Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Gaetz at 12:00 p.m. A quorum present—38:

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	

Excused: Senator Altman

PRAYER

The following prayer was offered by Pastor Brant Copeland, First Presbyterian Church, Tallahassee:

God of justice and mercy, we thank you for the freedoms we enjoy and for the high calling to public service.

Look with favor, we pray, on the Florida Senate as it enters the final week of the legislative session. Give the Senators cool heads and discerning spirits, and keep before them constantly the needs of the least of your children. Inspire us all, we pray, to do justice, to love mercy, and to walk humbly with you, striving to meet your best hopes for us and giving glory to you alone.

In your holy name, we pray. Amen.

PLEDGE

Senate Pages Royce Lowery of Havana; Shelbi McCall of Mayo; and Sarah Stanley of Inverness led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Benjamin Abinales of St. Petersburg, sponsored by Senator Brandes, as doctor of the day. Dr. Abinales specializes in Internal Medicine.

RECONSIDERATION OF BILL

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

CS for CS for SB 1150—A bill to be entitled An act relating to governmental accountability; creating s. 119.0701, F.S.; providing definitions; providing that each public agency contract for services must meet specified requirements; requiring the public agency to enforce contract provisions if a contractor does not comply with a public records request; amending s. 119.12, F.S.; specifying what constitutes reasonable costs of enforcement in a civil action against an agency to enforce ch. 119, F.S.; amending s. 215.971, F.S.; requiring agreements funded with state or federal financial assistance to include additional provisions; authorizing the Chief Financial Officer to audit agreements before execution and providing requirements for such audits; requiring state agencies to designate a grants manager for each agreement and providing requirements and procedures for managers; requiring the Chief Financial Officer to perform audits of executed agreements and to discuss such audits with agency officials; requiring the agency head to respond to the audit; reordering and 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 to the public the information posted on the system through a secure website; providing an exception; authorizing the Department of Financial 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.; amending s. 287.012, F.S.; providing and revising definitions; amending s. 287.042, F.S.; revising powers, duties, and functions of the Department of Management Services; eliminating a duty of the department to maintain a vendor list; authorizing the department to lead or enter into joint agreements with governmental entities for the purchase of commodities or contractual services that can be used by multiple agencies; amending s. 287.057, F.S.; providing that contracts awarded pursuant to an invitation to bid shall be awarded to the responsible and responsive vendor that submits the lowest responsive bid; revising exceptions to the requirement that the purchase of specified commodities or contractual services be made only as a result of receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies; revising contractual services and commodities that are not subject to competitive solicitation requirements by virtue of being available only from a single source; providing that a contract for commodities or contractual services may be awarded without competition if the recipient of funds is established during the appropriations process; revising provisions relating to extension of a contract for commodities or contractual services; authorizing an agency to negotiate better pricing upon renewal of a contract; providing training requirements for contract managers responsible for contracts in excess of a specified threshold amount; providing contract manager certification for contract managers responsible for contracts in excess of a specified threshold amount; providing that the department is responsible for establishing and disseminating the requirements for certification of a contract manager; providing that training will be conducted jointly by the Department of Management Services and the De-

partment of Financial Services; providing training guidelines and requirements; requiring the department, in consultation with the Chief Financial Officer to maintain a program for online procurement of commodities and contractual services; amending s. 287.0571, F.S.; revising nonapplicability of a business case to outsource; amending s. 287.058, F.S.; defining the term "performance measure"; revising references within provisions relating to purchase orders used in lieu of written agreements for classes of contractual services; revising terminology; authorizing the Chief Financial Officer to audit contracts before execution and providing requirements for such audits; creating s. 287.136, F.S.; requiring the Chief Financial Officer to perform audits of executed contract documents and to discuss such audits with the agency officials; requiring the agency head to respond to the audit; amending s. 287.076, F.S.; providing that Project Management Professionals training for personnel involved in managing outsourcings and negotiations is subject to annual appropriations; amending ss. 16.0155, 283.33, 394.457, 402.7305, 409.9132, 427.0135, 445.024, 627.311, 627.351, 765.5155, and 893.055, F.S.; conforming cross-references; providing effective dates.

—as amended passed April 26.

Pending further consideration of **CS for CS for SB 1150** as amended, on motion by Senator Brandes, by two-thirds vote **CS for CS for HB 1309** was withdrawn from the Committees on Governmental Oversight and Accountability; and Appropriations.

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

CS for CS for HB 1309—A bill to be entitled An act relating to the procurement of commodities and contractual services; amending s. 215.971, F.S.; providing additional information that must be included in an agency agreement that provides state financial assistance to a recipient or subrecipient; requiring each state agency to designate an employee to function as a grant manager for purposes of the agreement; requiring training for certain grant managers; requiring the Chief Financial Officer to establish and disseminate uniform procedures for grant management; requiring the grant manager to report certain information; requiring the Chief Financial Officer to perform audits of executed grant agreements; amending s. 215.985, F.S.; requiring the Chief Financial Officer to establish and maintain a secure contract tracking system; providing requirements for the system; requiring state agencies to post certain information on the contract tracking system within a specified timeframe; specifying information that must be posted on the contract tracking system; providing that records posted on the system may not contain confidential or exempt information; requiring state agencies to redact confidential or exempt information prior to posting records on the system; providing a process for a party to the contract to request redaction of confidential or exempt information; providing notice requirements; providing that posting of information on the contract tracking system does not supersede the duty of a state agency to respond to a public record request; providing that a subpoena for certain contract information must be served on the state agency that is party to the contract; authorizing the Chief Financial Officer to adopt rules; defining the term "state agency"; authorizing the judicial branch, Department of Legal Affairs, Department of Agriculture and Consumer Services, and Department of Financial Services to elect to comply with the posting requirements; amending s. 287.012, F.S.; providing and revising definitions; amending s. 287.042, F.S.; revising powers, duties, and functions of the Department of Management Services; eliminating a duty of the department to maintain a vendor list; providing an additional circumstance under which the department may proceed with a competitive solicitation or contract award process of a term contract as an alternative to the stay of such process pursuant to a formal written protest under the Administrative Procedure Act; authorizing the department to lead or enter into joint agreements with governmental entities for the purchase of commodities or contractual services that can be used by multiple agencies; amending s. 287.056, F.S.; eliminating provisions requiring certain inclusions in agency agreements; amending s. 287.057, F.S.; providing that contracts awarded pursuant to an invitation to bid shall be awarded to the responsible and responsive vendor that submits the lowest responsive bid; revising exceptions to the requirement that the purchase of specified commodities or contractual services be made only as a result of receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies; revising contractual services and commodities that are not subject to competitive solicitation requirements by virtue of being available only from a single source; providing that a contract for commodities or contractual services may be awarded without competition if the recipient of funds is established during the appropriations process; revising provisions relating to extension of a contract for commodities or contractual services; authorizing an agency to negotiate better pricing upon renewal of a contract; providing training requirements for contract managers responsible for contracts in excess of a specified threshold amount; providing contract manager certification for contract managers responsible for contracts in excess of a specified threshold amount; providing that the Department of Management Services is responsible for establishing and disseminating the requirements for certification of a contract manager; providing that training will be conducted jointly by the Department of Management Services and the Department of Financial Services; providing training guidelines and requirements; requiring the department, in consultation with the Chief Financial Officer to maintain a program for online procurement of commodities and contractual services; amending s. 287.0571, F.S.; revising nonapplicability of a business case to outsource; amending s. 287.058, F.S.; defining the term "performance measure"; revising references within provisions relating to purchase orders used in lieu of written agreements for classes of contractual services; revising terminology; amending s. 287.076, F.S.; providing that Project Management Professionals training for personnel involved in managing outsourcings and negotiations is subject to annual appropriations; creating s. 287.136, F.S.; requiring the Chief Financial Officer to perform audits of executed contracts; creating reporting requirements; amending ss. 16.0155, 283.33, 394.457, 402.7305, 409.9132, 427.0135, 445.024, 627.311, 627.351, 765.5155, and 893.055, F.S.; conforming cross-references; requiring the Department of Management Services, in consultation with the Chief Financial Officer, to prepare and submit a report to the Governor and Legislature relating to the eradication of human trafficking, slavery, and exploitive labor from supply chains for tangible goods offered for sale to the state; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1150** as amended and read the second time by title.

Senator Benacquisto moved the following amendment which was adopted:

Amendment 1 (872490) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 119.0701, Florida Statutes, is created to read:

119.0701 Contracts; public records.—

(1) For purposes of this section, the term:

(a) "Contractor" means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).

(b) "Public agency" means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law.

(2) In addition to other contract requirements provided by law, each public agency contract for services must include a provision that requires the contractor and its subcontractors to comply with public records laws, specifically to:

(a) Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the service.

(b) Provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.

(c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

(d) Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

(3) If a contractor or its subcontractor does not comply with a public records request, the public agency shall enforce the contract provisions in accordance with the contract.

Section 2. Section 119.12, Florida Statutes, is amended to read:

119.12 *Attorney* ~~Attorney's~~ fees.—If a civil action is filed against an agency to enforce the provisions of this chapter and if the court determines that such agency unlawfully refused to permit a public record to be inspected or copied, the court shall assess and award, against the agency responsible, the reasonable costs of enforcement*. The reasonable costs of enforcement include, but are not limited to,* ~~including~~ reasonable *attorney* ~~attorneys'~~ fees*, including those reasonable attorney fees incurred in litigating entitlement to and the determination or quantification of attorney fees for the underlying matter*.

Section 3. Section 215.971, Florida Statutes, is amended to read:

215.971 Agreements funded with federal *or* ~~and~~ state assistance.—

(1) ~~For~~ An agency agreement that provides state financial assistance to a recipient or subrecipient, as those terms are defined in s. 215.97, or that provides federal financial assistance to a subrecipient, as defined by applicable United States Office of Management and Budget circulars, *must* ~~the agreement shall~~ include *all of the following*:

(a)~~(1)~~ A provision specifying a scope of work that clearly establishes the tasks that the recipient or subrecipient is required to perform.~~; and~~

(b)~~(2)~~ A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the agency before payment. Each deliverable must be directly related to the scope of work and ~~must~~ specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable.

(c) A provision specifying the financial consequences that apply if the recipient or subrecipient fails to perform the minimum level of service required by the agreement. The provision can be excluded from the agreement only if financial consequences are prohibited by the federal agency awarding the grant. Funds refunded to a state agency from a recipient or subrecipient for failure to perform as required under the agreement may be expended only in direct support of the program from which the agreement originated.

(d) A provision specifying that a recipient or subrecipient of federal or state financial assistance may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period.

(e) A provision specifying that any balance of unobligated funds which has been advanced or paid must be refunded to the state agency.

(f) A provision specifying that any funds paid in excess of the amount to which the recipient or subrecipient is entitled under the terms and conditions of the agreement must be refunded to the state agency.

(g) Any additional information required pursuant to s. 215.97.

(2) The Chief Financial Officer may audit an agreement funded with state or federal assistance before the execution of such agreement in accordance with rules adopted by the Department of Financial Services. The audit must ensure that applicable laws have been met; that the agreement document contains a clear statement of work, quantifiable and measurable deliverables, performance measures, financial consequences for nonperformance, and clear terms and conditions that protect the interests of the state; and that the associated costs of the agreement are not unreasonable or inappropriate. The audit must ensure that all contracting laws have been met and that documentation is available to support the agreement. An agreement that does not comply with this section may be returned to the submitting agency for revision.

(a) The Chief Financial Officer may establish dollar thresholds and other criteria for determining which agreements will be audited before execution. The Chief Financial Officer may revise such thresholds and other criteria for an agency or unit of an agency as he or she deems appropriate.

(b) The Chief Financial Officer shall have up to 10 business days after receipt of the proposed grant agreement to make a final determination of any deficiencies in the agreement and shall provide the agency with information regarding any deficiencies at the conclusion of the review. The Chief Financial Officer and the agency entering into the agreement may agree to a longer review period.

(c) This subsection does not apply to the Board of Governors, a state university, or a facility engaged in research using state or federal funds until July 1, 2015.

(3) For each agreement funded with federal or state financial assistance, the state agency shall designate an employee to function as a grant manager who shall be responsible for enforcing performance of the agreement's terms and conditions and who shall serve as a liaison with the recipient or subrecipient.

(a) Each grant manager responsible for agreements in excess of $100,000 annually must complete the training and become a certified contract manager as provided under s. 287.057(14).

(b) The Chief Financial Officer shall establish and disseminate uniform procedures for grant management pursuant to s. 17.03(3) to ensure that services have been rendered in accordance with agreement terms before the agency processes an invoice for payment. The procedures must include, but need not be limited to, procedures for monitoring and documenting recipient or subrecipient performance, reviewing and documenting all deliverables for which payment is requested by the recipient or subrecipient, and providing written certification by the grant manager of the agency's receipt of goods and services.

(c) The grant manager shall reconcile and verify all funds received against all funds expended during the grant agreement period and produce a final reconciliation report. The final report must identify any funds paid in excess of the expenditures incurred by the recipient or subrecipient.

(4) The Chief Financial Officer shall perform audits of the executed state and federal grant agreement documents and grant manager's records in order to ensure that adequate internal controls are in place for complying with the terms and conditions of such agreements and for validation and receipt of goods and services.

(a) At the conclusion of the audit, the Chief Financial Officer's designee shall discuss the audit and potential findings with the official whose office is subject to audit. The final audit report shall be submitted to the agency head.

(b) Within 30 days after the receipt of the final audit report, the agency head shall submit to the Chief Financial Officer or designee, his or her written statement of explanation or rebuttal concerning findings requiring corrective action, including corrective action to be taken to preclude a recurrence.

Section 4. Subsection (2) of section 215.985, Florida Statutes, is reordered and amended and subsection (16) of that section is amended, to read:

215.985 Transparency in government spending.—

(2) As used in this section, the term:

(c)~~(a)~~ "Governmental entity" means any state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, any department, division, bureau, commission, authority, district, or agency thereof, or any public school, Florida College System institution, state university, or associated board.

(d)~~(b)~~ "Website" means a site on the Internet which is easily accessible to the public at no cost and does not require the user to provide any information.

(a)~~(c)~~ "Committee" means the Legislative Auditing Committee created in s. 11.40.

(b) "Contract" means any written agreement or purchase order issued for the purchase of goods or services and any written agreements for the receipt of federal or state financial assistance.

(16) The Chief Financial Officer shall *establish and maintain a secure, shared state contract tracking* ~~provide public access to a state contract management~~ system.

(a) Within 30 calendar days after executing a contract, each state agency as defined in s. 216.011(1) shall post all of the following ~~that provides~~ information and documentation relating to *that contract on the contract tracking system, as required by rule:* ~~contracts procured by governmental entities.~~

1. The names of the contracting entities.

2. The procurement method.

3. The contract beginning and end dates.

4. The nature or type of the commodities or services purchased.

5. Applicable contract unit prices and deliverables.

6. Total compensation to be paid or received under the contract.

7. All payments made to the contractor to date.

8. Applicable contract performance measures.

9. The justification for not using competitive solicitation to procure the contract, including citation to any statutory exemption or exception from competitive solicitation, if applicable.

10. Electronic copies of the contract and procurement documents that have been redacted to conceal exempt or confidential information.

