data.—If a plan fails to comply with the encounter data reporting requirements of this section for 30 days, the agency must assess a fine of $5,000 per day for each day of noncompliance beginning on the 31st day. On the 31st day, the agency must notify the plan that the agency will initiate contract termination procedures on the 90th day unless the plan comes into compliance before that date.

3. Termination.—If the agency terminates more than one regional contract with the same managed care plan due to noncompliance with the requirements of this section, the agency shall terminate all the regional contracts held by that plan. When terminating multiple contracts, the agency must develop a plan to *provide for the* transition *of* enrollees to other plans, and *phase in* ~~phase-in~~ the terminations over a time period sufficient to ensure a smooth transition.

*(4) MEDICAL LOSS RATIO.—If required as a condition of a waiver, the agency may calculate a medical loss ratio for managed care plans. The calculation shall use uniform financial data collected from all plans and shall be computed for each plan on a statewide basis. The method for calculating the medical loss ratio shall meet the following criteria:*

*(a) Except as provided in paragraphs (b) and (c), expenditures shall be classified in a manner consistent with 45 C.F.R. part 158.*

*(b) Funds provided by plans to graduate medical education institutions to underwrite the costs of residency positions shall be classified as medical expenditures, provided the funding is sufficient to sustain the position for the number of years necessary to complete the residency requirements and the residency positions funded by the plans are active providers of care to Medicaid and uninsured patients.*

*(c) Prior to final determination of the medical loss ratio for any period, a plan may contribute to a designated state trust fund for the purpose of supporting Medicaid and indigent care and have the contribution counted as a medical expenditure for the period.*

Section 7. Subsection (4) of section 409.973, Florida Statutes, is amended to read:

409.973 Benefits.—

(4) PRIMARY CARE INITIATIVE.—Each plan operating in the managed medical assistance program shall establish a program to encourage enrollees to establish a relationship with their primary care provider. Each plan shall:

(a) Provide information to each enrollee on the importance of and procedure for selecting a primary care *provider* ~~physician~~, and thereafter automatically assign to a primary care provider any enrollee who fails to choose a primary care provider.

(b) If the enrollee was not a Medicaid recipient before enrollment in the plan, assist the enrollee in scheduling an appointment with the primary care provider. If possible the appointment should be made within 30 days after enrollment in the plan. For enrollees who become eligible for Medicaid between January 1, 2014, and December 31, 2015, the appointment should be scheduled within 6 months after enrollment in the plan.

(c) Report to the agency the number of enrollees assigned to each primary care provider within the plan's network.

(d) Report to the agency the number of enrollees who have not had an appointment with their primary care provider within their first year of enrollment.

(e) Report to the agency the number of emergency room visits by enrollees who have not had at least one appointment with their primary care provider.

Section 8. Subsection (3) of section 409.974, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

409.974 Eligible plans.—

(3) SPECIALTY PLANS.—Participation by specialty plans shall be subject to the procurement requirements ~~and regional plan number limits~~ of this section. *The aggregate enrollment of all specialty plans in a region may not exceed 10 percent of the total enrollees of that region.* ~~However, a specialty plan whose target population includes no more than 10 percent of the enrollees of that region is not subject to the regional plan number limits of this section.~~

*(5) MEDICARE PLANS.—Participation by a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, Medicare Advantage Health Maintenance Organization, Medicare Advantage Coordinated Care Plan, or Medicare Advantage Special Needs Plan shall be pursuant to a contract with the agency that is consistent with the Medicare Improvement for Patients and Providers Act of 2008, Pub. L. No. 110-275. Such plans are not subject to the procurement requirements if the plan's Medicaid enrollees consist*

*exclusively of dually eligible recipients who are enrolled in the plan in order to receive Medicare benefits as of the date that the invitation to negotiate is issued. Otherwise, such plans are subject to all procurement requirements.*

Section 9. Subsection (5) of section 409.981, Florida Statutes, is amended to read:

409.981 Eligible long-term care plans.—

(5) MEDICARE *ADVANTAGE SPECIAL NEEDS* PLANS.—Participation by a ~~Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, or~~ Medicare Advantage Special Needs Plan shall be pursuant to a contract with the agency *that is consistent with the Medicare Improvement for Patients and Providers Act of 2008, Pub. L. No. 110-275. Such plans are* ~~and~~ not subject to the procurement requirements if the plan's Medicaid enrollees consist exclusively of *dually eligible* recipients who are *enrolled in the plan in order to receive Medicare benefits as of the date the invitation to negotiate is issued* ~~deemed dually eligible for Medicaid and Medicare services~~. Otherwise, ~~Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-sponsored Organizations, and~~ Medicare Advantage Special Needs Plans are subject to all procurement requirements.

Section 10. This act shall take effect July 1, 2012.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to Medicaid managed care; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to extend or modify certain contracts with behavioral health care providers under specified circumstances; removing the expiration of the authority of the agency to impose fines against entities under contract with the department under specified circumstances; amending s. 409.9122, F.S.; directing the agency to calculate a medical loss ratio for managed care plans under specified circumstances and providing the method of calculation; amending s. 409.961, F.S.; specifying that contracts necessary to administer the Medicaid program are not rules and are not subject to ch. 120, F.S., the Administrative Procedure Act; amending s. 409.962, F.S.; including certain Medicare plans in the definition of the term "comprehensive long-term care plan"; including certain Medicare plans in the managed medical assistance program by amending the definition of the term "eligible plan"; amending s. 409.966, F.S.; modifying a preference for plans with in-state operations; revising a definition; amending s. 409.967, F.S.; limiting the penalty that a plan must pay if it leaves a region before the end of the contract term; directing the agency to calculate a medical loss ratio for managed care plans under specified circumstances and providing the method of calculation; amending s. 409.973, F.S.; requiring a managed care plan to inform the enrollee of the importance of having a primary care provider; amending s. 409.974, F.S.; revising requirements for participation by specialty plans; revising requirements for participation by certain Medicare plans; requiring contracts to meet certain standards; setting enrollment requirements; amending s. 409.981, F.S.; modifying requirements for participation by Medicare Advantage Special Needs Plans; requiring contracts to meet certain standards; establishing enrollment requirements; providing an effective date.

**THE PRESIDENT PRESIDING**

Senator Flores moved the following amendment which was adopted:

**Senate Amendment 1 (401736) (with title amendment) to House Amendment 1**—Between lines 4 and 5 insert:

Section 1. Effective May 12, 2012, subsection (15) is added to section 408.7056, Florida Statutes, to read:

408.7056 Subscriber Assistance Program.—

*(15) This section applies only to prepaid health clinics certified under chapter 641, Florida Healthy Kids plans, and health plan health insurance policies or health maintenance contracts that meet the requirements of 45 C.F.R. s. 147.140, but only if the health plan does not elect to have all of its health insurance policies or health maintenance contracts subject to applicable internal grievance and external review processes by an independent review organization. A health plan must notify the agency in writing if it elects to have all of its health insurance policies or health maintenance contracts subject to such external review.*

And the title is amended as follows:

Delete line 496 and insert: An act relating to Medicaid managed care; amending s. 408.7056, F.S.; specifying which health plan entities are subject to the subscriber assistance program; amending s.

Senator Garcia moved the following amendment which failed:

**Senate Amendment 2 (875574) (with title amendment) to House Amendment 1**—Between lines 470 and 471 insert:

Section 9. Subsection (1) of section 409.975, Florida Statutes, is amended to read:

409.975 Managed care plan accountability.—In addition to the requirements of s. 409.967, plans and providers participating in the managed medical assistance program shall comply with the requirements of this section.

(1) PROVIDER NETWORKS.—Managed care plans must develop and maintain provider networks that meet the medical needs of their enrollees in accordance with standards established pursuant to s. 409.967(2)(b). Except as provided in this section, managed care plans may limit the providers in their networks based on credentials, quality indicators, and price.

(a) Plans must include all providers in the region that are classified by the agency as essential Medicaid providers *for the essential services they provide*, unless the agency approves, in writing, an alternative arrangement for securing the types of services offered by the essential providers. Providers are essential for serving Medicaid enrollees if they offer services that are not available from any other provider within a reasonable access standard, or if they provided a substantial share of the total units of a particular service used by Medicaid patients within the region during the last 3 years and the combined capacity of other service providers in the region is insufficient to meet the total needs of the Medicaid patients. The agency may not classify physicians and other practitioners as essential providers.

*1.* The agency, at a minimum, shall determine which providers in the following categories are essential Medicaid providers:

*a.*~~1.~~ Federally qualified health centers.

*b.*~~2.~~ Statutory teaching hospitals as defined in s. 408.07~~(45)~~.

*c.*~~3.~~ Hospitals that are trauma centers as defined in s. 395.4001~~(14)~~.

*d.*~~4.~~ Hospitals located at least 25 miles from any other hospital with similar services.

*2. Before the selection of managed care plans as specified in s. 409.966, each essential Medicaid provider and each hospital that is necessary in order for a managed care plan to demonstrate an adequate network, as determined by the agency, are deemed a part of that managed care plan's network for purposes of the plan's enrollment or expansion in the Medicaid program. A hospital that is necessary for a managed care plan to demonstrate an adequate network is an essential hospital. An essential Medicaid provider is deemed a part of a managed care plan's network for the essential services it provides for purposes of the plan's enrollment or expansion in the Medicaid program. The managed care plan, each essential Medicaid provider, and each essential hospital shall negotiate in good faith to enter into a provider network contract. During the plan selection process, the managed care plan is not required to have written agreements or contracts with essential Medicaid providers or essential hospitals.*

*3.* Managed care plans that have not contracted with all essential *Medicaid* providers *or essential hospitals* in the region as of the first date of recipient enrollment, or with whom an essential *Medicaid* provider *or essential hospital* has terminated its contract, must *continue to* negotiate in good faith with such essential *Medicaid* providers *or essential hospitals* for 1 year, ~~or~~ until an agreement is reached, *or a complaint is resolved as provided in paragraph (e),* whichever is first. *Each essential Medicaid provider must continue to negotiate in good faith during that*

*year to enter into a provider network contract for at least the essential services it provides. Each essential hospital must continue to negotiate in good faith during that year to enter into a provider network contract.* Payments for services rendered by a nonparticipating essential *Medicaid* provider *or essential hospital* shall be made at the applicable Medicaid rate as of the first day of the contract between the agency and the plan. A rate schedule for all essential *Medicaid* providers *and essential hospitals must* ~~shall~~ be attached to the contract between the agency and the plan.

*4.* After 1 year, managed care plans that are unable to contract with essential *Medicaid* providers *and essential hospitals* shall notify the agency and propose an alternative arrangement for securing the essential services for Medicaid enrollees. The arrangement must rely on contracts with other participating providers~~,~~ regardless of whether those providers are located within the same region as the nonparticipating essential service provider. If the alternative arrangement is approved by the agency, payments to nonparticipating essential *Medicaid* providers *and essential hospitals* after the date of the agency's approval *must* ~~shall~~ equal 90 percent of the applicable Medicaid rate. If the alternative arrangement is not approved by the agency, payment to nonparticipating essential *Medicaid* providers *and essential hospitals must* ~~shall~~ equal 110 percent of the applicable Medicaid rate.

(b) Certain providers are statewide resources and essential providers for all managed care plans in all regions. All managed care plans must include these essential providers in their networks *for the essential services they provide*.

*1.* Statewide essential providers include:

*a.*~~1.~~ Faculty plans of Florida medical schools.

*b.*~~2.~~ Regional perinatal intensive care centers as defined in s. 383.16~~(2).~~

*c.*~~3.~~ Hospitals licensed as *a* specialty *hospital for children* ~~children's hospitals~~ as defined in s. 395.002~~(28)~~.

*d.*~~4.~~ Accredited and integrated systems serving medically complex children that are comprised of separately licensed, but commonly owned, health care providers delivering at least the following services: medical group home, in-home and outpatient nursing care and therapies, pharmacy services, durable medical equipment, and Prescribed Pediatric Extended Care.

*2. Before the selection of managed care plans as specified in s. 409.966, each statewide essential provider is deemed a part of that managed care plan's network for the essential services they provide and for purposes of the plan's enrollment or expansion in the Medicaid program. The managed care plan and each statewide essential provider shall negotiate in good faith to enter into a provider network contract. During the plan selection process, the managed care plan is not required to have written agreements or contracts with statewide essential providers or essential hospitals.*

*3.* Managed care plans that have not contracted with all statewide essential providers in all regions as of the first date of recipient enrollment *and all statewide essential providers that have not entered into a contract with each managed care plan* must continue to negotiate in good faith~~.~~ *to enter into a provider network contract for at least the essential services. As of the first day of the contract between the agency and the plan, and until a provider network contract is signed,* payments*:*

*a.* To physicians on the faculty of nonparticipating Florida medical schools shall be made at the applicable Medicaid rate. ~~Payments~~

*b.* For services rendered by regional perinatal intensive care centers shall be made at the applicable Medicaid rate ~~as of the first day of the contract between the agency and the plan~~. ~~Payments~~

*c.* To nonparticipating specialty children's hospitals shall equal the highest rate established by contract between that provider and any other Medicaid managed care plan.

(c) After 12 months of active participation in a plan's network, the plan may exclude any essential provider from the network for failure to meet quality or performance criteria. If the plan excludes an essential provider from the plan, the plan must provide written notice to all recipients who have chosen that provider for care. The notice shall be provided at least 30 days before the effective date of the exclusion.

(d) Each managed care plan must offer a network contract to each home medical equipment and supplies provider in the region which meets quality and fraud prevention and detection standards established by the plan and which agrees to accept the lowest price previously negotiated between the plan and another such provider.

*(e) At any time during negotiations a managed care plan, an essential Medicaid provider, an essential hospital, or a statewide essential provider may file a complaint with the agency alleging that, in provider network negotiations, the other party is not negotiating in good faith. The agency shall review each complaint and make a determination whether or not one or both parties have failed to negotiate in good faith.*

*1. If the agency determines that:*

*a. The managed care plan was not negotiating in good faith, payment to the nonparticipating essential Medicaid provider, essential hospital, or statewide essential provider shall equal 110 percent of the applicable Medicaid rate or the highest contracted rate the provider has with a plan, whichever is higher.*

*b. The essential Medicaid provider, essential hospital, or statewide essential provider was not negotiating in good faith, payment to the nonparticipating provider shall equal 90 percent of the applicable Medicaid rate or the lowest contracted rate the provider has with a plan, whichever is lower.*

*c. Both parties were not negotiating in good faith, payment to the nonparticipating provider shall be made at the applicable Medicaid rate.*

*2. In making a determination under this paragraph regarding a managed care plan's good faith efforts to negotiate, the agency, at a minimum, shall consider whether the managed care plan has:*

*a. Offered payment rates that are comparable to other managed care plan rates to the provider or that are comparable to fee-for-service rates for the provider.*

*b. Proposed its prepayment edits and audits and prior authorizations in a manner comparable to other managed care plans or comparable to current fee for service utilization management and prior authorization procedures for non-emergent services.*

*c. Offered to pay the provider's undisputed claims faster or equal to existing Medicaid managed care plan contract standards and, if the managed care plan's claims payment system has been used in other markets, has it failed to meet these standards.*

*d. Offered a provider dispute resolution system that meets or exceeds existing Medicaid managed care plan contract requirements.*

*e. If the provider is a hospital essential provider, offered a reasonable payment amount for use of the hospital emergency room for non-emergent care, developed referral arrangements with the hospital for non-emergent care, and offered reasonable prior or post authorization requirements for non-emergent care in the emergency room.*

*f. Attempted to work with the provider to assist the provider with any patient volume arrangements and whether patient volume arrangements benefit the provider.*

*g. Demonstrated its financial viability and commitment to meeting its financial obligations.*

*h. Demonstrated its ability to support HIPAA-compliant electronic data interchange transactions.*

*3. In making a determination under this paragraph regarding a provider's good faith efforts to negotiate, the agency shall, at a minimum, consider whether the provider has:*

*a. Met with the managed care plan at a reasonable frequency and involved empowered decision makers in the meetings.*

*b. Offered reasonable rates that are comparable to other managed care plan rates to the provider or comparable to fee-for-service rates to the provider.*

*c. Negotiated managed care plan prepayment edits and audits and prior authorizations in a manner comparable to other managed care plans or comparable to fee for service utilization management and prior authorization procedures for non-emergent services.*

*d. Negotiated reasonable payment timeframes for payment of undisputed claims that are comparable to existing Medicaid managed care plan standards or comparable to fee-for-service experience.*

*e. Researched other providers' experience with the managed care plan's claims payment system for timeliness of payment.*

*f. Negotiated with the managed care plan regarding a provider dispute resolution system that meets or exceeds the managed care plan's Medicaid contract requirements.*

*g. If the provider is an essential hospital, negotiated with the managed care plan regarding primary care alternatives to non-emergent use of the emergency room.*

*h. Negotiated patient volume arrangements with the managed care plan.*

*i. Developed, or is developing, a hospital-based provider service network.*

*j. Already contracted with other Medicaid managed care plans.*

*4. Either party may appeal a determination by the agency under this paragraph pursuant to chapter 120. The party appealing the agency's determination shall pay the appellee's attorney's fees and costs, in an amount up to $1 million, from the beginning of the agency's review of the complaint if the appealing party loses the appeal.*

And the title is amended as follows:

Delete line 529 and insert: standards; setting enrollment requirements; amending s. 409.975, F.S.; providing that an essential provider and a hospital that is necessary for a managed care plan to demonstrate an adequate network as determined by the Agency for Health Care Administration are deemed part of that managed care plan's network for purposes of the provider's or hospital's application for enrollment or expansion in Medicaid; requiring good faith negotiations between Medicaid managed care plans and essential Medicaid providers; providing that a statewide essential provider is part of a Medicaid managed care plan's network for purposes of the managed care plan's application for enrollment or expansion in the Medicaid program; requiring good faith negotiations between Medicaid managed care plans and statewide essential providers; authorizing Medicaid managed care plans and certain Medicaid providers to file a complaint alleging that, in provider network negotiations, the other party is not negotiating in good faith; requiring the agency to review such complaints and make a determination whether or not one or both parties have failed to negotiate in good faith; providing criteria for the agency to consider in making a determination about good faith negotiations; providing financial penalties for parties that do not negotiate in good faith; providing for appeal of the agency's determination pursuant to ch. 120, F.S.; providing for payment of attorney fees and costs; amending

Senator Flores moved the following amendment which was adopted:

**Senate Amendment 3 (238196) (with title amendment) to House Amendment 1**—Delete line 489 and insert:

Section 10. Effective May 12, 2012, paragraph (h) is added to subsection (1) of section 627.602, Florida Statutes, to read:

627.602 Scope, format of policy.—

(1) Each health insurance policy delivered or issued for delivery to any person in this state must comply with all applicable provisions of this code and all of the following requirements:

*(h) Section 641.312 and the provisions of the Employee Retirement Income Security Act of 1974, as implemented by 29 C.F.R. s. 2560.503-1, relating to internal grievances. This paragraph does not apply to a health insurance policy that is subject to the subscriber assistance program under s. 408.7056 or to the types of benefits or coverages provided under s. 627.6561(5)(b)-(e) issued in any market.*

Section 11. Effective May 12, 2012, section 627.6513, Florida Statutes, is created to read:

*627.6513 Scope.—Section 641.312 and the provisions of the Employee Retirement Income Security Act of 1974, as implemented by 29 C.F.R. s. 2560.503-1, relating to internal grievances, apply to all group health insurance policies issued under this part. This section does not apply to a group health insurance policy that is subject to the subscriber assistance program in s. 408.7056 or to the types of benefits or coverages provided under s. 627.6561(5)(b)-(e) issued in any market.*

Section 12. Effective May 12, 2012, section 641.312, Florida Statutes, is created to read:

*641.312 Scope.—The Office of Insurance Regulation may adopt rules to administer the provisions of the National Association of Insurance Commissioners' Uniform Health Carrier External Review Model Act, issued by the National Association of Insurance Commissioners and dated April 2010. This section does not apply to a health maintenance contract that is subject to the subscriber assistance program under s. 408.7056 or to the types of benefits or coverages provided under s. 625.6561(5)(b)-(e) issued in any market.*

Section 13. 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, 2012.

And the title is amended as follows:

Delete lines 533 and 534 and insert: establishing enrollment requirements; amending s. 627.602, F.S.; applying federal internal grievance procedures to certain health insurance policies; providing exceptions; creating s. 627.6513, F.S.; applying federal internal grievance procedures to certain group health insurance policies; providing exceptions; creating s. 641.312, F.S.; authorizing the Office of Insurance Regulation to adopt rules to administer the federal procedures; providing effective dates.

On motion by Senator Flores, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

**CS for SB 730** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

---

**MOTION**

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 10:00 p.m.

## SPECIAL ORDER CALENDAR

**CS for SB 1824**—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; revising the purpose of the department; revising duties of the State Surgeon General; eliminating the Officer of Women's Health Strategy; revising divisions within the department; amending s. 20.435, F.S.; eliminating the Florida Drug, Device, and Cosmetic Trust Fund and the Nursing Student Loan Forgiveness Trust Fund as trust funds under the department; amending s. 215.5602, F.S.; conforming references; amending s. 381.001, F.S.; deleting legislative intent; requiring the Department of Health to be responsible for the state public health system; requiring the department to provide leadership for a partnership involving federal, state, and local government and the private sector to accomplish public health goals; amending s. 381.0011, F.S.; deleting duties and powers of the department; repealing s. 381.0013, F.S., relating to the department's authority to exercise the power of eminent domain; repealing s. 381.0015, F.S., relating to judicial presumptions regarding the department's authority to enforce public health rules; amending s. 381.0016, F.S.; allowing a county to enact health regulations and ordinances consistent with state law; repealing s. 381.0017, F.S., relating to the purchase, lease, and sale of real property by the department; repealing s. 381.00325, F.S., relating to the Hepatitis A awareness program; amending s. 381.0034, F.S.; deleting an obsolete qualifying date reference; repealing s. 381.0037, F.S., relating to legislative findings and intent with respect to AIDS; amending s. 381.004, F.S.; deleting legislative intent; conforming cross-references; amending 381.0046, F.S.; requiring the department to establish dedicated HIV and AIDS regional and statewide minority coordinators; deleting the requirement that the statewide director report to the chief of the Bureau of HIV and AIDS within the department; amending s. 381.005, F.S.; deleting the requirement that hospitals implement a plan to offer immunizations for pneumococcal bacteria and influenza virus to all patients 65 years of age or older; amending s. 381.0051, F.S.; deleting legislative intent for the Comprehensive Family Planning Act; amending s. 381.0052, F.S., relating to the "Public Health Dental Program Act"; deleting unused department rulemaking authority; amending s. 381.0053, F.S., relating to the comprehensive nutrition program; deleting unused department rulemaking authority; amending s. 381.0056, F.S., relating to the "School Health Services Act"; deleting legislative findings; deleting the requirement that school health programs funded by health care districts or entities be supplementary to and consistent with the act and other applicable statutes; amending s. 381.0057, F.S., relating to funding for school health services; deleting legislative intent; amending s. 381.00591, F.S.; permitting the department to apply for and become a National Environmental Laboratory Accreditation Program accreditation body; eliminating rulemaking authority of the department to implement standards of the National Environmental Laboratory Accreditation Program; amending s. 381.00593, F.S.; deleting unused rulemaking authority relating to the public school volunteer health care practitioner program; amending s. 381.0062, F.S., relating to the "Comprehensive Family Planning Act"; deleting legislative intent; amending s. 381.0065, F.S.; deleting legislative intent; defining the term "bedroom"; conforming cross-references; providing for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property; providing circumstances in which an onsite sewage treatment and disposal system is not considered abandoned; providing for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system, under certain conditions; providing that a system modification, replacement, or upgrade is not required unless a bedroom is added to a single-family home; deleting provisions requiring the department to administer an evaluation and assessment program of onsite sewage treatment and disposal systems and requiring property owners to have such systems evaluated at least once every 5 years; deleting obsolete provisions; creating s. 381.00651, F.S.; requiring a county or municipality containing a first magnitude spring to adopt by ordinance, under certain circumstances, the program for the periodic evaluation and assessment of onsite sewage treatment and disposal systems; requiring the county or municipality to notify the Secretary of State of the ordinance; authorizing a county or municipality, in specified circumstances, to opt out by a majority plus one vote of certain requirements by a specified date; authorizing a county or municipality to adopt or repeal, after a specified date, an ordinance creating an evaluation and assessment program, subject to notification of the Secretary of State; providing criteria for evaluations, qualified contractors, and repair of systems; providing for certain procedures and exemptions in special circumstances; defining the term "system failure"; requiring that certain procedures be used for conducting tank and drainfield evaluations; providing for certain procedures in special circumstances; providing for contractor immunity from liability under certain conditions; providing for assessment procedures; providing requirements for county health departments; requiring the Department of Health to allow county health departments and qualified contractors to access the state database to track data and evaluation reports; requiring counties and municipalities to notify the Secretary of Environmental Protection and the Department of Health when an evaluation program ordinance is adopted; requiring the Department of Environmental Protection to notify those counties or municipalities of the use of, and access to, certain state and federal program funds and to provide certain guidance and technical assistance upon request; prohibiting the adoption of certain rules by the Department of Health; providing for applicability; repealing s. 381.00656, F.S., relating to a grant program for the repair of onsite sewage treatment and disposal systems; amending s. 381.0066, F.S.; lowering the fees imposed by the department for certain permits; conforming cross-references; amending s. 381.0068, F.S.; deleting a date by which a technical review and advisory panel must be established within the department for assistance with rule adoption; deleting the authority of the chair of the panel to advise affected persons or the Legislature of the panel's position on legislation or a proposed state policy or other issue; amending s. 381.00781, F.S.; eliminating the authority of the department to annually adjust maximum fees according to the Consumer Price Index; amending s. 381.0098, F.S.; deleting legislative intent with respect to standards for the safe packaging, transport, storage, treatment, and disposal of biomedical waste; amending s. 381.0101, F.S.; deleting legislative intent regarding certification of environmental health professionals; deleting definitions; providing for the Division Director for Emergency Preparedness and Community Support to serve on an environmental health professionals advisory board; conforming a cross-reference; amending s. 381.0203, F.S.; eliminating the regulation of drugs, cosmetics, and household products under ch. 499, F.S., from the pharmacy services program; eliminating the contraception distribution program at county health departments; amending s. 381.0261, F.S.; requiring the department, rather than the Agency for Health Care Administration, to publish a summary of the Florida Patient's Bill of Rights and Responsibilities on its Internet website; deleting the requirement to print and distribute the summary; repealing s. 381.0301, F.S., relating to the Centers for Disease Control and Prevention, the State University System, Florida medical schools, and the College of Public Health of the University of South Florida; deleting the requirement that the College of Public Health be consulted by state officials in the management of public health; repealing s. 381.0302, F.S.; eliminating the Florida Health Services Corps; amending s. 381.0303, F.S.; eliminating the requirement that the Special Needs Shelter Interagency Committee submit recommendations to the Legislature; repealing s. 381.04015, F.S.; eliminating the Women's Health Strategy Office and Officer of Women's Health Strategy; amending s. 381.0403, F.S., relating to the "Community Hospital Education Act"; deleting legislative findings and intent; revising the mission of the program; requiring minimum funding for graduate education in family practice; deleting reference to an intent to establish a statewide graduate medical education program; amending s. 381.0405, F.S.; deleting an appropriation to the Office of Rural Health; amending s. 381.0406, F.S.; deleting unnecessary introductory language in provisions relating to rural health networks; repealing s. 381.045, F.S.; eliminating department authority to provide services to certain health care providers infected with Hepatitis B or HIV; amending s. 381.06015, F.S.; deleting obsolete provision that requires the department, the Agency for Health Care Administration, and private consortium members seeking private or federal funds to initiate certain program actions relating to the Public Cord Blood Tissue Bank; repealing s. 381.0605, F.S., relating to designating the Agency for Health Care Administration as the state agency to administer the Federal Hospital and Medical Facilities Amendments of 1964; eliminating authority of the Governor to provide for administration of the amendments; repealing s. 381.102, F.S., to eliminate the community health pilot projects; repealing s. 381.103, F.S., to eliminate the duties of the department to assist the community health pilot projects; amending s. 381.4018, F.S.; deleting legislative findings and intent with respect to physician workforce assessment and development; conforming a cross-reference: repealing s. 381.60225, F.S., to eliminate background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; amending s. 381.7352, F.S.; deleting legislative findings relating to the "Reducing Racial and Ethnic Health Disparities: Closing the Gap Act"; amending s. 381.7353, F.S.; removing the au-

thority of the State Surgeon General to appoint an ad hoc committee to study certain aspects of racial and ethnic health outcome disparities and make recommendations; amending s. 381.7356, F.S.; deleting a provision requiring dissemination of Closing the Gap grant awards to begin on a date certain; amending s. 381.765, F.S.; deleting unused rulemaking authority relating to records and recordkeeping for department-owned property; repealing s. 381.77, F.S., to eliminate the annual survey of nursing home residents age 55 and under; repealing s. 381.795, F.S., to eliminate the requirement that the department establish a program of long-term community-based supports and services for individuals with traumatic brain or spinal cord injuries; amending s. 381.853, F.S.; deleting legislative findings relating to brain tumor research; repealing s. 381.855, F.S., which established the Florida Center for Universal Research to Eradicate Disease; repealing s. 381.87, F.S., to eliminate the osteoporosis prevention and education program; amending s. 381.895, F.S.; revising standards for compressed air used for recreational diving; repealing s. 381.90, F.S., to eliminate the Health Information Systems Council; amending s. 381.91, F.S., relating to the Jesse Trice Cancer Program; revising legislative intent; amending 381.922, F.S.; conforming a reference; amending s. 392.51, F.S., relating to tuberculosis control; removing legislative findings and intent; amending s. 392.61, F.S.; eliminating the requirement that the department develop a methodology for distributing funds appropriated for community tuberculosis control programs; amending s. 392.62, F.S.; requiring a contractor to use licensed community hospitals and other facilities for the care and treatment of persons who have active tuberculosis or a history of noncompliance with prescribed drug regimens and require inpatient or other residential services; removing authority of the department to operate a licensed hospital to treat tuberculosis patients; requiring the tuberculosis control program to fund participating facilities; requiring facilities to meet specific conditions; requiring the department to develop a transition plan for the closure of A.G. Holley State Hospital; specifying content of transition plan; requiring submission of the plan to the Governor and Legislature; requiring full implementation of the transition plan by a certain date; amending s. 395.1027, F.S., relating to the regional poison control centers; conforming provisions; amending s. 401.243, F.S.; deleting unused rulemaking authority governing the implementation of injury-prevention grant programs; amending s. 401.245, F.S.; deleting unused rulemaking authority relating to operating procedures for the Emergency Medical Services Advisory Council; amending s. 401.271, F.S.; deleting unused rulemaking authority relating to an exemption for the spouse of a member of the Armed Forces of the United States on active duty from certification renewal provisions while the spouse is absent from the state because of the member's active duty with the Armed Forces; repealing s. 402.45, F.S., relating to the community resource mother or father program; amending ss. 400.914 and 409.256, F.S.; conforming references; repealing s. 458.346, F.S., which created the Public Sector Physician Advisory Committee and established its responsibilities; amending s. 462.19, F.S., relating to the renewal of licenses for practitioners of naturopathy; deleting unused rulemaking authority; repealing s. 464.0197, F.S., relating to state budget support for the Florida Center for Nursing; amending s. 464.208, F.S.; deleting unused rulemaking authority relating to background screening information of certified nursing assistants; amending s. 633.115, F.S.; making conforming changes; amending s. 768.28, F.S., relating to the state's waiver of sovereign immunity; conforming provisions; amending s. 1009.66, F.S.; reassigning responsibility for the Nursing Student Loan Forgiveness Program from the Department of Health to the Department of Education; amending s. 1009.67, F.S.; reassigning responsibility for the nursing scholarship program from the Department of Health to the Department of Education; providing type two transfers of the programs; providing for transfer of a trust fund; providing applicability to contracts; authorizing transfer of funds and positions between departments; requiring the Division of Medical Quality Assurance to create a plan to improve efficiency of the function of the division; directing the division to take certain actions in creating the plan; directing the division to address particular topics in the plan; requiring all executive branch agencies to assist the department in creating the plan; requesting all other state agencies to assist the department in creating the plan; amending ss. 381.0041, 384.25, 392.56, 456.032, and 775.0877, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 1824**, on motion by Senator Garcia, by two-thirds vote **CS for CS for CS for HB 1263** was withdrawn from the Committees on Health Regulation; Budget Subcommittee on Health and Human Services Appropriations; and Budget.