11. Any other information required by the Chief Financial Officer.

~~(a) The data collected in the system must include, but need not be limited to, the contracting agency; the procurement method; the contract beginning and ending dates; the type of commodity or service; the purpose of the commodity or service; the compensation to be paid; compliance information, such as performance metrics for the service or commodity; contract violations; the number of extensions or renewals; and the statutory authority for providing the service.~~

(b) *The affected state governmental agency shall update the information described in paragraph (a) in the contract tracking system* within 30 *calendar* days after a major *modification or amendment* ~~change~~ to an existing contract ~~or the execution of a new contract, agency procurement staff of the affected state governmental entity shall update the necessary information in the state contract management system~~. A major *modification or amendment* ~~change to a contract~~ includes, but is not limited to, a renewal, termination, or extension of the contract*,* or an amendment to the contract *as determined by the Chief Financial Officer*.

(c) Each state agency identified in paragraph (a) shall redact, as defined in s. 119.011, exempt or confidential information from the contract or procurement documents before posting an electronic copy on the contract tracking system.

1. If a state agency becomes aware that an electronic copy of a contract or procurement document that it posted has not been properly redacted, the state agency must immediately notify the Chief Financial Officer so that the contract or procurement document may be removed. Within 7 business days, the state agency shall provide the Chief Financial Officer with a properly redacted copy for posting.

2. If a party to a contract, or authorized representative, discovers that an electronic copy of a contract or procurement document on the system has not been properly redacted, the party or representative may request the state agency that posted the document to redact the exempt or confidential information. Upon receipt of a request in compliance with this subparagraph, the state agency that posted the document shall redact the exempt or confidential information.

a. Such request must be in writing and delivered by mail, facsimile, or electronic transmission or in person to the state agency that posted the information. The request must identify the specific document, the page numbers that include the exempt or confidential information, the information that is exempt or confidential, and the relevant statutory exemption. A fee may not be charged for a redaction made pursuant to such request.

b. If necessary, a party to the contract may petition the circuit court for an order directing compliance with this paragraph.

3. The Chief Financial Officer, the Department of Financial Services, or any officer, employee, or contractor thereof, is not responsible for redacting exempt or confidential information from an electronic copy of a contract or procurement document posted by another state agency on the system and is not liable for the failure of the state agency to redact the exempt or confidential information. The Chief Financial Officer may notify the posting state agency if a document posted on the tracking system contains exempt or confidential information.

(d) Pursuant to ss. 119.01 and 119.07, the Chief Financial Officer may make information posted on the contract tracking system available for viewing and download by the public through a secure website. Unless otherwise provided by law, information retrieved electronically pursuant to this paragraph is not admissible in court as an authenticated document.

1. The Chief Financial Officer may regulate and prohibit the posting of records that could facilitate identity theft or fraud, such as signatures; compromise or reveal an agency investigation; reveal the identity of undercover personnel; reveal proprietary confidential business information or trade secrets; reveal an individual's medical information; or reveal any other record or information that the Chief Financial Officer believes may jeopardize the health, safety, or welfare of the public. However, such prohibition does not supersede the duty of a state agency to provide a copy of a public record upon request. The Chief Financial Officer shall use appropriate Internet security measures to ensure that no person has the ability to alter or modify records available on the website.

2. Records made available on the website, including electronic copies of contracts or procurement documents, may not reveal information made exempt or confidential by law. Notice of the right of an affected party to request redaction of exempt or confidential information pursuant to paragraph (c) must be displayed on the website.

(e) The posting of information on the contract tracking system or the provision of contract information on a website for public viewing and downloading does not supersede the duty of a state agency to respond to a public record request for such information or to a subpoena for such information.

1. A request for a copy of a contract or procurement document or a certified copy of a contract or procurement document must be made to the state agency that is party to the contract. Such request may not be made to the Chief Financial Officer or the Department of Financial Services or any officer, employee, or contractor thereof unless the Chief Financial Officer or department is a party to the contract.

2. A subpoena for a copy of a contract or procurement document or certified copy of a contract or procurement document must be served on the state agency that is a party to the contract and that maintains the original documents. The Chief Financial Officer or the Department of Financial Services or any officer, employee, or contractor thereof may not be served a subpoena for those records unless the Chief Financial Officer or the department is a party to the contract.

(f) The requirement under paragraphs (a) and (b) that each agency post information and documentation relating to contracts on the tracking system does not apply to any record that could reveal attorney work product or strategy.

(g) The Chief Financial Officer may adopt rules to administer this subsection.

Section 5. *Section 216.0111, Florida Statutes, is repealed.*

Section 6. Subsections (4) through (28) of section 287.012, Florida Statutes, are amended to read:

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

(4) "Best value" means the highest overall value to the state based on ~~objective~~ factors that include, but are not limited to, price, quality, design, and workmanship.

(5) "Commodity" means any of the various supplies, materials, goods, merchandise, food, equipment, information technology, and other personal property, including a mobile home, trailer, or other portable structure *that has* ~~with floor space of~~ less than 5,000 square feet *of floor space*, purchased, leased, or otherwise contracted for by the state and its agencies. *The term* ~~"Commodity"~~ also includes interest on deferred-payment commodity contracts approved pursuant to s. 287.063 entered into by an agency for the purchase of other commodities. However, commodities purchased for resale are excluded from this definition. Printing of publications shall be considered a commodity *if procured* ~~when let upon contract~~ pursuant to s. 283.33, whether purchased for resale or not.

(6) "Competitive solicitation" means the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.

(7) "Contractor" means a person who contracts to sell commodities or contractual services to an agency.

(8) "Contractual service" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services. *The term* ~~"Contractual service"~~ does not include *a* ~~any~~ contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of *a* ~~any~~ facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to chapter 255 and rules adopted thereunder.

(9) "Department" means the Department of Management Services.

(10) "Electronic posting" or "electronically post" means the noticing of solicitations, agency decisions or intended decisions, or other matters relating to procurement on a centralized Internet website designated by the department for this purpose*, and in the manner and form required under s. 120.57(3)(a)*.

(11) "Eligible user" means any person or entity authorized by the department pursuant to rule to purchase from state term contracts or to use the online procurement system.

(12) "Exceptional purchase" means any purchase of commodities or contractual services excepted by law or rule from the requirements for competitive solicitation, including, but not limited to, purchases from a single source; purchases upon receipt of less than two responsive bids, proposals, or replies; purchases made by an agency~~,~~ after receiving approval from the department, from a contract procured, pursuant to s. 287.057(1), or by another agency; and purchases made without advertisement in the manner required *under* ~~by~~ s. 287.042(3)(b).

(13) "Extension" means an increase in the time allowed for the contract period ~~due to circumstances which, without fault of either party, make performance impracticable or impossible, or which prevent a new contract from being executed, with or without a proportional increase in the total dollar amount, with any increase to be based on the method and rate previously established in the contract~~.

(14) "Governmental entity" means a political subdivision or agency of this state or of any state of the United States, including, but not limited to, state government, county, municipality, school district, nonprofit public university or college, single-purpose or multipurpose special district, single-purpose or multipurpose public authority, metropolitan or consolidated government, separate legal entity or administrative entity, or any agency of the Federal Government.

(15)~~(14)~~ "Information technology" has the *same* meaning *as provided* ~~ascribed~~ in s. 282.0041.

(16)~~(15)~~ "Invitation to bid" means a written or electronically posted solicitation for competitive sealed bids.

(17)~~(16)~~ "Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.

(18)~~(17)~~ "Minority business enterprise" has the *same* meaning *as provided* ~~ascribed~~ in s. 288.703.

(19)~~(18)~~ "Office" means the Office of Supplier Diversity of the Department of Management Services.

(20)~~(19)~~ "Outsource" means the process of contracting with a vendor to provide a service as defined in s. 216.011(1)(f), in whole or in part, or an activity as defined in s. 216.011(1)(rr), while a state agency retains the responsibility and accountability for the service or activity and there is a transfer of management responsibility for the delivery of resources and the performance of those resources.

(21)~~(20)~~ "Renewal" means contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.

(22)~~(21)~~ "Request for information" means a written or electronically posted request made by an agency to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to form a binding contract.

(23)~~(22)~~ "Request for proposals" means a written or electronically posted solicitation for competitive sealed proposals.

(24)~~(23)~~ "Request for a quote" means an oral*, electronic,* or written request for written pricing or services information from a state term contract vendor for commodities or contractual services available on a state term contract from that vendor.

(25)~~(24)~~ "Responsible vendor" means a vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance.

(26)~~(25)~~ "Responsive bid," "responsive proposal," or "responsive reply" means a bid, or proposal, or reply submitted by a responsive and responsible vendor *which* ~~that~~ conforms in all material respects to the solicitation.

(27)~~(26)~~ "Responsive vendor" means a vendor that has submitted a bid, proposal, or reply that conforms in all material respects to the solicitation.

(28)~~(27)~~ "State term contract" means a term contract that is competitively procured by the department pursuant to s. 287.057 and that is used by agencies and eligible users pursuant to s. 287.056.

(29)~~(28)~~ "Term contract" means an indefinite quantity contract to furnish commodities or contractual services during a defined period.

Section 7. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and subsections (8) and (15) of section 287.042, Florida Statutes, are amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(1)(a) To canvass all sources of supply~~, establish and maintain a vendor list,~~ and contract for the purchase, lease, or acquisition, including purchase by installment sales or lease-purchase contracts which may provide for the payment of interest on unpaid portions of the purchase price~~,~~ of all commodities and contractual services required by any agency under this chapter. Any contract providing for deferred payments and the payment of interest *is* ~~shall be~~ subject to specific rules adopted by the department.

(2)

(b) As an alternative to any provision in s. 120.57(3)(c), the department may proceed with the competitive solicitation or contract award process of a term contract when the Secretary of *Management Services* ~~the department~~ or his or her designee sets forth in writing particular facts and circumstances *that* ~~which~~ demonstrate that the delay incident to staying the solicitation or contract award process would be detri-

mental to the interests of the state. After the award of a contract resulting from a competitive solicitation in which a timely protest was received and in which the state did not prevail, the contract may be canceled and reawarded.

(8) To provide any commodity and contractual service purchasing rules to the Chief Financial Officer and all agencies *electronically or* through ~~an electronic medium or~~ other means. Agencies may not approve *an* ~~any~~ account or request any payment of *an* ~~any~~ account for the purchase of any commodity or the procurement of any contractual service covered by a purchasing or contractual service rule except as authorized therein. The department shall furnish copies of rules adopted by the department to any county, municipality, or other local public agency requesting them.

(15) To *lead or* enter into joint agreements with governmental *entities* ~~agencies, as defined in s. 163.3164, for the purpose of pooling funds~~ for the purchase of commodities or *contractual services* ~~information technology~~ that can be used by multiple agencies.

(a) Each agency that has been appropriated or has existing funds for such purchase, shall, upon contract award by the department, transfer *its* ~~their~~ portion of the funds into the department's Operating Trust Fund for payment by the department. The funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions *under* ~~in~~ chapter 216.

(b) Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency's available funds. The Chief Financial Officer shall report these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 8. Paragraph (a) of subsection (1) and subsections (3), (10), (12), (13), (16), and (22) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

(1) The competitive solicitation processes authorized in this section shall be used for procurement of commodities or contractual services in excess of the threshold amount provided for CATEGORY TWO in s. 287.017. Any competitive solicitation shall be made available simultaneously to all vendors, must include the time and date for the receipt of bids, proposals, or replies and of the public opening, and must include all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability and relative merit of the bid, proposal, or reply.

(a) Invitation to bid.—The invitation to bid shall be used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required.

1. All invitations to bid must include:

a. A detailed description of the commodities or contractual services sought; and

b. If the agency contemplates renewal of the contract, a statement to that effect.

2. Bids submitted in response to an invitation to bid in which the agency contemplates renewal of the contract must include the price for each year for which the contract may be renewed.

3. Evaluation of bids *must* ~~shall~~ include consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

4. The contract shall be awarded to the responsible and responsive vendor who submits the lowest responsive bid.

(3) *If* ~~When~~ the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, ~~no~~ purchase of commodities or contractual services may *not* be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head *signs* ~~makes~~ such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies. However, *the* ~~such~~ emergency procurement shall be made by obtaining pricing information from at least two prospective vendors, which must be retained in the contract file, unless the agency determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the state. The agency shall furnish copies of all written determinations ~~certified under oath~~ and any other documents relating to the emergency action to the department. A copy of the *written* statement shall be furnished to the Chief Financial Officer with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance *may* ~~shall~~ not exceed ~~a period of~~ 30 days, and all such emergency purchases shall be reported to the department.

(b) The purchase is made by an agency from a state term contract procured, pursuant to this section, by the department or by an agency, after receiving approval from the department, from a contract procured, pursuant to subsection (1), by another agency.

(c) Commodities or contractual services available only from a single source may be excepted from the competitive-solicitation requirements. *If* ~~When~~ an agency believes that commodities or contractual services are available only from a single source, the agency shall electronically post a description of the commodities or contractual services sought for ~~a period of~~ at least 7 business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the agency, after reviewing any information received from prospective vendors~~,~~ that the commodities or contractual services are available only from a single source, the agency shall~~:~~

~~1.~~ provide notice of its intended decision to enter a single-source purchase contract in the manner specified in s. 120.57(3)~~, if the amount of the contract does not exceed the threshold amount provided in s. 287.017 for CATEGORY FOUR.~~

~~2. Request approval from the department for the single source purchase, if the amount of the contract exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR. The agency shall initiate its request for approval in a form prescribed by the department, which request may be electronically transmitted. The failure of the department to approve or disapprove the agency's request for approval within 21 days after receiving such request shall constitute prior approval of the department. If the department approves the agency's request, the agency shall provide notice of its intended decision to enter a single-source contract in the manner specified in s. 120.57(3).~~

~~(d) When it is in the best interest of the state, the secretary of the department or his or her designee may authorize the Support Program to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.~~

(d)~~(e)~~ Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are excepted from competitive-solicitation requirements and shall be procured pursuant to an established fee schedule or by any other method *that* ~~which~~ ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall annually file with the department a description of the purchases and methods of procurement.

(e)~~(f)~~ The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services. *As used in* ~~For the purposes of~~ this subsection, the term "artistic services" does not include advertising or typesetting. As used in this subparagraph, the term "advertising" means the making of a representation in any form in connection with a trade, business, craft, or profession in order to promote the supply of commodities or services by the person promoting the commodities or contractual services.

2. Academic program reviews if the fee for such services does not exceed $50,000.

3. Lectures by individuals.

4. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

5.~~a.~~ Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration. *The term also includes,*

~~b. Beginning January 1, 2011, health services, including~~, but *is* not limited to, substance abuse and mental health services~~,~~ involving examination, diagnosis, treatment, prevention, or medical consultation *if*~~, when~~ such services are offered to eligible individuals participating in a specific program that qualifies multiple providers and uses a standard payment methodology. Reimbursement of administrative costs for providers of services purchased in this manner *are* ~~shall~~ also ~~be~~ exempt. For purposes of this *subparagraph* ~~sub-subparagraph~~, *the term* "providers" means health professionals *and*~~,~~ health facilities, or organizations that deliver or arrange for the delivery of health services.

6. Services provided to persons with mental or physical disabilities by not-for-profit corporations *that* ~~which~~ have obtained exemptions under ~~the provisions of~~ s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the ~~provisions of~~ Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

7. Medicaid services delivered to an eligible Medicaid recipient unless the agency is directed otherwise in law.

8. Family placement services.

9. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

10. Training and education services provided to injured employees pursuant to s. 440.491(6).

11. Contracts entered into pursuant to s. 337.11.

12. Services or commodities provided by governmental *entities* ~~agencies~~.

13. Statewide public service announcement programs provided by a Florida statewide nonprofit corporation under s. 501(c)(6) of the Internal Revenue Code *which have*~~, with~~ a guaranteed documented match of at least $3 to $1.

(f)~~(g)~~ Continuing education events or programs that are offered to the general public and for which fees have been collected *which* ~~that~~ pay all expenses associated with the event or program are exempt from requirements for competitive solicitation.

(10) A contract for commodities or contractual services may be awarded without competition if state or federal law prescribes with whom the agency must contract or if the rate of payment *or the recipient of the funds* is established during the appropriations process.

(12) Extension of a contract for *commodities or* contractual services *must* ~~shall~~ be in writing for a period not to exceed 6 months and *is* ~~shall be~~ subject to the same terms and conditions set forth in the initial contract *and any written amendments signed by the parties*. There *may* ~~shall~~ be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the contractor.

(13) Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever ~~period~~ is longer. Renewal of a contract for commodities or contractual services *must* ~~shall~~ be in writing and *is* ~~shall be~~ subject to the same terms and conditions set forth in the initial contract *and any written amendments signed by the parties*. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed *must* ~~shall~~ be specified in the bid, proposal, or reply*, except that an agency may negotiate lower pricing*. A renewal contract may not include any compensation for costs associated with the renewal. Renewals *are* ~~shall be~~ contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to paragraphs (3)(a) and (c) may not be renewed. With the exception of subsection *(10)* ~~(12)~~, if a contract amendment results in a longer contract term or increased payments, a state agency may not renew or amend a contract for the outsourcing of a service or activity that has an original term value exceeding ~~the sum of~~ $10 million before submitting a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment.

(16)*(a)* For a contract in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall appoint:

1.~~(a)~~ At least three persons to evaluate proposals and replies who collectively have experience and knowledge in the program areas and service requirements for which commodities or contractual services are sought.

2.~~(b)~~ At least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought.

(b) *If* ~~When~~ the value of a contract is in excess of $1 million in any fiscal year, at least one of the persons conducting negotiations must be certified as a contract negotiator based upon *department* rules ~~adopted by the Department of Management Services~~ in order to ensure that certified contract negotiators are knowledgeable about effective negotiation strategies, capable of successfully implementing those strategies, and involved appropriately in the procurement process. At a minimum, the rules must address the qualifications required for certification, the method of certification, and the procedure for involving the certified negotiator. If the value of a contract is in excess of $10 million in any fiscal year, at least one of the persons conducting negotiations must be a Project Management Professional, as certified by the Project Management Institute.

(22) The department, in consultation with the *Chief Financial Officer* ~~Agency for Enterprise Information Technology and the Comptroller~~, shall *maintain* ~~develop~~ a program for online procurement of commodities and contractual services. To enable the state to promote open competition and ~~to~~ leverage its buying power, agencies shall participate in the online procurement program, and eligible users may participate in the program. Only vendors prequalified as meeting mandatory requirements and qualifications criteria may participate in online procurement.

(a) The department~~, in consultation with the agency,~~ may contract for equipment and services necessary to develop and implement online procurement.

(b) The department~~, in consultation with the agency,~~ shall adopt rules~~, pursuant to ss. 120.536(1) and 120.54,~~ to administer the program for online procurement. The rules *must* ~~shall~~ include, but not be limited to:

1. Determining the requirements and qualification criteria for prequalifying vendors.

2. Establishing the procedures for conducting online procurement.

3. Establishing the criteria for eligible commodities and contractual services.

4. Establishing the procedures for providing access to online procurement.

5. Determining the criteria warranting any exceptions to participation in the online procurement program.

(c) The department may impose and shall collect all fees for the use of the online procurement systems.

1. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of the services, including administrative and project service costs in accordance with the policies of the department.

2. If the department contracts with a provider for online procurement, the department, pursuant to appropriation, shall compensate the provider from the fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which the fees are due. For fees that are not remitted within 40 days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted.

4. All fees and surcharges collected under this paragraph shall be deposited in the Operating Trust Fund as provided by law.

Section 9. Effective December 1, 2014, subsection (14) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(14) For each contractual services contract, the agency shall designate an employee to function as contract manager who *is* ~~shall be~~ responsible for enforcing performance of the contract terms and conditions and serve as a liaison with the contractor.

(a) Each contract manager who is responsible for contracts in excess of the threshold amount for CATEGORY TWO must*, at a minimum, complete* ~~attend~~ training conducted by the Chief Financial Officer for accountability in contracts and grant management. The Chief Financial Officer shall establish and disseminate uniform procedures pursuant to s. 17.03(3) to ensure that contractual services have been rendered in accordance with the contract terms before the agency processes the invoice for payment. The procedures *must* ~~shall~~ include, but need not be limited to, procedures for monitoring and documenting contractor performance, reviewing and documenting all deliverables for which payment is requested by vendors, and providing written certification by contract managers of the agency's receipt of goods and services.

(b) Each contract manager who is responsible for contracts in excess of $100,000 annually must complete training in contract management and become a certified contract manager. The department is responsible for establishing and disseminating the requirements for certification which include completing the training conducted by the Chief Financial Officer for accountability in contracts and grant management. Training and certification must be coordinated by the department, and the training must be conducted jointly by the department and the Department of Financial Services. Training must promote best practices and procedures related to negotiating, managing, and ensuring accountability in agency contracts and grant agreements, which must include the use of case studies based upon previous audits, contracts, and grant agreements. All agency contract managers must become certified within 24 months after establishment of the training and certification requirements by the department and the Department of Financial Services.

Section 10. Paragraph (a) of subsection (3) of section 287.0571, Florida Statutes, is amended to read:

287.0571 Business case to outsource; applicability.—

(3) This section does not apply to:

(a) A procurement of commodities and contractual services listed in s. *287.057(3)(d) and (e)* ~~287.057(3)(e), (f), and (g)~~ and (21).

Section 11. Subsections (1), (2), and (5) of section 287.058, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or the providing of other benefits as required by ~~the provisions of~~ chapter 440, shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services, which shall, where applicable, include, but not be limited to, a provision:

(a) That bills for fees or other compensation for services or expenses be submitted in detail sufficient for a proper preaudit and postaudit thereof.

(b) That bills for any travel expenses be submitted in accordance with s. 112.061. A state agency may establish rates lower than the maximum provided in s. 112.061.

(c) Allowing unilateral cancellation by the agency for refusal by the contractor to allow public access to all documents, papers, letters, or other material made or received by the contractor in conjunction with the contract, unless the records are exempt from s. 24(a) of Art. I of the State Constitution and s. 119.07(1).

(d) Specifying a scope of work that clearly establishes all tasks the contractor is required to perform.

(e) Dividing the contract into quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the contract manager before payment. Each deliverable must be directly related to the scope of work and specify *a performance measure. As used in this paragraph, the term "performance measure" means* the required minimum *acceptable* level of service to be performed and criteria for evaluating the successful completion of each deliverable.

(f) Specifying the criteria and the final date by which such criteria must be met for completion of the contract.

(g) Specifying that the contract may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever ~~period~~ is longer, specifying the renewal price for the contractual service as set forth in the bid, proposal, or reply, specifying that costs for the renewal may not be charged, and specifying that renewals *are* ~~shall be~~ contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to s. 287.057(3)(a) and (c) may not be renewed.

(h) Specifying the financial consequences that the agency must apply if the contractor fails to perform in accordance with the contract.

(i) Addressing the property rights of any intellectual property related to the contract and the specific rights of the state regarding the intellectual property if the contractor fails to provide the services or is no longer providing services.

In lieu of a written agreement, the *agency* ~~department~~ may authorize the use of a purchase order for classes of contractual services~~,~~ if the provisions of paragraphs (a)-(i) are included in the purchase order or solicitation. The purchase order must include, but need not be limited to, an adequate description of the services, the contract period, and the method of payment. In lieu of printing the provisions of paragraphs *(a)-(c) and (g)* ~~(a)-(i)~~ in the contract document or purchase order, agencies may incorporate the requirements of paragraphs *(a)-(c) and (g)* ~~(a)-(i)~~ by reference.

(2) The written agreement shall be signed by the agency head *or designee* and the contractor *before* ~~prior to~~ the rendering of any contractual service the value of which is in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except in the case of a valid

emergency as certified by the agency head. The *written statement* ~~certification~~ of an emergency *must* ~~shall~~ be prepared within 30 days after the contractor begins rendering the service and *must* ~~shall~~ state the particular facts and circumstances which precluded the execution of the written agreement *before* ~~prior to~~ the rendering of the service. If the agency fails to have the contract signed by the agency head *or designee* and the contractor *before* ~~prior to~~ rendering the contractual service, and if an emergency does not exist, the agency head shall, *within* ~~no later than~~ 30 days after the contractor begins rendering the service, certify the specific conditions and circumstances to the department as well as describe actions taken to prevent recurrence of such noncompliance. The agency head may delegate the *written statement* ~~certification~~ only to other senior management agency personnel. A copy of the *written statement* ~~certification~~ shall be furnished to the Chief Financial Officer with the voucher authorizing payment. The department shall report repeated instances of noncompliance by an agency to the Auditor General. ~~Nothing in~~ This subsection *does not* ~~shall be deemed to~~ authorize additional compensation prohibited *under* ~~by~~ s. 215.425. The procurement of contractual services *may* ~~shall~~ not be divided so as to avoid the provisions of this section.

(5) Unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the Chief Financial Officer may waive the requirements of this section for services which are included in s. *287.057(3)(e)* ~~287.057(3)(f)~~.

(7) The Chief Financial Officer may audit a contract subject to this chapter before the execution of such contract in accordance with rules adopted by the Department of Financial Services. The audit must ensure that applicable laws have been met; that the contract document contains a clear statement of work, quantifiable and measurable deliverables, performance measures, financial consequences for nonperformance, and clear terms and conditions that protect the interests of the state; and that the associated costs of the contract are not unreasonable or inappropriate. The audit must ensure that all contracting laws have been met and that documentation is available to support the contract. A contract that does not comply with this section may be returned to the submitting agency for revision.

(a) The Chief Financial Officer may establish dollar thresholds and other criteria for sampling the contracts that are to be audited before execution. The Chief Financial Officer may revise such thresholds and other criteria for an agency or unit of an agency as deemed appropriate.

(b) The Chief Financial Officer shall make a final determination of any deficiencies in the contract within 10 business days after receipt of the proposed contract and shall include information regarding the deficiencies in the audit report provided to the agency entering into the contract. The Chief Financial Officer and the agency entering into the contract may agree to a longer review period.

Section 12. Section 287.136, Florida Statutes, is created to read:

287.136 Audit of executed contract documents.—The Chief Financial Officer shall perform audits of an executed contract documents and contract manager's records to ensure that adequate internal controls are in place for complying with the terms and conditions of the contract and for the validation and receipt of goods and services.

(1) At the conclusion of the audit, the Chief Financial Officer's designee shall discuss the audit and potential findings with the official whose office is subject to audit. The final audit report shall be submitted to the agency head.

(2) Within 30 days after the receipt of the final audit report, the agency head shall submit to the Chief Financial Officer or designee, his or her written statement of explanation or rebuttal concerning findings requiring corrective action, including corrective action to be taken to preclude a recurrence.

Section 13. Section 287.076, Florida Statutes, is amended to read:

287.076 Project Management Professionals training for personnel involved in managing outsourcings *and negotiations*; funding.—The department ~~of Management Services~~ may implement a program to train state agency employees who are involved in managing outsourcings as Project Management Professionals, as certified by the Project Management Institute. ~~For the 2006-2007 fiscal year, the sum of $500,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Management Services to implement this program.~~ *Subject to annual appropriations,* the department ~~of Management Services~~, in consultation with entities subject to this *part* ~~act~~, shall identify personnel to participate in this training based on requested need and ensure that each agency is represented. The department ~~of Management Services~~ may remit payment for this training on behalf of all participating personnel.

Section 14. Subsection (3) of section 16.0155, Florida Statutes, is amended to read:

16.0155 Contingency fee agreements.—

(3) *Notwithstanding the exemption provided in s. 287.057(3)(e),* if the Attorney General makes the determination described in subsection (2), *he or she* ~~notwithstanding the exemption provided in s. 287.057(3)(f), the Attorney General~~ shall request proposals from private attorneys to represent the department on a contingency-fee basis, unless the Attorney General determines in writing that requesting proposals is not feasible under the circumstances. The written determination does not constitute a final agency action subject to review pursuant to ss. 120.569 and 120.57. For purposes of this subsection only, the department is exempt from ~~the requirements of~~ s. 120.57(3), and neither the request for proposals nor the contract award is subject to challenge pursuant to ss. 120.569 and 120.57.

Section 15. Subsection (1) of section 283.33, Florida Statutes, is amended to read:

283.33 Printing of publications; lowest bidder awards.—

(1) Publications may be printed and prepared in-house, by another agency or the Legislature, or purchased on bid, whichever is more economical and practicable as determined by the agency. An agency may contract for binding separately when more economical or practicable, whether or not the remainder of the printing is done in-house. A vendor may subcontract for binding and still be considered a responsible vendor *as defined in s. 287.012*~~, notwithstanding s. 287.012(24)~~.

Section 16. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) POWER TO CONTRACT.—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding *s. 287.057(3)(e)* ~~the provisions of s. 287.057(3)(f)~~, contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids *if* ~~when~~ the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district *may* ~~shall~~ not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids *are* ~~will be~~ effective for 3 years. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 17. Paragraph (a) of subsection (2) of section 402.7305, Florida Statutes, is amended to read:

402.7305 Department of Children and Family Services; procurement of contractual services; contract management.—

(2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

(a) Notwithstanding s. *287.057(3)(e)12.* ~~287.057(3)(f)12.~~, *if* ~~whenever~~ the department intends to contract with a public postsecondary institution to provide a service, the department must allow all public postsecondary institutions in this state that are accredited by the Southern Association of Colleges and Schools to bid on the contract. Thereafter, notwithstanding any other provision *of law* ~~to the contrary~~, if a public postsecondary institution intends to subcontract for any service awarded in the contract, the subcontracted service must be procured by competitive procedures.

Section 18. Section 409.9132, Florida Statutes, is amended to read:

409.9132 Pilot project to monitor home health services.—The Agency for Health Care Administration shall expand the home health agency monitoring pilot project in Miami-Dade County on a statewide basis effective July 1, 2012, except in counties in which the program *is* ~~will~~ not ~~be~~ cost-effective, as determined by the agency. The agency shall contract with a vendor to verify the utilization and delivery of home health services and provide an electronic billing interface for home health services. The contract must require the creation of a program to submit claims electronically for the delivery of home health services. The program must verify telephonically visits for the delivery of home health services using voice biometrics. The agency may seek amendments to the Medicaid state plan and waivers of federal laws, as necessary, to implement or expand the pilot project. Notwithstanding s. *287.057(3)(e)* ~~287.057(3)(f)~~, the agency must award the contract through the competitive solicitation process and may use the current contract to expand the home health agency monitoring pilot project to include additional counties as authorized under this section.

Section 19. Subsection (3) of section 427.0135, Florida Statutes, is amended to read:

427.0135 Purchasing agencies; duties and responsibilities.—Each purchasing agency, in carrying out the policies and procedures of the commission, shall:

(3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. *287.057(3)(e)12.* ~~287.057(3)(f)12.~~, or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.