On motion by Senator Garcia, the rules were waived and—

**CS for CS for CS for HB 1263**—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; revising the purpose of the department; revising duties of the State Surgeon General; eliminating the Officer of Women's Health Strategy; revising divisions within the department; amending s. 20.435, F.S.; eliminating the Florida Drug, Device, and Cosmetic Trust Fund and the Nursing Student Loan Forgiveness Trust Fund as trust funds under the department; amending s. 154.05, F.S.; providing that two or more counties may combine for the operation of a county health department when such counties establish an interlocal agreement; providing criteria for such an agreement; specifying that an interlocal agreement may only be terminated at the end of a contract year; requiring the parties to give written notice to the department no less than 90 days before the termination; amending s. 215.5602, F.S.; conforming references; amending s. 381.001, F.S.; revising legislative intent; requiring the Department of Health to be responsible for the state public health system; requiring the department to provide leadership for a partnership involving federal, state, and local government and the private sector to accomplish public health goals; amending s. 381.0011, F.S.; revising duties and powers of the department; repealing s. 381.0013, F.S., relating to the department's authority to exercise the power of eminent domain; repealing s. 381.0014, F.S., relating to department rules that superseded regulations and ordinances enacted by other state departments, boards or commissions, or municipalities; repealing s. 381.0015, F.S., relating to judicial presumptions regarding the department's authority to enforce public health rules; amending s. 381.0016, F.S.; allowing a county to enact health regulations and ordinances consistent with state law; repealing s. 381.0017, F.S., relating to the purchase, lease, and sale of real property by the department; repealing s. 381.0025, F.S., relating to penalties; amending s. 381.003, F.S.; revising provisions relating to the department's responsibility for communicable disease prevention and control programs; amending s. 381.0031, F.S.; permitting the department to conduct studies concerning epidemiology of diseases of public health significance; specifying that the list of diseases of public health significance is based on the recommendations to be nationally notifiable by the Council of State and Territorial Epidemiologists and the Centers for Disease Control and Prevention; authorizing the department to expand the list if a disease emerges for which regular, frequent and timely information regarding individual cases is considered necessary for the prevention and control of a disease specific to Florida; amending s. 381.00315, F.S.; requiring the department to establish rules for conditions and procedures for imposing and releasing a quarantine; requiring specific provisions to be included in rules; providing that the rules established under this section supersede all rules enacted by other state agencies, boards, or political subdivisions; providing that a violation of the rules established under the section, a quarantine, or requirement adopted pursuant to a declared public health emergency is a second-degree misdemeanor; providing penalties; repealing s. 381.0032, F.S., relating to epidemiological research; repealing s. 381.00325, F.S., relating to the Hepatitis A awareness program; amending s. 381.0034, F.S.; deleting an obsolete qualifying date reference; repealing s. 381.0037, F.S., relating to legislative findings and intent with respect to AIDS; amending s. 381.004, F.S.; deleting legislative intent; conforming cross-references; amending 381.0046, F.S.; requiring the department to establish dedicated HIV and AIDS regional and statewide minority coordinators; deleting the requirement that the statewide director report to the chief of the Bureau of HIV and AIDS within the department; amending s. 381.005, F.S.; deleting the requirement that hospitals implement a plan to offer immunizations for pneumococcal bacteria and influenza virus to all patients 65 years of age or older; amending s. 381.0051, F.S.; deleting legislative intent for the Comprehensive Family Planning Act; amending s. 381.0052, F.S., relating to the "Public Health Dental Program Act"; repealing unused department rulemaking authority; amending s. 381.0053, F.S., relating to the comprehensive nutrition program; repealing unused department rulemaking authority; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion by the department; amending s. 381.0056, F.S., relating to the "School Health Services Act"; deleting legislative findings; deleting the requirement that school health programs funded by health care districts or entities be supplementary to and consistent with the act and other applicable statutes; amending s. 381.0057, F.S., relating to funding for school health services; deleting legislative intent; amending s. 381.00591, F.S.; per-

mitting the department to apply for and become a National Environmental Laboratory Accreditation Program accreditation body; eliminating rulemaking authority of the department to implement standards of the National Environmental Laboratory Accreditation Program; amending s. 381.00593, F.S.; removing unused rulemaking authority relating to the public school volunteer health care practitioner program; amending s. 381.0062, F.S., relating to the "Comprehensive Family Planning Act"; deleting legislative intent; conforming a cross-reference; amending s. 381.0065, F.S., relating to regulation of onsite sewage treatment and disposal systems; deleting legislative intent; conforming provisions to changes made by the act; amending s. 381.0068, F.S.; deleting a date by which a technical review and advisory panel must be established within the department for assistance with rule adoption; deleting the authority of the chair of the panel to advise affected persons or the Legislature of the panel's position on legislation, proposed state policy, or other issue; amending s. 381.0072, F.S.; revising the definition of the term "food establishment" to include certain facilities participating in the United States Department of Agriculture Afterschool Meal Program; amending s. 381.00781, F.S.; eliminating authority of the department to annually adjust maximum fees according to the Consumer Price Index; amending s. 381.0086, F.S.; revising department rulemaking authority relating to migrant farmworkers and other migrant labor camp or residential migrant housing occupants; removing lighting and maintenance and operation of roads from the list of health and safety standards to be created by the department; conforming a cross-reference; amending s. 381.0098, F.S.; deleting legislative intent with respect to standards for the safe packaging, transport, storage, treatment, and disposal of biomedical waste; conforming a cross-reference; amending s. 381.0101, F.S.; deleting legislative intent regarding certification of environmental health professionals; providing for the Division Director for Emergency Preparedness and Community Support to serve on an environmental health professionals advisory board; conforming a cross-reference; amending s. 381.0203, F.S.; eliminating the regulation of drugs, cosmetics, and household products under ch. 499, F.S., from the pharmacy services program; eliminating the contraception distribution program at county health departments; amending s. 381.0261, F.S.; requiring the department, rather than the Agency for Health Care Administration, to publish a summary of the Florida Patient's Bill of Rights and Responsibilities on its Internet website; deleting the requirement to print and distribute the summary; repealing s. 381.0301, F.S. relating to the Centers for Disease Control and Prevention, the State University System, Florida medical schools, and the College of Public Health of the University of South Florida; deleting the requirement that the College of Public Health be consulted by state officials in the management of public health; repealing s. 381.0302, F.S.; eliminating the Florida Health Services Corps; amending s. 381.0303, F.S.; eliminating the requirement that the Special Needs Shelter Interagency Committee submit recommendations to the Legislature; repealing s. 381.04015, F.S.; eliminating the Women's Health Strategy Office and Officer of Women's Health Strategy; amending s. 381.0403, F.S., relating to the "Community Hospital Education Act"; deleting legislative findings and intent; revising the mission of the program; requiring minimum funding for graduate education in family practice; deleting reference to an intent to establish a statewide graduate medical education program; amending s. 381.0405, F.S.; deleting an appropriation to the Office of Rural Health; amending s. 381.0406, F.S.; deleting unnecessary introductory language in provisions relating to rural health networks; repealing s. 381.0407, F.S., to eliminate the mandatory payment of claims from public health care providers and county health departments by managed care plans; repealing s. 381.045, F.S.; eliminating department authority to provide services to certain health care providers infected with Hepatitis B or HIV; amending s. 381.06015, F.S.; deleting obsolete provision that requires the department, the Agency for Health Care Administration, and private consortium members seeking private or federal funds to initiate certain program actions relating to the Public Cord Blood Tissue Bank; repealing s. 381.0605, F.S., relating to designating the Agency for Health Care Administration as the state agency to administer the Federal Hospital and Medical Facilities Amendments of 1964; eliminating authority of the Governor to provide for administration of the amendments; repealing ss. 381.1001-381.103, F.S., the Florida Community Health Protection Act; amending s. 381.4018, F.S.; deleting legislative findings and intent with respect to physician workforce assessment and development; conforming a cross-reference: repealing s. 381.60225, F.S., to eliminate background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; repealing ss. 381.732-381.734, F.S., the "Healthy People, Healthy Communities Act"; amending s. 381.7352, F.S.; deleting legislative findings relating to the "Reducing Racial and Ethnic Health Disparities: Closing the Gap Act"; amending s. 381.7353, F.S.; removing the authority of the State Surgeon General to appoint an ad hoc committee to study certain aspects of racial and ethnic health outcome disparities and make recommendations; amending s. 381.7356, F.S.; deleting a provision requiring dissemination of Closing the Gap grant awards to begin on a date certain; amending s. 381.765, F.S.; repealing unused rulemaking authority relating to records and recordkeeping for department-owned property; repealing s. 381.77, F.S., to eliminate the annual survey of nursing home residents age 55 and under; repealing s. 381.795, F.S., to eliminate the requirement that the department establish a program of long-term community-based supports and services for individuals with traumatic brain or spinal cord injuries; amending s. 381.853, F.S.; deleting legislative findings relating to brain tumor research; repealing s. 381.855, F.S., which established the Florida Center for Universal Research to Eradicate Disease; repealing s. 381.87, F.S., to eliminate the osteoporosis prevention and education program; repealing s. 381.90, F.S., to eliminate the Health Information Systems Council; amending s. 381.91, F.S., relating to the Jesse Trice Cancer Program; revising legislative intent; amending 381.922, F.S.; conforming a reference; amending s. 383.011, F.S.; requiring the Department of Health to establish an interagency agreement with the Department of Children and Family Services for management of the Special Supplemental Nutrition program for Women, Infants, and Children; specifying responsibilities of each department; creating s. 383.141, F.S.; providing legislative findings; providing definitions; requiring that health care providers provide pregnant women with current information about the nature of the developmental disabilities tested for in certain prenatal tests, the accuracy of such tests, and resources for obtaining support services for Down syndrome and other prenatally diagnosed developmental disabilities; providing duties for the Department of Health concerning establishment of an information clearinghouse; creating an advocacy council within the Department of Health to provide technical assistance in forming the clearinghouse; providing membership for the council; providing duties of the council; providing terms for members of the council; providing for election of a chairperson and vice chairperson; providing meeting times for the council; requiring the members to serve without compensation or reimbursement for travel expenses; authorizing meetings by teleconference or other electronic means; requiring the Department of Health to provide administrative support; repealing s. 385.210, F.S., the Arthritis Prevention and Education Act by a specific date; amending s. 391.016, F.S.; clarifying the purposes and functions of the Children's Medical Services program; requiring the coordination and maintenance of a medical home for participating children; amending s. 391.021, F.S.; revising definitions; amending s. 391.025, F.S.; revising the components of the Children's Medical Services program; amending s. 391.026, F.S.; revising the powers and duties of the department in administering the Children's Medical Services network; amending s. 391.028, F.S.; eliminating the central office and area offices of the Children's Medical Services program; authorizing the Director of Children's Medical Services to appoint necessary staff and contract with providers to establish a system to provide certain program activities on a statewide basis; amending s. 391.029, F.S.; specifying eligibility for services provided under the Children's Medical Services program; clarifying who may receive services under the program; deleting the requirement that the department determine financial and medical eligibility for program; deleting the requirement that the department determine the financial ability of parents to pay for services; eliminating discretion of the department to pay reasonable travel expenses; amending s. 391.0315, F.S.; deleting a prohibition against a child eligible under Title XIX or XXI of the Social Security Act from receiving services under the program until the child is enrolled in Medicaid or a Title XXI program; amending s. 392.51, F.S., relating to tuberculosis control; removing legislative findings and intent; amending s. 392.61, F.S.; eliminating the requirement that the department develop a methodology for distributing funds appropriated for community tuberculosis control programs; amending s. 392.62, F.S.; requiring a contractor to use licensed community hospitals and other facilities for the care and treatment of persons who have active tuberculosis or a history of noncompliance with prescribed drug regimens and require inpatient or other residential services; removing authority of the department to operate a licensed hospital to treat tuberculosis patients; requiring the tuberculosis control program to fund participating facilities; requiring facilities to meet specific conditions; requiring the department to develop a transition plan for the closure of A.G. Holley State Hospital; specifying content of transition plan; requiring submission of the plan to the Governor and Legislature; requiring full implementation of the transition

plan by a certain date; amending s. 401.243, F.S.; repealing unused rulemaking authority governing the implementation of injury-prevention grant programs; amending s. 401.245, F.S.; repealing unused rulemaking authority relating to operating procedures for the Emergency Medical Services Advisory Council; amending s. 401.271, F.S.; repealing unused rulemaking authority relating to an exemption for the spouse of a member of the Armed Forces of the United States on active duty from certification renewal provisions while the spouse is absent from the state because of the member's active duty with the Armed Forces; repealing s. 402.45, F.S.; repealing unused rulemaking authority relating to the community resource mother or father program; amending s. 403.863, F.S.; directing the department to contract to perform state public water supply laboratory certification application review and evaluation and laboratory inspections; adding certain actions to the list of acts constituting grounds for which disciplinary actions may be taken under the section; amending ss. 400.914 and 409.256, F.S.; conforming references; repealing s. 458.346, F.S., which created the Public Sector Physician Advisory Committee and established its responsibilities; amending s. 462.19, F.S., relating to the renewal of licenses for practitioners of naturopathy; repealing unused rulemaking authority; amending s. 464.019, F.S., requiring the Board of Nursing to deny a program application for new prelicensure nursing education program while the existing program is on probationary status; repealing s. 464.0197, F.S., relating to state budget support for the Florida Center for Nursing; amending s. 464.203, F.S.; revising the certification requirements for certified nursing assistants; amending s. 464.208, F.S.; repealing unused rulemaking authority relating to background screening information of certified nursing assistants; repealing s. 466.00775, F.S., relating to unused rulemaking authority relating to dental health access and dental laboratory registration provisions; amending ss. 212.08, 499.003, 499.601, and 499.61, F.S.; updating departmental designation; amending s. 514.011, F.S.; revising the definition of "public bathing place"; amending s. 514.021, F.S.; restricting rulemaking authority of the department; limiting scope of standards for public pools and public bathing places; prohibiting the department from adopting by rule any regulation regarding the design, alteration, or repair of a public pool or public bathing; eliminating authority of the department to review plans, issue approvals, and enforce occupancy provisions of the Florida Building Code; amending s. 514.023, F.S.; adding public bathing places to the provisions allowing sampling of beach waters to determine sanitation and allowing health advisories to be issued for elevated levels of bacteria in such waters; deleting an obsolete provision; amending s. 514.025, F.S.; requiring the department to review applications and plans for the construction or placement of public pools or bathing places; providing for the department to review applications and plans if no qualified staff are employed at the county health department; establishing that the department is responsible to monitor water quality in public pools and bathing places; amending s. 514.03, F.S.; permitting local governments or local enforcement districts to determine compliance with general construction provisions of the Florida Building Code; permitting local governments or local enforcement districts to conduct plan reviews and inspections of public pools and bathing places to determine compliance; eliminating an application process for review of building plans for a public pool or bathing place by the department; amending s. 514.031, F.S.; requiring a valid permit from the department to operate a public pool; revising the list of documents that must accompany an application for a permit to operate a public pool; providing the department with authority to review, approve, and deny an application for a permit to operate a public pool; amending s. 514.033, F.S.; deleting authority of the department to establish a fee schedule; requiring fees collected by the department or county health department to be deposited into the Grants and Donations Trust Fund or the County Health Department Trust Fund; amending s. 514.05, F.S.; requiring all amounts collected to be deposited in the Grants and Donations Trust Fund or the County Health Department Trust Fund; granting the county health department the authority to close a public pool that is not in compliance with ch. 514, F.S., or applicable rules; amending s. 514.06, F.S.; deeming a public pool or bathing place to present a significant risk to public health by failing to meet water quality and safety to be a public nuisance; allowing for a public nuisance to be abated or enjoined; amending s. 633.115, F.S.; making conforming changes; amending s. 1009.66, F.S.; reassigning responsibility for the Nursing Student Loan Forgiveness Program from the Department of Health to the Department of Education; amending s. 1009.67, F.S.; reassigning responsibility for the nursing scholarship program from the Department of Health to the Department of Education; providing type two transfers of the programs; providing for transfer of a trust fund; providing applicability to contracts; authorizing transfer of funds and positions between departments; requiring the Division of Medical Quality and Assurance to create a plan to improve efficiency of the function of the division; directing the division to take certain actions in creating the plan; directing the division to address particular topics in the plan; requiring all executive branch agencies to assist the department in creating the plan; requesting all other state agencies to assist the department in creating the plan; amending ss. 154.503, 381.0041, 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10, 768.28, and 775.0877, F.S.; conforming cross-references; providing effective dates.

—a companion measure, was substituted for **CS for SB 1824** and read the second time by title.

**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:

**Amendment 1 (371972) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (3) of section 20.43, Florida Statutes, are amended to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to *protect and* promote ~~and protect~~ the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(a) *Identify, diagnose, and conduct surveillance of diseases and health conditions in the state and accumulate the health statistics necessary to establish trends* ~~Prevent to the fullest extent possible, the occurrence and progression of communicable and noncommunicable diseases and disabilities~~.

(b) *Implement interventions that prevent or limit the impact or spread of diseases and health conditions* ~~Maintain a constant surveillance of disease occurrence and accumulate health statistics necessary to establish disease trends and to design health programs~~.

(c) *Collect, manage, and analyze vital statistics and other health data to inform the public and formulate public health policy and planning* ~~Conduct special studies of the causes of diseases and formulate preventive strategies~~.

(d) *Maintain and coordinate preparedness for and responses to public health emergencies in the state* ~~Promote the maintenance and improvement of the environment as it affects public health~~.

(e) *Provide or ensure the provision of quality health care and related services to identified populations in the state* ~~Promote the maintenance and improvement of health in the residents of the state~~.

(f) *Regulate environmental activities that have a direct impact on public health in the state* ~~Provide leadership, in cooperation with the public and private sectors, in establishing statewide and community public health delivery systems~~.

(g) *Regulate health practitioners for the preservation of the health, safety, and welfare of the public* ~~Provide health care and early intervention services to infants, toddlers, children, adolescents, and high risk perinatal patients who are at risk for disabling conditions or have chronic illnesses~~.

~~(h) Provide services to abused and neglected children through child protection teams and sexual abuse treatment programs.~~

~~(i) Develop working associations with all agencies and organizations involved and interested in health and health care delivery.~~

~~(j) Analyze trends in the evolution of health systems, and identify and promote the use of innovative, cost-effective health delivery systems.~~

~~(k) Serve as the statewide repository of all aggregate data accumulated by state agencies related to health care; analyze that data and issue periodic reports and policy statements, as appropriate; require that all aggregated data be kept in a manner that promotes easy utilization by the public, state agencies, and all other interested parties; provide technical assistance as required; and work cooperatively with the state's higher education programs to promote further study and analysis of health care systems and health care outcomes.~~

~~(l) Include in the department's strategic plan developed under s. 186.021 an assessment of current health programs, systems, and costs; projections of future problems and opportunities; and recommended changes that are needed in the health care system to improve the public health.~~

~~(m) Regulate health practitioners, to the extent authorized by the Legislature, as necessary for the preservation of the health, safety, and welfare of the public.~~

(2)~~(a)~~ The head of the Department of Health is the State Surgeon General and State Health Officer. The State Surgeon General must be a physician licensed under chapter 458 or chapter 459 who has advanced training or extensive experience in public health administration. The State Surgeon General is appointed by the Governor subject to confirmation by the Senate. The State Surgeon General serves at the pleasure of the Governor. ~~The State Surgeon General shall serve as the leading voice on wellness and disease prevention efforts, including the promotion of healthful lifestyles, immunization practices, health literacy, and the assessment and promotion of the physician and health care workforce in order to meet the health care needs of the state. The State Surgeon General shall focus on advocating healthy lifestyles, developing public health policy, and building collaborative partnerships with schools, businesses, health care practitioners, community based organizations, and public and private institutions in order to promote health literacy and optimum quality of life for all Floridians.~~

~~(b) The Officer of Women's Health Strategy is established within the Department of Health and shall report directly to the State Surgeon General.~~

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.

(b) Division of *Emergency Preparedness and Community Support* ~~Environmental Health~~.

(c) Division of Disease Control *and Health Protection*.

(d) Division of *Community Health Promotion* ~~Family Health Services~~.

(e) Division of Children's Medical Services ~~Network~~.

(f) Division of *Public Health Statistics and Performance Management* ~~Emergency Medical Operations~~.

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. The Board of Acupuncture, created under chapter 457.

2. The Board of Medicine, created under chapter 458.

3. The Board of Osteopathic Medicine, created under chapter 459.

4. The Board of Chiropractic Medicine, created under chapter 460.

5. The Board of Podiatric Medicine, created under chapter 461.

6. Naturopathy, as provided under chapter 462.

7. The Board of Optometry, created under chapter 463.

8. The Board of Nursing, created under part I of chapter 464.

9. Nursing assistants, as provided under part II of chapter 464.

10. The Board of Pharmacy, created under chapter 465.

11. The Board of Dentistry, created under chapter 466.

12. Midwifery, as provided under chapter 467.

13. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

14. The Board of Nursing Home Administrators, created under part II of chapter 468.

15. The Board of Occupational Therapy, created under part III of chapter 468.

16. Respiratory therapy, as provided under part V of chapter 468.

17. Dietetics and nutrition practice, as provided under part X of chapter 468.

18. The Board of Athletic Training, created under part XIII of chapter 468.

19. The Board of Orthotists and Prosthetists, created under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage Therapy, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.

23. Medical physicists, as provided under part IV of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. School psychologists, as provided under chapter 490.

29. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

*30. Emergency medical technicians and paramedics, as provided under part III of chapter 401.*

~~(h) Division of Children's Medical Services Prevention and Intervention.~~

~~(i) Division of Information Technology.~~

~~(j) Division of Health Access and Tobacco.~~

*(h)*~~(k)~~ Division of Disability Determinations.

Section 2. Subsections (14) through (22) of section 20.435, Florida Statutes, are renumbered as subsection (13) through (21), respectively, and present subsection (13) of that section is amended to read:

20.435 Department of Health; trust funds.—The following trust funds shall be administered by the Department of Health:

~~(13) Florida Drug, Device, and Cosmetic Trust Fund.~~

~~(a) Funds to be credited to and uses of the trust fund shall be administered in accordance with the provisions of chapter 499.~~

~~(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.~~

Section 3. Section 154.05, Florida Statutes, is amended to read:

154.05 Cooperation and agreements between counties.—*Counties may establish cooperative arrangements for shared county health departments in the following ways:*

*(1)* Two or more counties may combine in the establishment and maintenance of a single full-time county health department for the counties which combine for that purpose; and, pursuant to such combination or agreement, such counties may cooperate with one another and the Department of Health and contribute to a joint fund in carrying out the purpose and intent of this chapter. The duration and nature of such agreement shall be evidenced by resolutions of the boards of county commissioners of such counties and shall be submitted to and approved by the department. In the event of any such agreement, a full-time county health department shall be established and maintained by the department in and for the benefit of the counties which have entered into such an agreement; and, in such case, the funds raised by taxation pursuant to this chapter by each such county shall be paid to the Chief Financial Officer for the account of the department and shall be known as the full-time county health department trust fund of the counties so cooperating. Such trust funds shall be used and expended by the department for the purposes specified in this chapter in each county which has entered into such agreement. In case such an agreement is entered into between two or more counties, the work contemplated by this chapter shall be done by a single full-time county health department in the counties so cooperating; and the nature, extent, and location of such work shall be under the control and direction of the department.

*(2) The operations of two or more county health departments may be combined when the parties agree to the specific roles and responsibilities of each county and county health department. Such an agreement shall specify the roles and responsibilities of each county and county health department, including the method of governance and executive direction; the manner by which each county's public health needs will be addressed; an inventory of necessary facilities, equipment, and personnel; and any other needed infrastructure.*

Section 4. Subsection (2) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(2) EXEMPTIONS; MEDICAL.—

(a) There shall be exempt from the tax imposed by this chapter any medical products and supplies or medicine dispensed according to an individual prescription or prescriptions written by a prescriber authorized by law to prescribe medicinal drugs; hypodermic needles; hypodermic syringes; chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury; and common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, but not including cosmetics or toilet articles, notwithstanding the presence of medicinal ingredients therein, according to a list prescribed and approved by the Department of *Business and Professional Regulation* ~~Health~~, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue. There shall also be exempt from the tax imposed by this chapter artificial eyes and limbs; orthopedic shoes; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing aids; crutches; prosthetic and orthopedic appliances; and funerals. In addition, any items intended for one-time use which transfer essential optical characteristics to contact lenses shall be exempt from the tax imposed by this chapter; however, this exemption shall apply only after $100,000 of the tax imposed by this chapter on such items has been paid in any calendar year by a taxpayer who claims the exemption in such year. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(b) For the purposes of this subsection:

1. "Prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body, to alleviate the malfunction of any part of the body, or to assist any disabled person in leading a normal life by facilitating such person's mobility. Such apparatus, instrument, device, or equipment shall be exempted according to an individual prescription or prescriptions written by a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, or according to a list prescribed and approved by the Department of Health, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue.

2. "Cosmetics" means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance and also means articles intended for use as a compound of any such articles, including, but not limited to, cold creams, suntan lotions, makeup, and body lotions.

3. "Toilet articles" means any article advertised or held out for sale for grooming purposes and those articles that are customarily used for grooming purposes, regardless of the name by which they may be known, including, but not limited to, soap, toothpaste, hair spray, shaving products, colognes, perfumes, shampoo, deodorant, and mouthwash.

4. "Prescription" includes any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be dispensed by a pharmacist. The term also includes an orally transmitted order by the lawfully designated agent of such practitioner. The term also includes an order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of his or her professional judgment, that the order is valid and necessary for the treatment of a chronic or recurrent illness. The term also includes a pharmacist's order for a product selected from the formulary created pursuant to s. 465.186. A prescription may be retained in written form, or the pharmacist may cause it to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.

(c) Chlorine shall not be exempt from the tax imposed by this chapter when used for the treatment of water in swimming pools.

(d) Lithotripters are exempt.

(e) Human organs are exempt.

(f) Sales of drugs to or by physicians, dentists, veterinarians, and hospitals in connection with medical treatment are exempt.

(g) Medical products and supplies used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity which are temporarily or permanently incorporated into a patient or client by a practitioner of the healing arts licensed in the state are exempt.

(h) The purchase by a veterinarian of commonly recognized substances possessing curative or remedial properties which are ordered and dispensed as treatment for a diagnosed health disorder by or on the prescription of a duly licensed veterinarian, and which are applied to or consumed by animals for alleviation of pain or the cure or prevention of sickness, disease, or suffering are exempt. Also exempt are the purchase by a veterinarian of antiseptics, absorbent cotton, gauze for bandages, lotions, vitamins, and worm remedies.

(i) X-ray opaques, also known as opaque drugs and radiopaque, such as the various opaque dyes and barium sulphate, when used in connection with medical X rays for treatment of bodies of humans and animals, are exempt.

(j) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property so that a handicapped person can use them are exempt when such items are purchased by a person pursuant to an individual prescription.

(k) This subsection shall be strictly construed and enforced.

Section 5. Subsections (10) and (12) of section 215.5602, Florida Statutes, are amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(10) The council shall submit an annual progress report on the state of biomedical research in this state to ~~the Florida Center for Universal Research to Eradicate Disease and to~~ the Governor, the State Surgeon General, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

(a) A list of research projects supported by grants or fellowships awarded under the program.

(b) A list of recipients of program grants or fellowships.

(c) A list of publications in peer reviewed journals involving research supported by grants or fellowships awarded under the program.

(d) The total amount of biomedical research funding currently flowing into the state.

(e) New grants for biomedical research which were funded based on research supported by grants or fellowships awarded under the program.

(f) Progress in the prevention, diagnosis, treatment, and cure of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(12) ~~From funds appropriated to accomplish the goals of this section, up to $250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and thereafter, $25 million from the revenue deposited into the Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved for research of tobacco-related or cancer-related illnesses. Of the revenue deposited in the Health Care Trust Fund pursuant to this section, $25 million shall be transferred to the Biomedical Research Trust Fund within the Department of Health. Subject to annual appropriations in the General Appropriations Act, $5 million shall be appropriated to the James and Esther King Biomedical Research Program, $5 million shall be appropriated to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program created under s. 381.922, $5 million shall be appropriated to the H. Lee Moffitt Cancer Center and Research Institute established under s. 1004.43, $5 million shall be appropriated to the Sylvester Comprehensive Cancer Center of the University of Miami, and $5 million shall be appropriated to the ~~University of Florida~~ Shands Cancer *Hospital* ~~Center~~.

Section 6. Florida Statutes, is amended to read:

381.001 ~~Legislative intent;~~ Public health system.—

~~(1) It is the intent of the Legislature that~~ The Department of Health *is* ~~be~~ responsible for the state's public health system which shall be designed to promote, protect, and improve the health of all people in the state. ~~The mission of the state's public health system is to foster the conditions in which people can be healthy, by assessing state and community health needs and priorities through data collection, epidemiologic studies, and community participation; by developing comprehensive public health policies and objectives aimed at improving the health status of people in the state; and by ensuring essential health care and an environment which enhances the health of the individual and the community.~~ The *department shall provide leadership for* ~~Legislature recognizes that the state's public health system must be founded on~~ an active partnership *working toward shared public health goals and involving* ~~between~~ federal, state, and local *governments and the private sector* ~~government and between the public and private sectors, and, therefore, assessment, policy development, and service provision must be shared by all of these entities to achieve its mission~~.

~~(2) It is the intent of the Legislature that the department, in carrying out the mission of public health, focus attention on identifying, assessing, and controlling the presence and spread of communicable diseases; on monitoring and regulating factors in the environment which may impair the public's health, with particular attention to preventing contamination of drinking water, the air people breathe, and the food people consume; and ensuring availability of and access to preventive and primary health care, including, but not limited to, acute and episodic care, prenatal and postpartum care, child health, family planning, school health, chronic disease prevention, child and adult immunization, dental health, nutrition, and health education and promotion services.~~

~~(3) It is, furthermore, the intent of the Legislature that the public health system include comprehensive planning, data collection, technical support, and health resource development functions. These functions include, but are not limited to, state laboratory and pharmacy services, the state vital statistics system, the Florida Center for Health Information and Policy Analysis, emergency medical services coordination and support, and recruitment, retention, and development of preventive and primary health care professionals and managers.~~

~~(4)~~ It is~~, furthermore,~~ the intent of the Legislature that the department provide public health services through the 67 county health departments in partnership with county governments, as specified in part I of chapter 154, and in so doing make every attempt possible to solicit the support and involvement of private and not-for-profit health care agencies in fulfilling the public health mission.

Section 7. Section 381.0011, Florida Statutes, is amended to read:

381.0011 Duties and powers of the Department of Health.—It is the duty of the Department of Health to:

(1) Assess the public health status and needs of the state ~~through statewide data collection and other appropriate means, with special attention to future needs that may result from population growth, technological advancements, new societal priorities, or other changes~~.

~~(2) Formulate general policies affecting the public health of the state.~~

*(2)*~~(3)~~ Administer and enforce laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals to humans, and the general health of the people of the state.

*(3)*~~(4)~~ *Coordinate with* ~~Cooperate with and accept assistance from~~ federal, state, and local officials for the prevention and suppression of communicable and other diseases, illnesses, injuries, and hazards to human health.

~~(5) Declare, enforce, modify, and abolish quarantine of persons, animals, and premises as the circumstances indicate for controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health, except as provided in ss. 384.28 and 392.545-392.60.~~

~~(a) The department shall adopt rules to specify the conditions and procedures for imposing and releasing a quarantine. The rules must include provisions related to:~~

~~1. The closure of premises.~~

~~2. The movement of persons or animals exposed to or infected with a communicable disease.~~

~~3. The tests or treatment, including vaccination, for communicable disease required prior to employment or admission to the premises or to comply with a quarantine.~~

~~4. Testing or destruction of animals with or suspected of having a disease transmissible to humans.~~

~~5. Access by the department to quarantined premises.~~

~~6. The disinfection of quarantined animals, persons, or premises.~~

~~7. Methods of quarantine.~~

~~(b) Any health regulation that restricts travel or trade within the state may not be adopted or enforced in this state except by authority of the department.~~

*(4)*~~(6)~~ Provide for a thorough investigation and study of the incidence, causes, modes of propagation and transmission, and means of prevention, control, and cure of diseases, illnesses, and hazards to human health.

*(5)*~~(7)~~ Provide for the dissemination of information to the public relative to the prevention, control, and cure of diseases, illnesses, and hazards to human health. ~~The department shall conduct a workshop before issuing any health alert or advisory relating to food borne illness or communicable disease in public lodging or food service establishments in order to inform persons, trade associations, and businesses of the risk~~

~~to public health and to seek the input of affected persons, trade associations, and businesses on the best methods of informing and protecting the public, except in an emergency, in which case the workshop must be held within 14 days after the issuance of the emergency alert or advisory.~~

*(6)*~~(8)~~ Act as registrar of vital statistics.

~~(9) Cooperate with and assist federal health officials in enforcing public health laws and regulations.~~

~~(10) Cooperate with other departments, local officials, and private boards and organizations for the improvement and preservation of the public health.~~

~~(11) Maintain a statewide injury prevention program.~~

~~(12) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. This subsection does not authorize the department to require a permit or license unless such requirement is specifically provided by law.~~

*(7)*~~(13)~~ Manage and coordinate emergency preparedness and disaster response functions to: investigate and control the spread of disease; coordinate the availability and staffing of special needs shelters; support patient evacuation; ensure the safety of food and drugs; provide critical incident stress debriefing; and provide surveillance and control of radiological, chemical, biological, and other environmental hazards.

~~(14) Perform any other duties prescribed by law.~~

Section 8. *Section 381.0013, Florida Statutes, is repealed.*

Section 9. *Section 381.0014, Florida Statutes, is repealed.*

Section 10. *Section 381.0015, Florida Statutes, is repealed.*

Section 11. Section 381.0016, Florida Statutes, is amended to read:

381.0016 *County and* municipal regulations and ordinances.—Any *county or* municipality may enact, in a manner prescribed by law, health regulations and ordinances not inconsistent with state public health laws and rules adopted by the department.

Section 12. *Section 381.0017, Florida Statutes, is repealed.*

Section 13. *Section 381.0025, Florida Statutes, is repealed.*

Section 14. Paragraph (d) of subsection (1) of section 381.003, Florida Statutes, is amended to read:

381.003 Communicable disease and AIDS prevention and control.—

(1) The department shall conduct a communicable disease prevention and control program as part of fulfilling its public health mission. A communicable disease is any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the environment to a susceptible host, either directly or indirectly. The communicable disease program must include, but need not be limited to:

(d) Programs for the prevention, control, and reporting of *communicable* diseases of public health significance as provided for in this chapter.

Section 15. Section 381.0031, Florida Statutes, is amended to read:

381.0031 *Epidemiological research;* report of diseases of public health significance to department.—

(1) *The department may conduct studies concerning the epidemiology of diseases of public health significance affecting people in Florida.*

*(2)* Any practitioner licensed in this state to practice medicine, osteopathic medicine, chiropractic medicine, naturopathy, or veterinary medicine; any hospital licensed under part I of chapter 395; or any laboratory licensed under chapter 483 that diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health.