Section 20. Paragraph (c) of subsection (5) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(5) USE OF CONTRACTS.—Regional workforce boards shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. *287.057(3)(e)* ~~287.057(3)(f)~~ for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.

Section 21. Paragraph (c) of subsection (5) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers; public records and public meetings exemptions.—

(5)

(c) The operation of the plan shall be governed by a plan of operation that is prepared at the direction of the board of governors and approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. The plan of operation *must* ~~shall~~:

1. Authorize the board to engage in the activities necessary to implement this subsection, including, but not limited to, borrowing money.

2. Develop criteria for eligibility for coverage by the plan, including, but not limited to, documented rejection by at least two insurers which reasonably assures that insureds covered under the plan are unable to acquire coverage in the voluntary market.

3. Require notice from the agent to the insured at the time of the application for coverage that the application is for coverage with the plan and that coverage may be available through an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer through another agent at a lower cost.

4. Establish programs to encourage insurers to provide coverage to applicants of the plan in the voluntary market and to insureds of the plan, including, but not limited to:

a. Establishing procedures for an insurer to use in notifying the plan of the insurer's desire to provide coverage to applicants to the plan or existing insureds of the plan and in describing the types of risks in which the insurer is interested. The description of the desired risks must be on a form developed by the plan.

b. Developing forms and procedures that provide an insurer with the information necessary to determine whether the insurer wants to write particular applicants to the plan or insureds of the plan.

c. Developing procedures for notice to the plan and the applicant to the plan or insured of the plan that an insurer will insure the applicant or the insured of the plan, and notice of the cost of the coverage offered; and developing procedures for the selection of an insuring entity by the applicant or insured of the plan.

d. Provide for a market-assistance plan to assist in the placement of employers. All applications for coverage in the plan received 45 days before the effective date for coverage shall be processed through the market-assistance plan. A market-assistance plan specifically designed to serve the needs of small, good policyholders as defined by the board must be reviewed and updated periodically.

5. Provide for policy and claims services to the insureds of the plan of the nature and quality provided for insureds in the voluntary market.

6. Provide for the review of applications for coverage with the plan for reasonableness and accuracy, using any available historic information regarding the insured.

7. Provide for procedures for auditing insureds of the plan which are based on reasonable business judgment and are designed to maximize the likelihood that the plan will collect the appropriate premiums.

8. Authorize the plan to terminate the coverage of and refuse future coverage for any insured that submits a fraudulent application to the plan or provides fraudulent or grossly erroneous records to the plan or to any service provider of the plan in conjunction with the activities of the plan.

9. Establish service standards for agents who submit business to the plan.

10. Establish criteria and procedures to prohibit any agent who does not adhere to the established service standards from placing business with the plan or receiving, directly or indirectly, any commissions for business placed with the plan.

11. Provide for the establishment of reasonable safety programs for all insureds in the plan. All insureds of the plan must participate in the safety program.

12. Authorize the plan to terminate the coverage of and refuse future coverage to any insured who fails to pay premiums or surcharges when due; who, at the time of application, is delinquent in payments of workers' compensation or employer's liability insurance premiums or surcharges owed to an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer licensed to write such coverage in this state; or who refuses to substantially comply with any safety programs recommended by the plan.

13. Authorize the board of governors to provide the goods and services required by the plan through staff employed by the plan, through reasonably compensated service providers who contract with the plan to provide services as specified by the board of governors, or through a combination of employees and service providers.

a. Purchases that equal or exceed $2,500 but are less than or equal to $25,000, shall be made by receipt of written quotes, telephone quotes, or informal bids, *if* ~~whenever~~ practical. The procurement of goods or services valued over $25,000 is subject to competitive solicitation, except in situations in which the goods or services are provided by a sole source or are deemed an emergency purchase, or the services are exempted from competitive-solicitation requirements under s. *287.057(3)(e)* ~~287.057(3)(f)~~. Justification for the sole-sourcing or emergency procurement must be documented. Contracts for goods or services valued at or over $100,000 are subject to board approval.

b. The board shall determine whether it is more cost-effective and in the best interests of the plan to use legal services provided by in-house attorneys employed by the plan rather than contracting with outside counsel. In making such determination, the board shall document its findings and shall consider the expertise needed; whether time commitments exceed in-house staff resources; whether local representation is needed; the travel, lodging, and other costs associated with in-house representation; and such other factors that the board determines are relevant.

14. Provide for service standards for service providers, methods of determining adherence to those service standards, incentives and disincentives for service, and procedures for terminating contracts for service providers that fail to adhere to service standards.

15. Provide procedures for selecting service providers and standards for qualification as a service provider that reasonably assure that any service provider selected will continue to operate as an ongoing concern and is capable of providing the specified services in the manner required.

16. Provide for reasonable accounting and data-reporting practices.

17. Provide for annual review of costs associated with the administration and servicing of the policies issued by the plan to determine alternatives by which costs can be reduced.

18. Authorize the acquisition of such excess insurance or reinsurance as is consistent with the purposes of the plan.

19. Provide for an annual report to the office on a date specified by the office and containing such information as the office reasonably requires.

20. Establish multiple rating plans for various classifications of risk which reflect risk of loss, hazard grade, actual losses, size of premium, and compliance with loss control. At least one of such plans must be a preferred-rating plan to accommodate small-premium policyholders with good experience as defined in sub-subparagraph 22.a.

21. Establish agent commission schedules.

22. For employers otherwise eligible for coverage under the plan, establish three tiers of employers meeting the criteria and subject to the rate limitations specified in this subparagraph.

a. Tier One.—

(I) Criteria; rated employers.—An employer that has an experience modification rating shall be included in Tier One if the employer meets all of the following:

(A) The experience modification is below 1.00.

(B) The employer had no lost-time claims subsequent to the applicable experience modification rating period.

(C) The total of the employer's medical-only claims subsequent to the applicable experience modification rating period did not exceed 20 percent of premium.

(II) Criteria; non-rated employers.—An employer that does not have an experience modification rating shall be included in Tier One if the employer meets all of the following:

(A) The employer had no lost-time claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan.

(B) The total of the employer's medical-only claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan did not exceed 20 percent of premium.

(C) The employer has secured workers' compensation coverage for the entire 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan.

(D) The employer is able to provide the plan with a loss history generated by the employer's prior workers' compensation insurer, except if the employer is not able to produce a loss history due to the insolvency of an insurer, the receiver shall provide to the plan, upon the request of the employer or the employer's agent, a copy of the employer's loss history from the records of the insolvent insurer if the loss history is contained in records of the insurer which are in the possession of the receiver. If the receiver is unable to produce the loss history, the employer may, in lieu of the loss history, submit an affidavit from the employer and the employer's insurance agent setting forth the loss history.

(E) The employer is not a new business.

(III) Premiums.—The premiums for Tier One insureds shall be set at a premium level 25 percent above the comparable voluntary market premiums until the plan has sufficient experience as determined by the board to establish an actuarially sound rate for Tier One, at which point the board shall, subject to paragraph (e), adjust the rates, if necessary, to produce actuarially sound rates, provided such rate adjustment shall not take effect prior to January 1, 2007.

b. Tier Two.—

(I) Criteria; rated employers.—An employer that has an experience modification rating shall be included in Tier Two if the employer meets all of the following:

(A) The experience modification is equal to or greater than 1.00 but not greater than 1.10.

(B) The employer had no lost-time claims subsequent to the applicable experience modification rating period.

(C) The total of the employer's medical-only claims subsequent to the applicable experience modification rating period did not exceed 20 percent of premium.

(II) Criteria; non-rated employers.—An employer that does not have any experience modification rating shall be included in Tier Two if the employer is a new business. An employer shall be included in Tier Two if the employer has less than 3 years of loss experience in the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan and the employer meets all of the following:

(A) The employer had no lost-time claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan.

(B) The total of the employer's medical-only claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan did not exceed 20 percent of premium.

(C) The employer is able to provide the plan with a loss history generated by the workers' compensation insurer that provided coverage for the portion or portions of such period during which the employer had secured workers' compensation coverage, except if the employer is not able to produce a loss history due to the insolvency of an insurer, the receiver shall provide to the plan, upon the request of the employer or the employer's agent, a copy of the employer's loss history from the records of the insolvent insurer if the loss history is contained in records of the insurer which are in the possession of the receiver. If the receiver is unable to produce the loss history, the employer may, in lieu of the loss history, submit an affidavit from the employer and the employer's insurance agent setting forth the loss history.

(III) Premiums.—The premiums for Tier Two insureds shall be set at a rate level 50 percent above the comparable voluntary market premiums until the plan has sufficient experience as determined by the board to establish an actuarially sound rate for Tier Two, at which point the board shall, subject to paragraph (e), adjust the rates, if necessary, to produce actuarially sound rates, provided such rate adjustment shall not take effect prior to January 1, 2007.

c. Tier Three.—

(I) Eligibility.—An employer shall be included in Tier Three if the employer does not meet the criteria for Tier One or Tier Two.

(II) Rates.—The board shall establish, subject to paragraph (e), and the plan shall charge, actuarially sound rates for Tier Three insureds.

23. For Tier One or Tier Two employers which employ no nonexempt employees or which report payroll which is less than the minimum wage hourly rate for one full-time employee for 1 year at 40 hours per week, the plan shall establish actuarially sound premiums, provided, however, that the premiums may not exceed $2,500. These premiums shall be in addition to the fee specified in subparagraph 26. When the plan establishes actuarially sound rates for all employers in Tier One and Tier Two, the premiums for employers referred to in this paragraph are no longer subject to the $2,500 cap.

24. Provide for a depopulation program to reduce the number of insureds in the plan. If an employer insured through the plan is offered coverage from a voluntary market carrier:

a. During the first 30 days of coverage under the plan;

b. Before a policy is issued under the plan;

c. By issuance of a policy upon expiration or cancellation of the policy under the plan; or

d. By assumption of the plan's obligation with respect to an in-force policy,

that employer is no longer eligible for coverage through the plan. The premium for risks assumed by the voluntary market carrier must be no greater than the premium the insured would have paid under the plan, and shall be adjusted upon renewal to reflect changes in the plan rates and the tier for which the insured would qualify as of the time of renewal. The insured may be charged such premiums only for the first 3 years of coverage in the voluntary market. A premium under this subparagraph is deemed approved and is not an excess premium for purposes of s. 627.171.

25. Require that policies issued and applications must include a notice that the policy could be replaced by a policy issued from a voluntary market carrier and that, if an offer of coverage is obtained from a voluntary market carrier, the policyholder is no longer eligible for coverage through the plan. The notice must also specify that acceptance of coverage under the plan creates a conclusive presumption that the applicant or policyholder is aware of this potential.

26. Require that each application for coverage and each renewal premium be accompanied by a nonrefundable fee of $475 to cover costs of administration and fraud prevention. The board may, with the prior approval of the office, increase the amount of the fee pursuant to a rate filing to reflect increased costs of administration and fraud prevention. The fee is not subject to commission and is fully earned upon commencement of coverage.

Section 22. Paragraph (e) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(e) Purchases that equal or exceed $2,500, but are less than $25,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, *if* ~~whenever~~ practical. The procurement of goods or services valued at or over $25,000 *is* ~~shall be~~ subject to competitive solicitation, except in situations where the goods or services are provided by a sole source or are deemed an emergency purchase; the services are exempted from competitive solicitation requirements under s. *287.057(3)(e)* ~~287.057(3)(f)~~; or the procurement of services is subject to s. 627.3513. Justification for the sole-sourcing or emergency procurement must be documented. Contracts for goods or services valued at or over $100,000 are subject to approval by the board.

Section 23. Subsection (2) of section 765.5155, Florida Statutes, is amended to read:

765.5155 Donor registry; education program.—

(2) The agency and the department shall jointly contract for the operation of a donor registry and education program. The contractor shall be procured by competitive solicitation pursuant to chapter 287, notwithstanding *an* ~~any~~ exemption *under* ~~in~~ s. *287.057(3)(e)* ~~287.057(3)(f)~~. When awarding the contract, priority shall be given to existing nonprofit groups that are based within the state, have expertise working with procurement organizations, have expertise in conducting statewide organ and tissue donor public education campaigns, and represent the needs of the organ and tissue donation community in the state.

Section 24. Subsection (10) of section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(10) All costs incurred by the department in administering the prescription drug monitoring program shall be funded through federal grants or private funding applied for or received by the state. The department may not commit funds for the monitoring program without ensuring funding is available. The prescription drug monitoring program and the implementation thereof are contingent upon receipt of the nonstate funding. The department and state government shall cooperate with the direct-support organization established pursuant to subsection (11) in seeking federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department *if* ~~so long as~~ the costs of doing so are not considered material. Nonmaterial costs for this purpose include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. Notwithstanding the exemptions to competitive-solicitation requirements under s. *287.057(3)(e)* ~~287.057(3)(f)~~, the department shall comply with the competitive-solicitation requirements under s. 287.057 for the procurement of any goods or services required by this section. Funds provided, directly or indirectly, by prescription drug manufacturers may not be used to implement the program.

Section 25. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2013.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to governmental accountability; creating s. 119.0701, F.S.; providing definitions; providing that each public agency contract for services must meet specified requirements; requiring the public agency to enforce contract provisions if a contractor does not comply with a public records request; amending s. 119.12, F.S.; specifying what constitutes reasonable costs of enforcement in a civil action against an agency to enforce ch. 119, F.S.; amending s. 215.971, F.S.; requiring agreements funded with state or federal financial assistance to include additional provisions; authorizing the Chief Financial Officer to audit agreements before execution and providing requirements for such audits; requiring state agencies to designate a grants manager for each agreement and providing requirements and procedures for managers; requiring the Chief Financial Officer to perform audits of executed

agreements and to discuss such audits with agency officials; requiring the agency head to respond to the audit; reordering and 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 to the public the information posted on the system through a secure website; providing an exception; 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.; amending s. 287.012, F.S.; providing and revising definitions; amending s. 287.042, F.S.; revising powers, duties, and functions of the Department of Management Services; eliminating a duty of the department to maintain a vendor list; authorizing the department to lead or enter into joint agreements with governmental entities for the purchase of commodities or contractual services that can be used by multiple agencies; amending s. 287.057, F.S.; providing that contracts awarded pursuant to an invitation to bid shall be awarded to the responsible and responsive vendor that submits the lowest responsive bid; revising exceptions to the requirement that the purchase of specified commodities or contractual services be made only as a result of receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies; revising contractual services and commodities that are not subject to competitive solicitation requirements by virtue of being available only from a single source; providing that a contract for commodities or contractual services may be awarded without competition if the recipient of funds is established during the appropriations process; revising provisions relating to extension of a contract for commodities or contractual services; authorizing an agency to negotiate better pricing upon renewal of a contract; providing training requirements for contract managers responsible for contracts in excess of a specified threshold amount; providing contract manager certification for contract managers responsible for contracts in excess of a specified threshold amount; providing that the department is responsible for establishing and disseminating the requirements for certification of a contract manager; providing that training will be conducted jointly by the Department of Management Services and the Department of Financial Services; providing training guidelines and requirements; requiring the department, in consultation with the Chief Financial Officer to maintain a program for online procurement of commodities and contractual services; amending s. 287.0571, F.S.; revising nonapplicability of a business case to outsource; amending s. 287.058, F.S.; defining the term "performance measure"; revising references within provisions relating to purchase orders used in lieu of written agreements for classes of contractual services; revising terminology; authorizing the Chief Financial Officer to audit contracts before execution and providing requirements for such audits; creating s. 287.136, F.S.; requiring the Chief Financial Officer to perform audits of executed contract documents and to discuss such audits with the agency officials; requiring the agency head to respond to the audit; amending s. 287.076, F.S.; providing that Project Management Professionals training for personnel involved in managing outsourcings and negotiations is subject to annual appropriations; amending ss. 16.0155, 283.33, 394.457, 402.7305, 409.9132, 427.0135, 445.024, 627.311, 627.351, 765.5155, and 893.055, F.S.; conforming cross-references; providing effective dates.