*(3)*~~(2)~~ Periodically the department shall issue a list of infectious or noninfectious diseases determined by it to be a threat to public health and therefore of significance to public health and shall furnish a copy of the list to the practitioners listed in subsection *(2)* ~~(1)~~. *The list shall be based on the diseases recommended to be nationally notifiable by the Council of State and Territorial Epidemiologists and the Centers for Disease Control and Prevention. The department may expand upon the list if a disease emerges for which regular, frequent, and timely information regarding individual cases is considered necessary for the prevention and control of a disease specific to Florida.*

*(4)*~~(3)~~ Reports required by this section must be in accordance with methods specified by rule of the department.

*(5)*~~(4)~~ Information submitted in reports required by this section is confidential, exempt from the provisions of s. 119.07(1), and is to be made public only when necessary to public health. A report so submitted is not a violation of the confidential relationship between practitioner and patient.

*(6)*~~(5)~~ The department may obtain and inspect copies of medical records, records of laboratory tests, and other medical-related information for reported cases of diseases of public health significance described in subsection (2). The department shall examine the records of a person who has a disease of public health significance only for purposes of preventing and eliminating outbreaks of disease and making epidemiological investigations of reported cases of diseases of public health significance, notwithstanding any other law to the contrary. Health care practitioners, licensed health care facilities, and laboratories shall allow the department to inspect and obtain copies of such medical records and medical-related information, notwithstanding any other law to the contrary. Release of medical records and medical-related information to the department by a health care practitioner, licensed health care facility, or laboratory, or by an authorized employee or agent thereof, does not constitute a violation of the confidentiality of patient records. A health care practitioner, health care facility, or laboratory, or any employee or agent thereof, may not be held liable in any manner for damages and is not subject to criminal penalties for providing patient records to the department as authorized by this section.

*(7)*~~(6)~~ The department may adopt rules related to reporting diseases of significance to public health, which must specify the information to be included in the report, who is required to report, the method and time period for reporting, requirements for enforcement, and required followup activities by the department which are necessary to protect public health.

*(8)* This section does not affect s. 384.25.

Section 16. Subsections (4), (5), and (6) are added to section 381.00315, Florida Statutes, to read:

381.00315 Public health advisories; public health emergencies*; quarantines*.—The State Health Officer is responsible for declaring public health emergencies *and quarantines* and issuing public health advisories.

*(4) The department has the duty and the authority to declare, enforce, modify, and abolish quarantines of persons, animals, and premises as the circumstances indicate for controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health, except as provided in ss. 384.28 and 392.545-392.60.*

*(5) The department shall adopt rules to specify the conditions and procedures for imposing and releasing a quarantine. The rules must include provisions related to:*

*(a) The closure of premises.*

*(b) The movement of persons or animals exposed to or infected with a communicable disease.*

*(c) The tests or treatment, including vaccination, for communicable disease required prior to employment or admission to the premises or to comply with a quarantine.*

*(d) Testing or destruction of animals with or suspected of having a disease transmissible to humans.*

*(e) Access by the department to quarantined premises.*

*(f) The disinfection of quarantined animals, persons, or premises.*

*(g) Methods of quarantine.*

*(6) The rules adopted under this section and actions taken by the department pursuant to a declared public health emergency or quarantine shall supersede all rules enacted by other state departments, boards or commissions, and ordinances and regulations enacted by political subdivisions of the state. Any person who violates any rule adopted under this section, any quarantine, or any requirement adopted by the department pursuant to a declared public health emergency, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 17. *Section 381.0032, Florida Statutes, is repealed.*

Section 18. *Section 381.00325, Florida Statutes, is repealed.*

Section 19. Subsection (1) of section 381.0034, Florida Statutes, is amended to read:

381.0034 Requirement for instruction on HIV and AIDS.—

(1) ~~As of July 1, 1991,~~ The Department of Health shall require each person licensed or certified under chapter 401, chapter 467, part IV of chapter 468, or chapter 483, as a condition of biennial relicensure, to complete an educational course approved by the department on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients. Each such licensee or certificateholder shall submit confirmation of having completed said course, on a form provided by the department, when submitting fees or application for each biennial renewal.

Section 20. *Section 381.0037, Florida Statutes, is repealed.*

Section 21. Subsections (2) though (11) of section 381.004, Florida Statutes, are renumbered as subsections (1) through (10), respectively, and present subsection (1), paragraph (a) of present subsection (3), paragraph (d) of present subsection (5), present subsection (7), and paragraph (c) of present subsection (11) of that section are amended to read:

381.004 HIV testing.—

~~(1) LEGISLATIVE INTENT.—The Legislature finds that the use of tests designed to reveal a condition indicative of human immunodeficiency virus infection can be a valuable tool in protecting the public health. The Legislature finds that despite existing laws, regulations, and professional standards which require or promote the informed, voluntary, and confidential use of tests designed to reveal human immunodeficiency virus infection, many members of the public are deterred from seeking such testing because they misunderstand the nature of the test or fear that test results will be disclosed without their consent. The Legislature finds that the public health will be served by facilitating informed, voluntary, and confidential use of tests designed to detect human immunodeficiency virus infection.~~

(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(a) No person in this state shall order a test designed to identify the human immunodeficiency virus, or its antigen or antibody, without first obtaining the informed consent of the person upon whom the test is being performed, except as specified in paragraph (h). Informed consent shall be preceded by an explanation of the right to confidential treatment of information identifying the subject of the test and the results of the test to the extent provided by law. Information shall also be provided on the fact that a positive HIV test result will be reported to the county health department with sufficient information to identify the test subject and on the availability and location of sites at which anonymous testing is performed. As required in paragraph *(3)(c)* ~~(4)(c)~~, each county health department shall maintain a list of sites at which anonymous testing is performed, including the locations, phone numbers, and hours of operation of the sites. Consent need not be in writing provided there is documentation in the medical record that the test has been explained and the consent has been obtained.

*(4)*~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS; REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM REGISTRATION.—No county health department and no other person in this state shall conduct or hold themselves out to the public as conducting a testing program for acquired immune deficiency syndrome or human immunodeficiency virus status without first registering with the Department of Health, reregistering each year, complying with all other applicable provisions of state law, and meeting the following requirements:

(d) The program must meet all the informed consent criteria contained in subsection *(2)* ~~(3)~~.

(7) EXEMPTIONS.—Except as provided in paragraph *(3)(d)* ~~(4)(d)~~ and ss. 627.429 and 641.3007, insurers and others participating in activities related to the insurance application and underwriting process shall be exempt from this section.

*(10)*~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR ADMISSION.—

(c) Any violation of this subsection or the rules implementing it shall be punishable as provided in subsection *(5)* ~~(6)~~.

Section 22. Subsection (2) of section 381.0046, Florida Statutes, is amended to read:

381.0046 Statewide HIV and AIDS prevention campaign.—

(2) The Department of Health shall establish *dedicated* ~~four~~ positions within the department for HIV and AIDS regional minority coordinators and ~~one position for~~ a statewide HIV and AIDS minority coordinator. The coordinators shall facilitate statewide efforts to implement and coordinate HIV and AIDS prevention and treatment programs. ~~The statewide coordinator shall report directly to the chief of the Bureau of HIV and AIDS within the Department of Health.~~

Section 23. Subsection (3) of section 381.005, Florida Statutes, is renumbered as subsection (2), and present subsection (2) of that section is amended to read:

381.005 Primary and preventive health services.—

~~(2) Between October 1, or earlier if the vaccination is available, and February 1 of each year, subject to the availability of an adequate supply of the necessary vaccine, each hospital licensed pursuant to chapter 395 shall implement a program to offer immunizations against the influenza virus and pneumococcal bacteria to all patients age 65 or older, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention and subject to the clinical judgment of the responsible practitioner.~~

Section 24. Subsections (3) through (7) of section 381.0051, Florida Statutes, are renumbered as subsections (2) through (6), respectively, and present subsection (2) of that section is amended to read:

381.0051 Family planning.—

~~(2) LEGISLATIVE INTENT. It is the intent of the Legislature to make available to citizens of the state of childbearing age comprehensive medical knowledge, assistance, and services relating to the planning of families and maternal health care.~~

Section 25. Subsection (5) of section 381.0052, Florida Statutes, is amended to read:

381.0052 Dental health.—

~~(5) The department may adopt rules to implement this section.~~

Section 26. Subsection (4) of section 381.0053, Florida Statutes, is amended to read:

381.0053 Comprehensive nutrition program.—

~~(4) The department may promulgate rules to implement the provisions of this section.~~

Section 27. *Section 381.0054, Florida Statutes, is repealed.*

Section 28. Subsections (3) through (11) of section 381.0056, Florida Statutes are renumbered as subsections (2) through (9), respectively, and present subsections (2), (3), and (11) of that section are amended to read:

381.0056 School health services program.—

~~(2) The Legislature finds that health services conducted as a part of the total school health program should be carried out to appraise, protect, and promote the health of students. School health services supplement, rather than replace, parental responsibility and are designed to encourage parents to devote attention to child health, to discover health problems, and to encourage use of the services of their physicians, dentists, and community health agencies.~~

*(2)*~~(3)~~ *As* ~~When~~ used in ~~or for purposes of~~ this section:

(a) "Emergency health needs" means onsite management and aid for illness or injury pending the student's return to the classroom or release to a parent, guardian, designated friend, or designated health care provider.

(b) "Entity" or "health care entity" means a unit of local government or a political subdivision of the state; a hospital licensed under chapter 395; a health maintenance organization certified under chapter 641; a health insurer authorized under the Florida Insurance Code; a community health center; a migrant health center; a federally qualified health center; an organization that meets the requirements for nonprofit status under s. 501(c)(3) of the Internal Revenue Code; a private industry or business; or a philanthropic foundation that agrees to participate in a public-private partnership with a county health department, local school district, or school in the delivery of school health services, and agrees to the terms and conditions for the delivery of such services as required by this section and as documented in the local school health services plan.

(c) "Invasive screening" means any screening procedure in which the skin or any body orifice is penetrated.

(d) "Physical examination" means a thorough evaluation of the health status of an individual.

(e) "School health services plan" means the document that describes the services to be provided, the responsibility for provision of the services, the anticipated expenditures to provide the services, and evidence of cooperative planning by local school districts and county health departments.

(f) "Screening" means presumptive identification of unknown or unrecognized diseases or defects by the application of tests that can be given with ease and rapidity to apparently healthy persons.

~~(11) School health programs funded by health care districts or entities defined in subsection (3) must be supplementary to and consistent with the requirements of this section and ss. 381.0057 and 381.0059.~~

Section 29. Subsections (2) through (7) of section 381.0057, Florida Statutes, are renumbered as subsections (1) through (6), respectively, and present subsections (1), (4), and (6) of that section are amended to read:

381.0057 Funding for school health services.—

~~(1) It is the intent of the Legislature that funds in addition to those provided under the School Health Services Act be provided to those school districts and schools where there is a high incidence of medically underserved high-risk children, low birthweight babies, infant mortality, or teenage pregnancy. The purpose of this funding is to phase in those programs which offer the greatest potential for promoting the health of students and reducing teenage pregnancy.~~

*(3)*~~(4)~~ Any school district, school, or laboratory school which desires to receive state funding under the provisions of this section shall submit a proposal to the joint committee established in subsection *(2)* ~~(3)~~. The proposal shall state the goals of the program, provide specific plans for reducing teenage pregnancy, and describe all of the health services to be available to students with funds provided pursuant to this section, including a combination of initiatives such as health education, counseling, extracurricular, and self-esteem components. School health services shall not promote elective termination of pregnancy as a part of counseling services. Only those program proposals which have been developed jointly by county health departments and local school districts or schools, and which have community and parental support, shall be eligible for funding. Funding shall be available specifically for implementation of one of the following programs:

(a) *School health improvement pilot project.*—The program shall include basic health care to an elementary school, middle school, and high school feeder system. Program services shall include, but not be limited to:

1. Planning, implementing, and evaluating school health services. Staffing shall include a full-time, trained school health aide in each elementary, middle, and high school; one full-time nurse to supervise the aides in the elementary and middle schools; and one full-time nurse in each high school.

2. Providing student health appraisals and identification of actual or potential health problems by screenings, nursing assessments, and record reviews.

3. Expanding screening activities.

4. Improving the student utilization of school health services.

5. Coordinating health services for students with parents or guardians and other agencies in the community.

(b) *Student support services team program.*—The program shall include a multidisciplinary team composed of a psychologist, social worker, and nurse whose responsibilities are to provide basic support services and to assist, in the school setting, children who exhibit mild to severely complex health, behavioral, or learning problems affecting their school performance. Support services shall include, but not be limited to: evaluation and treatment for minor illnesses and injuries, referral and followup for serious illnesses and emergencies, onsite care and consultation, referral to a physician, and followup care for pregnancy or chronic diseases and disorders as well as emotional or mental problems. Services also shall include referral care for drug and alcohol abuse and sexually transmitted diseases, sports and employment physicals, immunizations, and in addition, effective preventive services aimed at delaying early sexual involvement and aimed at pregnancy, acquired immune deficiency syndrome, sexually transmitted diseases, and destructive lifestyle conditions, such as alcohol and drug abuse. Moneys for this program shall be used to fund three teams, each consisting of one half-time psychologist, one full-time nurse, and one full-time social worker. Each team shall provide student support services to an elementary school, middle school, and high school that are a part of one feeder school system and shall coordinate all activities with the school administrator and guidance counselor at each school. A program which places all three teams in middle schools or high schools may also be proposed.

(c) *Full service schools.*—The full-service schools shall integrate the services of the Department of Health that are critical to the continuity-of-care process. The department shall provide services to students on the school grounds. Department personnel shall provide their specialized services as an extension of the educational environment. Such services may include nutritional services, medical services, aid to dependent children, parenting skills, counseling for abused children, and education for the students' parents or guardians.

Funding may also be available for any other program that is comparable to a program described in this subsection but is designed to meet the particular needs of the community.

*(5)*~~(6)~~ Each school district or school program that is funded through the provisions of this section shall provide a mechanism through which a parent may, by written request, exempt a child from all or certain services provided by a school health services program described in subsection *(3)* ~~(4)~~.

Section 30. Section 381.00591, Florida Statutes, is amended to read:

381.00591 Department of Health; National Environmental Laboratory accreditation; application~~; rules~~.—The Department of Health may apply for and become a National Environmental Laboratory Accreditation Program *accreditation body* ~~accrediting authority~~. ~~The department, as an accrediting entity, may adopt rules pursuant to ss. 120.536(1) and 120.54, to implement standards of the National Environmental Laboratory Accreditation Program, including requirements for proficiency testing providers and other rules that are not inconsistent with this section, including rules pertaining to fees, application procedures, standards applicable to environmental or public water supply laboratories, and compliance.~~

Section 31. Subsection (9) of section 381.00593, Florida Statutes, is renumbered as subsection (8), and present subsection (8) of that section is amended to read:

381.00593 Public school volunteer health care practitioner program.—

~~(8) The Department of Health, in cooperation with the Department of Education, may adopt rules necessary to implement this section. The rules shall include the forms to be completed and procedures to be followed by applicants and school personnel under the program.~~

Section 32. Subsections (2) through (6) of section 381.0062, Florida Statutes, are renumbered as subsections (1) through (5), respectively, and present subsections (1) and (4) of that section are amended to read:

381.0062 Supervision; private and certain public water systems.—

~~(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to protect the public's health by establishing standards for the construction, modification, and operation of public and private water systems to assure consumers that the water provided by those systems is potable.~~

*(3)*~~(4)~~ RIGHT OF ENTRY.—For purposes of this section, department personnel may enter, at any reasonable time and if they have reasonable cause to believe a violation of this section is occurring or about to occur, upon any and all parts of the premises of such limited use public and multifamily drinking water systems, to make an examination and investigation to determine the sanitary and safety conditions of such systems. ~~Any person who interferes with, hinders, or opposes any employee of the department in the discharge of his or her duties pursuant to the provisions of this section is subject to the penalties provided in s. 381.0025.~~

Section 33. Subsection (1), (3), and (4) of section 381.0065, Florida Statues, are amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(1) LEGISLATIVE INTENT.—

~~(a) It is the intent of the Legislature that proper management of onsite sewage treatment and disposal systems is paramount to the health, safety, and welfare of the public. It is further the intent of the Legislature that the department shall administer an evaluation program to ensure the operational condition of the system and identify any failure with the system.~~

~~(b)~~ It is the intent of the Legislature that where a publicly owned or investor-owned sewerage system is not available, the department shall issue permits for the construction, installation, modification, abandonment, or repair of onsite sewage treatment and disposal systems under conditions as described in this section and rules adopted under this section. It is further the intent of the Legislature that the installation and use of onsite sewage treatment and disposal systems not adversely affect the public health or significantly degrade the groundwater or surface water.

(3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067, including definitions that are consistent with the definitions in this section, decreases to setback requirements where no health hazard exists, increases for the lot-flow allowance for performance-based systems, requirements for separation from water table elevation during the wettest season, requirements for the design and construction of any component part of an onsite sewage treatment and disposal system, application and permit requirements for persons who maintain an onsite sewage treatment and disposal system, requirements for maintenance and service agreements for aerobic treatment units and performance-based treatment systems, and recommended standards, including disclosure requirements, for voluntary system inspections to be performed by individuals who are authorized by law to perform such inspections and who shall inform a person having ownership, control, or use of an onsite sewage treatment and disposal system of the inspection standards and of that person's authority to request an inspection based on all or part of the standards.

(b) Perform application reviews and site evaluations, issue permits, and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day, or an estimated commercial sewage flow of 5,000 gallons or less per day, which is not currently regulated under chapter 403.

(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation, the *State Surgeon General* ~~Division Director for Environmental Health of the department~~, or his or her designee, shall timely assign a staff person to resolve the dispute.

(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section.

(e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section.

(f) Issue annual operating permits under this section.

(g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.

(h) Conduct enforcement activities, including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.

(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.

(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(l) must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be initially approved by the technical review and advisory panel and shall be applicable to and reflect the soil conditions specific to Florida. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in Florida and that are principally located in Florida. Research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical review and advisory panel or the research review and advisory committee.

(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.

(l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and disposal of byproducts from any system regulated under this chapter and not regulated by the Department of Environmental Protection.

(m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations, and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include: training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(b) Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the Department of Health, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewerage system is available. It is the intent of this paragraph not to allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) Onsite sewage treatment and disposal systems must not be placed closer than:

1. Seventy-five feet from a private potable well.

2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.

3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.

4. Fifty feet from any nonpotable well.

5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.

8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(f) Except as provided under paragraphs (e) and (t), no limitations shall be imposed by rule, relating to the distance between an onsite disposal system and any area that either permanently or temporarily has visible surface water.

(g) All provisions of this section and rules adopted under this section relating to soil condition, water table elevation, distance, and other

setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h) 1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. There is no fee associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

b. No reasonable alternative, taking into consideration factors such as cost, exists for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

a. The *State Surgeon General,* ~~Division Director for Environmental Health of the department~~ or his or her designee.

b. A representative from the county health departments.

c. A representative from the home building industry recommended by the Florida Home Builders Association.

d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

e. A representative from the Department of Environmental Protection.

f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

g. A representative from the engineering profession recommended by the Florida Engineering Society.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewerage system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewerage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department shall not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, need not obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(j) An onsite sewage treatment and disposal system for a single-family residence that is designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include con-

sideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. The technical review and advisory panel shall assist the department in the development of performance criteria applicable to engineer-designed systems.

3. A person electing to utilize an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may utilize an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department either shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

4. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall obtain a biennial system operating permit from the department for each system under service contract. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced.

5. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(k) An innovative system may be approved in conjunction with an engineer-designed site-specific system which is certified by the engineer to meet the performance-based criteria adopted by the department.

(l) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

b. Suspended Solids of 10 mg/l.

c. Total Nitrogen, expressed as N, of 10 mg/l.

d. Total Phosphorus, expressed as P, of 1 mg/l.

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. On or after July 1, 2010, all new, modified, and repaired onsite sewage treatment and disposal systems must provide the level of treatment described in subparagraph 2. However, in areas scheduled to be served by central sewer by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewer system, an onsite sewage treatment and disposal system may be repaired to the following minimum standards:

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

4. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

5. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

6. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

(m) No product sold in the state for use in onsite sewage treatment and disposal systems may contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. In the event a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph *(2)(j)* ~~(2)(i)~~. The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(o) The department shall appoint a research review and advisory committee, which shall meet at least semiannually. The committee shall advise the department on directions for new research, review and rank proposals for research contracts, and review draft research reports and make comments. The committee is comprised of:

1. A representative of the *State Surgeon General, or his or her designee* ~~Division of Environmental Health of the Department of Health~~.

2. A representative from the septic tank industry.

3. A representative from the home building industry.

4. A representative from an environmental interest group.

5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.

6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.

7. A representative from local government who is knowledgeable about domestic wastewater treatment.

8. A representative from the real estate profession.

9. A representative from the restaurant industry.

10. A consumer.

Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(p) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. No specific documentation of property ownership shall be required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(q) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider prior to submission of an application for an onsite sewage treatment and disposal system.

(r) Nothing in this section limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(s) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering shall not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(t) Notwithstanding the provisions of subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield shall not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations prior to January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

a. The lot is at least one-half acre in size;

b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

c. The applicant installs either: a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system approved by the State Health Office that is capable of reducing effluent nitrate by at least 50 percent; or a system approved by the county health department pursuant to department rule other than a system using alternative drainfield materials. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water shall not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(u) The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall obtain a system operating permit from the department for each aerobic treatment unit under service contract. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The owner shall allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(v) The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

Section 34. Section 381.0068, Florida Statutes, is amended to read:

381.0068 Technical review and advisory panel.—

(1) The Department of Health shall~~, by July 1, 1996,~~ establish and staff a technical review and advisory panel to assist the department with rule adoption.

(2) The primary purpose of the panel is to assist the department in rulemaking and decisionmaking by drawing on the expertise of representatives from several groups that are affected by onsite sewage treatment and disposal systems. The panel may also review and comment on any legislation or any existing or proposed state policy or issue related to onsite sewage treatment and disposal systems. ~~If requested by the panel, the chair will advise any affected person or member of the Legislature of the panel's position on the legislation or any existing or proposed state policy or issue.~~ The chair may also take such other action as is appropriate to allow the panel to function. At a minimum, the panel shall consist of a soil scientist; a professional engineer registered in this state who is recommended by the Florida Engineering Society and who has work experience in onsite sewage treatment and disposal systems; two representatives from the home-building industry recommended by the Florida Home Builders Association, including one who is a developer in this state who develops lots using onsite sewage treatment and disposal systems; a representative from the county health departments who has experience permitting and inspecting the installation of onsite sewage treatment and disposal systems in this state; a representative from the real estate industry who is recommended by the Florida Association of Realtors; a consumer representative with a science background; two representatives of the septic tank industry recommended by the Florida Onsite Wastewater Association, including one who is a manufacturer of onsite sewage treatment and disposal systems; a representative from local government who is knowledgeable about domestic wastewater treatment and who is recommended by the Florida Association of Counties and the Florida League of Cities; and a representative from the environmental health profession who is recommended by the Florida Environmental Health Association and who is not employed by a county health department. Members are to be appointed for a term of 2 years. The panel may also, as needed, be expanded to include ad hoc, nonvoting representatives who have topic-specific expertise. All rules proposed by the department which relate to onsite sewage treatment and disposal systems must be presented to the panel for review and comment prior to adoption. The panel's position on proposed rules shall be made a part of the rulemaking record that is maintained by the agency. The panel shall select a chair, who shall serve for a period of 1 year and who shall direct, coordinate, and execute the duties of the panel. The panel shall also solicit input from the department's variance review and advisory committee before submitting any comments to the department concerning proposed rules. The panel's comments must include any dissenting points of view concerning proposed rules. The panel shall hold meetings as it determines necessary to conduct its business, except that the chair, a quorum of the voting

members of the panel, or the department may call meetings. The department shall keep minutes of all meetings of the panel. Panel members shall serve without remuneration, but, if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

Section 35. Subsection (1) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(1) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Health or its representative county health department.

(b) "Food service establishment" means detention facilities, public or private schools, migrant labor camps, assisted living facilities, *facilities participating in the United States Department of Agriculture Afterschool Meal Program that are located at a facility or site that is not inspected by another state agency for compliance with sanitation standards,* adult family-care homes, adult day care centers, short-term residential treatment centers, residential treatment facilities, homes for special services, transitional living facilities, crisis stabilization units, hospices, prescribed pediatric extended care centers, intermediate care facilities for persons with developmental disabilities, boarding schools, civic or fraternal organizations, bars and lounges, vending machines that dispense potentially hazardous foods at facilities expressly named in this paragraph, and facilities used as temporary food events or mobile food units at any facility expressly named in this paragraph, where food is prepared and intended for individual portion service, including the site at which individual portions are provided, regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term does not include any entity not expressly named in this paragraph; nor does the term include a domestic violence center certified and monitored by the Department of Children and Family Services under part XII of chapter 39 if the center does not prepare and serve food to its residents and does not advertise food or drink for public consumption.

(c) "Operator" means the owner, operator, keeper, proprietor, lessee, manager, assistant manager, agent, or employee of a food service establishment.

Section 36. Section 381.00781, Florida Statutes, is amended to read:

381.00781 Fees; disposition.—

~~(1)~~ The department shall establish by rule the following fees:

*(1)*~~(a) Fee~~ For the initial licensure of a tattoo establishment and the renewal of such license, *a fee* ~~which, except as provided in subsection (2), may~~ not *to* exceed $250 per year.

*(2)*~~(b) Fee~~ For licensure of a temporary establishment, *a fee* ~~which, except as provided in subsection (2), may~~ not *to* exceed $250.

*(3)*~~(c) Fee~~ For the initial licensure of a tattoo artist and the renewal of such license, *a fee* ~~which, except as provided in subsection (2), may~~ not *to* exceed $150 per year.

*(3)*~~(d) Fee~~ For registration or reregistration of a guest tattoo artist, *a fee* ~~which, except as provided in subsection (2), may~~ not *to* exceed $45.

*(4)*~~(e) Fee~~ For reactivation of an inactive tattoo establishment license or tattoo artist license. A license becomes inactive if it is not renewed before the expiration of the current license.

~~(2) The department may annually adjust the maximum fees authorized under subsection (1) according to the rate of inflation or deflation indicated by the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, as reported by the United States Department of Labor.~~

Section 37. Subsections (1) and (4) of section 381.0086, Florida Statutes, are amended to read:

381.0086 Rules; variances; penalties.—

(1) The department shall adopt rules necessary to protect the health and safety of migrant farmworkers and other migrant labor camp or residential migrant housing occupants, including rules governing field sanitation facilities. These rules must include definitions of terms, *a process for* ~~provisions relating to~~ plan review of the construction of new, expanded, or remodeled camps or residential migrant housing, sites, buildings and structures*; and standards for*~~,~~ personal hygiene facilities, lighting, sewage disposal, safety, minimum living space per occupant, bedding, food equipment, food storage and preparation, insect and rodent control, garbage, heating equipment, water supply, maintenance and operation of the camp, housing, or roads, and such other matters as the department finds to be appropriate or necessary to protect the life and health of the occupants. Housing operated by a public housing authority is exempt from the provisions of any administrative rule that conflicts with or is more stringent than the federal standards applicable to the housing.

(4) A person who violates any provision of ss. 381.008-381.00895 or rules adopted under such sections is subject either to the penalties provided in ss. 381.0012~~, 381.0025,~~ and 381.0061 or to the penalties provided in s. 381.0087.

Section 38. Subsections (1) and (7) of section 381.0098, Florida Statutes, are amended to read:

381.0098 Biomedical waste.—

(1) LEGISLATIVE INTENT.—~~It is the intent of the Legislature to protect the public health by establishing standards for the safe packaging, transport, storage, treatment, and disposal of biomedical waste.~~ Except as otherwise provided herein, the Department of Health shall regulate the packaging, transport, storage, and treatment of biomedical waste. The Department of Environmental Protection shall regulate onsite and offsite incineration and disposal of biomedical waste. Consistent with the foregoing, the Department of Health shall have the exclusive authority to establish treatment efficacy standards for biomedical waste and the Department of Environmental Protection shall have the exclusive authority to establish statewide standards relating to environmental impacts, if any, of treatment and disposal including, but not limited to, water discharges and air emissions. An interagency agreement between the Department of Environmental Protection and the Department of Health shall be developed to ensure maximum efficiency in coordinating, administering, and regulating biomedical wastes.

(7) ENFORCEMENT AND PENALTIES.—Any person or public body in violation of this section or rules adopted under this section is subject to penalties provided in ss. 381.0012~~, 381.0025,~~ and 381.0061. However, an administrative fine not to exceed $2,500 may be imposed for each day such person or public body is in violation of this section. The department may deny, suspend, or revoke any biomedical waste permit or registration if the permittee violates this section, any rule adopted under this section, or any lawful order of the department.

Section 39. Subsections (2) through (8) of section 381.0101, Florida Statutes, are renumbered as subsection (1) through (7), respectively, and present subsections (1), (3), and (4) and paragraph (a) of present subsection (5) of that section are amended to read:

381.0101 Environmental health professionals.—

~~(1) LEGISLATIVE INTENT.—Persons responsible for providing technical and scientific evaluations of environmental health and sanitary conditions in business establishments and communities throughout the state may create a danger to the public health if they are not skilled or competent to perform such evaluations. The public relies on the judgment of environmental health professionals employed by both government agencies and industries to assure them that environmental hazards are identified and removed before they endanger the health or safety of the public. The purpose of this section is to assure the public that persons specifically responsible for performing environmental health and sanitary evaluations have been certified by examination as competent to perform such work.~~

*(2)*~~(3)~~ CERTIFICATION REQUIRED.—*A* ~~No~~ person *may not* ~~shall~~ perform environmental health or sanitary evaluations in any primary program area of environmental health without being certified by the department as competent to perform such evaluations. This section does not apply to:

(a) Persons performing inspections of public food service establishments licensed under chapter 509; or

(b) Persons performing site evaluations in order to determine proper placement and installation of onsite wastewater treatment and disposal systems who have successfully completed a department-approved soils morphology course and who are working under the direct responsible charge of an engineer licensed under chapter 471.

*(3)*~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The State Health Officer shall appoint an advisory board to assist the department in the promulgation of rules for certification, testing, establishing standards, and seeking enforcement actions against certified professionals.

(a) The board shall be comprised of the *State Surgeon General* ~~Division Director for Environmental Health~~ or his or her designee, one individual who will be certified under this section, one individual not employed in a governmental capacity who will or does employ a certified environmental health professional, one individual whose business is or will be evaluated by a certified environmental health professional, a citizen of the state who neither employs nor is routinely evaluated by a person certified under this section.

(b) The board shall advise the department as to the minimum disciplinary guidelines and standards of competency and proficiency necessary to obtain certification in a primary area of environmental health practice.

1. The board shall recommend primary areas of environmental health practice in which environmental health professionals should be required to obtain certification.

2. The board shall recommend minimum standards of practice which the department shall incorporate into rule.

3. The board shall evaluate and recommend to the department existing registrations and certifications which meet or exceed minimum department standards and should, therefore, exempt holders of such certificates or registrations from compliance with this section.

4. The board shall hear appeals of certificate denials, revocation, or suspension and shall advise the department as to the disposition of such an appeal.

5. The board shall meet as often as necessary, but no less than semiannually, handle appeals to the department, and conduct other duties of the board.

6. Members of the board shall receive no compensation but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061.

*(4)*~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall adopt rules that establish definitions of terms and minimum standards of education, training, or experience for those persons subject to this section. The rules must also address the process for application, examination, issuance, expiration, and renewal of certification and ethical standards of practice for the profession.

(a) Persons employed as environmental health professionals shall exhibit a knowledge of rules and principles of environmental and public health law in Florida through examination. A person may not conduct environmental health evaluations in a primary program area unless he or she is currently certified in that program area or works under the direct supervision of a certified environmental health professional.

1. All persons who begin employment in a primary environmental health program on or after September 21, 1994, must be certified in that program within 6 months after employment.

2. Persons employed in the primary environmental health program of a food protection program or an onsite sewage treatment and disposal system prior to September 21, 1994, shall be considered certified while employed in that position and shall be required to adhere to any professional standards established by the department pursuant to paragraph (b), complete any continuing education requirements imposed under paragraph (d), and pay the certificate renewal fee imposed under subsection *(6)* ~~(7)~~.

3. Persons employed in the primary environmental health program of a food protection program or an onsite sewage treatment and disposal system prior to September 21, 1994, who change positions or program areas and transfer into another primary environmental health program area on or after September 21, 1994, must be certified in that program within 6 months after such transfer, except that they will not be required to possess the college degree required under paragraph (e).

4. Registered sanitarians shall be considered certified and shall be required to adhere to any professional standards established by the department pursuant to paragraph (b).

Section 40. Section 381.0203, Florida Statutes, is amended to read:

381.0203 Pharmacy services.—

(1) The department may contract on a statewide basis for the purchase of drugs, as defined in s. 499.003, to be used by state agencies and political subdivisions, and may adopt rules to administer this section.

(2) The department shall establish and maintain a pharmacy services program, including, but not limited to:

(a) A central pharmacy to support pharmaceutical services provided by the county health departments, including pharmaceutical repackaging, dispensing, and the purchase and distribution of immunizations and other pharmaceuticals.

~~(b) Regulation of drugs, cosmetics, and household products pursuant to chapter 499.~~

*(b)*~~(c)~~ Consultation to county health departments as required by s. 154.04(1)(c).