On motion by Senator Brandes, by two-thirds vote **CS for CS for HB 1309** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Latvala
Abruzzo	Evers	Legg
Bean	Flores	Montford
Benacquisto	Galvano	Negron
Bradley	Garcia	Richter
Brandes	Gardiner	Ring
Braynon	Gibson	Sachs
Bullard	Grimsley	Simmons
Clemens	Hays	Simpson
Dean	Hukill	Smith
Detert	Joyner	Sobel
Soto	Thompson	
Stargel	Thrasher	

Nays—None

Vote after roll call:

Yea—Margolis

BILLS ON THIRD READING

Consideration of **CS for HB 7065** was deferred.

CS for CS for SB 1664—A bill to be entitled An act relating to education; amending s. 1004.04, F.S.; revising legislative intent; revising the requirements of State Board of Education rule for uniform core curricula for state-approved teacher preparation programs; revising the process for initial approval of state-approved teacher preparation programs; revising the requirements for continued approval of state-approved teacher preparation programs; requiring the State Board of Education to adopt rules for continued approval of teacher preparation programs; requiring the Commissioner of Education to determine the continued approval of each program; providing requirements for a report that certain public and private institutions prepare regarding their teacher preparation programs; requiring the Department of Education to report to the Governor, the Legislature, the State Board of Education, the Board of Governors, the Commissioner of Education, each Florida postsecondary teacher preparation program, each district school superintendent, and the public the results of each approved program's annual progress and the current approval status of each program; revising the requirements for preservice field experience; amending s. 1004.85, F.S.; revising the definition of the term "educator preparation institute"; authorizing a qualified private provider to seek approval to offer a competency-based certification program; revising the criteria for approval of preparation programs; requiring the department to approve a certification program under certain circumstances; revising the requirements for program participants; revising the criteria for continued approval of programs; revising the requirements for personnel that participate in field experiences; providing requirements for measuring student performance in instructional personnel and school administrator performance evaluations; providing requirements for the performance evaluation of personnel for purposes of the performance salary schedule; amending s. 1008.22, F.S.; requiring each school district to establish and approve testing schedules for district-mandated assessments and publish the schedules on its website; requiring reporting of the schedules to the Department of Education; amending s. 1012.05, F.S.; conforming provisions to changes made by the act; amending s. 1012.32, F.S.; conforming cross-references and conforming provisions to changes made by the act; amending s. 1012.55, F.S.; requiring the State Board of Education to adopt rules that allow an individual who meets specified criteria to be eligible for a temporary certificate in education leadership; amending s. 1012.56, F.S.; authorizing the State Board of Education to adopt rules that allow for the acceptance of college course credits recommended by the American Council for Education; authorizing a school district to provide a professional development certification program; specifying the components of the program; revising requirements for demonstrating mastery of professional education competence; requiring the Commissioner of Education to determine the continued approval of the programs; requiring the Department of Education to provide a review procedure for an applicant who fails a certification examination; requiring the applicant to bear the actual cost in order for the department to provide an examination review; amending s. 1012.585, F.S.; conforming a cross-reference; amending s. 1012.71, F.S.; renaming the Florida Teachers Lead Program as the Florida Teachers Classroom Supply Assistance Program; providing that the calculation of funds for each teacher includes local contributions; requiring that a teacher's proportionate share of funds be provided by any means determined appropriate, including a debit card; providing requirements for the debit card; authorizing the Department of Education and the district school boards to enter into public-private partnerships; deleting provisions relating to a pilot program established for the 2009-2010 fiscal year; amending s. 1012.98, F.S.; authorizing rather than requiring each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Legg, **CS for CS for SB 1664** as amended was passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Simmons
Braynon	Grimsley	Simpson
Dean	Hays	Sobel
Detert	Hukill	Soto
Diaz de la Portilla	Legg	Stargel
Evers	Margolis	Thrasher
Flores	Montford	

Nays—6

Bullard	Joyner	Smith
Clemens	Sachs	Thompson

Vote after roll call:

Yea to Nay—Braynon

Vote preference:

May 1, 2013: Nay—Abruzzo

Consideration of **CS for CS for HB 617**, **CS for CS for HB 57**, **CS for CS for SB 770**, and **CS for CS for HB 635** was deferred.

CS for CS for HB 7083—A bill to be entitled An act relating to the death penalty; providing a short title; amending s. 27.5304, F.S.; requiring funds used to compensate court-appointed attorneys who represent a person convicted and sentenced to death in clemency proceedings to be paid by the Justice Administrative Commission rather than the Department of Corrections; amending s. 27.701(2), F.S.; repealing a pilot project using registry attorneys to provide capital collateral counsel services in the northern region of the Capital Collateral Regional Counsel; amending s. 27.702, F.S.; removing language requiring the capital collateral regional counsel to only file postconviciton actions authorized by statute; amending s. 27.703, F.S.; prohibiting the capital collateral regional counsel and replacement regional counsel from accepting an appointment or taking and action that creates an actual conflict of interest; describing actual conflict of interest; amending s. 27.704, F.S.; requiring attorneys who contract with the capital collateral regional counsel to meet certain criteria; creating s. 27.7045, F.S.; prohibiting an attorney from representing a person charged with a capital offense in specified proceedings for 5 years if in two separate instances a court, in a capital postconviction proceeding, determined that the attorney provided constitutionally deficient representation and relief was granted; amending s. 27.7081, F.S.; providing definitions; establishing procedures for public records production in postconviction capital cases proceedings; amending s. 27.710, F.S.; requiring private registry attorneys appointed by the court to represent persons in postconviction capital proceedings to contract with the Justice Administrative Commission rather than the Chief Financial Officer; specifying that the Justice Administrative Commission is the contract manager; requiring the Justice Administrative Commission to approve uniform contract forms and procedures; amending s. 27.711, F.S.; replacing references to the “Chief Financial Officer” with “Justice Administrative Commission” for purposes of paying private registry attorneys appointed by the court to represent persons in postconviction capital proceedings; permitting private registry attorneys appointed by the court to represent persons in postconviction capital proceedings to represent no more than ten, rather than five, defendants in capital postconvcition litigation at any one time; amending s. 922.095, F.S.; requiring persons convicted and sentenced to death to pursue all possible collateral remedies in state court in accordance with the Florida Rules of Criminal Procedure rather than in accordance with statute; amending s. 922.052, F.S.; requiring the sheriff to send the record of a person’s conviction and death sentence to the clerk of the Florida Supreme Court; requiring the clerk of the Florida Supreme Court to inform the Governor in writing certifying that a person convicted and sentenced to death meets certain criteria; requiring the Governor to issue a warrant within 30 days of receiving the clerk’s letter of certification in all cases where the executive clemency process has concluded directing the warden to execute the sentence within 180 days; authorizing the Governor to sign a warrant of execution if the clerk of the Florida Supreme Court does not comply; amending s. 924.055, F.S.; removing obsolete language requiring capital postconviction motions to be filed in accordance with statute; requiring capital postconviction motions to be filed in accordance with the Florida Rules of Criminal Procedure; amending s. 924.056, F.S.; requiring the Supreme Court to annually report certain information regarding capital postconviction cases to the Legislature; requiring courts to report specified findings of ineffective assistance of counsel to The Florida Bar; amending s. 924.057, F.S.; providing legislative intent regarding postconviction proceedings in capital cases; repealing ss. 924.058, 924.059, and 924.395, F.S., relating to postconviction capital case proceedings; providing severability; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Negron, **CS for CS for HB 7083** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Flores	Negron
Bean	Galvano	Richter
Benacquisto	Gardiner	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Clemens	Hukill	Soto
Dean	Latvala	Stargel
Detert	Lee	Thrasher
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—10

Braynon	Joyner	Sobel
Bullard	Montford	Thompson
Garcia	Ring	
Gibson	Sachs	

Vote preference:

May 1, 2013: Nay—Abruzzo

Consideration of **CS for SB 1108** was deferred.

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for CS for SB 306**, **CS for CS for SB 1392**, **CS for CS for SB 904**, **CS for CS for SB 1628**, and **CS for CS for SB 1458** was deferred.

CS for SB 262—A bill to be entitled An act relating to the delivery of insurance policies; amending s. 627.421, F.S.; providing that an insurance policy may be delivered by electronic means; specifying the types of policies that can be delivered electronically; requiring that a paper copy of the policy be provided upon request; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 262**, on motion by Senator Smith, by two-thirds vote **CS for HB 157** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Rules.

On motion by Senator Smith—

CS for HB 157—A bill to be entitled An act relating to delivery of insurance policies; amending s. 627.421, F.S.; authorizing an insurer to electronically transmit an insurance policy to the insured or other person entitled to receive the policy; providing an exception to electronic transmission for specified policies; providing requirements for electronic transmission of a policy; requiring that a paper copy of the policy be provided upon request of the insured or other person entitled to receive the policy; providing an effective date.

—a companion measure, was substituted for **CS for SB 262** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 157** was placed on the calendar of Bills on Third Reading.

CS for SB 378—A bill to be entitled An act relating to manufactured and mobile homes; amending s. 627.351, F.S.; requiring the Citizens Property Insurance Corporation to provide coverage for mobile homes and related structures; amending s. 723.06115, F.S.; specifying the procedure for requesting and obtaining funds from the Florida Mobile Home Relocation Trust Fund to pay for the operational costs of the Florida Mobile Home Relocation Corporation and the relocation costs of mobile home owners; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 378**, on motion by Senator Bean, by two-thirds vote **CS for CS for CS for HB 573** was withdrawn from the Committees on Banking and Insurance; Regulated Industries; Appropriations; and Rules.

On motion by Senator Bean—

CS for CS for CS for HB 573—A bill to be entitled An act relating to manufactured and mobile homes; amending s. 627.351, F.S.; requiring the Citizens Property Insurance Corporation to provide coverage for mobile homes and manufactured homes and related structures for a specified minimum insured value; amending s. 723.06115, F.S.; specifying the procedure for requesting and obtaining funds from the Florida Mobile Home Relocation Trust Fund to pay for the operational costs of the Florida Mobile Home Relocation Corporation and the relocation costs of mobile home owners; providing an effective date.

—a companion measure, was substituted for **CS for SB 378** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 573** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Thrasher, the rules were waived and by two-thirds vote **CS for SB 626** was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Bullard, by unanimous consent—

CS for SB 626—A bill to be entitled An act relating to bullying in the public school system; providing a short title; amending s. 1006.147, F.S.; prohibiting cyberbullying in schools and during school-related activities; expanding the circumstances under which bullying or harassment of any student or employee of a public K-12 institution is prohibited; revising the definition of the term “bullying” to include emotional pain or discomfort; defining the term “cyberbullying”; revising the definition of the term “harassment”; requiring each school district to incorporate a prohibition on cyberbullying into its policy on bullying and harassment; requiring that such policy mandate that computers without web-filtering software or computers with web-filtering software disabled be used when investigating complaints of cyberbullying; requiring that school district policies prohibiting bullying, cyberbullying, and harassment address how to identify and respond to behavior that leads to such conduct; requiring that the model policy of the Department of Education include a prohibition on cyberbullying by a certain date and that such policy be included in the code of student conduct; updating fiscal years regarding the distribution of safe school funds; providing an effective date.

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

Pending further consideration of **CS for SB 626**, on motion by Senator Bullard, by two-thirds vote **CS for CS for HB 609** was withdrawn from the Committees on Education; Judiciary; and Rules.

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

CS for CS for HB 609—A bill to be entitled An act relating to bullying in the public school system; amending s. 1006.147, F.S.; revising provisions prohibiting bullying or harassment of a student or school employee through the use of computer-related activities; prohibiting bullying or harassment through the use of data or computer software that is accessed at a nonschool-related location or activity if certain conditions are met; providing that bullying includes cyberbullying; defining the terms “cyberbullying” and “within the scope of a public K-12 educational institution”; requiring the use of computers without web-filtering software or computers with web-filtering software that is disabled when investigating complaints of cyberbullying; requiring that each school district include in its districtwide policy instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action; providing an effective date.

—a companion measure, was substituted for **CS for SB 626** and read the second time by title.

On motion by Senator Bullard, by two-thirds vote **CS for CS for HB 609** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Galvano	Richter
Abruzzo	Garcia	Ring
Bean	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	
Flores	Negron	

Nays—None

Vote after roll call:

Yea—Benacquisto

Consideration of **CS for CS for SB 1384** was deferred.

CS for SB 304—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.313, F.S., relating to an exemption from public record requirements for certain information submitted to an agency by an agency employee who is a victim of domestic violence or sexual violence; making clarifying changes; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 304**, on motion by Senator Evers, by two-thirds vote **HB 7079** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Evers—

HB 7079—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.313, F.S., relating to an exemption from public records requirements for certain information contained in records documenting an act of domestic violence or sexual violence which are submitted to an agency by an agency em-

ployee; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 304** and read the second time by title.

Pursuant to Rule 4.19, **HB 7079** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 594—A bill to be entitled An act relating to health care accreditation; amending ss. 154.11, 394.741, 397.403, 400.925, 400.9935, 402.7306, 408.05, 430.80, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; conforming provisions to the revised definition of the term "accrediting organizations" in s. 395.002, F.S., as amended by s. 4, ch. 2012-66, Laws of Florida, for purposes of hospital licensing and regulation by the Agency for Health Care Administration; amending s. 395.3038, F.S.; deleting an obsolete provision relating to a requirement that the agency provide certain notice relating to stroke centers to hospitals; conforming provisions 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 SB 594**, on motion by Senator Bean, by two-thirds vote **CS for HB 1071** was withdrawn from the Committees on Health Policy; Banking and Insurance; and Rules.

On motion by Senator Bean—

CS for HB 1071—A bill to be entitled An act relating to health care accrediting organizations; amending ss. 154.11, 394.741, 397.403, 400.925, 400.9935, 402.7306, 408.05, 430.80, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; conforming provisions to the revised definition of the term "accrediting organizations" in s. 395.002, F.S., as amended by s. 4, ch. 2012-66, Laws of Florida, for purposes of hospital licensing and regulation by the Agency for Health Care Administration; amending s. 395.3038, F.S.; deleting an obsolete provision relating to a requirement that the agency provide certain notice relating to stroke centers to hospitals; conforming provisions to changes made by the act; amending s. 486.102, F.S.; specifying accrediting agencies for physical therapist assistant programs; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 594** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1071** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 984**, **SB 1864**, **CS for SB 1868**, and **SB 1680** was deferred.

CS for CS for SB 582—A bill to be entitled An act relating to manufacturing development; creating s. 163.325, F.S.; providing a short title; establishing the Manufacturing Competitiveness Act; creating s. 163.3251, F.S.; providing definitions; creating s. 163.3252, F.S.; authorizing local governments to establish a local manufacturing development program that provides for master development approval for certain sites; providing specific time periods for action by local governments; requiring the Department of Economic Opportunity to develop a model ordinance containing specified information and provisions; requiring a local manufacturing development program ordinance to include certain information; providing certain restrictions on the termination of a local manufacturing development program; creating s. 163.3253, F.S.; requiring the department, in cooperation with participating agencies, to establish a manufacturing development coordinated approval process for certain manufacturers; requiring participating agencies to coordinate and review applications for certain manufacturers; requiring participating agencies to coordinate and review applications for certain state development approvals; requiring the department to convene a meeting when requested by a certain manufacturer; requiring participating agencies to attend meetings convened by the department; specifying that the department is not required to mediate between the participating agencies and a manufacturer; providing that the department may not be a party to certain proceedings involving state development approvals; requiring that the coordinated approval process have no effect on the department's economic development incentive approval process; providing for requests for additional information and specifying time periods; requiring participating agencies to take final action on applications within a certain time period; requiring the department to facilitate the resolution of certain applications; providing for approval by default; providing for applicability with respect to permit applications governed by federally delegated or approved permitting programs; authorizing the department to adopt rules; creating s. 288.111, F.S.; requiring the department to develop materials that identify local manufacturing development programs; requiring Enterprise Florida, Inc., and authorizing other state agencies, to distribute such material; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 582**, on motion by Senator Galvano, by two-thirds vote **CS for HB 357** was withdrawn from the Committees on Commerce and Tourism; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Galvano—

CS for HB 357—A bill to be entitled An act relating to manufacturing development; creating s. 163.325, F.S.; providing a short title; establishing the Manufacturing Competitiveness Act; creating s. 163.3251, F.S.; providing definitions; creating s. 163.3252, F.S.; authorizing local governments to establish a local manufacturing development program that provides for master development approval for certain sites; providing specific time periods for action by local governments; requiring the Department of Economic Opportunity to develop a model ordinance containing specified information and provisions; requiring a local manufacturing development program ordinance to include certain information; providing certain restrictions on the termination of a local manufacturing development program; creating s. 163.3253, F.S.; requiring the department, in cooperation with participating agencies, to establish a manufacturing development coordinated approval process for certain manufacturers; requiring participating agencies to coordinate and review applications for certain state development approvals; requiring the department to convene a meeting when requested by a certain manufacturer; requiring participating agencies to attend meetings convened by the department; specifying that the department is not required, but is authorized, to mediate between the participating agencies and a manufacturer; providing that the department shall not be party to certain proceedings; requiring that the coordinated approval process have no effect on the department's approval of economic development incentives; providing for requests for additional information and specifying time periods; requiring participating agencies to take final action on applications within a certain time period; requiring the department to facilitate the resolution of certain applications; providing for approval by default; providing for applicability with respect to permit applications governed by federally delegated or approved permitting programs; authorizing the department to adopt rules; creating s. 288.111, F.S.; requiring the department to develop materials that identify local manufacturing development programs; requiring Enterprise Florida, Inc., and authorizing other state agencies, to distribute such material; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 582** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 357** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 984—A bill to be entitled An act relating to public records; creating s. 377.24075, F.S.; creating an exemption from public records requirements for certain information provided in an application for a natural gas storage facility permit to inject and recover gas into and from a natural gas storage reservoir; defining the term "proprietary business information"; providing exceptions to the exemption; providing for future review and repeal of the public records exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 984**, on motion by Senator Richter, by two-thirds vote **CS for HB 1085** was withdrawn from the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and Rules.

On motion by Senator Richter—

CS for CS for HB 1085—A bill to be entitled An act relating to public records; creating s. 377.24075, F.S.; creating an exemption from public records requirements for proprietary business information provided in an application for a natural gas storage facility permit to inject and recover gas into and from a natural gas storage reservoir; defining the term "proprietary business information"; authorizing disclosure of such information under specified conditions; providing for future review and repeal of the public records exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 984** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1085** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by unanimous consent—

CS for CS for CS for SB 958—A bill to be entitled An act relating to underground natural gas storage; providing a short title; amending s. 211.02, F.S.; narrowing the use of the term "oil"; amending s. 211.025, F.S.; narrowing the scope of the gas production tax to apply only to native gas; amending s. 376.301, F.S.; conforming a cross-reference; amending s. 377.06, F.S.; declaring underground natural gas storage to be in the public interest; amending s. 377.18, F.S.; clarifying common sources of oil and gas; amending s. 377.19, F.S.; modifying and providing definitions; amending s. 377.21, F.S.; extending the jurisdiction of the Division of Resource Management of the Department of Environmental Protection; amending s. 377.22, F.S.; expanding the scope of the department's rules and orders; amending s. 377.24, F.S.; providing for the notice and permitting of storage in and recovery from natural gas storage reservoirs; creating s. 377.2407, F.S.; establishing a natural gas storage facility permit application process; specifying requirements for an application, including fees; amending s. 377.241, F.S.; providing criteria that the division must consider in issuing permits; amending s. 377.242, F.S.; granting authority to the department to issue permits to establish natural gas storage facilities; creating s. 377.2431, F.S.; establishing conditions and procedures for granting natural gas storage facility permits; prohibiting the issuance of permits for facilities located in specified areas; creating s. 377.2432, F.S.; providing for the protection of water supplies at natural gas storage facilities; providing that an operator is presumed responsible for pollution of an underground water supply under certain circumstances; creating s. 377.2433, F.S.; providing for the protection of natural gas storage facilities through requirement of notice, compliance with certain standards, and a right of entry to monitor activities; creating s. 377.2434, F.S.; providing that property rights to injected natural gas are with the injector or the injector's heirs, successors, or assigns; providing for compensation to the owner of the stratum and the owner of the surface for use of or damage to the surface or substratum; amending s. 377.25, F.S.; limiting the scope of certain drilling unit requirements; amending s. 377.28, F.S.; modifying situations in which the department is required to issue an order requiring unit operation; amending s. 377.30, F.S.; providing that limitations on the amount of oil or gas taken do not apply to nonnative gas recovered from a permitted natural gas storage facility; amending s. 377.34, F.S.; providing for legal action against a person who appears to be violating a rule that relates to the storage or recovery of natural gas; amending s. 377.37, F.S.; expanding penalties to reach persons who violate the terms of a permit relating to storage of gas in a natural gas storage facility; amending s. 377.371, F.S.; providing that a person storing gas in a natural gas storage facility may not pollute or otherwise damage certain areas and that a person who pollutes water by storing natural gas is liable for cleanup or other costs incurred by the state; amending s. 403.973, F.S.; allowing expedited permitting for natural gas storage facilities permitted under ch. 377, F.S., and certain projects to construct interstate natural gas pipelines; providing that natural gas storage facilities are subject to certain requirements; directing the department to adopt certain rules before issuing permits for natural gas storage facilities; providing an effective date.

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

Pending further consideration of **CS for CS for CS for SB 958**, on motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 1083** was withdrawn from the Committees on Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; and Appropriations.

On motion by Senator Richter—

CS for CS for CS for HB 1083—A bill to be entitled An act relating to underground natural gas storage; providing a short title; amending s. 211.02, F.S.; narrowing the use of the term "oil"; amending s. 211.025, F.S.; narrowing the scope of the gas production tax to apply only to native gas; amending s. 376.301, F.S.; conforming a cross-reference; amending s. 377.06, F.S.; declaring underground natural gas storage to be in the public interest; amending s. 377.18, F.S.; clarifying common sources of oil and gas; amending s. 377.19, F.S.; modifying and providing definitions; amending s. 377.21, F.S.; extending the jurisdiction of the Division of Resource Management of the Department of Environmental Protection; amending s. 377.22, F.S.; expanding the scope of the department's rules and orders; amending s. 377.24, F.S.; providing for the notice and permitting of storage in and recovery from natural gas storage reservoirs; creating s. 377.2407, F.S.; establishing a natural gas storage facility permit application process; specifying requirements for an application, including fees; amending s. 377.241, F.S.; providing criteria that the division must consider in issuing permits; amending s. 377.242, F.S.; granting authority to the department to issue permits to establish natural gas storage facilities; creating s. 377.2431, F.S.; establishing conditions and procedures for granting natural gas storage facility permits; prohibiting the issuance of permits for facilities located in specified areas; creating s. 377.2432, F.S.; providing for the protection of water supplies at natural gas storage facilities; providing that an operator is presumed responsible for pollution of an underground water supply under certain circumstances; creating s. 377.2433, F.S.; providing for the protection of natural gas storage facilities through requirement of notice, compliance with certain standards, and a right of entry to monitor activities; creating s. 377.2434, F.S.; providing that property rights to injected natural gas are with the injector or the injector's heirs, successors, or assigns; providing for compensation to the owner of the stratum and the owner of the surface for use of or damage to the surface or substratum; amending s. 377.25, F.S.; limiting the scope of certain drilling unit requirements; amending s. 377.28, F.S.; modifying situations in which the department is required to issue an order requiring unit operation; amending s. 377.30, F.S.; providing that limitations on the amount of oil or gas taken do not apply to nonnative gas recovered from a permitted natural gas storage facility; amending s. 377.34, F.S.; providing for legal action against a person who appears to be violating a rule that relates to the storage or recovery of natural gas; amending s. 377.37, F.S.; expanding penalties to reach persons who violate the terms of a permit relating to storage of gas in a natural gas storage facility; amending s. 377.371, F.S.; providing that a person storing gas in a natural gas storage facility may not pollute or otherwise damage certain areas and that a person who pollutes water by storing natural gas is liable for cleanup or other costs incurred by the state; amending s. 403.973, F.S.; allowing expedited permitting for natural gas storage facilities permitted under ch. 377, F.S., and certain projects to construct interstate natural gas pipelines; providing that natural gas storage facilities are subject to certain requirements; directing the department to adopt certain rules before issuing permits for natural gas storage facilities; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 958** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1083** was placed on the calendar of Bills on Third Reading.

CS for SB 1868—A bill to be entitled An act relating to public records; creating s. 560.312, F.S.; providing an exemption from public records requirements for payment instrument transaction information held by the Office of Financial Regulation; providing for specified access to such information; authorizing the office to enter into information-sharing agreements and provide access to information contained in the database to certain governmental agencies; requiring a department or agency that receives confidential information to maintain the confidentiality of the information, except as otherwise required by court order; providing for

future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1868**, on motion by Senator Bean, by two-thirds vote **CS for HB 7135** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Bean—

CS for HB 7135—A bill to be entitled An act relating to public records; creating s. 560.312, F.S.; providing an exemption from public records requirements for payment instrument transaction information held by the Office of Financial Regulation; providing for specified access to such information; authorizing the office to enter into information-sharing agreements and provide access to information contained in the database to certain governmental agencies; requiring a department or agency that receives confidential information to maintain the confidentiality of the information, except as otherwise required by court order; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1868** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7135** was placed on the calendar of Bills on Third Reading.

SB 1864—A bill to be entitled An act relating to ratification of rules implementing total maximum daily loads for impaired water bodies; ratifying specified rules of the Department of Environmental Protection for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any of the specified thresholds for likely adverse impact or increase in regulatory costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1864**, on motion by Senator Dean, by two-thirds vote **HB 7157** was withdrawn from the Committee on Rules.

On motion by Senator Dean—

HB 7157—A bill to be entitled An act relating to ratification of rules implementing total maximum daily loads for impaired water bodies; ratifying specified rules of the Department of Environmental Protection for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any of specified thresholds for likely adverse impact or increase in regulatory costs; providing an effective date.

—a companion measure, was substituted for **SB 1864** and read the second time by title.

Pursuant to Rule 4.19, **HB 7157** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 500—A bill to be entitled An act relating to massage practice; amending s. 480.033, F.S.; revising the definition of the term "board-approved massage school"; amending s. 480.043, F.S.; requiring an application to be denied upon specified findings; amending s. 480.046, F.S., adding additional grounds for denial of a license; amending s. 480.047, F.S.; revising penalties; creating s. 480.0475, F.S.; prohibiting the operation of a massage establishment during specified times; providing exceptions; prohibiting the use of a massage establishment as a principal domicile unless the establishment is zoned for residential use under a local ordinance; providing criminal penalties; amending s. 480.052, F.S., authorizing a county or municipality to waive the restriction on operating hours of a massage establishment in certain instances; amending s. 823.05, F.S.; declaring that a massage establishment operating in violation of specified statutes is a nuisance that may be abated or enjoined; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 500**, on motion by Senator Clemens, by two-thirds vote **CS for CS for CS for HB 7005** was withdrawn from the Committees on Regulated Industries; Community Affairs; Health Policy; and Appropriations.

On motion by Senator Clemens—

CS for CS for CS for HB 7005—A bill to be entitled An act relating to massage establishments; amending s. 480.033, F.S.; revising the definition of the term "board-approved massage school"; amending s. 480.046, F.S.; providing additional grounds for the denial of a license or disciplinary action; amending s. 480.047, F.S.; revising penalties; creating s. 480.0475, F.S.; prohibiting the operation of a massage establishment during specified times; providing exceptions; prohibiting the use of a massage establishment as a principal domicile unless the establishment is zoned for residential use under a local ordinance; providing penalties; amending s. 823.05, F.S.; declaring that a massage establishment operating in violation of specified statutes is a nuisance that may be abated or enjoined; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 500** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 7005** was placed on the calendar of Bills on Third Reading.

CS for SB 1000—A bill to be entitled An act relating to the purchase of firearms by mentally ill persons; amending s. 790.065, F.S.; providing conditions under which a person who has been voluntarily admitted to a mental institution for treatment and has undergone an involuntary examination under the Baker Act may be prohibited from purchasing a firearm; providing requirements for the examining physician; providing for judicial review of certain findings; providing specified notice requirements; providing form and contents of notice; providing requirements with respect to the filing of specified records with the court and presentation of such records to a judge or magistrate; providing lawful authority of a judge or magistrate to review specified records and order such records be submitted to the Department of Law Enforcement; providing a timeframe for submission of records to the department upon order by a judge or magistrate; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1000**, on motion by Senator Gibson, by two-thirds vote **CS for CS for HB 1355** was withdrawn from the Committees on Criminal Justice; Judiciary; and Rules.

On motion by Senator Gibson—

CS for CS for HB 1355—A bill to be entitled An act relating to the purchase of firearms by mentally ill persons; amending s. 790.065, F.S.; providing conditions under which a person who has been voluntarily admitted to a mental institution for treatment and has undergone an involuntary examination under the Baker Act may be prohibited from purchasing a firearm; providing requirements for the examining physician; providing for judicial review of certain findings; providing specified notice requirements; providing form and contents of notice; providing requirements with respect to the filing of specified records with the court and presentation of such records to a judge or magistrate; providing lawful authority of a judge or magistrate to review specified records and order that such records be submitted to the Department of Law Enforcement; providing a timeframe for submission of records to the department upon order by a judge or magistrate; providing an effective date.

—a companion measure, was substituted for **CS for SB 1000** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1355** was placed on the calendar of Bills on Third Reading.