~~(d) A contraception distribution program which shall be implemented, to the extent resources permit, through the licensed pharmacies of county health departments. A woman who is eligible for participation in the contraceptive distribution program is deemed a patient of the county health department.~~

~~1. To be eligible for participation in the program a woman must:~~

~~a. Be a client of the department or the Department of Children and Family Services.~~

~~b. Be of childbearing age with undesired fertility.~~

~~c. Have an income between 150 and 200 percent of the federal poverty level.~~

~~d. Have no Medicaid benefits or applicable health insurance benefits.~~

~~e. Have had a medical examination by a licensed health care provider within the past 6 months.~~

~~f. Have a valid prescription for contraceptives that are available through the contraceptive distribution program.~~

~~g. Consent to the release of necessary medical information to the county health department.~~

~~2. Fees charged for the contraceptives under the program must cover the cost of purchasing and providing contraceptives to women participating in the program.~~

~~3. The department may adopt rules to administer this program.~~

Section 41. Subsection (1) of section 381.0261, Florida Statutes, is amended to read:

381.0261 Summary of patient's bill of rights; distribution; penalty.—

(1) The *Department of Health shall publish on its Internet website* ~~Agency for Health Care Administration shall have printed and made continuously available to health care facilities licensed under chapter 395, physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, and podiatric physicians licensed under chapter 461~~ a summary of the Florida Patient's Bill of Rights and Responsibilities. In adopting and making available to patients the summary of the Florida Patient's Bill of Rights and Responsibilities, health care providers and health care facilities are not limited to the format in which the *department publishes* ~~Agency for Health Care Administration prints and distributes~~ the summary.

Section 42. *Section 381.0301, Florida Statutes, is repealed.*

Section 43. *Section 381.0302, Florida Statutes, is repealed.*

Section 44. Subsection (5) of section 381.0303, Florida Statutes, is amended to read:

381.0303 Special needs shelters.—

(5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State Surgeon General may establish a special needs shelter interagency committee and serve as, or appoint a designee to serve as, the committee's chair. The department shall provide any necessary staff and resources to support the committee in the performance of its duties. The committee shall address and resolve problems related to special needs shelters not addressed in the state comprehensive emergency medical plan and shall consult on the planning and operation of special needs shelters.

(a) The committee shall~~:~~

~~1.~~ develop, negotiate, and regularly review any necessary interagency agreements*, and*~~.~~

~~2.~~ undertake other such activities as the department deems necessary to facilitate the implementation of this section.

~~3. Submit recommendations to the Legislature as necessary.~~

(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the Departments of Health, Children and Family Services, Elderly Affairs, and Education; the Agency for Health Care Administration; the Division of Emergency Management; the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Affiliation; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; the Private Care Association; the Salvation Army; the Florida Association of Aging Services Providers; the AARP; and the Florida Renal Coalition.

(c) Meetings of the committee shall be held in Tallahassee, and members of the committee shall serve at the expense of the agencies or organizations they represent. The committee shall make every effort to use teleconference or videoconference capabilities in order to ensure statewide input and participation.

Section 45. *Section 381.04015, Florida Statutes, is repealed.*

Section 46. Subsections (2), (3), and (4) of section 381.0403, Florida Statutes, are amended to read:

381.0403 The Community Hospital Education Act.—

(2) *ESTABLISHMENT OF PROGRAM* ~~LEGISLATIVE INTENT~~.—

~~(a) It is the intent of the Legislature that health care services for the citizens of this state be upgraded and that a program for continuing these services be maintained through a plan for community medical education. The~~ *A* program is ~~intended~~ *established* to *plan for community medical education,* provide additional outpatient and inpatient services, *increase the* ~~a continuing~~ supply of highly trained physicians, and *expand* graduate medical education.

~~(b) The Legislature further acknowledges the critical need for increased numbers of primary care physicians to provide the necessary current and projected health and medical services. In order to meet both present and anticipated needs, the Legislature supports an expansion in the number of family practice residency positions. The Legislature intends that the funding for graduate education in family practice be maintained and that funding for all primary care specialties be provided at a minimum of $10,000 per resident per year. Should funding for this act remain constant or be reduced, it is intended that all programs funded by this act be maintained or reduced proportionately.~~

(3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND LOCAL PLANNING.—

(a) ~~There is established under the Department of Health a program for statewide graduate medical education. It is intended that continuing graduate medical education programs for interns and residents be established on a statewide basis.~~ The program shall provide financial support for primary care specialty interns and residents based on *recommendations of* ~~policies recommended and approved by~~ the Community Hospital Education Council, herein established, and the Department of Health*, as authorized by the General Appropriations Act*. Only those programs with at least three residents or interns in each year of the training program are qualified to apply for financial support. Programs with fewer than three residents or interns per training year are qualified to apply for financial support, but only if the appropriate accrediting entity for the particular specialty has approved the program for fewer positions. *New* programs ~~added after fiscal year 1997-1998~~ shall have 5 years to attain the requisite number of residents or interns. When feasible and to the extent allowed through the General Appropriations Act, state funds shall be used to generate federal matching funds under Medicaid, or other federal programs, and the resulting combined state and federal funds shall be allocated to participating hospitals for the support of graduate medical education.

(b) For the purposes of this section, primary care specialties include emergency medicine, family practice, internal medicine, pediatrics, psychiatry, obstetrics/gynecology, and combined pediatrics and internal medicine, and other primary care specialties as may be included by the council and Department of Health.

(c) Medical institutions throughout the state may apply to the Community Hospital Education Council for grants-in-aid for financial support of their approved programs. Recommendations for funding of approved programs shall be forwarded to the Department of Health.

(d) The program shall provide a plan for community clinical teaching and training with the cooperation of the medical profession, hospitals, and clinics. The plan shall also include formal teaching opportunities for intern and resident training. In addition, the plan shall establish an off-campus medical faculty with university faculty review to be located throughout the state in local communities.

(4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

(a) There is established under the Department of Health a program for fostering graduate medical education innovations. Funds appropriated annually by the Legislature for this purpose shall be distributed to participating hospitals or consortia of participating hospitals and Florida medical schools or to a Florida medical school for the direct costs of providing graduate medical education in community-based clinical settings on a competitive grant or formula basis to achieve state health care workforce policy objectives, including, but not limited to:

1. Increasing the number of residents in primary care and other high demand specialties or fellowships;

2. Enhancing retention of primary care physicians in Florida practice;

3. Promoting practice in medically underserved areas of the state;

4. Encouraging racial and ethnic diversity within the state's physician workforce; and

5. Encouraging increased production of geriatricians.

(b) Participating hospitals or consortia of participating hospitals and Florida medical schools or a Florida medical school providing graduate medical education in community-based clinical settings may apply to the Community Hospital Education Council for funding under this innovations program, except when such innovations directly compete with services or programs provided by participating hospitals or consortia of participating hospitals, or by both hospitals and consortia. Innovations program funding shall *be allocated* ~~provide funding~~ based on *recommendations of* ~~policies recommended and approved by~~ the Community Hospital Education Council and the Department of Health*, as authorized by the General Appropriations Act*.

(c) Participating hospitals or consortia of participating hospitals and Florida medical schools or Florida medical schools awarded an innovations grant shall provide the Community Hospital Education Council and Department of Health with an annual report on their project.

Section 47. Subsection (7) of section 381.0405, Florida Statutes, is amended to read:

381.0405 Office of Rural Health.—

~~(7) APPROPRIATION.—The Legislature shall appropriate such sums as are necessary to support the Office of Rural Health.~~

Section 48. Subsection (3) of section 381.0406, Florida Statutes, is amended to read:

381.0406 Rural health networks.—

(3) ~~Because each rural area is unique, with a different health care provider mix,~~ Health care provider membership may vary, but all networks shall include members that provide public health, comprehensive primary care, emergency medical care, and acute inpatient care.

Section 49. *Effective October 1, 2014, section 381.0407, Florida Statutes, is repealed.*

Section 50. *Section 381.045, Florida Statutes, is repealed.*

Section 51. Subsection (7) of section 381.06015, Florida Statutes, is amended to read:

381.06015 Public Cord Blood Tissue Bank.—

~~(7) In order to fund the provisions of this section the consortium participants, the Agency for Health Care Administration, and the Department of Health shall seek private or federal funds to initiate program actions for fiscal year 2000-2001.~~

Section 52. *Section 381.0605, Florida Statutes, is repealed.*

Section 53. *Sections 381.1001, 381.1015, 381.102, and 381.103, Florida Statutes, are repealed.*

Section 54. Subsections (3) through (5) of section 381.4018, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsection (2) and paragraph (f) of present subsection (4) of that section are amended to read:

381.4018 Physician workforce assessment and development.—

~~(2) LEGISLATIVE INTENT.—The Legislature recognizes that physician workforce planning is an essential component of ensuring that there is an adequate and appropriate supply of well-trained physicians to meet this state's future health care service needs as the general population and elderly population of the state increase. The Legislature finds that items to consider relative to assessing the physician workforce may include physician practice status; specialty mix; geographic distribution; demographic information, including, but not limited to, age, gender, race, and cultural considerations; and needs of current or projected medically underserved areas in the state. Long-term strategic planning is essential as the period from the time a medical student enters medical school to completion of graduate medical education may range from 7 to 10 years or longer. The Legislature recognizes that strategies to provide for a well-trained supply of physicians must include ensuring the availability and capacity of quality medical schools and graduate medical education programs in this state, as well as using new or existing state and federal programs providing incentives for physicians to practice in needed specialties and in underserved areas in a manner that addresses projected needs for physician manpower.~~

*(3)*~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize the use of existing programs under the jurisdiction of the department and other state agencies and coordinate governmental and nongovernmental stakeholders and resources in order to develop a state strategic plan and assess the implementation of such strategic plan. In developing the state strategic plan, the department shall:

(f) Develop strategies to maximize federal and state programs that provide for the use of incentives to attract physicians to this state or retain physicians within the state. Such strategies should explore and maximize federal-state partnerships that provide incentives for physicians to practice in federally designated shortage areas. Strategies shall also consider the use of state programs, such as the ~~Florida Health Service Corps established pursuant to s. 381.0302 and~~ the Medical Education Reimbursement and Loan Repayment Program pursuant to s. 1009.65, which provide for education loan repayment or loan forgiveness and provide monetary incentives for physicians to relocate to underserved areas of the state.

Section 55. *Section 381.60225, Florida Statutes, is repealed.*

Section 56. *Sections 381.732, 381.733, and 381.734, Florida Statutes, are repealed.*

Section 57. Section 381.7352, Florida Statutes, is amended to read:

381.7352 Legislative findings and intent.—

~~(1) The Legislature finds that despite state investments in health care programs, certain racial and ethnic populations in Florida continue to have significantly poorer health outcomes when compared to non-Hispanic whites. The Legislature finds that local solutions to health care problems can have a dramatic and positive effect on the health status of these populations. Local governments and communities are best equipped to identify the health education, health promotion, and disease prevention needs of the racial and ethnic populations in their communities, mobilize the community to address health outcome disparities, enlist and organize local public and private resources, and faith based organizations to address these disparities, and evaluate the effectiveness of interventions.~~

~~(2)~~ It is ~~therefore~~ the intent of the Legislature to provide funds within Florida counties and Front Porch Florida Communities, in the form of Reducing Racial and Ethnic Health Disparities: Closing the Gap grants, to stimulate the development of community-based and neighborhood-based projects which will improve the health outcomes of racial and ethnic populations. Further, it is the intent of the Legislature that these programs foster the development of coordinated, collaborative, and broad-based participation by public and private entities, and faith-based organizations. Finally, it is the intent of the Legislature that the grant program function as a partnership between state and local governments, faith-based organizations, and private sector health care providers, including managed care, voluntary health care resources, social service providers, and nontraditional partners.

Section 58. Subsection (3) of section 381.7353, Florida Statutes, is amended to read:

381.7353 Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program; administration; department duties.—

~~(3) Pursuant to s. 20.43(6), the State Surgeon General may appoint an ad hoc advisory committee to: examine areas where public awareness, public education, research, and coordination regarding racial and ethnic health outcome disparities are lacking; consider access and transportation issues which contribute to health status disparities; and make recommendations for closing gaps in health outcomes and increasing the public's awareness and understanding of health disparities that exist between racial and ethnic populations.~~

Section 59. Subsections (5) and (6) of section 381.7356, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and present subsection (4) of that section is amended to read:

381.7356 Local matching funds; grant awards.—

~~(4) Dissemination of grant awards shall begin no later than January 1, 2001.~~

Section 60. Subsection (3) of section 381.765, Florida Statutes, is amended to read:

381.765 Retention of title to and disposal of equipment.—

~~(3) The department may adopt rules relating to records and recordkeeping for department-owned property referenced in subsections (1) and (2).~~

Section 61. *Section 381.77, Florida Statutes, is repealed.*

Section 62. *Section 381.795, Florida Statutes, is repealed.*

Section 63. Subsections (2) through (5) of section 381.853, Florida Statutes, are renumbered as subsections (1) through (4), respectively, and present subsection (1) of that section is amended to read:

381.853 Florida Center for Brain Tumor Research.—

~~(1) The Legislature finds that each year an estimated 190,000 citizens of the United States are diagnosed with cancerous and noncancerous brain tumors and that biomedical research is the key to finding cures for these tumors. The Legislature further finds that, although brain tumor research is being conducted throughout the state, there is a lack of coordinated efforts among researchers and health care providers. Therefore, the Legislature finds that there is a significant need for a coordinated effort to achieve the goal of curing brain tumors. The Legislature further finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to s. 288.108(6), having a high importance to the state's economy with a significant potential for growth and contribution to our universities and quality of life.~~

Section 64. *Section 381.855, Florida Statutes, is repealed.*

Section 65. *Section 381.87, Florida Statutes, is repealed.*

Section 66. *Section 381.90, Florida Statutes, is repealed.*

Section 67. Subsection (1) of section 381.91, Florida Statutes, is amended to read:

381.91 Jessie Trice Cancer Prevention Program.—

(1) It is the intent of the Legislature to~~:~~

~~(a) Reduce the rates of illness and death from lung cancer and other cancers and improve the quality of life among low-income African-American and Hispanic populations through increased access to early, effective screening and diagnosis, education, and treatment programs.~~

~~(b)~~ create a community faith-based disease-prevention program in conjunction with the Health Choice Network and other community health centers to build upon the natural referral and education networks in place within minority communities and to increase access to health service delivery in Florida *and*~~.~~

~~(c)~~ establish a funding source to build upon local private participation to sustain the operation of the program.

Section 68. Subsection (5) of section 381.922, Florida Statutes, is amended to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(5) The William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program is funded pursuant to s. 215.5602(12). Funds appropriated for the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program shall be distributed pursuant to this section to provide grants to researchers seeking cures for cancer and cancer-related illnesses, with emphasis given to the goals enumerated in this section. From the total funds appropriated, an amount of up to 10 percent may be used for administrative expenses. ~~From funds appropriated to accomplish the goals of this section, up to $250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease.~~

Section 69. Paragraph (g) of subsection (1) of section 383.011, Florida Statutes, is amended to read:

383.011 Administration of maternal and child health programs.—

(1) The Department of Health is designated as the state agency for:

(g) Receiving the federal funds for the "Special Supplemental Nutrition Program for Women, Infants, and Children," or WIC, authorized by the Child Nutrition Act of 1966, as amended, and for *providing clinical leadership for* ~~administering~~ the statewide WIC program.

*1. The department shall establish an interagency agreement with the Department of Children and Family Services for fiscal management of the program. Responsibilities are delegated to each department, as follows:*

*a. The department shall provide clinical leadership, manage program eligibility, and distribute nutritional guidance and information to participants.*

*b. The Department of Children and Family Services shall develop and implement an electronic benefits transfer system.*

*c. The Department of Children and Family Services shall develop a cost containment plan that provides timely and accurate adjustments based on wholesale price fluctuations and adjusts for the number of cash registers in calculating statewide averages.*

*d. The department shall coordinate submission of information to appropriate federal officials in order to obtain approval of the electronic benefits system and cost containment plan, which must include participation of WIC-only stores.*

*2. The department shall assist the Department of Children and Family Services in the development of the electronic benefits system to ensure full implementation no later than July 1, 2013.*

Section 70. Section 383.141, Florida Statutes, is created to read:

*383.141 Prenatally diagnosed conditions; patient to be provided information; definitions; information clearinghouse; advisory council.—*

*(1) As used in this section, the term:*

*(a) "Down syndrome" means a chromosomal disorder caused by an error in cell division which results in the presence of an extra whole or partial copy of chromosome 21.*

*(b) "Developmental disability" includes Down syndrome and other developmental disabilities defined by s. 393.063(9).*

*(c) "Health care provider" means a physician licensed or registered under chapter 458 or chapter 459 or an advanced registered nurse practitioner certified under chapter 464.*

*(d) "Prenatally diagnosed condition" means an adverse fetal health condition identified by prenatal testing.*

*(e) "Prenatal test" or "prenatal testing" means a diagnostic procedure or screening procedure performed on a pregnant woman or her unborn offspring to obtain information about the offspring's health or development.*

*(2) When a developmental disability is diagnosed based on the results of a prenatal test, the health care provider who ordered the prenatal test, or his or her designee, shall provide the patient with current information about the nature of the developmental disability, the accuracy of the prenatal test, and resources for obtaining relevant support services, including hotlines, resource centers, and information clearinghouses related to Down syndrome or other prenatally diagnosed developmental disabilities; support programs for parents and families; and developmental evaluation and intervention services under s. 391.303.*

*(3) The Department of Health shall establish on its Internet website a clearinghouse of information related to developmental disabilities concerning providers of supportive services, information hotlines specific to*

*Down syndrome and other prenatally diagnosed developmental disabilities, resource centers, educational programs, other support programs for parents and families, and developmental evaluation and intervention services under s. 391.303. Such information shall be made available to health care providers for use in counseling pregnant women whose unborn children have been prenatally diagnosed with developmental disabilities.*

*(a) There is established an advisory council within the Department of Health which consists of health care providers and caregivers who perform health care services for persons who have developmental disabilities, including Down syndrome and autism. This group shall consist of nine members as follows:*

*1. Three members appointed by the Governor;*

*2. Three members appointed by the President of the Senate; and*

*3. Three members appointed by the Speaker of the House of Representatives.*

*(b) The advisory council shall provide technical assistance to the Department of Health in the establishment of the information clearinghouse and give the department the benefit of the council members' knowledge and experience relating to the needs of patients and families of patients with developmental disabilities and available support services.*

*(c) Members of the council shall elect a chairperson and a vice chairperson. The elected chairperson and vice chairperson shall serve in these roles until their terms of appointment on the council expire.*

*(d) The advisory council shall meet quarterly to review this clearinghouse of information, and may meet more often at the call of the chairperson or as determined by a majority of members.*

*(e) The council members shall be appointed to 4-year terms, except that, to provide for staggered terms, one initial appointee each from the Governor, the President of the Senate, and the Speaker of the House of Representatives shall be appointed to a 2-year term, one appointee each from these officials shall be appointed to a 3-year term, and the remaining initial appointees shall be appointed to 4-year terms. All subsequent appointments shall be for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.*

*(f) Members of the council shall serve without compensation. Meetings of the council may be held in person, without reimbursement for travel expenses, or by teleconference or other electronic means.*

*(g) The Department of Health shall provide administrative support for the advisory council.*

Section 71. *Effective July 1, 2012, section 385.210, Florida Statutes, is repealed.*

Section 72. Section 391.016, Florida Statutes, is amended to read:

391.016 *Purposes and functions* ~~Legislative intent.~~—The ~~Legislature intends that the~~ Children's Medical Services program *is established for the following purposes and authorized to perform the following functions*:

(1) Provide to children with special health care needs a family-centered, comprehensive, and coordinated statewide managed system of care that links community-based health care with multidisciplinary, regional, and tertiary pediatric specialty care. The program *shall coordinate and maintain a consistent* ~~may provide for the coordination and maintenance of consistency of the~~ medical home for *participating* children ~~in families with a Children's Medical Services program participant, in order to achieve family-centered care~~.

(2) Provide essential preventive, evaluative, and early intervention services for children at risk for or having special health care needs, in order to prevent or reduce long-term disabilities.

~~(3) Serve as a principal provider for children with special health care needs under Titles XIX and XXI of the Social Security Act.~~

~~(4) Be complementary to children's health training programs essential for the maintenance of a skilled pediatric health care workforce for all Floridians.~~

Section 73. Section 391.021, Florida Statutes, is amended to read:

391.021 Definitions.—When used in this act, *the term* ~~unless the context clearly indicates otherwise~~:

(1) "Children's Medical Services network" or "network" means a statewide managed care service system that includes health care providers, as defined in this section.

(2) "Children with special health care needs" means those children younger than 21 years of age who have chronic *and serious* physical, developmental, behavioral, or emotional conditions and who ~~also~~ require health care and related services of a type or amount beyond that which is generally required by children.

(3) "Department" means the Department of Health.

(4) "Eligible individual" means a child with a special health care need or a female with a high-risk pregnancy, who meets the financial and medical eligibility standards established in s. 391.029.

(5) "Health care provider" means a health care professional, health care facility, or entity licensed or certified to provide health services in this state that meets the criteria as established by the department.

(6) "Health services" includes the prevention, diagnosis, and treatment of human disease, pain, injury, deformity, or disabling conditions.

(7) "Participant" means an eligible individual who is enrolled in the Children's Medical Services program.

(8) "Program" means the Children's Medical Services program established in the department.

Section 74. Section 391.025, Florida Statutes, is amended to read:

391.025 Applicability and scope.—

(1) The Children's Medical Services program consists of the following components:

(a) The newborn screening program established in s. 383.14.

(b) The regional perinatal intensive care centers program established in ss. 383.15-383.21.

~~(c) A federal or state program authorized by the Legislature.~~

*(c)*~~(d)~~ The developmental evaluation and intervention program, including the Florida Infants and Toddlers Early Intervention Program.

*(d)*~~(e)~~ The Children's Medical Services network.

(2) The Children's Medical Services program shall not be deemed an insurer and is not subject to the licensing requirements of the Florida Insurance Code or the rules adopted thereunder~~, when providing services to children who receive Medicaid benefits, other Medicaid-eligible children with special health care needs, and children participating in the Florida Kidcare program~~.

Section 75. Section 391.026, Florida Statutes, is amended to read:

391.026 Powers and duties of the department.—The department shall have the following powers, duties, and responsibilities:

(1) To provide or contract for the provision of health services to eligible individuals.

*(2) To provide services to abused and neglected children through child protective teams pursuant to s. 39.303.*

*(3)*~~(2)~~ To ~~determine the medical and financial eligibility standards for the program and to~~ determine the medical and financial eligibility of individuals seeking health services from the program.

~~(3) To recommend priorities for the implementation of comprehensive plans and budgets.~~

(4) To coordinate a comprehensive delivery system for eligible individuals to take maximum advantage of all available funds.

(5) To ~~promote, establish, and~~ coordinate *with* programs relating to children's medical services in cooperation with other public and private agencies ~~and to coordinate funding of health care programs with federal, state, or local indigent health care funding mechanisms~~.

(6) To initiate *and*~~,~~ coordinate~~, and request review of~~ applications to federal *agencies and private organizations* ~~and state agencies~~ for funds, services, or commodities relating to children's medical programs.

(7) To sponsor or promote grants for projects, programs, education, or research in the field of ~~medical needs of~~ children *with special health needs*, with an emphasis on early diagnosis and treatment.

(8) To oversee and operate the Children's Medical Services network.

(9) To establish reimbursement mechanisms for the Children's Medical Services network.

(10) To establish Children's Medical Services network standards and credentialing requirements for health care providers and health care services.

(11) To serve as a provider and principal case manager for children with special health care needs under Titles XIX and XXI of the Social Security Act.

(12) To monitor the provision of health services in the program, including the utilization and quality of health services.

(13) To administer the Children with Special Health Care Needs program in accordance with Title V of the Social Security Act.

(14) To establish and operate a grievance resolution process for participants and health care providers.

(15) To maintain program integrity in the Children's Medical Services program.

(16) To receive and manage health care premiums, capitation payments, and funds from federal, state, local, and private entities for the program. The department may contract with a third-party administrator for processing claims, monitoring medical expenses, and other related services necessary to the efficient and cost-effective operation of the Children's Medical Services network. The department is authorized to maintain a minimum reserve for the Children's Medical Services network in an amount that is the greater of:

(a) Ten percent of total projected expenditures for Title XIX-funded and Title XXI-funded children; or

(b) Two percent of total annualized payments from the Agency for Health Care Administration for Title XIX and Title XXI of the Social Security Act.

(17) To *provide or contract for* ~~appoint health care consultants for the purpose of providing~~ peer review and *other quality-improvement activities* ~~making recommendations to enhance the delivery and quality of services in the Children's Medical Services program~~.

(18) To adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the Children's Medical Services Act. ~~The rules may include requirements for definitions of terms, program organization, and program description; a process for selecting an area medical director; responsibilities of applicants and clients; requirements for service applications, including required medical and financial information; eligibility requirements for initial treatment and for continued eligibility, including financial and custody issues; methodologies for resource development and allocation, including medical and financial considerations; requirements for reimbursement services rendered to a client; billing and payment requirements for providers; requirements for qualification, appointments, verification, and emergency exceptions for health professional consultants; general and diagnostic specific standards for diagnostic and treatment facilities; and standards for the method of service delivery, including consultant services, respect for privacy considerations, examination requirements, family support plans, and clinic design.~~

Section 76. Section 391.028, Florida Statutes, is amended to read:

391.028 Administration.~~—The Children's Medical Services program shall have a central office and area offices.~~

(1) The Director of Children's Medical Services must be a physician licensed under chapter 458 or chapter 459 who has specialized training and experience in the provision of health care to children and who has recognized skills in leadership and the promotion of children's health programs. The director shall be the deputy secretary and the Deputy State Health Officer for Children's Medical Services and is appointed by and reports to the State Surgeon General. The director may appoint *such other staff as necessary for the operation of the program* ~~division directors~~ subject to the approval of the State Surgeon General.

(2) The director shall *provide for operational system using such department staff and contract providers as necessary. The program shall implement the following program activities under physician supervision on a statewide basis* ~~designate Children's Medical Services area offices to perform operational activities, including, but not limited to~~:

(a) ~~Providing~~ Case management services for ~~the~~ network *participants;*~~.~~

(b) *Management and* ~~Providing local~~ oversight of *local* ~~the~~ program *activities;*~~.~~

(c) ~~Determining an individual's~~ Medical and financial eligibility *determination* for the program *in accordance with s. 391.029;*~~.~~

(d) ~~Participating in the~~ Determination of a level of care and medical complexity for long-term care services;~~.~~

(e) Authorizing services in the program and developing spending plans;~~.~~

(f) ~~Participating in the~~ Development of treatment plans*; and*~~.~~

(g) ~~Taking part in the~~ Resolution of complaints and grievances from participants and health care providers.

(3) Each Children's Medical Services area office shall be directed by a physician licensed under chapter 458 or chapter 459 who has specialized training and experience in the provision of health care to children. The director of a Children's Medical Services area office shall be appointed by the director from the active panel of Children's Medical Services physician consultants.

Section 77. Section 391.029, Florida Statutes, is amended to read:

391.029 Program eligibility.—

(1) *Eligibility* ~~The department shall establish the medical criteria to determine if an applicant~~ for the Children's Medical Services program is *based on the diagnosis of one or more chronic and serious medical conditions and the family's need for specialized services* ~~an eligible individual~~.

(2) The following individuals are ~~financially~~ eligible to receive services through the program:

(a) A high-risk pregnant female who is *enrolled in* ~~eligible for~~ Medicaid.

(b) Children with *serious* special health care needs from birth to 21 years of age who are *enrolled in* ~~eligible for~~ Medicaid.

(c) Children with *serious* special health care needs from birth to 19 years of age who are *enrolled in* ~~eligible for~~ a program under Title XXI of the Social Security Act.

(3) Subject to the availability of funds, the following individuals may receive services through the program:

(a) Children with *serious* special health care needs from birth to 21 years of age *who do not qualify for Medicaid or* ~~whose family income is~~

~~above the requirements for financial eligibility under~~ Title XXI of the Social Security Act *but who are unable to access, due to lack of providers or lack of financial resources, specialized services that are medically necessary or essential family support services* ~~and whose projected annual cost of care adjusts the family income to Medicaid financial criteria~~. *Families* ~~In cases where the family income is adjusted based on a projected annual cost of care, the family~~ shall participate financially in the cost of care based on *a sliding fee scale* ~~criteria~~ established by the department.

(b) Children with special health care needs from birth to 21 years of age, as provided in Title V of the Social Security Act.

(c) An infant who receives an award of compensation under s. 766.31(1). The Florida Birth-Related Neurological Injury Compensation Association shall reimburse the Children's Medical Services Network the state's share of funding, which must thereafter be used to obtain matching federal funds under Title XXI of the Social Security Act.

~~(4) The department shall determine the financial and medical eligibility of children for the program. The department shall also determine the financial ability of the parents, or persons or other agencies having legal custody over such individuals, to pay the costs of health services under the program. The department may pay reasonable travel expenses related to the determination of eligibility for or the provision of health services.~~

*(4)*~~(5)~~ Any child who has been provided with surgical or medical care or treatment under this act prior to being adopted *and has serious and chronic special health needs* shall continue to be eligible to be provided with such care or treatment after his or her adoption, regardless of the financial ability of the persons adopting the child.

Section 78. Section 391.0315, Florida Statutes, is amended to read:

391.0315 Benefits.—Benefits provided under the program for children with special health care needs shall be *equivalent to* ~~the same~~ benefits provided to children as specified in ss. 409.905 and 409.906. The department may offer additional benefits for early intervention services, respite services, genetic testing, genetic and nutritional counseling, and parent support services, if such services are determined to be medically necessary. ~~No child or person determined eligible for the program who is eligible under Title XIX or Title XXI of the Social Security Act shall receive any service other than an initial health care screening or treatment of an emergency medical condition as defined in s. 395.002, until such child or person is enrolled in Medicaid or a Title XXI program.~~

Section 79. Effective January 1, 2013, section 392.51, Florida Statutes, is amended to read:

392.51 *Tuberculosis control* ~~Findings and intent.~~—*A statewide system is established to control tuberculosis infection and mitigate its effects. The system consists* ~~The Legislature finds and declares that active tuberculosis is a highly contagious infection that is sometimes fatal and constitutes a serious threat to the public health. The Legislature finds that there is a significant reservoir of tuberculosis infection in this state and that there is a need to develop community programs to identify tuberculosis and to respond quickly with appropriate measures. The Legislature finds that some patients who have active tuberculosis have complex medical, social, and economic problems that make outpatient control of the disease difficult, if not impossible, without posing a threat to the public health. The Legislature finds that in order to protect the citizenry from those few persons who pose a threat to the public, it is necessary to establish a system~~ of mandatory contact identification, treatment to cure, hospitalization, ~~and~~ isolation for contagious cases, and ~~to provide a system of~~ voluntary, community-oriented care and surveillance in all other cases. ~~The Legislature finds that the delivery of~~ Tuberculosis control services *shall be provided* ~~is best accomplished~~ by the coordinated efforts of the respective county health departments *and contracted or other private health care providers*~~, the A.G. Holley State Hospital, and the private health care delivery system~~.

Section 80. Effective January 1, 2013, subsection (4) of section 392.61, Florida Statutes, is amended to read:

392.61 Community tuberculosis control programs.—

~~(4) The department shall develop, by rule, a methodology for distributing funds appropriated for tuberculosis control programs. Criteria to be considered in this methodology include, but are not limited to, the basic infrastructure available for tuberculosis control, caseload requirements, laboratory support services needed, and epidemiologic factors.~~

Section 81. Effective January 1, 2013, section 392.62, Florida Statutes, is amended to read:

392.62 Hospitalization and placement programs.—

(1) The department shall *contract for operation of* ~~operate~~ a program for the *treatment* ~~hospitalization~~ of persons who have active tuberculosis in hospitals licensed under chapter 395 and may provide for appropriate placement of persons who have active tuberculosis in other health care facilities or residential facilities. *The department shall require the contractor to use existing licensed community hospitals and other facilities for the care and treatment to cure of persons who have active tuberculosis or a history of noncompliance with prescribed drug regimens and require inpatient or other residential services.*

~~(2) The department may operate a licensed hospital for the care and treatment to cure of persons who have active tuberculosis. The hospital may have a forensic unit where, under medical protocol, a patient can be held in a secure or protective setting. The department shall also seek to maximize use of existing licensed community hospitals for the care and treatment to cure of persons who have active tuberculosis.~~

*(2)*~~(3)~~ *The program for control of tuberculosis shall provide funding for participating facilities and require any such facilities to meet the following conditions* ~~Any licensed hospital operated by the department, any licensed hospital under contract with the department, and any other health care facility or residential facility operated by or under contract with the department for the care and treatment of patients who have active tuberculosis shall~~:

(a) Admit patients voluntarily and under court order as appropriate for each particular facility;

(b) Require that each patient pay the actual cost of care provided whether the patient is admitted voluntarily or by court order;

(c) Provide for ~~a method of paying for~~ the care of patients *in the program regardless of ability to pay* ~~who cannot afford to do so~~;

(d) Require a primary clinical diagnosis of active tuberculosis by a physician licensed under chapter 458 or chapter 459 before admitting the patient; provided that there may be more than one primary diagnosis;

(e) Provide a method of notification to the county health department and to the patient's family, if any, before discharging the patient from the hospital or other facility;

(f) Provide for the necessary exchange of medical information to assure adequate community treatment to cure and followup of discharged patients, as appropriate; and

(g) Provide for a method of medical care and counseling and for housing, social service, and employment referrals, if appropriate, for ~~all~~ patients discharged from the hospital.

*(3)*~~(4)~~ A hospital may, pursuant to court order, place a patient in temporary isolation for a period of no more than 72 continuous hours. The department shall obtain a court order in the same manner as prescribed in s. 392.57. Nothing in this subsection precludes a hospital from isolating an infectious patient for medical reasons.

*(4)*~~(5)~~ Any person committed under s. 392.57 who leaves the tuberculosis hospital or residential facility without having been discharged by the designated medical authority, except as provided in s. 392.63, shall be apprehended by the sheriff of the county in which the person is found and immediately delivered to the facility from which he or she left.

Section 82. Subsection (1) of section 395.1027, Florida Statutes, is amended to read:

395.1027 Regional poison control centers.—

(1) There shall be created three certified regional poison control centers, one each in the north, central, and southern regions of the state. Each regional poison control center shall be affiliated with and physically located in a certified Level I trauma center. Each regional poison control center shall be affiliated with an accredited medical school or college of pharmacy. The regional poison control centers shall be coordinated under the aegis of the Division of Children's Medical Services ~~Prevention and Intervention~~ in the department.

Section 83. *The Department of Health shall develop and implement a transition plan for the closure of A.G. Holley State Hospital. The plan shall include specific steps to end voluntary admissions; transfer patients to alternate facilities; communicate with families, providers, other affected parties, and the general public; enter into any necessary contracts with providers; and coordinate with the Department of Management Services regarding the disposition of equipment and supplies and the closure of the facility; and the Agency for Health Care Administration is directed to modify its reimbursement plans and seek federal approval, if necessary, to continue Medicaid funding throughout the treatment period in community hospitals and other facilities. The plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate by May 31, 2012. The department shall fully implement the plan by January 1, 2013.*

Section 84. Subsection (4) of section 401.243, Florida Statutes, is amended to read:

401.243 Injury prevention.—The department shall establish an injury-prevention program with responsibility for the statewide coordination and expansion of injury-prevention activities. The duties of the department under the program may include, but are not limited to, data collection, surveillance, education, and the promotion of interventions. In addition, the department may:

~~(4) Adopt rules governing the implementation of grant programs. The rules may include, but need not be limited to, criteria regarding the application process, the selection of grantees, the implementation of injury prevention activities, data collection, surveillance, education, and the promotion of interventions.~~

Section 85. Subsection (6) of section 401.245, Florida Statutes, is renumbered as subsection (5), and present subsection (5) of that section is amended to read:

401.245 Emergency Medical Services Advisory Council.—

~~(5) The department shall adopt rules to implement this section, which rules shall serve as formal operating procedures for the Emergency Medical Services Advisory Council.~~

Section 86. Section 401.271, Florida Statutes, is amended to read:

401.271 Certification of emergency medical technicians and paramedics who are on active duty with the Armed Forces of the United States; spouses of members of the Armed Forces.—

~~(1)~~ Any member of the Armed Forces of the United States on active duty who, at the time he or she became a member, was in good standing with the department and was entitled to practice as an emergency medical technician or paramedic in the state remains in good standing without registering, paying dues or fees, or performing any other act, as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of 6 months after his or her discharge from active duty as a member of the Armed Forces of the United States.

~~(2) The department may adopt rules exempting the spouse of a member of the Armed Forces of the United States on active duty from certification renewal provisions while the spouse is absent from the state because of the member's active duty with the Armed Forces.~~

Section 87. *Section 402.45, Florida Statutes is repealed.*

Section 88. Subsections (3) and (4) of section 403.863, Florida Statutes, are amended to read:

403.863 State public water supply laboratory certification program.—

(3) The Department of Health shall have the responsibility for the operation and implementation of the state laboratory certification program. *The Department of Health shall contract for the evaluation and review of laboratory certification applications, and laboratory inspections.* ~~, except that,~~ Upon completion of the evaluation and review of the laboratory certification application, the evaluation shall be forwarded, along with recommendations, to the department for review and comment, prior to final approval or disapproval *by the Department of Health*.

(4) The following acts constitute grounds for which the disciplinary actions specified in subsection (5) may be taken:

(a) Making false statements on an application or on any document associated with certification.

(b) Making consistent errors in analyses or erroneous reporting.

(c) Permitting personnel who are not qualified, as required by rules of the Department of Health, to perform analyses.

(d) Falsifying the results of analyses.

(e) Failing to employ approved laboratory methods in performing analyses as outlined in rules of the Department of Health.

(f) Failing to properly maintain facilities and equipment according to the laboratory's quality assurance plan.

(g) Failing to report analytical test results or maintain required records of test results as outlined in rules of the Department of Health.

(h) Failing to participate successfully in a performance evaluation program approved by the Department of Health.

(i) Violating any provision of this section or of the rules adopted under this section.

(j) Falsely advertising services or credentials.

(k) Failing to pay fees for initial certification or renewal certification or to pay inspection expenses incurred ~~by the Department of Health~~.

(l) Failing to report any change of an item included in the initial or renewal certification application.

(m) Refusing to allow representatives of the department or the Department of Health to inspect a laboratory and its records during normal business hours.

Section 89. Subsection (1) of section 400.914, Florida Statutes, is amended to read:

400.914 Rules establishing standards.—

(1) Pursuant to the intention of the Legislature to provide safe and sanitary facilities and healthful programs, the agency in conjunction with the Division of Children's Medical Services ~~Prevention and Intervention~~ of the Department of Health shall adopt and publish rules to implement the provisions of this part and part II of chapter 408, which shall include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or city ordinances shall be resolved in favor of those having statewide effect. Such standards shall relate to:

(a) The assurance that PPEC services are family centered and provide individualized medical, developmental, and family training services.

(b) The maintenance of PPEC centers, not in conflict with the provisions of chapter 553 and based upon the size of the structure and number of children, relating to plumbing, heating, lighting, ventilation, and other building conditions, including adequate space, which will ensure the health, safety, comfort, and protection from fire of the children served.

(c) The appropriate provisions of the most recent edition of the "Life Safety Code" (NFPA-101) shall be applied.

(d) The number and qualifications of all personnel who have responsibility for the care of the children served.

(e) All sanitary conditions within the PPEC center and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, and maintenance thereof, which will ensure the health and comfort of children served.

(f) Programs and basic services promoting and maintaining the health and development of the children served and meeting the training needs of the children's legal guardians.

(g) Supportive, contracted, other operational, and transportation services.

(h) Maintenance of appropriate medical records, data, and information relative to the children and programs. Such records shall be maintained in the facility for inspection by the agency.

Section 90. Paragraph (f) of subsection (8) of section 411.203, Florida Statutes, is amended to read:

411.203 Continuum of comprehensive services.—The Department of Education and the Department of Health ~~and Rehabilitative Services~~ shall utilize the continuum of prevention and early assistance services for high-risk pregnant women and for high-risk and handicapped children and their families, as outlined in this section, as a basis for the intraagency and interagency program coordination, monitoring, and analysis required in this chapter. The continuum shall be the guide for the comprehensive statewide approach for services for high-risk pregnant women and for high-risk and handicapped children and their families, and may be expanded or reduced as necessary for the enhancement of those services. Expansion or reduction of the continuum shall be determined by intraagency or interagency findings and agreement, whichever is applicable. Implementation of the continuum shall be based upon applicable eligibility criteria, availability of resources, and interagency prioritization when programs impact both agencies, or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

(8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS OF HIGH-RISK CHILDREN.—

(f) Parent support groups, such as ~~the community resource mother or father program as established in s. 402.45, or~~ parents as first teachers, to strengthen families and to enable families of high-risk children to better meet their needs.

Section 91. Paragraph (d) of subsection (11) of section 409.256, Florida Statutes, is amended to read:

409.256 Administrative proceeding to establish paternity or paternity and child support; order to appear for genetic testing.—

(11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL STATISTICS.—

(d) Upon rendering a final order of paternity or a final order of paternity and child support, the department shall notify the *Office* ~~Division~~ of Vital Statistics of the Department of Health that the paternity of the child has been established.

Section 92. *Section 458.346, Florida Statutes, is repealed.*

Section 93. Subsection (3) of section 462.19, Florida Statutes, is renumbered as subsection (2), and present subsection (2) of that section is amended to read:

462.19 Renewal of license; inactive status.—

~~(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.~~

Section 94. Subsection (6) of section 464.019, Florida Statutes, is amended to read:

464.019 Approval of nursing education programs.—

(6) ACCOUNTABILITY.—

(a)1. An approved program must achieve a graduate passage rate that is not lower than 10 percentage points less than the average passage rate for graduates of comparable degree programs who are United States educated first-time test takers on the National Council of State Boards of Nursing Licensing Examination during a calendar year, as calculated by the contract testing service of the National Council of State Boards of Nursing. For purposes of this subparagraph, an approved program is comparable to all degree programs of the same program type from among the following program types:

a. Professional nursing education programs that terminate in a bachelor's degree.

b. Professional nursing education programs that terminate in an associate degree.

c. Professional nursing education programs that terminate in a diploma.

d. Practical nursing education programs.

2. Beginning with graduate passage rates for calendar year 2010, if an approved program's graduate passage rates do not equal or exceed the required passage rates for 2 consecutive calendar years, the board shall place the program on probationary status pursuant to chapter 120 and the program director must appear before the board to present a plan for remediation. The program shall remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any 1 calendar year. *The board shall deny a program application for a new prelicensure nursing education program submitted by an educational institution if the institution has an existing program that is already on probationary status.*

3. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the board, at its next regularly scheduled meeting following release of the program's graduate passage rate by the National Council of State Boards of Nursing, shall remove the program's probationary status. However, if the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate for any 1 calendar year, the board shall terminate the program pursuant to chapter 120.

(b) If an approved program fails to submit the annual report required in subsection (4), the board shall notify the program director and president or chief executive officer of the educational institution in writing within 15 days after the due date of the annual report. The program director must appear before the board at the board's next regularly scheduled meeting to explain the reason for the delay. The board shall terminate the program pursuant to chapter 120 if it does not submit the annual report within 6 months after the due date.

(c) An approved program on probationary status shall disclose its probationary status in writing to the program's students and applicants.

Section 95. *Section 464.0197, Florida Statutes, is repealed.*

Section 96. Subsection (1) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required background screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or

2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed *under the Enterprise Florida Jobs and Education Partnership Grant* ~~by the Department of Education~~ and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

Section 97. Subsection (4) of section 464.208, Florida Statutes, is amended to read:

464.208 Background screening information; rulemaking authority.—

~~(4) The board shall adopt rules to administer this part.~~

Section 98. *Section 466.00775, Florida Statutes, is repealed.*

Section 99. Subsection (4) of section 514.011, Florida Statutes, is amended to read:

514.011 Definitions.—As used in this chapter:

(4) "Public bathing place" means a body of water, natural or modified by humans, for swimming, diving, and recreational bathing~~, together with adjacent shoreline or land area, buildings, equipment, and appurtenances pertaining thereto,~~ used by consent of the owner or owners and held out to the public by any person or public body, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of the state.

Section 100. Section 514.021, Florida Statutes, is amended to read:

514.021 Department authorization.—

(1) The department may adopt and enforce rules~~, which may include definitions of terms,~~ to protect the health, safety, or welfare of persons *by setting sanitation and safety standards for* ~~using~~ public swimming pools and *public* bathing places. The department shall review and revise such rules as necessary, but not less than biennially. Sanitation and safety standards shall ~~include, but not~~ be limited to~~,~~ matters relating to ~~structure; appurtenances; operation;~~ source of water supply; *microbiological* ~~bacteriological~~, chemical, and physical quality of water in the pool or bathing area; method of water purification, treatment, and disinfection; lifesaving apparatus; *and* measures to ensure safety of bathers~~; and measures to ensure the personal cleanliness of bathers~~.

(2) The department may not establish by rule any regulation governing the design, alteration, modification, or repair of public swimming pools and bathing places which has no impact on *sanitation and safety* ~~the health, safety, and welfare~~ of persons using public swimming pools and bathing places. Further, the department may not adopt by rule any regulation governing the construction, erection, or demolition of public swimming pools and bathing places. It is the intent of the Legislature to preempt those functions to the Florida Building Commission through adoption and maintenance of the Florida Building Code. The department shall provide technical assistance to the commission in updating the construction standards of the Florida Building Code which govern public swimming pools ~~and bathing places~~. ~~Further, the department is authorized to conduct plan reviews, to issue approvals, and to enforce the special occupancy provisions of the Florida Building Code which apply to public swimming pools and bathing places in conducting any inspections authorized by this chapter.~~ This subsection does not abrogate the authority of the department to adopt and enforce appropriate sanitary regulations and requirements as authorized in subsection (1).

Section 101. Section 514.023, Florida Statutes, is amended to read:

514.023 Sampling of beach waters *and public bathing places*; health advisories.—

(1) As used in this section, the term "beach waters" means the waters along the coastal and intracoastal beaches and shores of the state, and includes salt water and brackish water.

(2) The department may adopt and enforce rules to protect the health, safety, and welfare of persons using the beach waters *and public bathing places* of the state. The rules must establish health standards and prescribe procedures and timeframes for bacteriological sampling of beach waters *and public bathing places*.

(3) The department may issue health advisories if the quality of beach waters *or a public bathing place* fails to meet standards established by the department. The issuance of health advisories related to the results of bacteriological sampling of beach waters is preempted to the state.

(4) When the department issues a health advisory against swimming in beach waters *or a public bathing place* on the basis of finding elevated levels of fecal coliform*, Escherichia coli,* or enterococci bacteria in a water sample, the department shall concurrently notify the municipality or county in which the affected beach waters are located, whichever has jurisdiction, and the local office of the Department of Environmental Protection, of the advisory. The local office of the Department of Environmental Protection shall promptly investigate wastewater treatment facilities within 1 mile of the affected beach waters *or public bathing place* to determine if a facility experienced an incident that may have contributed to the contamination and provide the results of the investigation in writing or by electronic means to the municipality or county, as applicable.

~~(5) Contingent upon legislative appropriation to the department in the amount of $600,000 nonrecurring, the department will perform a 3-year study to determine the water quality at beaches throughout the state. The study will be performed in all counties that have public access saltwater and brackish water beaches.~~

Section 102. Section 514.025, Florida Statutes, is amended to read:

514.025 Assignment of authority to county health departments.—

(1) The department shall assign to county health departments that are staffed with qualified engineering personnel the functions of reviewing applications and plans for the construction, development, or modification of public swimming pools or bathing places; of conducting inspections ~~for and issuance of initial operating permits~~; and of issuing all permits. If the county health department *determines that qualified staff are not available* ~~is not assigned the functions of application and plan review and the issuance of initial operating permits~~, the department shall be responsible for such functions. ~~The department shall make the determination concerning the qualifications of county health department personnel to perform these functions and may make and enforce such rules pertaining thereto as it shall deem proper.~~

(2) ~~After the initial operating permit is issued, the~~ County health departments *are responsible* ~~shall assume full responsibility~~ for routine surveillance of *water quality in* all public swimming pools and bathing places, including ~~responsibility for a minimum of two~~ routine inspections ~~annually~~, complaint investigations, enforcement procedures, *and* ~~re~~issuance of operating permits, and renewal of operating permits.

(3) The department may assign the responsibilities and functions specified in this section to any multicounty independent special district created by the Legislature to perform multiple functions, to include municipal services and improvements, to the same extent and under the same conditions as provided in subsections (1) and (2), upon request of the special district.

Section 103. Section 514.03, Florida Statutes, is amended to read:

514.03 ~~Construction plans~~ Approval necessary to construct, develop, or modify public swimming pools or *public* bathing places.~~ It is unlawful for any person or public body to construct, develop, or modify any public swimming pool or bathing place, other than coastal or intracoastal beaches, without a valid construction plans approval from the department. This section does not preempt the authority of~~ Local governments or local enforcement districts *may determine* ~~to conduct plan reviews and inspections of public swimming pools and bathing places for~~ compliance with the general construction standards of the Florida Building Code,

pursuant to s. 553.80. *Local governments or local enforcement districts may conduct plan reviews and inspections of public swimming pools and public bathing places for this purpose.*

~~(1) Any person or public body desiring to construct, develop, or modify any public swimming pool or bathing place shall file an application for a construction plans approval with the department on application forms provided by the department and shall accompany such application with:~~

~~(a) Engineering drawings, specifications, descriptions, and detailed maps of the structure, its appurtenances, and its intended operation.~~

~~(b) A description of the source or sources of water supply and amount and quality of water available and intended to be used.~~

~~(c) A description of the method and manner of water purification, treatment, disinfection, and heating.~~

~~(d) Other applicable information deemed necessary by the department to fulfill the requirements of this chapter.~~

~~(2) If the proposed construction of, development of, or modification of a public swimming pool or bathing place meets standards of public health and safety as defined in this chapter and rules adopted hereunder, the department shall grant the application for the construction plans approval within 30 days after receipt of a complete submittal. If engineering plans submitted are in substantial compliance with the standards aforementioned, the department may approve the plans with provisions for corrective action to be completed prior to issuance of the operating permit.~~

~~(3) If the proposed construction, development, or modification of a public swimming pool or bathing place fails to meet standards of public health and safety as defined in this chapter and rules adopted hereunder, the department shall deny the application for construction plans approval pursuant to the provisions of chapter 120. Such denial shall be issued in writing within 30 days and shall list the circumstances for denial. Upon correction of such circumstances, an applicant previously denied permission to construct, develop, or modify a public swimming pool or bathing place may reapply for construction plans approval.~~

~~(4) An approval of construction plans issued by the department under this section becomes void 1 year after the date the approval was issued if the construction is not commenced within 1 year after the date of issuance.~~

Section 104. Section 514.031, Florida Statutes, is amended to read:

514.031 Permit necessary to operate public swimming pool ~~or bathing place~~.—

(1) It is unlawful for any person or public body to operate or continue to operate any public swimming pool ~~or bathing place~~ without a valid permit from the department, such permit to be obtained in the following manner:

(a) Any person or public body desiring to operate any public swimming pool ~~or bathing place~~ shall file an application for a permit with the department, on application forms provided by the department, and shall accompany such application with:

~~1. Descriptions of the structure, its appurtenances, and its operation.~~

*1.*~~2.~~ Description of the source or sources of water supply, and the amount and quality of water available and intended to be used.

*2.*~~3.~~ Method and manner of water purification, treatment, disinfection, and heating.

*3.*~~4.~~ Safety equipment and standards to be used.

~~5. Measures to ensure personal cleanliness of bathers.~~

*4.*~~6.~~ Any other pertinent information deemed necessary by the department ~~to fulfill the requirements of this chapter~~.

(b) If the department determines that the public swimming pool ~~or bathing place~~ is or may reasonably be expected to be operated in compliance with this chapter and the rules adopted hereunder, the department shall grant the application for permit.

(c) If the department determines that the public swimming pool ~~or bathing place~~ does not meet the provisions outlined in this chapter or the rules adopted hereunder, the department shall deny the application for a permit pursuant to the provisions of chapter 120. Such denial shall be in writing and shall list the circumstances for the denial. Upon correction of such circumstances, an applicant previously denied permission to operate a public swimming pool or bathing place may reapply for a permit.

(2) Operating permits shall not be required for coastal or intracoastal beaches.

(3) Operating permits *may be transferred* ~~shall not be transferable~~ from one name or owner to another. When the ownership or name of an existing public swimming pool ~~or bathing place~~ is changed and such establishment is operating at the time of the change with a valid permit from the department, the new owner of the establishment shall apply to the department, upon forms provided by the department*, within 30 days after such a change*~~, for a reissuance of the existing permit~~.

(4) Each such operating permit shall be renewed annually and the permit must be posted in a conspicuous place.

(5) An owner or operator of a public swimming pool, including, but not limited to, a spa, wading, or special purpose pool, to which admittance is obtained by membership for a fee shall post in a prominent location within the facility the most recent pool inspection report issued by the department pertaining to the health and safety conditions of such facility. The report shall be legible and readily accessible to members or potential members. The department shall adopt rules to enforce this subsection. A portable pool may not be used as a public pool.

Section 105. Section 514.033, Florida Statutes, is amended to read:

514.033 Creation of fee schedules authorized.—

(1) The department is authorized to establish a schedule of fees to be charged by the department or by any authorized county health department as detailed in s. 514.025 ~~for the review of applications and plans to construct, develop, or modify a public swimming pool or bathing place, for the issuance of permits to operate such establishments, and for the review of variance applications for public swimming pools and bathing places~~. Fees assessed under this chapter shall be in an amount sufficient to meet the cost of carrying out the provisions of this chapter.

(2) The fee schedule shall be: for original construction or development plan approval, not less than $275 and not more than $500; for modification of original construction, not less than $100 and not more than $150; for an initial operating permit, not less than $125 and not more than $250; and for review of variance applications, not less than $240 and not more than $400. The department shall assess the minimum fees provided in this subsection until a fee schedule is promulgated by rule of the department.

(3) *Fees shall be* ~~Any person or public body operating a public swimming pool or bathing place shall pay to the department an annual operating permit fee~~ based on pool ~~or bathing place~~ aggregate gallonage, which shall be: up to and including 25,000 gallons, not less than $75 and not more than $125; and in excess of 25,000 gallons, not less than $160 and not more than $265, except for a pool inspected pursuant to s. 514.0115(2)(b) for which the annual fee shall be $50.

(4) Fees collected by the department in accordance with this chapter shall be deposited into the *Grants and Donations Trust Fund or* ~~Public Swimming Pool and Bathing Place Trust Fund for the payment of costs incurred in the administration of this chapter. Fees collected by county health departments performing functions pursuant to s. 514.025 shall be deposited into~~ the County Health Department Trust Fund. Any fee collected under this chapter is nonrefundable.

(5) The department may not charge any fees for services provided under this chapter other than those fees authorized in this section. However, the department shall prorate the initial annual fee for an operating permit on a half-year basis.

Section 106. Subsections (4) and (5) of section 514.05, Florida Statutes, are amended to read:

514.05 Denial, suspension, or revocation of permit; administrative fines.—

(4) All amounts collected pursuant to this section shall be deposited into the *Grants and Donations Trust Fund* ~~Public Swimming Pool and Bathing Place Trust Fund~~ or into the County Health Department Trust Fund, whichever is applicable.

(5) Under conditions specified by rule, the department may close a public pool that is not in compliance with this chapter or the rules adopted under this chapter.

Section 107. Section 514.06, Florida Statutes, is amended to read:

514.06 Injunction to restrain violations.—Any public swimming pool or *public* bathing place *presenting a significant risk to public health by failing to meet sanitation and safety standards established pursuant to* ~~constructed, developed, operated, or maintained contrary to the provisions of~~ this chapter is declared to be a public nuisance, dangerous to health or safety. Such nuisances may be abated or enjoined in an action brought by the county health department or the department.

Section 108. Subsections (1) and (2) of section 633.115, Florida Statutes, are amended to read:

633.115 Fire and Emergency Incident Information Reporting Program; duties; fire reports.—

(1)(a) The Fire and Emergency Incident Information Reporting Program is created within the Division of State Fire Marshal. The program shall:

1. Establish and maintain an electronic communication system capable of transmitting fire and emergency incident information to and between fire protection agencies.

2. Initiate a Fire and Emergency Incident Information Reporting System that shall be responsible for:

a. Receiving fire and emergency incident information from fire protection agencies.

b. Preparing and disseminating annual reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, fire protection agencies, and, upon request, the public. Each report shall include, but not be limited to, the information listed in the National Fire Incident Reporting System.

c. Upon request, providing other states and federal agencies with fire and emergency incident data of this state.

3. Adopt rules to effectively and efficiently implement, administer, manage, maintain, and use the Fire and Emergency Incident Information Reporting Program. The rules shall be considered minimum requirements and shall not preclude a fire protection agency from implementing its own requirements which shall not conflict with the rules of the Division of State Fire Marshal.

4. By rule, establish procedures and a format for each fire protection agency to voluntarily monitor its records and submit reports to the program.

5. Establish an electronic information database which is accessible and searchable by fire protection agencies.

(b) The Division of State Fire Marshal shall consult with the Division of Forestry of the Department of Agriculture and Consumer Services and the *State Surgeon General* ~~Bureau of Emergency Medical Services~~ of the Department of Health to coordinate data, ensure accuracy of the data, and limit duplication of efforts in data collection, analysis, and reporting.

(2) The Fire and Emergency Incident Information System Technical Advisory Panel is created within the Division of State Fire Marshal. The panel shall advise, review, and recommend to the State Fire Marshal with respect to the requirements of this section. The membership of the panel shall consist of the following 15 members:

(a) The current 13 members of the Firefighters Employment, Standards, and Training Council as established in s. 633.31.

(b) One member from the Division of Forestry of the Department of Agriculture and Consumer Services, appointed by the division director.

(c) One member from ~~the Bureau of Emergency Medical Services of~~ the Department of Health, appointed by the *State Surgeon General* ~~bureau chief~~.

Section 109. Subsections (4), (5), (6), (8), (9), (10), (11), and (12) of section 1009.66, Florida Statutes, are amended to read:

1009.66 Nursing Student Loan Forgiveness Program.—

(4) From the funds available, the Department of *Education* ~~Health~~ may make loan principal repayments of up to $4,000 a year for up to 4 years on behalf of selected graduates of an accredited or approved nursing program. All repayments shall be contingent upon continued proof of employment in the designated facilities in this state and shall be made directly to the holder of the loan. The state shall bear no responsibility for the collection of any interest charges or other remaining balance. In the event that the designated facilities are changed, a nurse shall continue to be eligible for loan forgiveness as long as he or she continues to work in the facility for which the original loan repayment was made and otherwise meets all conditions of eligibility.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of *Education* ~~Health~~ pursuant to this section and s. 1009.67 and department rules. The Chief Financial Officer shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of *Education* ~~Health~~. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 1009.67.

(6) In addition to licensing fees imposed under part I of chapter 464, there is hereby levied and imposed an additional fee of $5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of *Education* ~~Health~~ and will be used solely for the purpose of carrying out the provisions of this section and s. 1009.67. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship program established pursuant to s. 1009.67.

~~(8) The Department of Health may solicit technical assistance relating to the conduct of this program from the Department of Education.~~

*(8)*~~(9)~~ The Department of *Education* ~~Health~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the Nursing Student Loan Forgiveness Program.

*(9)*~~(10)~~ The Department of *Education* ~~Health~~ may adopt rules necessary to administer this program.

*(10)*~~(11)~~ This section shall be implemented only as specifically funded.

*(11)*~~(12)~~ Students receiving a nursing scholarship pursuant to s. 1009.67 are not eligible to participate in the Nursing Student Loan Forgiveness Program.

Section 110. Section 1009.67, Florida Statutes, is amended to read:

1009.67 Nursing scholarship program.—

(1) There is established within the Department of *Education* ~~Health~~ a scholarship program for the purpose of attracting capable and promising students to the nursing profession.

(2) A scholarship applicant shall be enrolled in an approved nursing program leading to the award of an associate degree, a baccalaureate degree, or a graduate degree in nursing.

(3) A scholarship may be awarded for no more than 2 years, in an amount not to exceed $8,000 per year. However, registered nurses pursuing a graduate degree for a faculty position or to practice as an advanced registered nurse practitioner may receive up to $12,000 per year. These amounts shall be adjusted by the amount of increase or decrease

in the consumer price index for urban consumers published by the United States Department of Commerce.

(4) Credit for repayment of a scholarship shall be as follows:

(a) For each full year of scholarship assistance, the recipient agrees to work for 12 months in a faculty position in a college of nursing or Florida College System institution nursing program in this state or at a health care facility in a medically underserved area as *designated* ~~approved~~ by the Department of Health. Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.

(b) Eligible health care facilities include nursing homes and hospitals in this state, state-operated medical or health care facilities, public schools, county health departments, federally sponsored community health centers, colleges of nursing in universities in this state, and Florida College System institution nursing programs in this state, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

(c) Any recipient who does not complete an appropriate program of studies, who does not become licensed, who does not accept employment as a nurse at an approved health care facility, or who does not complete 12 months of approved employment for each year of scholarship assistance received shall repay to the Department of *Education* ~~Health~~, on a schedule to be determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the Nursing Student Loan Forgiveness Trust Fund established in s. 1009.66. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(5) Scholarship payments shall be transmitted to the recipient upon receipt of documentation that the recipient is enrolled in an approved nursing program. The Department of *Education* ~~Health~~ shall develop a formula to prorate payments to scholarship recipients so as not to exceed the maximum amount per academic year.

(6) The Department of *Education* ~~Health~~ shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section.

(7) The Department of *Education* ~~Health~~ may recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the nursing scholarship program.

Section 111. *Department of Health; type two transfer.—*

*(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program in the Department of Health are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Education.*

*(2) The Nursing Student Loan Forgiveness Trust Fund is transferred from the Department of Health to the Department of Education.*

*(3) Any binding contract or interagency agreement related to the Nursing Student Loan Forgiveness Program existing before July 1, 2012, between the Department of Health, or an entity or agent of the agency, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.*

*(4) Notwithstanding s. 216.292 and pursuant to s. 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this act.*

*(5) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the successor organization to any program, activity, duty, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, duty, or function immediately before the transfer.*

Section 112. *The Division of Medical Quality Assurance shall develop a plan to improve the efficiency of its functions. Specifically, the plan shall delineate methods to: reduce the average length of time for a qualified applicant to receive initial and renewal licensure, certification, or registration, by one-third; improve the agenda process for board meetings to increase transparency, timeliness, and usefulness for board decision-making; and improve the cost-effectiveness and efficiency of the joint functions of the division and the regulatory boards. In developing the plan, the division shall identify and analyze best practices found within the division and other state agencies with similar functions, options for information technology improvements, options for contracting with outside entities, and any other option the division deems useful. The division shall consult with and solicit recommendations from the regulatory boards in developing the plan. The division shall submit the plan to the Governor, the Speaker of the House of Representatives, and the President of the Senate by November 1, 2012. All executive branch agencies are instructed, and all other state agencies are requested, to assist the division in accomplishing its purposes under this section.*

Section 113. Paragraph (e) of subsection (2) of section 154.503, Florida Statutes, is amended to read:

154.503 Primary Care for Children and Families Challenge Grant Program; creation; administration.—

(2) The department shall:

(e) Coordinate with the primary care program developed pursuant to s. 154.011, the Florida Healthy Kids Corporation program created in s. 624.91, the school health services program created in ss. 381.0056 and 381.0057, ~~the Healthy Communities, Healthy People Program created in s. 381.734,~~ and the volunteer health care provider program developed pursuant to s. 766.1115.

Section 114. Subsection (1), paragraph (c) of subsection (3), and subsection (9) of section 381.0041, Florida Statutes, are amended to read:

381.0041 Donation and transfer of human tissue; testing requirements.—

(1) Every donation of blood, plasma, organs, skin, or other human tissue for transfusion or transplantation to another shall be tested prior to transfusion or other use for human immunodeficiency virus infection and other communicable diseases specified by rule of the Department of Health. Tests for the human immunodeficiency virus infection shall be performed only after obtaining written, informed consent from the potential donor or the donor's legal representative. Such consent may be given by a minor pursuant to s. 743.06. Obtaining consent shall include a fair explanation of the procedures to be followed and the meaning and use of the test results. Such explanation shall include a description of the confidential nature of the test as described in s. *381.004(2)* ~~381.004(3)~~. If consent for testing is not given, then the person shall not be accepted as a donor except as otherwise provided in subsection (3).

(3) No person shall collect any blood, organ, skin, or other human tissue from one human being and hold it for, or actually perform, any implantation, transplantation, transfusion, grafting, or any other method of transfer to another human being without first testing such tissue for the human immunodeficiency virus and other communicable diseases specified by rule of the Department of Health, or without performing another process approved by rule of the Department of Health capable of killing the causative agent of those diseases specified by rule. Such testing shall not be required:

(c) When there is insufficient time to obtain the results of a confirmatory test for any tissue or organ which is to be transplanted, notwithstanding the provisions of s. *381.004(2)(d)* ~~381.004(3)(d)~~. In such circumstances, the results of preliminary screening tests may be released to the potential recipient's treating physician for use in determining organ or tissue suitability.

(9) All blood banks shall be governed by the confidentiality provisions of s. *381.004(2)* ~~381.004(3)~~.

Section 115. Paragraph (b) of subsection (3) of section 384.25, Florida Statutes, is amended to read:

384.25 Reporting required.—

(3) To ensure the confidentiality of persons infected with the human immunodeficiency virus (HIV), reporting of HIV infection and AIDS must be conducted using a system developed by the Centers for Disease Control and Prevention of the United States Public Health Service or an equivalent system.

(b) The reporting may not affect or relate to anonymous HIV testing programs conducted pursuant to s. *381.004(3)* ~~381.004(4)~~.

Section 116. Subsection (5) of section 392.56, Florida Statutes, is amended to read:

392.56 Hospitalization, placement, and residential isolation.—

(5) If the department petitions the circuit court to order that a person who has active tuberculosis be hospitalized in a facility operated under s. 392.62~~(2)~~, the department shall notify the facility of the potential court order.

Section 117. Subsection (2) of section 456.032, Florida Statutes, is amended to read:

456.032 Hepatitis B or HIV carriers.—

(2) Any person licensed by the department and any other person employed by a health care facility who contracts a blood-borne infection shall have a rebuttable presumption that the illness was contracted in the course and scope of his or her employment, provided that the person, as soon as practicable, reports to the person's supervisor or the facility's risk manager any significant exposure, as that term is defined in s. *381.004(1)(c)* ~~381.004(2)(c)~~, to blood or body fluids. The employer may test the blood or body fluid to determine if it is infected with the same disease contracted by the employee. The employer may rebut the presumption by the preponderance of the evidence. Except as expressly provided in this subsection, there shall be no presumption that a blood-borne infection is a job-related injury or illness.

Section 118. Subsection (15) 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:

(15) "Department" means the *Department of Business and Professional Regulation* ~~Department of Health~~.

Section 119. Subsection (2) of section 499.601, Florida Statutes, is amended to read:

499.601 Legislative intent; construction.—

(2) The provisions of this part are cumulative and shall not be construed as repealing or affecting any powers, duties, or authority of the department ~~of Health~~ under any other law of this state; except that, with respect to the regulation of ether as herein provided, in instances in which the provisions of this part may conflict with any other such law, the provisions of this part shall control.

Section 120. Subsection (2) of section 499.61, Florida Statutes, is amended to read:

499.61 Definitions.—As used in this part:

(2) "Department" means the *Department of Business and Professional Regulation* ~~Department of Health~~.