SB 924—A bill to be entitled An act relating to dentists; amending s. 627.6474, F.S.; prohibiting a contract between a health insurer and a dentist from requiring the dentist to provide services at a fee set by the insurer under certain circumstances; providing that covered services are those services listed as a benefit that the insured is entitled to receive

under a contract; prohibiting an insurer from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting a health insurer from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 636.035, F.S.; prohibiting a contract between a prepaid limited health service organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a prepaid limited health service organization is entitled to receive under a contract; prohibiting a prepaid limited health service organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the prepaid limited health service organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 641.315, F.S.; prohibiting a contract between a health maintenance organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a health maintenance organization is entitled to receive under a contract; prohibiting a health maintenance organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the health maintenance organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; providing for application of the act; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **SB 924** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Garcia	Richter
Bean	Gardiner	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Joyner	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Legg	Thompson
Evers	Margolis	Thrasher
Flores	Montford	
Galvano	Negron	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

Vote preference:

May 1, 2013: Yea—Abruzzo

CS for CS for SB 836—A bill to be entitled An act relating to insurer solvency; creating s. 624.085, F.S.; providing definitions applicable to the Florida Insurance Code; amending s. 624.4085, F.S.; revising a definition; providing additional calculations for determining whether an insurer has a company action level event; revising provisions relating to mandatory control level events; amending s. 624.424, F.S.; requiring an insurer's annual statement to include an actuarial opinion summary; providing criteria for such summary; providing an exception for life and health insurers; updating provisions; amending s. 625.121, F.S.; protecting material supporting an insurer's annual actuarial opinion from subpoena, discovery, or admissibility in a civil action; amending s. 628.461, F.S.; revising the amount of outstanding voting securities of a domestic stock insurer or a controlling company that a person is prohibited from acquiring unless certain requirements have been met; deleting a provision authorizing an insurer to file a disclaimer of affiliation and control in lieu of a letter notifying the Office of Insurance Regulation of the Financial Services Commission of the acquisition of the voting securities of a domestic stock company under certain circumstances; requiring the statement notifying the office to include additional information; conforming a provision to changes made by the act; providing that control is presumed to exist under certain conditions; specifying how control may be rebutted and how a controlling interest may be divested; deleting definitions; amending s. 628.801, F.S.; requiring an insurer to file annually by a specified date a registration statement; revising the requirements and standards for the rules establishing the information and statement form for the registration; requiring an insurer to file an annual enterprise risk report; authorizing the office to conduct examinations to determine the financial condition of registrants; providing that failure to file a registration or report is a violation of the section; providing additional grounds, requirements, and conditions with respect to a waiver from the registration requirements; amending s. 628.803, F.S.; providing for sanctions for persons who violate s. 628.461, F.S., relating to the acquisition of controlling stock; creating s. 628.805, F.S.; authorizing the office to participate in supervisory colleges; authorizing the office to assess fees on insurers for participation; amending ss. 636.045 and 641.225, F.S.; applying certain statutes related to solvency to prepaid limited health service organizations and health maintenance organizations; amending s. 641.255, F.S.; providing for applicability of specified provisions to a health maintenance organization that is a member of a holding company; providing contingent effective dates.

—was read the second time by title. On motion by Senator Simmons, by two-thirds vote **CS for CS for SB 836** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

CS for CS for SB 844—A bill to be entitled An act relating to Medicaid; amending s. 409.907, F.S.; adding an additional provision relating to a change in principal that must be included in a Medicaid provider agreement with the Agency for Health Care Administration; adding the definitions of the terms "administrative fines" and "outstanding overpayment"; revising provisions relating to the agency's onsite inspection responsibilities; revising provisions relating to who is subject to background screening; authorizing the agency to enroll a provider who is licensed in this state and provides diagnostic services through telecommunications technology; amending s. 409.910, F.S.; revising provisions relating to responsibility for Medicaid payments in settlement proceedings; providing procedures for a recipient to contest the amount payable to the agency; amending s. 409.913, F.S.; revising provisions specifying grounds for terminating a provider from the program, for seeking certain remedies for violations, and for imposing certain sanctions; providing a limitation on the information the agency may consider when making a determination of overpayment; specifying the type of records a provider must present to contest an overpayment; deleting the requirement that the agency place payments withheld from a provider in a suspended account and revising when a provider must reimburse overpayments; revising venue requirements; adding provisions relating to the payment of fines; amending s. 409.920, F.S.; clarifying provisions relating to immunity from liability for persons who provide information about Medicaid fraud; amending s. 624.351, F.S.; providing for the expiration of the Medicaid and Public Assistance Fraud Strike Force; amending s. 624.352, F.S.; providing for the expiration of provisions relating to "Strike Force" agreements; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 844**, on motion by Senator Grimsley, by two-thirds vote **CS for CS for HB 939** was withdrawn from the Committees on Health Policy; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Grimsley—

CS for CS for HB 939—A bill to be entitled An act relating to Medicaid recoveries; amending s. 409.907, F.S.; adding an additional provision relating to a change in principal that must be included in a Medicaid provider agreement with the Agency for Health Care Administration; defining the terms "administrative fines" and "outstanding overpayment"; revising provisions relating to the agency's onsite inspection responsibilities; revising provisions relating to who is subject to background screening; authorizing the agency to enroll a provider who is licensed in this state and provides diagnostic services through telecommunications technology; amending s. 409.910, F.S.; revising provisions relating to settlements of Medicaid claims against third parties; providing procedures for a Medicaid recipient to contest the amount of recovered medical expense damages; providing for certain reports to be admissible as evidence to substantiate the agency's claim; providing for venue; providing conditions regarding attorney fees and costs; amending s. 409.913, F.S.; revising provisions specifying grounds for terminating a provider from the program, for seeking certain remedies for violations, and for imposing certain sanctions; providing a limitation on the information the agency may consider when making a determination of overpayment; specifying the type of records a provider must present to contest an overpayment; clarifying a provision regarding accrued interest on certain payments withheld from a provider; deleting the requirement that the agency place payments withheld from a provider in a suspended account and revising when a provider must reimburse overpayments; revising venue requirements; adding provisions relating to the payment of fines; amending s. 409.920, F.S.; clarifying provisions relating to immunity from liability for persons who provide information about Medicaid fraud; amending s. 624.351, F.S.; revising membership requirements for the Medicaid and Public Assistance Fraud Strike Force within the Department of Financial Services; providing for future review and repeal; amending s. 624.352, F.S., relating to interagency agreements to detect and deter Medicaid and public assistance fraud; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 844** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 939** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 732—A bill to be entitled An act relating to pharmacy; amending s. 465.019, F.S.; permitting a Class II institutional pharmacy formulary to include biologics, biosimilars, and biosimilar interchangeables; creating s. 465.0252, F.S.; providing definitions; providing requirements for a pharmacist to dispense a substitute biological product that is determined to be biosimilar to and interchangeable for the prescribed biological product; providing notification requirements for a pharmacist in a Class II or Modified Class II institutional pharmacy; requiring the Board of Pharmacy to maintain a current list of interchangeable biosimilar products; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 732**, on motion by Senator Grimsley, by two-thirds vote **CS for CS for HB 365** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Grimsley—

CS for CS for HB 365—A bill to be entitled An act relating to pharmacy; amending s. 465.019, F.S.; permitting a class II institutional pharmacy formulary to include biologics, biosimilars, and biosimilar interchangeables; creating s. 465.0252, F.S.; providing definitions; providing requirements for a pharmacist to dispense a substitute biological product that is determined to be biosimilar to and interchangeable for the prescribed biological product; providing notification requirements for a pharmacist in a class II or modified class II institutional pharmacy; requiring the Board of Pharmacy to maintain a current list of interchangeable biosimilar products; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 732** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 365** was placed on the calendar of Bills on Third Reading.

CS for SB 662—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; revising requirements for determining the amount of a reimbursement for repackaged or relabeled prescription medication; providing an exception; prohibiting a dispensing manufacturer from possession of a medicinal drug until certain persons are paid; providing an effective date.

—was read the second time by title. On motion by Senator Hays, by two-thirds vote **CS for SB 662** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

CS for SB 370—A bill to be entitled An act relating to disposition of human remains; amending s. 382.002, F.S.; revising definitions for purposes of the Florida Vital Statistics Act; amending s. 382.006, F.S.; authorizing the Department of Health to issue burial-transit permits; amending s. 382.008, F.S.; revising procedures for the registration of certificates of death or fetal death and the medical certification of causes of death; providing a definition; amending s. 382.011, F.S.; extending the time by which certain deaths must be referred to the medical examiner for investigation; creating s. 406.49, F.S.; providing definitions; amending s. 406.50, F.S.; revising procedures for the reporting and disposition of unclaimed remains; prohibiting certain uses or dispositions of the remains of deceased persons whose identities are not known; limiting the liability of licensed funeral directors who authorize the embalming of unclaimed remains under certain circumstances; amending s. 406.51, F.S.; requiring that local governmental contracts for the final disposition of unclaimed remains comply with certain federal regulations; amending s. 406.52, F.S.; revising procedures for the anatomical board's retention of human remains before their use; providing for claims by, and the release of human remains to, legally authorized persons after payment of certain expenses; authorizing county ordinances or resolutions for the final disposition of the unclaimed remains of indigent persons; limiting the liability of certain licensed persons for cremating or burying human remains under certain circumstances; amending s. 406.53, F.S.; revising exceptions from requirements for notice to the anatomical board of the death of indigent persons; deleting a requirement that the Department of Health assess fees for the burial of certain bodies; amending ss. 406.55, 406.56, and 406.57, F.S.; conforming provisions; amending s. 406.58, F.S.; requiring audits of the financial records of the anatomical board; conforming provisions; amending s. 406.59, F.S.; conforming provisions; amending s. 406.60, F.S.; authorizing certain facilities to dispose of human remains by cremation; amending s. 406.61, F.S.; revising provisions prohibiting the selling or buying of human remains or the transmitting or conveying of such remains outside the state; providing penalties; excepting accredited nontransplant anatomical donation organizations from requirements for the notification of and approval from the anatomical board for the conveyance of human remains for

specified purposes; requiring that nontransplant anatomical donation organizations be accredited by a certain date; requiring that human remains received by the anatomical board be accompanied by a burial-transit permit; requiring approval by the medical examiner and consent of certain persons before the dissection, segmentation, or disarticulation of such remains; prohibiting the offer of any monetary inducement or other valuable consideration in exchange for human remains; providing a definition; deleting an expired provision; conforming provisions; amending s. 497.005, F.S.; revising a definition for purposes of the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.382, F.S.; revising certain reporting requirements for funeral establishments, direct disposal establishments, cinerator facilities, and centralized embalming facilities; amending s. 497.607, F.S.; providing requirements for the disposal of unclaimed cremated remains by funeral or direct disposal establishments; limiting the liability of funeral or direct disposal establishments and veterans' service organizations related to the release of information required to determine the eligibility for interment in a national cemetery of the unclaimed cremated remains of a veteran; providing definitions; amending s. 765.513, F.S.; revising the list of donees who may accept anatomical gifts and the purposes for which such a gift may be used; repealing s. 406.54, F.S., relating to claims of bodies after delivery to the anatomical board; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 370**, on motion by Senator Sachs, by two-thirds vote **CS for HB 171** was withdrawn from the Committees on Regulated Industries; Health Policy; Judiciary; and Appropriations.

On motion by Senator Sachs—

CS for HB 171—A bill to be entitled An act relating to disposition of human remains; amending s. 382.002, F.S.; revising definitions for purposes of the Florida Vital Statistics Act; amending s. 382.006, F.S.; authorizing the Department of Health to issue burial-transit permits; amending s. 382.008, F.S.; revising procedures for the registration of certificates of death or fetal death and the medical certification of causes of death; providing a definition; amending s. 382.011, F.S.; extending the time by which certain deaths must be referred to the medical examiner for investigation; creating s. 406.49, F.S.; providing definitions; amending s. 406.50, F.S.; revising procedures for the reporting and disposition of unclaimed remains; prohibiting certain uses or dispositions of the remains of deceased persons whose identities are not known; limiting the liability of licensed funeral directors who authorize the embalming of unclaimed remains under certain circumstances; amending s. 406.51, F.S.; requiring that local governmental contracts for the final disposition of unclaimed remains comply with certain federal regulations; amending s. 406.52, F.S.; revising procedures for the anatomical board's retention of human remains before their use; providing for claims by, and the release of human remains to, legally authorized persons after payment of certain expenses; authorizing county ordinances or resolutions for the final disposition of the unclaimed remains of indigent persons; limiting the liability of certain licensed persons for cremating or burying human remains under certain circumstances; amending s. 406.53, F.S.; revising exceptions from requirements for notice to the anatomical board of the death of indigent persons; deleting a requirement that the Department of Health assess fees for the burial of certain bodies; amending ss. 406.55, 406.56, and 406.57, F.S.; conforming provisions; amending s. 406.58, F.S.; requiring audits of the financial records of the anatomical board; conforming provisions; amending s. 406.59, F.S.; conforming provisions; amending s. 406.60, F.S.; authorizing certain facilities to dispose of human remains by cremation; amending s. 406.61, F.S.; revising provisions prohibiting the selling or buying of human remains or the transmitting or conveying of such remains outside the state; providing penalties; excepting accredited nontransplant anatomical donation organizations from requirements for the notification of and approval from the anatomical board for the conveyance of human remains for specified purposes; requiring that nontransplant anatomical donation organizations be accredited by a certain date; requiring that human remains received by the anatomical board be accompanied by a burial-transit permit; requiring approval by the medical examiner and consent of certain persons before the dissection, segmentation, or disarticulation of such remains; prohibiting the offer of any monetary inducement or other valuable consideration in exchange for human remains; providing a definition; deleting an expired provision; conforming provisions; amending s. 497.005, F.S.; revising a definition for purposes of the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.382, F.S.; revising certain reporting requirements for funeral establishments, direct disposal establishments, cinerator facilities, and centralized embalming facilities; amending s. 497.607, F.S.; providing requirements for the disposal of unclaimed cremated remains by funeral or direct disposal establishments; limiting the liability of funeral or direct disposal establishments and veterans' service organizations related to the release of information required to determine the eligibility for interment in a national cemetery of the unclaimed cremated remains of a veteran; providing definitions; amending s. 765.513, F.S.; revising the list of donees who may accept anatomical gifts and the purposes for which such a gift may be used; repealing s. 406.54, F.S., relating to claims of bodies after delivery to the anatomical board; providing an effective date.

—a companion measure, was substituted for **CS for SB 370** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 171** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 966** and **CS for SB 916** was deferred.