Section 121. Subsection (2) of section 513.10, Florida Statutes, is amended to read:

513.10 Operating without permit; enforcement of chapter; penalties.—

(2) This chapter or rules adopted under this chapter may be enforced in the manner provided in s. 381.0012 and as provided in this chapter. Violations of this chapter and the rules adopted under this chapter are subject to the penalties provided in this chapter and in *s.* ~~ss. 381.0025 and~~ 381.0061.

Section 122. Paragraph (b) of subsection (9) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(9)

(b) As used in this subsection, the term:

1. "Employee" includes any volunteer firefighter.

2. "Officer, employee, or agent" includes, but is not limited to, any health care provider when providing services pursuant to s. 766.1115; ~~any member of the Florida Health Services Corps, as defined in s. 381.0302, who provides uncompensated care to medically indigent persons referred by the Department of Health;~~ any nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, and its employees or agents, when providing patient services pursuant to paragraph (10)(f); and any public defender or her or his employee or agent, including, among others, an assistant public defender and an investigator.

Section 123. Subsection (1) of section 775.0877, Florida Statutes, is amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(1) In any case in which a person has been convicted of or has pled nolo contendere or guilty to, regardless of whether adjudication is withheld, any of the following offenses, or the attempt thereof, which offense or attempted offense involves the transmission of body fluids from one person to another:

(a) Section 794.011, relating to sexual battery;

(b) Section 826.04, relating to incest;

(c) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;

(d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d), relating to assault;

(e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b), relating to aggravated assault;

(f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c), relating to battery;

(g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a), relating to aggravated battery;

(h) Section 827.03(1), relating to child abuse;

(i) Section 827.03(2), relating to aggravated child abuse;

(j) Section 825.102(1), relating to abuse of an elderly person or disabled adult;

(k) Section 825.102(2), relating to aggravated abuse of an elderly person or disabled adult;

(l) Section 827.071, relating to sexual performance by person less than 18 years of age;

(m) Sections 796.03, 796.07, and 796.08, relating to prostitution; or

(n) Section 381.0041(11)(b), relating to donation of blood, plasma, organs, skin, or other human tissue,

the court shall order the offender to undergo HIV testing, to be performed under the direction of the Department of Health in accordance with s. 381.004, unless the offender has undergone HIV testing voluntarily or pursuant to procedures established in s. *381.004(2)(h)6.* ~~381.004(3)(h)6.~~ or s. 951.27, or any other applicable law or rule providing for HIV testing of criminal offenders or inmates, subsequent to her or his arrest for an offense enumerated in paragraphs (a)-(n) for which she or he was convicted or to which she or he pled nolo contendere or guilty. The results of an HIV test performed on an offender pursuant to this subsection are not admissible in any criminal proceeding arising out of the alleged offense.

Section 124. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; revising the purpose of the department; revising duties of the State Surgeon General; eliminating the Officer of Women's Health Strategy; revising divisions within the department; amending s. 20.435, F.S.; eliminating the Florida Drug, Device, and Cosmetic Trust Fund as a trust fund under the department; amending s. 154.05, F.S.; providing that two or more counties may combine for the operation of a county health department under certain circumstances; providing criteria for such an agreement; specifying that an interlocal agreement may only be terminated at the end of a contract year; requiring the parties to give written notice to the department no less than 90 days before the termination; amending s. 215.5602, F.S.; conforming references; amending s. 381.001, F.S.; revising legislative intent; requiring the Department of Health to be responsible for the state public health system; requiring the department to provide leadership for a partnership involving federal, state, and local government and the private sector to accomplish public health goals; amending s. 381.0011, F.S.; revising duties and powers of the department; repealing s. 381.0013, F.S., relating to the department's authority to exercise the power of eminent domain; repealing s. 381.0014, F.S., relating to department rules that superseded regulations and ordinances enacted by other state departments, boards or commissions, or municipalities; repealing s. 381.0015, F.S., relating to judicial presumptions regarding the department's authority to enforce public health rules; amending s. 381.0016, F.S.; allowing a county to enact health regulations and ordinances consistent with state law; repealing s. 381.0017, F.S., relating to the purchase, lease, and sale of real property by the department; repealing s. 381.0025, F.S., relating to penalties; amending s. 381.003, F.S.; revising provisions relating to the department's responsibility for communicable disease prevention and control programs; amending s. 381.0031, F.S.; permitting the department to conduct studies concerning epidemiology of diseases of public health significance; specifying that the list of diseases of public health significance is based on the recommendations to be nationally notifiable by the Council of State and Territorial Epidemiologists and the Centers for Disease Control and Prevention; authorizing the department to expand the list if a disease emerges for which regular, frequent and timely information regarding individual cases is considered necessary for the prevention and control of a disease specific to Florida; amending s. 381.00315, F.S.; authorizing the department to declare, enforce, modify, and abolish quarantines of persons, animals, and premises for controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health; requiring the department to establish rules for conditions and procedures for imposing and releasing a quarantine; requiring specific provisions to be included in rules; providing that the rules established under this section supersede all rules enacted by other state agencies, boards, or political subdivisions; providing that a violation of the rules established under the section, a quarantine, or requirement adopted pursuant to a declared public health emergency is a second-degree misdemeanor; providing penalties; repealing s. 381.0032, F.S., relating to epidemiological research; repealing s. 381.00325, F.S., relating to the Hepatitis A awareness program; amending s. 381.0034, F.S.; deleting an obsolete qualifying date reference; repealing s. 381.0037, F.S., relating to legislative findings and intent with respect to AIDS; amending s. 381.004, F.S.; deleting legislative intent; conforming cross-references; amending 381.0046, F.S.; requiring the department to establish dedicated HIV and AIDS regional and statewide minority coordinators; deleting the requirement that the statewide director report to the chief of the Bureau of HIV and AIDS within the department; amending s. 381.005, F.S.; deleting the requirement that hospitals implement a plan to offer immunizations for pneumococcal bacteria and influenza virus to all patients 65 years of age or older; amending s. 381.0051, F.S.; deleting legislative intent for the Comprehensive Family Planning Act; amending s. 381.0052, F.S., relating to the "Public Health Dental Program Act"; repealing unused department rulemaking authority; amending s. 381.0053, F.S., relating to the comprehensive nutrition program; repealing unused department rulemaking authority; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion by the department; amending s. 381.0056, F.S., relating to the "School Health Services Act"; deleting legislative findings; deleting the requirement that school health programs funded by health care districts or entities be supplementary to and consistent with the act and other applicable statutes; amending s. 381.0057, F.S., relating to funding for school health services; deleting legislative intent; amending s. 381.00591, F.S.; permitting the department to apply for and become a National Environmental Laboratory Accreditation Program accreditation body; eliminating rulemaking authority of the department to implement standards of the National Environmental Laboratory Accreditation Program; amending s. 381.00593, F.S.; removing unused rulemaking authority relating to the public school volunteer health care practitioner program; amending s. 381.0062, F.S., relating to the "Comprehensive Family Planning Act"; deleting legislative intent; conforming a cross-reference; amending s. 381.0065, F.S., relating to regulation of onsite sewage treatment and disposal systems; deleting legislative intent; conforming provisions to changes made by the act; amending s. 381.0068, F.S.; deleting a date by which a technical review and advisory panel must be established within the department for assistance with rule adoption; deleting the authority of the chair of the panel to advise affected persons or the Legislature of the panel's position on legislation, proposed state policy, or other issue; amending s. 381.0072, F.S.; revising the definition of the term "food establishment" to include certain facilities participating in the United States Department of Agriculture Afterschool Meal Program; amending s. 381.00781, F.S.; eliminating authority of the department to annually adjust maximum fees according to the Consumer Price Index; amending s. 381.0086, F.S.; revising department rulemaking authority relating to migrant farmworkers and other migrant labor camp or residential migrant housing occupants; removing lighting and maintenance and operation of roads from the list of health and safety standards to be created by the department; conforming a cross-reference; amending s. 381.0098, F.S.; deleting legislative intent with respect to standards for the safe packaging, transport, storage, treatment, and disposal of biomedical waste; conforming a cross-reference; amending s. 381.0101, F.S.; deleting legislative intent regarding certification of environmental health professionals; providing for the State Surgeon General, rather than the Division Director for Emergency Preparedness and Community Support, to serve on an environmental health professionals advisory board; conforming a cross-reference; amending s. 381.0203, F.S.; eliminating the regulation of drugs, cosmetics, and household products under ch. 499, F.S., from the pharmacy services program; eliminating the contraception distribution program at county health departments; amending s. 381.0261, F.S.; requiring the department, rather than the Agency for Health Care Administration, to publish a summary of the Florida Patient's Bill of Rights and Responsibilities on its Internet website; deleting the requirement to print and distribute the summary; repealing s. 381.0301, F.S., relating to the Centers for Disease Control and Prevention, the State University System, Florida medical schools, and the College of Public Health of the University of South Florida; deleting the requirement that the College of Public Health be consulted by state officials in the management of public health; repealing s. 381.0302, F.S.; eliminating the Florida Health Services Corps; amending s. 381.0303, F.S.; eliminating the requirement that the Special Needs Shelter Interagency Committee submit recommendations to the Legislature; repealing s. 381.04015, F.S.; eliminating the Women's Health Strategy Office and Officer of Women's Health Strategy; amending s. 381.0403, F.S., relating to the "Community Hospital Education Act"; deleting leg-

islative findings and intent; revising the mission of the program; requiring minimum funding for graduate education in family practice; deleting reference to an intent to establish a statewide graduate medical education program; amending s. 381.0405, F.S.; deleting an appropriation to the Office of Rural Health; amending s. 381.0406, F.S.; deleting unnecessary introductory language in provisions relating to rural health networks; repealing s. 381.0407, F.S., to eliminate the mandatory payment of claims from public health care providers and county health departments by managed care plans; repealing s. 381.045, F.S.; eliminating department authority to provide services to certain health care providers infected with Hepatitis B or HIV; amending s. 381.06015, F.S.; deleting obsolete provision that requires the department, the Agency for Health Care Administration, and private consortium members seeking private or federal funds to initiate certain program actions relating to the Public Cord Blood Tissue Bank; repealing s. 381.0605, F.S., relating to designating the Agency for Health Care Administration as the state agency to administer the Federal Hospital and Medical Facilities Amendments of 1964; eliminating authority of the Governor to provide for administration of the amendments; repealing ss. 381.1001-381.103, F.S., the Florida Community Health Protection Act; amending s. 381.4018, F.S.; deleting legislative findings and intent with respect to physician workforce assessment and development; conforming a cross-reference; repealing s. 381.60225, F.S., to eliminate background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; repealing ss. 381.732-381.734, F.S., the "Healthy People, Healthy Communities Act"; amending s. 381.7352, F.S.; deleting legislative findings relating to the "Reducing Racial and Ethnic Health Disparities: Closing the Gap Act"; amending s. 381.7353, F.S.; removing the authority of the State Surgeon General to appoint an ad hoc committee to study certain aspects of racial and ethnic health outcome disparities and make recommendations; amending s. 381.7356, F.S.; deleting a provision requiring dissemination of Closing the Gap grant awards to begin on a date certain; amending s. 381.765, F.S.; repealing unused rulemaking authority relating to records and recordkeeping for department-owned property; repealing s. 381.77, F.S., to eliminate the annual survey of nursing home residents age 55 and under; repealing s. 381.795, F.S., to eliminate the requirement that the department establish a program of long-term community-based supports and services for individuals with traumatic brain or spinal cord injuries; amending s. 381.853, F.S.; deleting legislative findings relating to brain tumor research; repealing s. 381.855, F.S., which established the Florida Center for Universal Research to Eradicate Disease; repealing s. 381.87, F.S., to eliminate the osteoporosis prevention and education program; repealing s. 381.90, F.S., to eliminate the Health Information Systems Council; amending s. 381.91, F.S., relating to the Jesse Trice Cancer Program; revising legislative intent; amending 381.922, F.S.; conforming a reference; amending s. 383.011, F.S.; requiring the Department of Health to establish an interagency agreement with the Department of Children and Family Services for management of the Special Supplemental Nutrition program for Women, Infants, and Children; specifying responsibilities of each department; creating s. 383.141, F.S.; providing legislative findings; providing definitions; requiring that health care providers provide pregnant women with current information about the nature of the developmental disabilities tested for in certain prenatal tests, the accuracy of such tests, and resources for obtaining support services for Down syndrome and other prenatally diagnosed developmental disabilities; providing duties for the Department of Health concerning establishment of an information clearinghouse; creating an advocacy council within the Department of Health to provide technical assistance in forming the clearinghouse; providing membership for the council; providing duties of the council; providing terms for members of the council; providing for election of a chairperson and vice chairperson; providing meeting times for the council; requiring the members to serve without compensation or reimbursement for travel expenses; authorizing meetings by teleconference or other electronic means; requiring the Department of Health to provide administrative support; repealing s. 385.210, F.S., the Arthritis Prevention and Education Act by a specific date; amending s. 391.016, F.S.; clarifying the purposes and functions of the Children's Medical Services program; requiring the coordination and maintenance of a medical home for participating children; amending s. 391.021, F.S.; revising definitions; amending s. 391.025, F.S.; revising the components of the Children's Medical Services program; amending s. 391.026, F.S.; revising the powers and duties of the department in administering the Children's Medical Services network; amending s. 391.028, F.S.; eliminating the central office and area offices of the Children's Medical Services program; authorizing the Director of Children's Medical Services to appoint necessary staff and contract with providers to establish a system to provide certain program activities on a statewide basis; amending s. 391.029, F.S.; specifying eligibility for services provided under the Children's Medical Services program; clarifying who may receive services under the program; deleting the requirement that the department determine financial and medical eligibility for program; deleting the requirement that the department determine the financial ability of parents to pay for services; eliminating discretion of the department to pay reasonable travel expenses; amending s. 391.0315, F.S.; deleting a prohibition against a child eligible under Title XIX or XXI of the Social Security Act from receiving services under the program until the child is enrolled in Medicaid or a Title XXI program; amending s. 392.51, F.S., relating to tuberculosis control; removing legislative findings and intent; amending s. 392.61, F.S.; eliminating the requirement that the department develop a methodology for distributing funds appropriated for community tuberculosis control programs; amending s. 392.62, F.S.; requiring a contractor to use licensed community hospitals and other facilities for the care and treatment of persons who have active tuberculosis or a history of noncompliance with prescribed drug regimens and require inpatient or other residential services; removing authority of the department to operate a licensed hospital to treat tuberculosis patients; requiring the tuberculosis control program to fund participating facilities; requiring facilities to meet specific conditions; requiring the department to develop a transition plan for the closure of A.G. Holley State Hospital; specifying content of transition plan; requiring submission of the plan to the Governor and Legislature; requiring full implementation of the transition plan by a certain date; amending s. 401.243, F.S.; repealing unused rulemaking authority governing the implementation of injury-prevention grant programs; amending s. 401.245, F.S.; repealing unused rulemaking authority relating to operating procedures for the Emergency Medical Services Advisory Council; amending s. 401.271, F.S.; repealing unused rulemaking authority relating to an exemption for the spouse of a member of the Armed Forces of the United States on active duty from certification renewal provisions while the spouse is absent from the state because of the member's active duty with the Armed Forces; repealing s. 402.45, F.S.; repealing unused rulemaking authority relating to the community resource mother or father program; amending s. 403.863, F.S.; directing the department to contract to perform state public water supply laboratory certification application review and evaluation and laboratory inspections; adding certain actions to the list of acts constituting grounds for which disciplinary actions may be taken under the section; amending ss. 400.914 and 409.256, F.S.; conforming references; repealing s. 458.346, F.S., which created the Public Sector Physician Advisory Committee and established its responsibilities; amending s. 462.19, F.S., relating to the renewal of licenses for practitioners of naturopathy; repealing unused rulemaking authority; amending s. 464.019, F.S., requiring the Board of Nursing to deny a program application for new prelicensure nursing education program while the existing program is on probationary status; repealing s. 464.0197, F.S., relating to state budget support for the Florida Center for Nursing; amending s. 464.203, F.S.; revising the certification requirements for certified nursing assistants; amending s. 464.208, F.S.; repealing unused rulemaking authority relating to background screening information of certified nursing assistants; repealing s. 466.00775, F.S., relating to unused rulemaking authority relating to dental health access and dental laboratory registration provisions; amending ss. 212.08, 499.003, 499.601, and 499.61, F.S.; updating departmental designation; amending s. 514.011, F.S.; revising the definition of "public bathing place"; amending s. 514.021, F.S.; restricting rulemaking authority of the department; limiting scope of standards for public pools and public bathing places; prohibiting the department from adopting by rule any regulation regarding the design, alteration, or repair of a public pool or public bathing; eliminating authority of the department to review plans, issue approvals, and enforce occupancy provisions of the Florida Building Code; amending s. 514.023, F.S.; adding public bathing places to the provisions allowing sampling of beach waters to determine sanitation and allowing health advisories to be issued for elevated levels of bacteria in such waters; deleting an obsolete provision; amending s. 514.025, F.S.; requiring the department to

review applications and plans for the construction or placement of public pools or bathing places; providing for the department to review applications and plans if no qualified staff are employed at the county health department; establishing that the department is responsible to monitor water quality in public pools and bathing places; amending s. 514.03, F.S.; permitting local governments or local enforcement districts to determine compliance with general construction provisions of the Florida Building Code; permitting local governments or local enforcement districts to conduct plan reviews and inspections of public pools and bathing places to determine compliance; eliminating an application process for review of building plans for a public pool or bathing place by the department; amending s. 514.031, F.S.; requiring a valid permit from the department to operate a public pool; revising the list of documents that must accompany an application for a permit to operate a public pool; providing the department with authority to review, approve, and deny an application for a permit to operate a public pool; amending s. 514.033, F.S.; deleting authority of the department to establish a fee schedule; requiring fees collected by the department or county health department to be deposited into the Grants and Donations Trust Fund or the County Health Department Trust Fund; amending s. 514.05, F.S.; requiring all amounts collected to be deposited in the Grants and Donations Trust Fund or the County Health Department Trust Fund; granting the county health department the authority to close a public pool that is not in compliance with ch. 514, F.S., or applicable rules; amending s. 514.06, F.S.; deeming a public pool or bathing place to present a significant risk to public health by failing to meet sanitation and safety to be a public nuisance; allowing for a public nuisance to be abated or enjoined; amending s. 633.115, F.S.; making conforming changes; amending s. 1009.66, F.S.; reassigning responsibility for the Nursing Student Loan Forgiveness Program from the Department of Health to the Department of Education; amending s. 1009.67, F.S.; reassigning responsibility for the nursing scholarship program from the Department of Health to the Department of Education; providing type two transfers of the programs; providing for transfer of a trust fund; providing applicability to contracts; authorizing transfer of funds and positions between departments; requiring the Division of Medical Quality and Assurance to create a plan to improve efficiency of the function of the division; directing the division to take certain actions in creating the plan; directing the division to address particular topics in the plan; requiring all executive branch agencies to assist the department in creating the plan; requesting all other state agencies to assist the department in creating the plan; amending ss. 154.503, 381.0041, 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10, 768.28, and 775.0877, F.S.; conforming cross-references; providing effective dates.

**MOTION**

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

Senator Braynon moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (851040) (with title amendment)**—Delete lines 730-743.

And the title is amended as follows:

Delete lines 3897-3900 and insert: department;

**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 to **Amendment 1** which were adopted:

**Amendment 1B (119322)**—Delete line 2349 and insert:

*(c) "Health care provider" means a practitioner licensed or*

**Amendment 1C (538152) (with title amendment)**—Delete lines 952-1607 and insert:

Section 33. Subsections (1), (5), (6), and (7) of section 381.0065, Florida Statues, are amended, paragraphs (b) through (p) of subsection (2) of that section are redesignated as paragraphs (c) through (q), respectively, a new paragraph (b) is added to that subsection, paragraphs (c) and (j) of subsection (3) and paragraphs (h), (n), and (o) of subsection (4) of that section are amended, and paragraphs (w) through (aa) are added to subsection (4) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(1) LEGISLATIVE INTENT.—

(a) It is the intent of the Legislature that proper management of onsite sewage treatment and disposal systems is paramount to the health, safety, and welfare of the public. ~~It is further the intent of the Legislature that the department shall administer an evaluation program to ensure the operational condition of the system and identify any failure with the system.~~

(b) It is the intent of the Legislature that where a publicly owned or investor-owned sewerage system is not available, the department shall issue permits for the construction, installation, modification, abandonment, or repair of onsite sewage treatment and disposal systems under conditions as described in this section and rules adopted under this section. It is further the intent of the Legislature that the installation and use of onsite sewage treatment and disposal systems not adversely affect the public health or significantly degrade the groundwater or surface water.

(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

*(b)1. "Bedroom" means a room that can be used for sleeping and that:*

*a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;*

*b. For manufactured homes, is constructed according to standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;*

*c. Is located along an exterior wall;*

*d. Has a closet and a door or an entrance where a door could be reasonably installed; and*

*e. Has an emergency means of escape and rescue opening to the outside.*

*2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.*

*3. "Bedroom" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.*

(3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The department shall:

(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation, the *State Surgeon General* ~~Division Director for Environmental Health of the department~~, or his or her designee, shall timely assign a staff person to resolve the dispute.

(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. *381.0066(2)(k)* ~~381.0066(2)(l)~~ must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects

which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be initially approved by the technical review and advisory panel and shall be applicable to and reflect the soil conditions specific to Florida. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in Florida and that are principally located in Florida. Research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical review and advisory panel or the research review and advisory committee.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(h) 1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. There is no fee associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

b. No reasonable alternative, taking into consideration factors such as cost, exists for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

a. The *State Surgeon General,* ~~Division Director for Environmental Health of the department~~ or his or her designee.

b. A representative from the county health departments.

c. A representative from the home building industry recommended by the Florida Home Builders Association.

d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

e. A representative from the Department of Environmental Protection.

f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

g. A representative from the engineering profession recommended by the Florida Engineering Society.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph *(2)(j)* ~~(2)(i)~~. The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(o) The department shall appoint a research review and advisory committee, which shall meet at least semiannually. The committee shall advise the department on directions for new research, review and rank proposals for research contracts, and review draft research reports and make comments. The committee is comprised of:

1. A representative of the *State Surgeon General, or his or her designee* ~~Division of Environmental Health of the Department of Health~~.

2. A representative from the septic tank industry.

3. A representative from the home building industry.

4. A representative from an environmental interest group.

5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.

6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.

7. A representative from local government who is knowledgeable about domestic wastewater treatment.

8. A representative from the real estate profession.

9. A representative from the restaurant industry.

10. A consumer.

Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

*(w) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution.*

*(x) A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012. Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.*

*(y)1. An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and if the system was properly functioning at the time of disconnection and not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if:*

*a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster;*

*b. The system is not a sanitary nuisance; and*

*c. The system has not been altered without prior authorization.*

*2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.*

*(z) If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.*

*(aa) A modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition to a single-family home if a bedroom is not added.*

~~(5) EVALUATION AND ASSESSMENT.~~

~~(a) Beginning July 1, 2011, the department shall administer an onsite sewage treatment and disposal system evaluation program for the purpose of assessing the fundamental operational condition of systems and identifying any failures within the systems. The department shall adopt rules implementing the program standards, procedures, and requirements, including, but not limited to, a schedule for a 5-year evaluation cycle, requirements for the pump out of a system or repair of a failing system, enforcement procedures for failure of a system owner to obtain an evaluation of the system, and failure of a contractor to timely submit evaluation results to the department and the system owner. The department shall ensure statewide implementation of the evaluation and assessment program by January 1, 2016.~~

~~(b) Owners of an onsite sewage treatment and disposal system, excluding a system that is required to obtain an operating permit, shall have the system evaluated at least once every 5 years to assess the fundamental operational condition of the system, and identify any failure within the system.~~

~~(c) All evaluation procedures must be documented and nothing in this subsection limits the amount of detail an evaluator may provide at his or her professional discretion. The evaluation must include a tank and drainfield evaluation, a written assessment of the condition of the system, and, if necessary, a disclosure statement pursuant to the department's procedure.~~

~~(d)1. Systems being evaluated that were installed prior to January 1, 1983, shall meet a minimum 6-inch separation from the bottom of the drainfield to the wettest season water table elevation as defined by department rule. All drainfield repairs, replacements or modifications to systems installed prior to January 1, 1983, shall meet a minimum 12-inch separation from the bottom of the drainfield to the wettest season water table elevation as defined by department rule.~~

~~2. Systems being evaluated that were installed on or after January 1, 1983, shall meet a minimum 12-inch separation from the bottom of the drainfield to the wettest season water table elevation as defined by department rule. All drainfield repairs, replacements or modification to systems developed on or after January 1, 1983, shall meet a minimum 24-inch separation from the bottom of the drainfield to the wettest season water table elevation.~~

~~(e) If documentation of a tank pump-out or a permitted new installation, repair, or modification of the system within the previous 5 years is provided, and states the capacity of the tank and indicates that the condition of the tank is not a sanitary or public health nuisance pursuant to department rule, a pump-out of the system is not required.~~

~~(f) Owners are responsible for paying the cost of any required pump-out, repair, or replacement pursuant to department rule, and may not request partial evaluation or the omission of portions of the evaluation.~~

~~(g) Each evaluation or pump-out required under this subsection must be performed by a septic tank contractor or master septic tank contractor registered under part III of chapter 489, a professional engineer with wastewater treatment system experience licensed pursuant to chapter 471, or an environmental health professional certified under chapter 381 in the area of onsite sewage treatment and disposal system evaluation.~~

~~(h) The evaluation report fee collected pursuant to s. 381.0066(2)(b) shall be remitted to the department by the evaluator at the time the report is submitted.~~

~~(i) Prior to any evaluation deadline, the department must provide a minimum of 60 days' notice to owners that their systems must be evaluated by that deadline. The department may include a copy of any homeowner educational materials developed pursuant to this section which provides information on the proper maintenance of onsite sewage treatment and disposal systems.~~

*(5)*~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

(a) Department personnel who have reason to believe noncompliance exists, may at any reasonable time, enter the premises permitted under ss. 381.0065-381.0066, or the business premises of any septic tank contractor or master septic tank contractor registered under part III of

chapter 489, or any premises that the department has reason to believe is being operated or maintained not in compliance, to determine compliance with the provisions of this section, part I of chapter 386, or part III of chapter 489 or rules or standards adopted under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489. As used in this paragraph, the term "premises" does not include a residence or private building. To gain entry to a residence or private building, the department must obtain permission from the owner or occupant or secure an inspection warrant from a court of competent jurisdiction.

(b)1. The department may issue citations that may contain an order of correction or an order to pay a fine, or both, for violations of ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 or the rules adopted by the department, when a violation of these sections or rules is enforceable by an administrative or civil remedy, or when a violation of these sections or rules is a misdemeanor of the second degree. A citation issued under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489 constitutes a notice of proposed agency action.

2. A citation must be in writing and must describe the particular nature of the violation, including specific reference to the provisions of law or rule allegedly violated.

3. The fines imposed by a citation issued by the department may not exceed $500 for each violation. Each day the violation exists constitutes a separate violation for which a citation may be issued.

4. The department shall inform the recipient, by written notice pursuant to ss. 120.569 and 120.57, of the right to an administrative hearing to contest the citation within 21 days after the date the citation is received. The citation must contain a conspicuous statement that if the recipient fails to pay the fine within the time allowed, or fails to appear to contest the citation after having requested a hearing, the recipient has waived the recipient's right to contest the citation and must pay an amount up to the maximum fine.

5. The department may reduce or waive the fine imposed by the citation. In determining whether to reduce or waive the fine, the department must consider the gravity of the violation, the person's attempts at correcting the violation, and the person's history of previous violations including violations for which enforcement actions were taken under ss. 381.0065-381.0067, part I of chapter 386, part III of chapter 489, or other provisions of law or rule.

6. Any person who willfully refuses to sign and accept a citation issued by the department commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

7. The department, pursuant to ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, shall deposit any fines it collects in the county health department trust fund for use in providing services specified in those sections.

8. This section provides an alternative means of enforcing ss. 381.0065-381.0067, part I of chapter 386, and part III of chapter 489. This section does not prohibit the department from enforcing ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, or its rules, by any other means. However, the department must elect to use only a single method of enforcement for each violation.

*(6)*~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective January 1, 2016, the land application of septage from onsite sewage treatment and disposal systems is prohibited. ~~By February 1, 2011, the department, in consultation with the Department of Environmental Protection, shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems. The report shall include, but is not limited to, a schedule for the reduction in land application, appropriate treatment levels, alternative methods for treatment and disposal, enhanced application site permitting requirements including any requirements for nutrient management plans, and the range of costs to local governments, affected businesses, and individuals for alternative treatment and disposal methods. The report shall also include any recommendations for legislation or rule authority needed to reduce land application of septage.~~

Section 34. Section 381.00651, Florida Statutes, is created to read:

*381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.—*

*(1) For the purposes of this section, the term "first magnitude spring" means a spring that has a median water discharge of greater than or equal to 100 cubic feet per second for the period of record, as determined by the Department of Environmental Protection.*

*(2) A county or municipality that contains a first magnitude spring shall, by no later than January 1, 2013, develop and adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program that meets the requirements of this section. The ordinance may apply within all or part of its geographic area. Those counties or municipalities containing a first magnitude spring which have already adopted an onsite sewage treatment and disposal system evaluation and assessment program and which meet the grandfathering requirements contained in this section, or have chosen to opt out of this section in the manner provided herein, are exempt from the requirement to adopt an ordinance implementing an evaluation and assessment program. The governing body of a local government that chooses to opt out of this section, by a 60 percent vote of the voting members of the governing board, shall do so by adopting a resolution that indicates an intent on the part of such local government not to adopt an onsite sewage treatment and disposal system evaluation and assessment program. Such resolution shall be addressed and transmitted to the Secretary of State. Absent an interlocal agreement or county charter provision to the contrary, a municipality may elect to opt out of the requirements of this section, by a 60 percent vote of the voting members of the governing board, notwithstanding a contrary decision of the governing body of a county. Any local government that has properly opted out of this section but subsequently chooses to adopt an evaluation and assessment program may do so only pursuant to the requirements of this section and may not deviate from such requirements.*

*(3) Any county or municipality that does not contain a first magnitude spring may at any time develop and adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program, provided such program meets and does not deviate from the requirements of this section.*

*(4) Notwithstanding any other provision in this section, a county or municipality that has adopted a program before July 1, 2011, may continue to enforce its current program without having to meet the requirements of this section, provided such program does not require an evaluation at the point of sale in a real estate transaction.*

*(5) Any county or municipality may repeal an ordinance adopted pursuant to this section only if the county or municipality notifies the Secretary of State by letter of the repeal. No county or municipality may adopt an onsite sewage treatment and disposal system evaluation and assessment program except pursuant to this section.*

*(6) The requirements for an onsite sewage treatment and disposal system evaluation and assessment program are as follows:*

*(a) Evaluations.—An evaluation of each onsite sewage treatment and disposal system within all or part of the county's or municipality's jurisdiction must take place once every 5 years to assess the fundamental operational condition of the system and to identify system failures. The ordinance may not mandate an evaluation at the point of sale in a real estate transaction and may not require a soil examination. The location of the system shall be identified. A tank and drainfield evaluation and a written assessment of the overall condition of the system pursuant to the assessment procedure prescribed in subsection (7) are required.*

*(b) Qualified contractors.—Each evaluation required under this subsection must be performed by a qualified contractor, who may be a septic tank contractor or master septic tank contractor registered under part III of chapter 489, a professional engineer having wastewater treatment system experience and licensed under chapter 471, or an environmental health professional certified under this chapter in the area of onsite sewage treatment and disposal system evaluation. Evaluations and pump-outs may also be performed by an authorized employee working under the supervision of an individual listed in this paragraph; however, all evaluation forms must be signed by a qualified contractor in writing or by electronic signature.*

*(c) Repair of systems.—The local ordinance may not require a repair, modification, or replacement of a system as a result of an evaluation unless the evaluation identifies a system failure. For purposes of this subsection, the term "system failure" means a condition existing within an onsite sewage treatment and disposal system which results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water or that results in the failure of building plumbing to discharge properly and presents a sanitary nuisance. A system is not in failure if the system does not have a minimum separation distance between the drainfield and the wettest season water table or if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. If a system failure is identified and several allowable remedial measures are available to resolve the failure, the system owner may choose the least costly allowable remedial measure to fix the system. There may be instances in which a pump-out is sufficient to resolve a system failure. Allowable remedial measures to resolve a system failure are limited to what is necessary to resolve the failure and must meet, to the maximum extent practicable, the requirements of the repair code in effect when the repair is made, subject to the exceptions specified in s. 381.0065(4)(g). An engineer-designed performance-based treatment system to reduce nutrients may not be required as an alternative remediation measure to resolve the failure of a conventional system.*

*(d) Exemptions.—*

*1. The local ordinance shall exempt from the evaluation requirements any system that is required to obtain an operating permit pursuant to state law or that is inspected by the department pursuant to the annual permit inspection requirements of chapter 513.*

*2. The local ordinance may provide for an exemption or an extension of time to obtain an evaluation and assessment if connection to a sewer system is available, connection to the sewer system is imminent, and written arrangements for payment of any utility assessments or connection fees have been made by the system owner.*

*3. An onsite sewage treatment and disposal system serving a residential dwelling unit on a lot with a ratio of one bedroom per acre or greater is exempt from the requirements of this section and may not be included in any onsite sewage treatment and disposal system inspection program.*

*(7) The following procedures shall be used for conducting evaluations:*

*(a) Tank evaluation.—The tank evaluation shall assess the apparent structural condition and watertightness of the tank and shall estimate the size of the tank. The evaluation must include a pump-out. However, an ordinance may not require a pump-out if there is documentation indicating that a tank pump-out or a permitted new installation, repair, or modification of the system has occurred within the previous 5 years, identifying the capacity of the tank, and indicating that the condition of the tank is structurally sound and watertight. Visual inspection of the tank must be made when the tank is empty to detect cracks, leaks, or other defects. Baffles or tees must be checked to ensure that they are intact and secure. The evaluation shall note the presence and condition of outlet devices, effluent filters, and compartment walls; any structural defect in the tank; the condition and fit of the tank lid, including manholes; whether surface water can infiltrate the tank; and whether the tank was pumped out. If the tank, in the opinion of the qualified contractor, is in danger of being damaged by leaving the tank empty after inspection, the tank shall be refilled before concluding the inspection. Broken or damaged lids or manholes shall be replaced without obtaining a repair permit.*

*(b) Drainfield evaluation.—The drainfield evaluation must include a determination of the approximate size and location of the drainfield. The evaluation shall state whether there is any sewage or effluent visible on the ground or discharging to a ditch or other water body and the location of any downspout or other source of water near or in the vicinity of the drainfield.*

*(c) Special circumstances.—If the system contains pumps, siphons, or alarms, the following information may be provided at the request of the homeowner:*

*1. An assessment of dosing tank integrity, including the approximate volume and the type of material used in the tank's construction;*

*2. Whether the pump is elevated off the bottom of the chamber and its operational status;*

*3. Whether the system has a check valve and purge hole; and*

*4. Whether the system has a high-water alarm, and if so whether the alarm is audio or visual or both, the location and operational condition of the alarm, and whether the electrical connections to the alarm appear satisfactory.*

*If the homeowner does not request this information, the qualified contractor and its employee are not liable for any damages directly relating from a failure of the system's pumps, siphons, or alarms. This exclusion of liability must be stated on the front cover of the report required under paragraph (d).*

*(d) Assessment procedure.—All evaluation procedures used by a qualified contractor shall be documented in the environmental health database of the Department of Health. The qualified contractor shall provide a copy of a written, signed evaluation report to the property owner upon completion of the evaluation and to the county health department within 30 days after the evaluation. The report shall contain the name and license number of the company providing the report. A copy of the evaluation report shall be retained by the local county health department for a minimum of 5 years and until a subsequent inspection report is filed. The front cover of the report must identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation of the failure performed by a qualified contractor other than the contractor performing the evaluation. The report must further identify any crack, leak, improper fit, or other defect in the tank, manhole, or lid, and any other damaged or missing component; any sewage or effluent visible on the ground or discharging to a ditch or other surface water body; any downspout, stormwater, or other source of water directed onto or toward the system; and any other maintenance need or condition of the system at the time of the evaluation which, in the opinion of the qualified contractor, would possibly interfere with or restrict any future repair or modification to the existing system. The report shall conclude with an overall assessment of the fundamental operational condition of the system.*

*(8) The county health department shall administer any evaluation program on behalf of a county, or a municipality within the county, that has adopted an evaluation program pursuant to this section. In order to administer the evaluation program, the county or municipality, in consultation with the county health department, may develop a reasonable fee schedule to be used solely to pay for the costs of administering the evaluation program. Such a fee schedule shall be identified in the ordinance that adopts the evaluation program. When arriving at a reasonable fee schedule, the estimated annual revenues to be derived from fees may not exceed reasonable estimated annual costs of the program. Fees shall be assessed to the system owner during an inspection and separately identified on the invoice of the qualified contractor. Fees shall be remitted by the qualified contractor to the county health department. The county health department's administrative responsibilities include the following:*

*(a) Providing a notice to the system owner at least 60 days before the system is due for an evaluation. The notice may include information on the proper maintenance of onsite sewage treatment and disposal systems.*

*(b) In consultation with the Department of Health, providing uniform disciplinary procedures and penalties for qualified contractors who do not comply with the requirements of the adopted ordinance, including, but not limited to, failure to provide the evaluation report as required in this subsection to the system owner and the county health department. Only the county health department may assess penalties against system owners for failure to comply with the adopted ordinance, consistent with existing requirements of law.*

*(9)(a) A county or municipality that adopts an onsite sewage treatment and disposal system evaluation and assessment program pursuant to this section shall notify the Secretary of Environmental Protection, the Department of Health, and the applicable county health department upon the adoption of its ordinance establishing the program.*

*(b) Upon receipt of the notice under paragraph (a), the Department of Environmental Protection shall, within existing resources, notify the county or municipality of the potential use of, and access to, program funds under the Clean Water State Revolving Fund or s. 319 of the Clean*

*Water Act, provide guidance in the application process to receive such moneys, and provide advice and technical assistance to the county or municipality on how to establish a low-interest revolving loan program or how to model a revolving loan program after the low-interest loan program of the Clean Water State Revolving Fund. This paragraph does not obligate the Department of Environmental Protection to provide any county or municipality with money to fund such programs.*

*(c) The Department of Health may not adopt any rule that alters the provisions of this section.*

*(d) The Department of Health must allow county health departments and qualified contractors access to the environmental health database to track relevant information and assimilate data from assessment and evaluation reports of the overall condition of onsite sewage treatment and disposal systems. The environmental health database must be used by contractors to report each service and evaluation event and by a county health department to notify owners of onsite sewage treatment and disposal systems when evaluations are due. Data and information must be recorded and updated as service and evaluations are conducted and reported.*

*(10) This section does not:*

*(a) Limit county and municipal home rule authority to act outside the scope of the evaluation and assessment program set forth in this section;*

*(b) Repeal or affect any other law relating to the subject matter of onsite sewage treatment and disposal systems; or*

*(c) Prohibit a county or municipality from:*

*1. Enforcing existing ordinances or adopting new ordinances relating to onsite sewage treatment facilities to address public health and safety if such ordinances do not repeal, suspend, or alter the requirements or limitations of this section.*

*2. Adopting local environmental and pollution abatement ordinances for water quality improvement as provided for by law if such ordinances do not repeal, suspend, or alter the requirements or limitations of this section.*

*3. Exercising its independent and existing authority to meet the requirements of s. 381.0065.*

Section 35. *Section 381.00656, Florida Statutes, is repealed.*

Section 36. Subsection (2) of section 381.0066, Florida Statutes, is amended to read:

381.0066 Onsite sewage treatment and disposal systems; fees.—

(2) The minimum fees in the following fee schedule apply until changed by rule by the department within the following limits:

(a) Application review, permit issuance, or system inspection, including repair of a subsurface, mound, filled, or other alternative system or permitting of an abandoned system: a fee of not less than $25, or more than $125.

~~(b) A 5-year evaluation report submitted pursuant to s. 381.0065(5): a fee not less than $15, or more than $30. At least $1 and no more than $5 collected pursuant to this paragraph shall be used to fund a grant program established under s. 381.00656.~~

*(b)*~~(c)~~ Site evaluation, site reevaluation, evaluation of a system previously in use, or a per annum septage disposal site evaluation: a fee of not less than $40, or more than $115.

*(c)*~~(d)~~ Biennial Operating permit for aerobic treatment units or performance-based treatment systems: a fee of not more than $100.

*(d)*~~(e)~~ Annual operating permit for systems located in areas zoned for industrial manufacturing or equivalent uses or where the system is expected to receive wastewater which is not domestic in nature: a fee of not less than $150, or more than $300.

*(e)*~~(f)~~ Innovative technology: a fee not to exceed $25,000.

*(f)*~~(g)~~ Septage disposal service, septage stabilization facility, portable or temporary toilet service, tank manufacturer inspection: a fee of not less than $25, or more than $200, per year.

*(g)*~~(h)~~ Application for variance: a fee of not less than $150, or more than $300.

*(h)*~~(i)~~ Annual operating permit for waterless, incinerating, or organic waste composting toilets: a fee of not less than *$15* ~~$50~~, or more than *$30* ~~$150~~.

*(i)*~~(j)~~ Aerobic treatment unit or performance-based treatment system maintenance entity permit: a fee of not less than $25, or more than $150, per year.

*(j)*~~(k)~~ Reinspection fee per visit for site inspection after system construction approval or for noncompliant system installation per site visit: a fee of not less than $25, or more than $100.

*(k)*~~(l)~~ Research: An additional $5 fee shall be added to each new system construction permit issued to be used to fund onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

*(l)*~~(m)~~ Annual operating permit, including annual inspection and any required sampling and laboratory analysis of effluent, for an engineer-designed performance-based system: a fee of not less than $150, or more than $300.

~~On or before January 1, 2011, the Surgeon General, after consultation with the Revenue Estimating Conference, shall determine a revenue neutral fee schedule for services provided pursuant to s. 381.0065(5) within the parameters set in paragraph (b). Such determination is not subject to the provisions of chapter 120.~~ The funds collected pursuant to this subsection must be deposited in a trust fund administered by the department, to be used for the purposes stated in this section and ss. 381.0065 and 381.00655.

And the title is amended as follows:

Delete lines 3930-3932 and insert: treatment and disposal systems; deleting legislative intent; defining the term "bedroom"; conforming cross-references; conforming provisions to changes made by the act; providing for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property; providing conditions under which governmental entities are prohibited from requiring certain inspections and systems; providing applicability; providing an exception; providing circumstances in which an onsite sewage treatment and disposal system is not considered abandoned; providing for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system, under certain conditions; providing that a system modification, replacement, or upgrade is not required unless a bedroom is added to a single-family home; deleting provisions requiring the department to administer an evaluation and assessment program of onsite sewage treatment and disposal systems and requiring property owners to have such systems evaluated at least once every 5 years; deleting obsolete provisions; creating s. 381.00651, F.S.; requiring a county or municipality containing a first magnitude spring to adopt by ordinance, under certain circumstances, the program for the periodic evaluation and assessment of onsite sewage treatment and disposal systems; requiring the county or municipality to notify the Secretary of State of the ordinance; authorizing a county or municipality, in specified circumstances, to opt out by a vote of 60 percent of the governing board; authorizing a county or municipality to adopt or repeal, after a specified date, an ordinance creating an evaluation and assessment program, subject to notification of the Secretary of State; providing criteria for evaluations, qualified contractors, and repair of systems; providing for certain procedures and exemptions in special circumstances; defining the term "system failure"; requiring that certain procedures be used for conducting tank and drainfield evaluations; providing for certain procedures in special circumstances; providing for contractor immunity from liability under certain conditions; providing for assessment procedures; providing re-

quirements for county health departments; requiring the Department of Health to allow county health departments and qualified contractors to access the state database to track data and evaluation reports; requiring counties and municipalities to notify the Secretary of Environmental Protection and the Department of Health when an evaluation program ordinance is adopted; requiring the Department of Environmental Protection to notify those counties or municipalities of the use of, and access to, certain state and federal program funds and to provide certain guidance and technical assistance upon request; prohibiting the adoption of certain rules by the Department of Health; providing for applicability; repealing s. 381.00656, F.S., relating to a grant program for the repair of onsite sewage treatment and disposal systems; amending s. 381.0066, F.S.; lowering the fees imposed by the department for certain permits; conforming cross-references; amending s. 381.0068, F.S.; deleting a date by

**MOTION**

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

Senator Sobel moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1D (896382) (with title amendment)**—Between lines 2986 and 2987 insert:

Section 92. Effective January 3, 2013, subsection (3) of section 458.309, Florida Statutes, is amended to read:

458.309 Rulemaking authority.—

(3) *A physician* ~~All physicians~~ who *performs liposuction procedures in which more than 1,000 cubic centimeters of supernatant fat is removed,* ~~perform~~ level 2 procedures lasting more than 5 minutes, and all level 3 surgical procedures in an office setting must register the office with the department unless that office is licensed as a facility *under* ~~pursuant to~~ chapter 395. The department shall inspect the physician's office annually unless the office is accredited by a nationally recognized accrediting agency or an accrediting organization subsequently approved by the Board of Medicine. The actual costs for registration and inspection or accreditation shall be paid by the person seeking to register and operate the office setting in which office surgery is performed.

Section 93. Effective January 3, 2013, subsection (2) of section 459.005, Florida Statutes, is amended to read:

459.005 Rulemaking authority.—

(2) *A physician* ~~All physicians~~ who *performs liposuction procedures in which more than 1,000 cubic centimeters of supernatant fat is removed,* ~~perform~~ level 2 procedures lasting more than 5 minutes, and all level 3 surgical procedures in an office setting must register the office with the department unless that office is licensed as a facility *under* ~~pursuant to~~ chapter 395. The department shall inspect the physician's office annually unless the office is accredited by a nationally recognized accrediting agency or an accrediting organization subsequently approved by the Board of Osteopathic Medicine. The actual costs for registration and inspection or accreditation shall be paid by the person seeking to register and operate the office setting in which office surgery is performed.

And the title is amended as follows:

Delete line 4151 and insert: references; amending ss. 458.309 and 459.005, F.S.; requiring that a physician or osteopathic physician who performs certain medical procedures in an office setting register the office with the Department of Health unless that office is licensed as a facility under ch. 395, F.S., relating to hospital licensing and regulation; repealing s. 458.346, F.S., which created

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1263** as amended was placed on the calendar of Bills on Third Reading.

---

Consideration of **CS for SB 2074** was deferred.

---

**CS for SB 1312**—A bill to be entitled An act relating to administrative authority; providing legislative findings; providing legislative intent; amending s. 20.02, F.S.; clarifying the authority of the Governor; amending s. 20.03, F.S.; revising the definition of the terms "head of the department" and "secretary"; defining the term "to serve at the pleasure"; clarifying supervisory powers of appointing authority; amending s. 20.05, F.S., relating to powers and duties of department heads; incorporating constitutional allocation of executive authority; creating s. 120.515, F.S.; declaring policy regarding executive authority with respect to the Administrative Procedure Act; amending s. 120.52, F.S.; revising the term "agency head" to clarify supervisory powers of the appointing authority; amending s. 11.242, F.S.; providing for removal of duplicative, redundant, or unused rulemaking authority as part of the reviser's bill process; repealing s. 14.34(3), F.S., relating to the Governor's Medal of Merit; repealing rulemaking authority; amending s. 15.16, F.S.; deleting authority of the Department of State to adopt rules relating to the issuance of apostilles; repealing s. 15.18(7), F.S., relating to international and cultural relations; repealing rulemaking authority of the Secretary of State with respect to entering into contracts that are primarily for promotional services and events; amending s. 16.60, F.S.; deleting authority of the Attorney General to adopt rules relating to mediation proceedings; repealing s. 17.0416(2), F.S., relating to the authority to provide services on a fee basis; repealing rulemaking authority of the Department of Financial Services with respect thereto; repealing s. 17.59(3), F.S., relating to safekeeping services; repealing rulemaking authority of the Chief Financial Officer for the proper management and maintenance of the collateral management service; repealing s. 25.371, F.S., relating to the effect of rules adopted by the Supreme Court on statutory provisions; repealing s. 28.43, F.S., relating to the adoption of rules in relation to ss. 28.35, 28.36, and 28.37, relating to duties of the Florida Clerks of Court Operations Corporation and clerks of the court; repealing s. 35.07, F.S., relating to power of the district courts of appeal to make rules and regulations; repealing s. 39.001(11), F.S., relating to rulemaking authority of Executive Office of the Governor with respect to the protection of children under chapter 39; amending s. 39.0137, F.S.; deleting rulemaking authority of the Department of Children and Family Services with respect to enforcement of the federal Indian Child Welfare Act and federal Multi-Ethnic Placement Act of 1994; repealing s. 39.824(1), F.S.; repealing a provision requesting the Supreme Court to adopt rules of juvenile procedure for purposes of pt. XI, ch. 39, relating to guardians ad litem and guardian advocates; amending s. 63.167, F.S.; repealing rulemaking authority of the Department of Children and Family Services relating to the establishment and operation of the state adoption information center; repealing s. 88.9051, F.S., relating to authority of the Department of Revenue to adopt rules to implement the Uniform Interstate Family Support Act; amending ss. 97.026, 97.0555, and 97.061, F.S.; repealing rulemaking authority of the Department of State under the Election Code; repealing s. 101.56062(3), F.S.; repealing rulemaking authority of the department relating to standards for accessible voting systems; amending ss. 103.101 and 106.165, F.S.; repealing rulemaking authority of the department relating to conduct of the presidential preference primary and use of closed captioning and descriptive narrative in television broadcasts; amending s. 110.1055, F.S., relating to rulemaking authority of the Department of Management Services with respect to chapter 110, relating to state employment; deleting obsolete language; repealing s. 110.1099(5), F.S.; repealing rulemaking authority of the department relating to education and training opportunities for state employees; repealing s. 110.1228(7), F.S.; repealing rulemaking authority of the department relating to participation in the state group health insurance and prescription drug coverage programs by small counties, small municipalities, and district school boards located in small counties; amending s. 110.12301, F.S.; repealing rulemaking authority of the department relating to dependent eligibility verification services for the state group insurance program; repealing s. 112.1915(4), F.S.; repealing rulemaking authority of the State Board of Education relating to death benefits for teachers and school administrators; amending s. 118.12, F.S.; repealing rulemaking authority of the Department of Revenue relating to certification of a civil-law notary's authority; repealing s. 121.085(1), F.S.; repealing authority of the Department of Management Services relating to submission of information

necessary to establish a member's claim of creditable service under the Florida Retirement System; repealing s. 121.1001(4)(b), F.S.; repealing rulemaking authority of the Division of Retirement relating to administration of the Florida Retirement System Preservation of Benefits Plan; repealing s. 121.4503(3), F.S.; repealing rulemaking authority of the Department of Management Services relating to the Florida Retirement System Contributions Clearing Trust Fund; amending s. 121.5911, F.S.; deleting rulemaking authority of the department relating to maintaining the qualified status of the disability retirement program and the Florida Retirement System Pension Plan; repealing s. 125.902(4), F.S.; repealing rulemaking authority of the Department of Children and Family Services relating to children's services council or juvenile welfare board incentive grants; repealing s. 154.503(4), F.S.; repealing rulemaking authority of the Department of Health relating to the Primary Care for Children and Families Challenge Grant Program; amending s. 159.8081, F.S.; repealing rulemaking authority of the Department of Economic Opportunity relating to the manufacturing facility bond pool; amending s. 159.8083, F.S.; repealing rulemaking authority of the department relating to the Florida First Business allocation pool; repealing s. 159.825(3), F.S.; repealing rulemaking authority of the State Board of Administration relating to terms of bonds; repealing s. 161.75, F.S.; repealing rulemaking authority of the Department of Environmental Regulation and the Fish and Wildlife Conservation Commission relating to the Oceans and Coastal Resources Act; repealing s. 163.462, F.S.; repealing rulemaking authority of the Department of Community Affairs relating to the Community Redevelopment Act of 1969; repealing s. 163.517(6), F.S.; repealing rulemaking authority of the Department of Legal Affairs relating to the Safe Neighborhoods Program; repealing s. 175.341(2), F.S.; repealing rulemaking authority of the Division of Retirement relating to firefighter pensions; repealing s. 177.504(2)(e), F.S.; repealing rulemaking authority of the Department of Environmental Protection relating to the Florida Public Land Survey Restoration and Perpetuation Act; repealing s. 185.23(2), F.S.; repealing rulemaking authority of the Division of Retirement relating to municipal police pensions; repealing s. 255.25001(2), F.S.; repealing rulemaking authority of the Department of Management Services relating to determining whether a lease-purchase of a state-owned office building is in the best interests of the state; repealing s. 257.34(7), F.S.; repealing rulemaking authority of the Division of Library and Information Services of the Department of State relating to the Florida International Archive and Repository; repealing s. 364.0135(6), F.S.; repealing rulemaking authority of the Department of Management Services relating to the promotion of broadband adoption; amending s. 366.85, F.S.; repealing rulemaking authority of the Division of Consumer Services of the Department of Agriculture and Consumer Services relating to the Florida Energy Efficiency and Conservation Act; repealing s. 409.5092, F.S.; repealing rulemaking authority of the Department of Children and Family Services relating to permission for weatherization; amending s. 501.142, F.S.; repealing rulemaking authority of the Department of Agriculture and Consumer Services relating to retail sales establishments and authority to sanction violations of such rules; amending s. 985.682, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Amendments were considered and failed to conform **CS for SB 1312** to **CS for HB 7055**.

**SENATOR BENNETT PRESIDING**

**THE PRESIDENT PRESIDING**

Pending further consideration of **CS for SB 1312**, on motion by Senator Gaetz, by two-thirds vote **CS for HB 7055** was withdrawn from the Committees on Governmental Oversight and Accountability; Judiciary; and Budget.

On motion by Senator Gaetz—

**CS for HB 7055**—A bill to be entitled An act relating to administrative authority; providing legislative findings; providing legislative intent; amending s. 20.02, F.S.; clarifying the authority of the Governor; amending s. 20.03, F.S.; revising the definition of the terms "head of the department" and "secretary"; defining the term "to serve at the pleasure"; clarifying supervisory powers of appointing authority; amending s. 20.05, F.S., relating to powers and duties of department heads; incorporating constitutional allocation of executive authority; creating s. 120.515, F.S.; declaring policy regarding executive authority with respect to the Administrative Procedure Act; amending s. 120.52, F.S.; revising the term "agency head" to clarify supervisory powers of the appointing authority; amending s. 11.242, F.S.; providing for removal of duplicative, redundant, or unused rulemaking authority as part of the reviser's bill process; repealing s. 14.34(3), F.S., relating to the Governor's Medal of Merit; repealing rulemaking authority; amending s. 15.16, F.S.; deleting authority of the Department of State to adopt rules relating to the issuance of apostilles; repealing s. 15.18(7), F.S., relating to international and cultural relations; repealing rulemaking authority of the Secretary of State with respect to entering into contracts that are primarily for promotional services and events; amending s. 16.60, F.S.; deleting authority of the Attorney General to adopt rules relating to mediation proceedings; repealing s. 17.0416(2), F.S., relating to the authority to provide services on a fee basis; repealing rulemaking authority of the Department of Financial Services with respect thereto; repealing s. 17.59(3), F.S., relating to safekeeping services; repealing rulemaking authority of the Chief Financial Officer for the proper management and maintenance of the collateral management service; repealing s. 25.371, F.S., relating to the effect of rules adopted by the Supreme Court on statutory provisions; repealing s. 28.43, F.S., relating to the adoption of rules in relation to ss. 28.35, 28.36, and 28.37, relating to duties of the Florida Clerks of Court Operations Corporation and clerks of the court; repealing s. 35.07, F.S., relating to power of the district courts of appeal to make rules and regulations; repealing s. 39.001(11), F.S., relating to rulemaking authority of Executive Office of the Governor with respect to the protection of children under chapter 39; amending s. 39.0137, F.S.; deleting rulemaking authority of the Department of Children and Family Services with respect to enforcement of the federal Indian Child Welfare Act and federal Multi-Ethnic Placement Act of 1994; repealing s. 39.824(1), F.S.; repealing a provision requesting the Supreme Court to adopt rules of juvenile procedure for purposes of pt. XI, ch. 39, relating to guardians ad litem and guardian advocates; amending s. 63.167, F.S.; repealing rulemaking authority of the Department of Children and Family Services relating to the establishment and operation of the state adoption information center; repealing s. 88.9051, F.S., relating to authority of the Department of Revenue to adopt rules to implement the Uniform Interstate Family Support Act; amending ss. 97.026, 97.0555, and 97.061, F.S.; repealing rulemaking authority of the Department of State under the Election Code; repealing s. 101.56062(3), F.S.; repealing rulemaking authority of the department relating to standards for accessible voting systems; amending ss. 103.101 and 106.165, F.S.; repealing rulemaking authority of the department relating to conduct of the presidential preference primary and use of closed captioning and descriptive narrative in television broadcasts; amending s. 110.1055, F.S., relating to rulemaking authority of the Department of Management Services with respect to chapter 110, relating to state employment; deleting obsolete language; repealing s. 110.1099(5), F.S.; repealing rulemaking authority of the department relating to education and training opportunities for state employees; repealing s. 110.1228(7), F.S.; repealing rulemaking authority of the department relating to participation in the state group health insurance and prescription drug coverage programs by small counties, small municipalities, and district school boards located in small counties; amending s. 110.12301, F.S.; repealing rulemaking authority of the department relating to dependent eligibility verification services for the state group insurance program; repealing s. 112.1915(4), F.S.; repealing rulemaking authority of the State Board of Education relating to death benefits for teachers and school administrators; amending s. 118.12, F.S.; repealing rulemaking authority of the Department of Revenue relating to certification of a civil-law notary's authority; repealing s. 121.085(1), F.S.; repealing authority of the Department of Management Services relating to submission of information necessary to establish a member's claim of creditable service under the Florida Retirement System; repealing s. 121.1001(4)(b), F.S.; repealing rulemaking authority of the Division of Retirement relating to administration of the Florida Retirement System Preservation of Benefits Plan; repealing s. 121.4503(3), F.S.; repealing rulemaking authority of the Department of Management Services relating to the Florida Retirement System Contributions Clearing Trust Fund; amending s.

121.5911, F.S.; deleting rulemaking authority of the department relating to maintaining the qualified status of the disability retirement program and the Florida Retirement System Pension Plan; repealing s. 125.902(4), F.S.; repealing rulemaking authority of the Department of Children and Family Services relating to children's services council or juvenile welfare board incentive grants; repealing s. 154.503(4), F.S.; repealing rulemaking authority of the Department of Health relating to the Primary Care for Children and Families Challenge Grant Program; amending s. 159.8081, F.S.; repealing rulemaking authority of the Department of Economic Opportunity relating to the manufacturing facility bond pool; amending s. 159.8083, F.S.; repealing rulemaking authority of the department relating to the Florida First Business allocation pool; repealing s. 159.825(3), F.S.; repealing rulemaking authority of the State Board of Administration relating to terms of bonds; repealing s. 161.75, F.S.; repealing rulemaking authority of the Department of Environmental Regulation and the Fish and Wildlife Conservation Commission relating to the Oceans and Coastal Resources Act; repealing s. 163.462, F.S.; repealing rulemaking authority of the Department of Community Affairs relating to the Community Redevelopment Act of 1969; repealing s. 163.517(6), F.S.; repealing rulemaking authority of the Department of Legal Affairs relating to the Safe Neighborhoods Program; repealing s. 175.341(2), F.S.; repealing rulemaking authority of the Division of Retirement relating to firefighter pensions; repealing s. 177.504(2)(e), F.S.; repealing rulemaking authority of the Department of Environmental Protection relating to the Florida Public Land Survey Restoration and Perpetuation Act; repealing s. 185.23(2), F.S.; repealing rulemaking authority of the Division of Retirement relating to municipal police pensions; repealing s. 255.25001(2), F.S.; repealing rulemaking authority of the Department of Management Services relating to determining whether a lease-purchase of a state-owned office building is in the best interests of the state; repealing s. 257.34(7), F.S.; repealing rulemaking authority of the Division of Library and Information Services of the Department of State relating to the Florida International Archive and Repository; repealing s. 364.0135(6), F.S.; repealing rulemaking authority of the Department of Management Services relating to the promotion of broadband adoption; amending s. 366.85, F.S.; repealing rulemaking authority of the Division of Consumer Services of the Department of Agriculture and Consumer Services relating to the Florida Energy Efficiency and Conservation Act; repealing s. 409.5092, F.S.; repealing rulemaking authority of the Department of Children and Family Services relating to permission for weatherization; amending s. 501.142, F.S.; repealing rulemaking authority of the Department of Agriculture and Consumer Services relating to retail sales establishments and authority to sanction violations of such rules; amending s. 985.682, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1312** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7055** was placed on the calendar of Bills on Third Reading.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 to House Amendment 1, concurred in the same as amended, and passed CS for SB 4 as further amended, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

**CS for SB 4**—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on the payment of fees and costs related to the claim against the Broward County Sheriff's Office; providing legislative intent regarding lien interests held by the state; providing an effective date.

**House Amendment 1 to Senate Amendment 1 to House Amendment 1 (166467)**—Remove lines 13-28 and insert: *Thieman from any further liability. No part of the amount awarded under this act may be used toward the payment of attorney fees, lobbying fees, costs, or other similar expenses incurred on behalf of the Guardianship of Eric Brody in pursuit of this claim or the related underlying litigation.*

Section 4. *It is the intent of the Legislature that the lien interests relating to the claim of the Guardianship of Eric Brody for the treatment and care of Eric Brody, including Medicaid liens, are hereby waived or extinguished.*

On motion by Senator Benacquisto, the Senate concurred in **House Amendment 1 to Senate Amendment 1 to House Amendment 1 (166467**).

**CS for SB 4** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

| | | |
|---|---|---|
| Bennett | Gaetz | Wise |

Vote after roll call:

Nay—Oelrich

## SPECIAL ORDER CALENDAR

**CS for CS for SB 1718**—A bill to be entitled An act relating to parent empowerment in education; amending s. 1001.10, F.S.; conforming a cross-reference; amending s. 1002.20, F.S.; authorizing parents of students who are assigned to certain underperforming public schools to submit a petition to the school district requesting implementation of a school turnaround option; requiring a school district, upon request, to provide a parent with a performance evaluation for each classroom teacher assigned to his or her child; requiring notification to the parent of each student who is assigned to a classroom teacher who is teaching out-of-field or who has received unsatisfactory performance evaluations; requiring such notification to include information about the availability of virtual instruction; amending s. 1002.32, F.S.; correcting a cross-reference; amending s. 1002.33, F.S.; requiring charter schools to be in compliance with statutes relating to notifications and assignment of teachers; creating s. 1003.07, F.S., the Parent Empowerment Act; requiring each school district to notify parents of students attending a lowest-performing school that has been unable to improve performance and must implement a school turnaround option; authorizing parents to submit a petition requesting implementation of an available school turnaround option; providing requirements for submission of a petition and its consideration and adoption by the district school board; requiring the State Board of Education to adopt rules for the petition process and specifying requirements therefor; amending s. 1008.33, F.S.; identifying the options for improving a school identified in the lowest-performing category as school turnaround options; authorizing parents to submit a petition to the school district to implement a school turnaround option; amending s. 1012.2315, F.S.; requiring that each district school board adopt rules to implement an assistance plan for out-of-field classroom teachers and requiring their participation in certain programs; requiring that the school district annually notify the parent of each student as-

signed to an out-of-field classroom teacher or a classroom teacher who has received unsatisfactory performance evaluations; requiring such notification to include information about the availability of virtual instruction; requiring that a school district, upon request, provide a parent with the performance evaluation of each classroom teacher assigned to his or her child; prohibiting the consecutive assignment of students to classroom teachers who receive certain performance evaluations; repealing s. 1012.42, F.S., relating to teachers teaching out-of-field; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senators Benacquisto, Latvala, Flores, and Evers offered the following amendment which was moved by Senator Benacquisto and adopted:

**Amendment 1 (561460)**—Delete lines 187-190 and insert: *the school turnaround option will be implemented and, according to the district school board's enrollment policies, the student is scheduled the following school year for assignment to that school. A student who is graduating or being promoted out of the current school that is eligible for turnaround and who will not be enrolled in the school the following school year is not considered an eligible student.*

**SENATOR GARDINER PRESIDING**

**MOTION**

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

Senators Benacquisto, Latvala, Flores, and Evers offered the following amendment which was moved by Senator Benacquisto and adopted:

**Amendment 2 (938018)**—Between lines 216 and 217 insert:

*(f) A signature gatherer may not offer monetary compensation, rewards, or promise of employment to parents for signing a petition.*

The vote was:

Yeas—21

| | | |
|---|---|---|
| Mr. President | Evers | Negron |
| Alexander | Flores | Norman |
| Altman | Gaetz | Richter |
| Benacquisto | Garcia | Simmons |
| Bennett | Gardiner | Storms |
| Bogdanoff | Hays | Thrasher |
| Diaz de la Portilla | Latvala | Wise |

Nays—19

| | | |
|---|---|---|
| Braynon | Jones | Ring |
| Bullard | Joyner | Sachs |
| Dean | Lynn | Siplin |
| Detert | Margolis | Smith |
| Dockery | Montford | Sobel |
| Fasano | Oelrich | |
| Gibson | Rich | |

**THE PRESIDENT PRESIDING**

**MOTION**

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

Senators Benacquisto, Latvala, Flores, and Evers offered the following amendments which were moved by Senator Benacquisto and adopted:

**Amendment 3 (965320)**—Delete line 216 and insert: *if asked, must disclose the organization he or she represents. A for-profit corporation, business, or entity is prohibited from gathering signatures and paying others to gather signatures.*

**Amendment 4 (404694) (with title amendment)**—Delete line 418 and insert: *unsatisfactory in the preceding school year. For purposes of implementation, the initial year of eligible schools subject to the provisions of s. 1003.07 are the schools that received a grade of "F" pursuant to s. 1008.34 in the 2010-2011 and 2011-2012 school years and were not previously exempted in this paragraph.*

And the title is amended as follows:

Delete line 51 and insert: performance evaluations; providing for conditions for implementation of the act; repealing s. 1012.42, F.S.,

Senator Sobel moved the following amendment:

**Amendment 5 (475000) (with directory and title amendments)**—Between lines 148 and 149 insert:

*(27) SCHOOL TURNAROUND OPTION.—The provisions of s. 1003.07, the Parent Empowerment Act, apply to all charter schools in this state. The model petition form adopted by rule of the State Board of Education shall be used for purposes of any school turnaround option selected by the parents of the students of a charter school as provided in this subsection, and signed petitions shall be submitted to the governing board of the charter school for verification within the timeframes provided in s. 1003.07.*

And the directory clause is amended as follows:

Delete line 128 and insert: 1002.33, Florida Statutes, is amended, present subsection (27) of that section is renumbered as subsection (28),and a new subsection (27) is added to that section, to read:

And the title is amended as follows:

Delete line 20 and insert: assignment of teachers; authorizing the parents of students in a charter school to submit signed petitions to the governing board of the charter school for purposes of selecting a charter school turnaround option; creating s. 1003.07, F.S.; the

**MOTION**

Senator Bullard moved that **CS for CS for SB 1718** be laid on the table.

The President referred the motion to Senator Thrasher, Chair of the Committee on Rules.

On motion by Senator Benacquisto, further consideration of **CS for CS for SB 1718** with pending **Amendment 5 (457000)** and pending motion by Senator Bullard was deferred.

---

**CS for CS for CS for SB 1358**—A bill to be entitled An act relating to drug-free workplaces; amending s. 112.0455, F.S.; revising the definition of the term "job applicant," defining the term "random testing," and removing the definition of the term "safety-sensitive position" for purposes of the Drug-Free Workplace Act; requiring drug testing to be conducted within each state agency's appropriation; authorizing a state agency to conduct random drug testing every 3 months; providing testing selection requirements; removing provisions prohibiting a state agency from discharging or disciplining an employee under certain circumstances based on the employee's first positive confirmed drug test; removing provisions limiting the circumstances under which an agency may discharge an employee in a special risk or safety-sensitive position; providing that an agency may discharge or discipline an employee following a first-time positive confirmed drug test result; authorizing an agency to refer an employee to an employee assistance program or an alcohol and drug rehabilitation program if the employee is not discharged; requiring participation in an employee assistance program or an alcohol and drug rehabilitation program at the employee's own expense or at the expense of a health insurance plan; requiring the em-

ployer to determine if the employee is able to safely and effectively perform the job duties assigned to the employee while the employee is participating in the employee assistance program or alcohol and drug rehabilitation program; deeming that certain specified job activities cannot be performed safely and effectively while the employee is participating in the employee assistance program or alcohol and drug rehabilitation program; requiring the employer to transfer the employee to a job assignment that he or she can perform safely and effectively while the employee participates in the employee assistance program or alcohol and drug rehabilitation program; requiring the employer to place the employee on leave status while the employee is participating in an employee assistance program or an alcohol and drug rehabilitation program if such a position is unavailable; authorizing the employee to use accumulated leave credits before being placed on leave without pay; amending s. 440.102, F.S.; revising the definition of the term "job applicant" as it pertains to a public employer; removing the definition of the term "safety-sensitive position" and replacing it with the definition for the term "mandatory-testing position"; providing that an employer remains qualified for an insurer rate plan that discounts rates for workers' compensation and employer's liability insurance policies if the employer maintains a drug-free workplace program that is broader in scope than that provided for by the standards and procedures established in the act; authorizing a public employer, using an unbiased selection procedure, to conduct random drug tests of employees occupying mandatory-testing or special-risk positions if the testing is performed in accordance with drug-testing rules adopted by the Agency for Health Care Administration; requiring that a public sector employer assign a public sector employee to a position other than a mandatory-testing position if the employee enters an employee assistance program or drug and alcohol rehabilitation program; amending s. 944.474, F.S.; revising provisions governing employees of the state correctional system, to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1358**, on motion by Senator Hays, by two-thirds vote **CS for CS for CS for HB 1205** was withdrawn from the Committees on Health Regulation; Governmental Oversight and Accountability; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Hays—

**CS for CS for CS for HB 1205**—A bill to be entitled An act relating to drug-free workplaces; amending s. 112.0455, F.S.; revising the definition of the term "job applicant," defining the term "random testing," and removing the definition of the term "safety-sensitive position" for purposes of the Drug-Free Workplace Act; requiring drug testing to be conducted within each state agency's appropriation; authorizing a state agency to conduct random drug testing every 3 months; providing testing selection requirements; removing provisions prohibiting a state agency from discharging or disciplining an employee under certain circumstances based on the employee's first positive confirmed drug test; removing provisions limiting the circumstances under which an agency may discharge an employee in a special risk or safety-sensitive position; providing that an agency may discharge or discipline an employee following a first-time positive confirmed drug test result; authorizing an agency to refer an employee to an employee assistance program or an alcohol and drug rehabilitation program if the employee is not discharged; requiring participation in an employee assistance program or an alcohol and drug rehabilitation program at the employee's own expense or at the expense of a health insurance plan; requiring the employer to determine if the employee is able to safely and effectively perform the job duties assigned to the employee while the employee is participating in the employee assistance program or alcohol and drug rehabilitation program; deeming that certain specified job activities cannot be performed safely and effectively while the employee is participating in the employee assistance program or alcohol and drug rehabilitation program; requiring the employer to transfer the employee to a job assignment that he or she can perform safely and effectively while the employee participates in the employee assistance program or alcohol and drug rehabilitation program; requiring the employer to place the employee on leave status while the employee is participating in an employee assistance program or an alcohol and drug rehabilitation program if such a position is unavailable; authorizing the employee to use accumulated leave credits before being placed on leave without pay; amending s. 440.102, F.S.; revising the definition of the term "job applicant" as it pertains to a public employer; removing the definition of the term "safety-sensitive position" and replacing it with the definition for the term "mandatory-testing position;" providing that an employer remains qualified for an insurer rate plan that discounts rates for workers' compensation and employer's liability insurance policies if the employer maintains a drug-free workplace program that is broader in scope than that provided for by the standards and procedures established in the act; authorizing a public employer, using an unbiased selection procedure, to conduct random drug tests of employees occupying mandatory-testing or special-risk positions if the testing is performed in accordance with drug-testing rules adopted by the Agency for Health Care Administration; requiring that a public sector employer assign a public sector employee to a position other than a mandatory-testing position if the employee enters an employee assistance program or drug and alcohol rehabilitation program; amending s. 944.474, F.S.; revising provisions governing employees of the state correctional system, to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1358** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1205** was placed on the calendar of Bills on Third Reading.

---

**RULING ON MOTION**

On recommendation of Senator Thrasher, Chair of the Committee on Rules, President Haridopolos ruled that Senator Bullard's motion to lay **CS for CS for SB 1718** on the table not be entertained and that the Senate resume consideration of the bill.

The Senate resumed consideration of—

**CS for CS for SB 1718**—A bill to be entitled An act relating to parent empowerment in education; amending s. 1001.10, F.S.; conforming a cross-reference; amending s. 1002.20, F.S.; authorizing parents of students who are assigned to certain underperforming public schools to submit a petition to the school district requesting implementation of a school turnaround option; requiring a school district, upon request, to provide a parent with a performance evaluation for each classroom teacher assigned to his or her child; requiring notification to the parent of each student who is assigned to a classroom teacher who is teaching out-of-field or who has received unsatisfactory performance evaluations; requiring such notification to include information about the availability of virtual instruction; amending s. 1002.32, F.S.; correcting a cross-reference; amending s. 1002.33, F.S.; requiring charter schools to be in compliance with statutes relating to notifications and assignment of teachers; creating s. 1003.07, F.S., the Parent Empowerment Act; requiring each school district to notify parents of students attending a lowest-performing school that has been unable to improve performance and must implement a school turnaround option; authorizing parents to submit a petition requesting implementation of an available school turnaround option; providing requirements for submission of a petition and its consideration and adoption by the district school board; requiring the State Board of Education to adopt rules for the petition process and specifying requirements therefor; amending s. 1008.33, F.S.; identifying the options for improving a school identified in the lowest-performing category as school turnaround options; authorizing parents to submit a petition to the school district to implement a school turnaround option; amending s. 1012.2315, F.S.; requiring that each district school board adopt rules to implement an assistance plan for out-of-field classroom teachers and requiring their participation in certain programs; requiring that the school district annually notify the parent of each student assigned to an out-of-field classroom teacher or a classroom teacher who has received unsatisfactory performance evaluations; requiring such notification to include information about the availability of virtual instruction; requiring that a school district, upon request, provide a parent with the performance evaluation of each classroom teacher assigned to his or her child; prohibiting the consecutive assignment of students to classroom teachers who receive certain performance evaluations; re-

pealing s. 1012.42, F.S., relating to teachers teaching out-of-field; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 5 (475000)** by Senator Sobel failed.

The vote was:

Yeas—18

| | | |
|---|---|---|
| Braynon | Gibson | Rich |
| Bullard | Jones | Ring |
| Dean | Joyner | Sachs |
| Detert | Lynn | Siplin |
| Dockery | Margolis | Smith |
| Fasano | Montford | Sobel |

Nays—22

| | | |
|---|---|---|
| Mr. President | Flores | Oelrich |
| Alexander | Gaetz | Richter |
| Altman | Garcia | Simmons |
| Benacquisto | Gardiner | Storms |
| Bennett | Hays | Thrasher |
| Bogdanoff | Latvala | Wise |
| Diaz de la Portilla | Negron | |
| Evers | Norman | |

Senators Dockery, Lynn, Sachs, Jones, Smith, Joyner, Gibson, Dean, Rich, Sobel, and Margolis offered the following amendment which was moved by Senator Dockery and failed:

**Amendment 6 (958994) (with title amendment)**—Between lines 216 and 217 insert:

*(f) A parent, guardian, student, or representative of an outside entity may not knowingly solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, in exchange for a signature on the petition. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

*(g) A person or outside entity may not knowingly and willfully provide invalid, misleading, or untrue data or information regarding the performance results or performance history of any program, education management company, or turnaround option. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

And the title is amended as follows:

Delete line 27 and insert: turnaround option; prohibiting a parent, guardian, student, or representative of an outside entity from knowingly soliciting or accepting anything of value in exchange for a signature on the petition; prohibiting a person or outside entity from knowingly and willfully providing invalid, misleading, or untrue data or information regarding the performance results or performance history of any program, education management company, or turnaround option; providing penalties; providing requirements for

The vote was:

Yeas—19

| | | |
|---|---|---|
| Braynon | Jones | Sachs |
| Bullard | Joyner | Siplin |
| Dean | Lynn | Smith |
| Detert | Margolis | Sobel |
| Dockery | Montford | Storms |
| Fasano | Rich | |
| Gibson | Ring | |

Nays—21

| | | |
|---|---|---|
| Mr. President | Evers | Negron |
| Alexander | Flores | Norman |
| Altman | Gaetz | Oelrich |
| Benacquisto | Garcia | Richter |
| Bennett | Gardiner | Simmons |
| Bogdanoff | Hays | Thrasher |
| Diaz de la Portilla | Latvala | Wise |

Senator Sobel moved the following amendments which failed:

**Amendment 7 (419936)**—Between lines 216 and 217 insert:

*(f) Before circulating any petitions, the party circulating the petitions must register and provide to the school district the following information:*

*1. The name and permanent address of each person circulating petitions; and*

*2. The name and address of the registered agent of any corporation involved in the solicitation of petitions.*

*The failure to register and provide this information invalidates the petitions.*

**Amendment 8 (404564)**—Between lines 216 and 217 insert:

*(f) Petitions collected pursuant to this section shall be turned in to the superintendent of schools within 48 hours after collection and shall be public records as provided in s. 119.07.*

On motion by Senator Benacquisto, further consideration of **CS for CS for SB 1718** as amended was deferred.

## RECESS

The President declared the Senate in recess at 8:47 p.m. to reconvene at 8:52 p.m.

## CALL TO ORDER

The Senate was called to order by the President at 8:54 p.m. A quorum present.

---

On motion by Senator Benacquisto, the Senate resumed consideration of—

**CS for CS for SB 1718**—A bill to be entitled An act relating to parent empowerment in education; amending s. 1001.10, F.S.; conforming a cross-reference; amending s. 1002.20, F.S.; authorizing parents of students who are assigned to certain underperforming public schools to submit a petition to the school district requesting implementation of a school turnaround option; requiring a school district, upon request, to provide a parent with a performance evaluation for each classroom teacher assigned to his or her child; requiring notification to the parent of each student who is assigned to a classroom teacher who is teaching out-of-field or who has received unsatisfactory performance evaluations; requiring such notification to include information about the availability of virtual instruction; amending s. 1002.32, F.S.; correcting a cross-reference; amending s. 1002.33, F.S.; requiring charter schools to be in compliance with statutes relating to notifications and assignment of teachers; creating s. 1003.07, F.S., the Parent Empowerment Act; requiring each school district to notify parents of students attending a lowest-performing school that has been unable to improve performance and must implement a school turnaround option; authorizing parents to submit a petition requesting implementation of an available school turnaround option; providing requirements for submission of a petition and its consideration and adoption by the district school board; requiring the State Board of Education to adopt rules for the petition process and specifying requirements therefor; amending s. 1008.33, F.S.; identifying the options for improving a school identified in the lowest-performing category as school turnaround options; authorizing parents to submit a

petition to the school district to implement a school turnaround option; amending s. 1012.2315, F.S.; requiring that each district school board adopt rules to implement an assistance plan for out-of-field classroom teachers and requiring their participation in certain programs; requiring that the school district annually notify the parent of each student assigned to an out-of-field classroom teacher or a classroom teacher who has received unsatisfactory performance evaluations; requiring such notification to include information about the availability of virtual instruction; requiring that a school district, upon request, provide a parent with the performance evaluation of each classroom teacher assigned to his or her child; prohibiting the consecutive assignment of students to classroom teachers who receive certain performance evaluations; repealing s. 1012.42, F.S., relating to teachers teaching out-of-field; providing an effective date.

—which was previously considered and amended this day.

**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 9 (679266) (with title amendment)**—Delete lines 127-129 and insert:

Section 4. Paragraph (q) is added to subsection (9) of section 1002.33, Florida Statutes, and paragraph (b) of subsection (16) of that section is amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

*(q) A charter school operator may not be a foreign national principal as defined in 22 U.S.C. s. 611(b), have officers or partners who are not citizens of the United States and who are not lawfully admitted for permanent residence as defined in 8 U.S.C. s. 1101(a)(20), or be registered in a foreign country.*

And the title is amended as follows:

Delete line 18 and insert: s. 1002.33, F.S.; prohibiting a charter school operator from being a foreign national principal, from having officers or partners who are not citizens of the United States and who are not lawfully admitted for permanent residence, or from being registered in a foreign country; requiring charter schools to be in

The vote was:

Yeas—22

| | | |
|---|---|---|
| Braynon | Jones | Sachs |
| Bullard | Joyner | Simmons |
| Dean | Lynn | Siplin |
| Detert | Margolis | Smith |
| Dockery | Montford | Sobel |
| Evers | Norman | Storms |
| Fasano | Oelrich | |
| Gibson | Rich | |

Nays—18

| | | |
|---|---|---|
| Mr. President | Diaz de la Portilla | Latvala |
| Alexander | Flores | Negron |
| Altman | Gaetz | Richter |
| Benacquisto | Garcia | Ring |
| Bennett | Gardiner | Thrasher |
| Bogdanoff | Hays | Wise |

**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:

**Amendment 10 (804864) (with title amendment)**—Delete lines 128-129 and insert: 1002.33, Florida Statutes, is amended, and paragraph (q) is added to subsection (9) of that section, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

*(q) Each charter school operator must have its base of operations in the United States.*

And the title is amended as follows:

Delete line 18 and insert: s. 1002.33, F.S.; requiring a charter school operator to have its base of operations in the United States; requiring charter schools to be in

## POINT OF ORDER

Senator Flores raised a point of order that pursuant to Rule 7.1 **Amendment 10 (804864)** 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.

## RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, President Haridopolos ruled the point well taken and the amendment out of order.

**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:

**Amendment 11 (618802) (with title amendment)**—Between lines 418 and 419 insert:

Section 8. *A charter school that occupies the property of a public school must pay for an appraisal of the public school property to compute the local commercial per square foot rental rate for the public school property. The charter school shall pay the per square foot amount as monthly rent to the local school board to reduce the bonds that are owed.*

And the title is amended as follows:

Delete line 51 and insert: performance evaluations; requiring a charter school that occupies the property of a public school to pay for an appraisal of the property to compute the local commercial per square foot rental rate applicable to structures such as the public school property; requiring the charter school to pay the per square foot amount as monthly rent to the local school board to reduce the bonds that are owed by the school district; repealing s. 1012.42, F.S.,

## POINT OF ORDER

Senator Diaz de la Portilla raised a point of order that pursuant to Rule 7.1 **Amendment 11 (618802)** 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.

## RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, President Haridopolos ruled the point well taken and the amendment out of order.

**MOTION**

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

Senator Gibson moved the following amendment which failed:

**Amendment 12 (628308)**—Delete lines 184-194 and insert:

*(b) Parents of a currently enrolled student may have one vote counted with respect to parent signatures on the petition. An eligible student is a student enrolled in the school in which the school turnaround option will be implemented.*

*1. A parental vote is the signature of one parent unless the other parent objects in writing to the petition vote, in which case the parental vote counts for one-half of the eligible household's vote. The objection must be made before the date the petition*

The vote was:

Yeas—19

| | | |
|---|---|---|
| Braynon | Gibson | Ring |
| Bullard | Jones | Sachs |
| Dean | Joyner | Siplin |
| Detert | Lynn | Smith |
| Dockery | Margolis | Sobel |
| Fasano | Montford | |
| Garcia | Rich | |

Nays—21

| | | |
|---|---|---|
| Mr. President | Evers | Norman |
| Alexander | Flores | Oelrich |
| Altman | Gaetz | Richter |
| Benacquisto | Gardiner | Simmons |
| Bennett | Hays | Storms |
| Bogdanoff | Latvala | Thrasher |
| Diaz de la Portilla | Negron | Wise |

**MOTION**

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

Senator Rich moved the following amendment which was adopted:

**Amendment 13 (415328)**—Delete lines 212-214 and insert: *eligible student shall be treated as valid.*

The vote was:

Yeas—23

| | | |
|---|---|---|
| Bennett | Gibson | Rich |
| Braynon | Jones | Ring |
| Bullard | Joyner | Sachs |
| Dean | Lynn | Siplin |
| Detert | Margolis | Smith |
| Dockery | Montford | Sobel |
| Evers | Norman | Storms |
| Fasano | Oelrich | |

Nays—17

| | | |
|---|---|---|
| Mr. President | Flores | Negron |
| Alexander | Gaetz | Richter |
| Altman | Garcia | Simmons |
| Benacquisto | Gardiner | Thrasher |
| Bogdanoff | Hays | Wise |
| Diaz de la Portilla | Latvala | |

Pursuant to Rule 4.19, **CS for CS for SB 1718** 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 1244** was withdrawn from the Committee on Budget.

## MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 1244** was added to the Special Order Calendar for Friday, March 9.

On motion by Senator Thrasher, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, March 9.

On motion by Senator Thrasher, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, March 9.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special Order Calendar for Thursday, March 8, 2012: CS for CS for SB 1586, CS for CS for SB 1752, SB 80, SB 88, SB 94, CS for CS for CS for SB 202, CS for CS for SB 256, CS for CS for SB 292, CS for SB 378, CS for SB 1782, CS for CS for SB 402, SB 534, CS for SB 646, SB 648, SB 676, CS for CS for CS for SB 716, SJR 720, CS for SB 750, CS for CS for SB 762, CS for SB 770, CS for CS for SB 1208, SB 858, CS for CS for SB 950, CS for CS for SB 964, CS for SB 992, CS for SJR 1064, CS for CS for SB 1146, CS for CS for SB 1166, CS for CS for SB 1180, CS for CS for SB 1206, CS for CS for SB 1252, SB 1268, SB 1274, CS for SB 1286, CS for SB 1314, CS for CS for CS for SB 1358, SB 1360, CS for CS for SB 1398, SB 2086, CS for CS for SB 1408, CS for CS for SB 1416, SB 1470, CS for SB 1312, CS for SJR 1508, CS for CS for CS for SB 1516, CS for CS for SB 1620, CS for CS for SB 1718, CS for CS for CS for SB 1626, CS for SB 1656, CS for CS for SB 2024, CS for CS for SB 1816, CS for SB 1824, SM 1836, CS for CS for SB 1874, CS for SB 2044, CS for SB 2074, CS for CS for CS for SB 2094.

Respectfully submitted,
*John Thrasher*, Chair

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE BUSINESS

**EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:**

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

| *Office and Appointment* | | *For Term Ending* |
|---|---|---|
| Board of Trustees of Miami-Dade College | | |
| Appointee: | Olivera, Armando J., Coral Gables | 05/31/2015 |
| Board of Trustees of St. Johns River State College | | |
| Appointee: | Duren, Joseph M., St. Augustine | 05/31/2014 |
| Board of Trustees of South Lake County Hospital District | | |
| Appointees: | Ballesteros, Tomas J., Clermont | 07/05/2015 |
| | Smith, Linda J., Clermont | 07/05/2015 |
| Florida Inland Navigation District | | |
| Appointee: | Sansom, Jerry H., Rockledge | 01/09/2015 |

**Referred to the Rules Subcommittee on Ethics and Elections.**

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 3 to House Amendment 1 and passed CS for SB 730 as further amended.

*Robert L. "Bob" Ward,* Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

---

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS for CS for CS for HB 1163 as amended; concurred in Senate Amendment 1 and passed CS for HB 517 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 979 as amended; concurred in Senate Amendments 1, 4, and 5 and passed CS for CS for CS for HB 1355 as amended; concurred in Senate Amendment 1 and passed CS for HB 7027 as amended; and concurred in Senate Amendment 1 and passed HB 7093 as amended.

*Robert L. "Bob" Ward,* Clerk

## ENROLLING REPORTS

CS for SB 98, CS for SB 198, CS for CS for SB 704 and SB 1040 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 8, 2012.

*Debbie Brown,* Secretary

SM 1080, CS for SM 1486, SM 1778 and SM 1822 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on March 8, 2012.

*Debbie Brown,* Secretary

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 7 was corrected and approved.

## CO-INTRODUCERS

Senators Altman—SB 858; Bullard—CS for CS for CS for SB 202; Lynn—SB 2076; Oelrich—CS for CS for CS for SB 202, SM 240, SB 290, CS for SB 452, SB 532, CS for CS for CS for SB 540, CS for SB 578, SB 648, CS for SB 938, CS for SB 1846

## RECESS

On motion by Senator Thrasher, the Senate recessed at 9:57 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 8:30 a.m., Friday, March 9 or upon call of the President.

# Daily Numeric Index for
## March 8, 2012

BA — Bill Action
BP — Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion
RC — Reference Change


**CS/SB 4** . . . . . (BP) 1129
**SB 80** . . . . . .(BA) 963, (BP) 964, (CR) 1134
**SB 88** . . . . . (BA) 964, (CR) 1134
**SB 94** . . . . . (BA) 964, (BA) 965, (CR) 1134
**CS/CS/CS/SB 202** . . . . . .(BA) 965, (CR) 1134, (CO) 1135
**CS/SB 210** . . . . . .(MO) 975
**CS/CS/SB 222** . . . . . .(MO) 962, (MO) 1003
**SM 240** . . . . . .(CO) 1135
**CS/CS/SB 256** . . . . . .(BA) 965, (BA) 966, (CR) 1134
**SB 290** . . . . . .(CO) 1135
**CS/CS/SB 292** . . . . . (BA) 966, (BA) 967, (BA) 1082, (CR) 1134
**CS/SB 364** . . . . . (BP) 1054
**CS/SB 378** . . . . . .(BA) 967, (BA) 1064, (CR) 1134
**CS/CS/SB 402** . . . . . .(BA) 975, (BA) 978, (CR) 1134
**CS/SB 452** . . . . . (CO) 1135
**CS/SB 454** . . . . . (BA) 962, (BA) 964
**SB 524** . . . . . (BP) 1051
**SB 532** . . . . . .(CO) 1135
**SB 534** . . . . . .(BA) 975, (BP) 975, (CR) 1134
**CS/CS/CS/SB 540** . . . . . (MO) 962, (CO) 1135
**CS/SB 578** . . . . . (CO) 1135
**CS/SB 620** . . . . . .(MO) 1003
**CS/SB 646** . . . . . (BA) 975, (CR) 1134
**SB 648** . . . . . (BA) 975, (CR) 1134, (CO) 1135
**SB 676** . . . . . .(BA) 976, (BA) 1065, (BA) 1066, (CR) 1134
**CS/SB 692** . . . . . (BP) 1050
**CS/CS/CS/SB 694** . . . . . .(BP) 1064
**CS/CS/CS/SB 716** . . . . . (BA) 976, (BA) 980, (BA) 981, (CR) 1134
**SJR 720** . . . . . (BA) 976, (CR) 1134
**CS/SB 730** . . . . . (BP) 1088
**CS/SB 750** . . . . . .(BA) 976, (BA) 1065, (CR) 1134
**CS/SB 752** . . . . . (BA) 960
**CS/CS/SB 762** . . . . .(BA) 976, (BA) 978, (BA) 981, (BA) 982, (BA) 983, (CR) 1134
**CS/SB 770** . . . . . .(BA) 979, (BA) 991, (CR) 1134
**CS/SB 800** . . . . . (BP) 1046
**CS/CS/SB 824** . . . . . .(MO) 962
**SB 858** . . . . . (BA) 998, (CR) 1134, (CO) 1135
**CS/CS/SB 860** . . . . . .(MO) 975
**CS/CS/SB 922** . . . . . (BP) 1063
**CS/SB 938** . . . . . .(CO) 1135
**CS/SB 940** . . . . . .(MO) 975
**CS/CS/SB 950** . . . . . .(BA) 979, (CR) 1134
**CS/CS/SB 964** . . . . . .(BA) 996, (CR) 1134
**CS/SB 992** . . . . . .(BA) 996, (BA) 1004, (CR) 1134
**CS/SJR 1064** . . . . . .(BA) 996, (BA) 997, (CR) 1134
**CS/SB 1110** . . . . . .(MO) 975
**CS/CS/SB 1146** . . . . . (BA) 998, (BA) 1000, (BA) 1001, (CR) 1134
**CS/CS/SB 1166** . . . . . (BA) 998, (BA) 1002, (BA) 1003, (CR) 1134
**CS/CS/SB 1180** . . . . . .(BA) 998, (BA) 999, (CR) 1134
**CS/CS/SB 1196** . . . . . .(BA) 1044, (BA) 1045
**CS/CS/SB 1206** . . . . . .(BA) 999, (BA) 1001, (CR) 1134
**CS/CS/SB 1208** . . . . . .(BA) 998, (CR) 1134
**CS/CS/SB 1238** . . . . . .(MO) 1003
**CS/CS/SB 1244** . . . . . .(MO) 1134
**CS/CS/SB 1252** . . . . . (BA) 999, (BA) 1004, (BA) 1005, (CR) 1134
**CS/CS/SB 1262** . . . . . .(MO) 962
**SB 1268** . . . . . .(BA) 999, (BA) 1000, (CR) 1134
**CS/SB 1272** . . . . . (MO) 962, (MO) 975
**SB 1274** . . . . . (BA) 1000, (CR) 1134
**CS/SB 1276** . . . . . .(MO) 975
**CS/SB 1286** . . . . . .(BA) 1000, (BP) 1000, (CR) 1134
**CS/SB 1290** . . . . . .(MO) 975
**SB 1290** . . . . . .(MO) 975
**CS/SB 1312** . . . (BA) 1036, (BA) 1127, (BA) 1128, (BA) 1129, (CR) 1134
**CS/SB 1314** . . . . . .(BA) 1000, (CR) 1134
**CS/CS/SB 1316** . . . . . (BA) 962
**CS/CS/CS/SB 1358** . . . . .(BA) 1005, (BA) 1130, (BA) 1131, (CR) 1134
**SB 1360** . . . . . (BA) 1005, (CR) 1134
**CS/CS/SB 1398** . . . . . .(BA) 1005, (CR) 1134
**CS/CS/SB 1408** . . . . . .(BA) 1006, (CR) 1134
**CS/CS/SB 1416** . . . . . .(BA) 1007, (CR) 1134
**SB 1470** . . . . . .(BA) 1035, (BA) 1036, (CR) 1134
**SB 1474** . . . . . .(MO) 1003
**CS/SJR 1508** . . . . . .(BA) 1036, (BA) 1037, (CR) 1134
**CS/CS/CS/SB 1516** . . . . . (BA) 1037, (BP) 1037, (CR) 1134
**CS/SB 1522** . . . . . .(MO) 975
**CS/CS/SB 1586** . . . . . .(BA) 962, (BA) 963, (CR) 1134
**CS/CS/SB 1620** . . . . . (BA) 1037, (BA) 1038, (BA) 1039, (CR) 1134
**CS/CS/CS/SB 1626** . . . . . (BA) 1039, (BA) 1040, (BA) 1045, (BP) 1045, (CR) 1134
**CS/SB 1656** . . . . . .(BA) 1040, (CR) 1134
**CS/CS/SB 1718** . . . . (BA) 1039, (BA) 1129, (BA) 1130, (BA) 1131, (BA) 1132, (BA) 1134, (CR) 1134
**CS/CS/SB 1752** . . . . . .(BA) 963, (CR) 1134
**CS/SB 1782** . . . . . .(BA) 967, (BA) 968, (CR) 1134
**CS/CS/SB 1816** . . . . . (CR) 1134
**CS/SB 1824** . . . (BA) 1041, (BA) 1089, (BA) 1090, (BA) 1092, (CR) 1134
**SM 1836** . . . . . (BA) 1041, (CR) 1134
**SM 1840** . . . . . .(BA) 962
**CS/SB 1846** . . . . . (CO) 1135
**SM 1854** . . . . . .(BA) 962
**CS/CS/SB 1874** . . . . . (BA) 1041, (BA) 1042, (BA) 1043, (CR) 1134
**CS/SB 1880** . . . . . (BA) 960, (BA) 961
**CS/CS/SB 2024** . . . . . .(BA) 1040, (BA) 1041, (CR) 1134
**CS/SB 2044** . . . . . .(BA) 1043, (BA) 1044, (CR) 1134
**CS/CS/SB 2054** . . . . . .(BA) 980, (BA) 991, (BA) 992
**CS/SB 2074** . . . . . .(BA) 1044, (BA) 1127, (CR) 1134
**SB 2076** . . . . . .(CO) 1135
**SB 2086** . . . . . (BA) 1006, (CR) 1134
**CS/CS/CS/SB 2094** . . . . .(BA) 1044, (BA) 1070, (BA) 1071, (CR) 1134
**SR 2102** . . . . . (FR) 959, (BP) 960
**SR 2120** . . . . . (FR) 960, (BP) 960
**SR 2142** . . . . . (FR) 960, (BP) 960

**HB 13** . . . . . .(BA) 964, (BP) 964
**CS for HB 31** . . . . . .(BP) 1064
**CS/HB 37** . . . . . .(BA) 998, (BP) 998
**CS/HB 45** . . . . . .(BA) 965, (BP) 965
**CS/CS/HB 99** . . . . . (BA) 965, (BP) 965
**CS/CS/HB 227** . . . . . (BA) 978, (BP) 978
**HB 243** . . . . . .(BA) 1064, (BA) 1065, (BA) 1080, (BP) 1080
**CS/HB 249** . . . . . .(BA) 964, (BP) 964
**CS/HB 291** . . . . . .(BA) 965, (BP) 966
**HB 307** . . . . . (BA) 1065, (BP) 1070
**CS/HB 401** . . . . . .(BA) 1001, (BA) 1002, (BP) 1002
**CS/HB 465** . . . . . (BA) 1065, (BP) 1065
**CS/CS/CS/CS/HB 503** . . . . . .(BA) 981, (BP) 981
**CS/HB 517** . . . . . (BA) 982, (BP) 991
**CS/CS/HB 521** . . . . . (BA) 1004, (BP) 1004
**CS/HB 701** . . . . . .(BP) 1064
**CS/HB 715** . . . . . (BA) 975, (BP) 975

**CS/CS/HB 769** . . . . . (BA) 1040, (BP) 1040
**CS/CS/HB 803** . . . . . (BA) 1043, (BA) 1044, (BP) 1044
**CS/CS/HB 887** . . . . . (BA) 1004, (BP) 1005
**CS/HJR 931** . . . . . (BA) 1036, (BP) 1037
**CS/CS/HB 979** . . . . . (BA) 999, (BP) 999
**CS/CS/CS/HB 1001** . . . . . (BA) 1006, (BP) 1006
**CS/HJR 1003** . . . . . (BA) 997, (BP) 998
**CS/HB 1013** . . . . . (BA) 1044, (BP) 1045
**HB 1015** . . . . . (BA) 1000, (BP) 1000
**CS/CS/HB 1099** . . . . . (BA) 979, (BP) 979
**CS/CS/HB 1101** . . . . . (BA) 1038, (BP) 1039
**CS/CS/CS/HB 1163** . . . . . (BA) 1042, (BA) 1043, (BA) 1081, (BP) 1082
**CS/CS/CS/HB 1205** . . . . . (BA) 1131
**CS/CS/CS/HB 1263** . . . . . (BA) 1090, (BA) 1127
**CS/HB 1277** . . . . . (BA) 962, (BA) 963, (BP) 963
**CS/CS/CS/HB 1355** . . . . . (BA) 961, (BP) 962
**CS/CS/HB 1383** . . . . . (BA) 967, (BA) 968
**CS/CS/CS/HB 1403** . . . . . (BA) 961, (BP) 961
**CS/HB 1461** . . . . . (BA) 961, (BP) 961
**HB 4001** . . . . . (BA) 975, (BP) 975
**HB 4077** . . . . . (BA) 999, (BP) 1000
**HB 4087** . . . . . (BA) 960
**CS/HB 7023** . . . . . (BA) 1005, (BP) 1005
**CS/HB 7027** . . . . . (BA) 1007, (BP) 1035
**HB 7029** . . . . . (BA) 1035, (BA) 1036, (BP) 1036
**CS/HB 7043** . . . . . (BA) 1006, (BP) 1006
**HB 7049** . . . . . (BA) 960, (BP) 961
**CS/HB 7055** . . . . . (BA) 1128, (BA) 1129
**CS/HB 7079** . . . . . (BA) 1040, (BP) 1041
**HB 7093** . . . . . (BA) 991, (BP) 996
**CS/HB 7095** . . . . . (BA) 1003, (BP) 1003
**HB 7111** . . . . . (BA) 998
**CS/HB 7115** . . . . . (BA) 1001, (BP) 1001
**CS/CS/HB 7117** . . . . . (BA) 1070, (BP) 1080
**HB 7125** . . . . . (BA) 991, (BA) 1001, (BP) 1001
**HB 7129** . . . . . (BA) 963, (BP) 963