CS for SB 1026—A bill to be entitled An act relating to tax deeds; amending s. 197.502, F.S.; authorizing the tax collector to charge for reimbursement of the costs for providing online tax deed application services; providing that an applicant's use of such online application services is optional under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1026**, on motion by Senator Thrasher, by two-thirds vote **CS for HB 837** was withdrawn from the Committees on Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Thrasher—

CS for HB 837—A bill to be entitled An act relating to tax deeds; amending s. 197.502, F.S.; authorizing the tax collector to charge for reimbursement of the costs for providing online tax deed application services; providing that an applicant's use of such online application services is optional under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1026** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 837** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1192—A bill to be entitled An act relating to the provision of health care with controlled substances; amending s. 456.44, F.S.; limiting the application of requirements for prescribing controlled substances; requiring a physician to consult the prescription drug monitoring program database before prescribing certain controlled substances; authorizing the Board of Medicine and the Board of Osteopathic Medicine to adopt a penalty for failure to consult the database; exempting nursing home residents and certain physicians from requirements regarding prescriptions of controlled substances; amending s. 465.003, F.S.; defining a term; conforming a cross-reference; creating s. 465.0065, F.S.; providing notice requirements for inspection of a pharmacy; amending s. 465.016, F.S.; providing additional grounds for disciplinary action; conforming a cross-reference; amending s. 465.022, F.S.; conforming a cross-reference; requiring a pharmacy permittee to commence operations within 180 days after permit issuance or show good cause why operations were not commenced; requiring the Board of Pharmacy to establish rules; requiring a pharmacy permittee to be supervised by a prescription department manager or consultant pharmacist of record; amending s. 465.023, F.S.; providing additional grounds for disciplinary action; conforming a cross-reference; creating s. 465.1902, F.S.; providing that the regulation of pharmacies and pharmacists is preempted to the state; providing that a local ordinance, rule,

or regulation may not be enacted or remain in effect which regulates or attempts to regulate pharmacies or pharmacists in subject matters regulated under ch. 465, F.S.; amending s. 893.055, F.S.; deleting obsolete provisions; requiring a designated agent under the supervision of a health care practitioner to have access to information in the prescription drug monitoring program's database; deleting a provision that prohibits funds from prescription drug manufacturers to be used to implement the prescription drug monitoring program; authorizing the prescription drug monitoring program to be funded by state funds; revising the sources of money which are inappropriate for the direct-support organization of the prescription drug monitoring program to receive; amending s. 893.0551, F.S.; requiring the Department of Health to disclose certain confidential and exempt information to a designated agent of a health care practitioner or pharmacist under certain circumstances; creating s. 893.0552, F.S.; providing that regulation of the licensure, activity, and operation of pain-management clinics is preempted to the state under certain circumstances; authorizing a local government or political subdivision of the state to enact certain ordinances regarding local business taxes and land development; amending ss. 409.9201, 458.331, 459.015, 465.014, 465.015, 465.0156, 465.0197, 465.1901, 499.003, and 893.02, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Grimsley moved the following amendment which was adopted:

Amendment 1 (692876) (with title amendment)—Delete lines 542-577 and insert: *the licensure, standards of practice, and operation of pain-management clinics as defined in ss. 458.3265 and 459.0137 in the following circumstances:*

(a) The clinic is wholly owned and operated by a physician who performs interventional pain procedures of the type routinely billed using surgical codes, who has never been suspended or revoked for prescribing a controlled substance in Schedule II or Schedule III of s. 893.03 and drugs containing Alprazolam in excessive or inappropriate quantities that are not in the best interest of a patient, and who:

1. Has completed a fellowship in pain medicine which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

2. Is board-certified in pain medicine by the American Board of Pain Medicine, board-certified by the American Board of Interventional Pain Physicians; or

3. Has a board certification or subcertification in pain management or pain medicine by a specialty board approved by the American Board of Medical Specialties or the American Osteopathic Association.

(b) The clinic is wholly owned and operated by a physician-multispecialty practice if one or more board-eligible or board-certified medical specialists has one of the qualifications specified in subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3., performs interventional pain procedures of the type routinely billed using surgical codes, and has never been suspended or revoked for prescribing a controlled substance in Schedule II or Schedule III of s. 893.03 and drugs containing Alprazolam in excessive or inappropriate quantities that are not in the best interest of a patient.

(2) Notwithstanding subsection (1), the preemption does not prohibit a local government or political subdivision from enacting an ordinance regarding local business taxes adopted pursuant to chapter 205, any other local levy, charge, or fee applied to businesses currently authorized by general law or the Florida Constitution, and land use development regulations adopted pursuant to chapter 163. A pain-management clinic in which the regulation of its licensure, standards of practice, and operation

And the title is amended as follows:

Delete lines 52-56 and insert: standards of practice, and operation of pain-management clinics is preempted to the state under certain circumstances; authorizing a local government or political subdivision to enact certain ordinances;

On motion by Senator Grimsley, by two-thirds vote **CS for CS for CS for SB 1192** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Sobel
Clemens	Joyner	Stargel
Dean	Latvala	Thompson
Detert	Lee	Thrasher
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for SB 1350—A bill to be entitled An act relating to criminal penalties; amending s. 775.082, F.S.; providing criminal sentences applicable to a person who was under the age of 18 years at the time the offense was committed; requiring that a judge consider certain factors before determining if life imprisonment is an appropriate sentence; providing an effective date.

—was read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Garcia moved the following amendment:

Amendment 1 (638138) (with title amendment)—Between lines 126 and 127 insert:

Section 2. *A person who is sentenced under this section for a crime he or she committed when he or she was under the age of 18 is entitled to a review of his or her sentence as follows:*

(1) A person sentenced to life in prison without parole, life in prison, or a term of 50 years or greater shall have his or her sentence reviewed after 25 years. The sentencing court shall retain original jurisdiction for the duration of the sentence for this purpose. The Department of Corrections shall notify juvenile offenders who are committed to the department of their eligibility to participate in a resentencing hearing 18 months prior to the beginning of their 25th year of incarceration. The juvenile offender may apply to the court of original jurisdiction requesting that a resentencing hearing be held.

(a) An offender is entitled to be represented by counsel, and the court shall appoint a public defender to represent the offender if the offender cannot afford an attorney.

(b) The court shall hold a resentencing hearing to determine whether the offender's sentence should be modified. The resentencing court shall consider all of the following:

1. Whether the offender demonstrates maturity and rehabilitation.

2. Whether the offender remains at the same level of risk to society as he or she did at the time of the initial sentencing.

3. The opinion of the victim or the victim's next of kin. The absence of the victim or the victim's next of kin from the resentencing hearing may not be a factor in the court's determination under this section. If the victim or the victim's next of kin chooses not to participate in the hearing, the court may consider previous statements made by the victim or the victim's next of kin during the trial or initial sentencing phase.

4. Whether the offender was a relatively minor participant in the criminal offense or acted under extreme duress or the domination of another person.

5. Whether the offender has shown sincere and sustained remorse for the criminal offense.

6. Whether the offender's age, maturity, and psychological development at the time of the offense affected his or her behavior.

7. Whether the offender has successfully obtained a general educational development certificate or completed another educational, technical, work, vocational, or self-rehabilitation program, if such a program is available.

8. Whether the offender was a victim of sexual, physical, or emotional abuse before he or she committed the offense.

9. The results of any mental health assessment, risk assessment, or evaluation of the offender as to rehabilitation.

(c) If the court determines at the resentencing hearing that the offender has been rehabilitated and is reasonably believed to be fit to reenter society based on these factors, a term of probation of at least 5 years shall be imposed. If the court determines that the offender has not demonstrated rehabilitation and is not fit to reenter society based on these factors, the court shall issue an order in writing stating the reasons the sentence is not being modified.

(d) An offender who is not resentenced under this subsection at the initial resentencing is eligible for up to three additional sentencing reviews. A minimum of 5 years must pass before the individual is eligible for the sentencing review. An offender sentenced to a term of years less than life may not petition the court for a review of his or her sentence if he or she is in the last 5 years of his or her sentence.

(2) If the person convicted is sentenced to a term of years greater than 25 years but less than 50 years, the person shall be entitled to a single review hearing at the midpoint of his or her sentence. The person shall be subject to the resentencing guidelines set forth in paragraph (b). If the judge at the resentencing hearing determines that the original sentence is appropriate, no other reviews shall be granted.

(3) This section is retroactive to the extent necessary to comply with the ruling of the United States Supreme Court in Miller v. Alabama, 567 U.S. ______, No. 10-9646 (2012) and Graham v. Florida, 560 U.S. ______, No. 08-7412 (2010).

And the title is amended as follows:

Delete line 7 and insert: imprisonment is an appropriate sentence; providing for review of certain sentences of offenders who were under the age of 18 at the time of the offense; providing requirements and procedures for such reviews; providing an

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Garcia moved the following amendment to **Amendment 1 (638138)** which was adopted:

Amendment 1A (195100)—Delete line 5 and insert:

Section 2. *A person who is sentenced for*

Amendment 1 (638138) as amended was adopted.

The vote was:

Yeas—19

Abruzzo	Evers	Ring
Brandes	Flores	Sachs
Braynon	Garcia	Smith
Bullard	Gibson	Sobel
Clemens	Joyner	Thompson
Detert	Margolis	
Diaz de la Portilla	Montford	

Nays—18

Mr. President	Bean	Benacquisto
Bradley	Hays	Simmons
Dean	Hukill	Simpson
Galvano	Legg	Soto
Gardiner	Negron	Stargel
Grimsley	Richter	Thrasher

On motion by Senator Bradley, further consideration of **CS for SB 1350** as amended was deferred.

CS for SB 1844—A bill to be entitled An act relating to the Health Choice Plus Program; amending s. 408.910, F.S.; conforming provisions to changes made by the act; providing that the Florida Insurance Code is not applicable in certain circumstances; creating s. 408.9105, F.S.; creating the Health Choice Plus Program; providing legislative intent; providing requirements of the program; providing definitions; providing eligibility requirements; providing for enrollment in the program; providing requirements and procedures for the deposit and use of funds in a health benefits account; providing that the marketplace is encouraged to use existing community programs and partnerships to deliver services and to include traditional safety net providers for the delivery of services to enrollees; requiring Florida Health Choices, Inc., to establish a refund process; authorizing the corporation to accept funds from various sources to deposit into health benefits accounts, subsidize the costs of coverage, and administer and support the program; requiring the corporation to manage the health benefits accounts and provide the marketplace of options which an enrollee in the program may use; providing for payment for achieving healthy living performance goals; requiring the program to post on its website a list of optional healthy living performance goals and to establish a procedure for documentation, achievement, and payment regarding the healthy living performance goals; providing that coverage under the program is not an entitlement; prohibiting a cause of action against certain entities under certain circumstances; requiring the corporation to submit to the Governor and the Legislature information about the program in its annual report and an evaluation of the effectiveness of the program; providing for a program review and repeal date; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Bean moved the following amendment:

Amendment 1 (671936) (with title amendment)—Delete lines 126-429.

And the title is amended as follows:

Delete lines 2-38 and insert: An act relating to the Florida Health Choices Program; amending s. 408.910, F.S.; revising eligibility requirements for the Florida Health Choices Program; revising the enrollment period for the initial selection of products and services for individual participants in the program; providing that the Florida Insurance Code is not applicable in certain circumstances; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Negron moved the following substitute amendment which was adopted:

Amendment 2 (790728) (with title amendment)—Delete lines 126-429 and insert:

Section 2. *For the 2013-2014 fiscal year, the sum of $900,000 in nonrecurring general revenue is appropriated to the Agency for Health Care Administration to fund the general administration and operations of the Florida Health Choices Program.*

And the title is amended as follows:

Delete lines 2-38 and insert: An act relating to the Florida Health Choices Program; amending s. 408.910, F.S.; revising eligibility requirements for the Florida Health Choices Program; revising the enrollment period for the initial selection of products and services for individual participants in the program; providing that the Florida Insurance Code is not applicable in certain circumstances; providing an appropriation; providing an effective date.

On motion by Senator Bean, by two-thirds vote **CS for SB 1844** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Evers	Montford
Abruzzo	Flores	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Ring
Bradley	Gardiner	Sachs
Brandes	Gibson	Simmons
Braynon	Grimsley	Simpson
Bullard	Hays	Smith
Clemens	Hukill	Sobel
Dean	Joyner	Soto
Detert	Legg	Stargel
Diaz de la Portilla	Margolis	Thompson

Nays—None

Vote after roll call:

Yea—Thrasher

On motion by Senator Bradley, the Senate resumed consideration of—

CS for SB 1350—A bill to be entitled An act relating to criminal penalties; amending s. 775.082, F.S.; providing criminal sentences applicable to a person who was under the age of 18 years at the time the offense was committed; requiring that a judge consider certain factors before determining if life imprisonment is an appropriate sentence; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Abruzzo, the Senate reconsidered the vote by which **Amendment 1 (638138)** as amended was adopted.

Amendment 1 (638138) as amended was adopted.

The vote was

Yeas—20

Brandes	Flores	Ring
Braynon	Garcia	Sachs
Bullard	Gibson	Smith
Clemens	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Margolis	Thompson
Evers	Montford	

Nays—19

Mr. President	Gardiner	Richter
Abruzzo	Grimsley	Simmons
Bean	Hays	Simpson
Benacquisto	Hukill	Stargel
Bradley	Lee	Thrasher
Dean	Legg	
Galvano	Negron	

Pursuant to Rule 4.19, **CS for SB 1350** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

COMMUNICATION

April 29, 2013

The Honorable Don Gaetz
President, The Florida Senate

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, the Budget Conference Committee Report on SB 1500 was electronically furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

The Conference Committee Report on SB 1500 was made available April 29, 2013 at 1:37 p.m., EDT.

Respectfully Submitted,
Debbie Brown
Secretary of the Senate

SPECIAL GUESTS

The President introduced the following guests: former First Lady of the House of Representatives, Jean Thrasher, and future First Lady of the Senate, Camille Gardiner.

Senator Thrasher recognized his daughter, Julie Weinberg, son-in-law Mark Weinberg, and three of his grandchildren, Mason, Maddox, and Merritt.

Senator Gardiner recognized his children, Andrew, Joanna Lynn, and Kathryn.

BILLS ON THIRD READING

CS for SB 1108—A bill to be entitled An act relating to exceptional student education; amending s. 1002.20, F.S.; prohibiting certain actions with respect to parent meetings with school district personnel; providing requirements for meetings relating to exceptional student education and related services; amending s. 1002.33, F.S.; providing requirements for the reimbursement of federal funds to charter schools; amending s. 1002.41, F.S.; requiring a school district to provide exceptional student education-related services to certain home education program students; requiring reporting and funding through the Florida Education Finance Program; amending s. 1003.57, F.S.; requiring a school district to use specified terms to describe the instructional setting for certain exceptional students; defining the term “inclusion” for purposes of exceptional student instruction; providing for determination of eligibility as an exceptional student; requiring certain assessments to facilitate inclusive educational practices for exceptional students; requiring a district school board to provide parents with information regarding the funding the school district receives for exceptional student education; requiring the school district to provide the information at the initial meeting of a student’s individual education plan team; creating s. 1003.5715, F.S.; requiring the use of parental consent forms for specified actions in a student’s individual education plan; providing requirements for the consent forms; providing requirements for changes in a student’s individual education plan; requiring the State Board of Education to adopt rules; creating s. 1003.572, F.S.; defining the term “private instructional personnel”; encouraging the collaboration of public and private instructional personnel and providing requirements therefor; amending s. 1003.58, F.S.; conforming a cross-reference; creating s. 1008.212, F.S.; providing definitions; providing that a student with a disability be granted an extraordinary exemption from the administration of certain assessments under certain circumstances; providing that certain disabilities or the receipt of services through a homebound or hospitalized program is not an adequate criterion for the granting of an extraordinary exemption; authorizing a written request for an extraordinary exemption; providing requirements for the request; providing a procedure for granting or denying an extraordinary exemption; providing a procedure for appealing a denial of an extraordinary exemption; requiring the Commissioner of Education to annually submit by a specified date to the Governor and the Legislature a report and regularly inform district testing and special education administrators of the procedures regarding extraordinary exemptions; requiring the State Board of Education to adopt rules; creating s. 1008.3415, F.S.; requiring an exceptional student education center to choose to receive a school grade or school improvement rating; excluding student assessment data from the calculation of a home school’s grade under certain circumstances; requiring the State Board of Education to adopt rules; amending s. 1012.585, F.S.; providing requirements for renewal of a professional certificate relating to teach-

ing students with disabilities; authorizing the State Board of Education to adopt rules; providing an effective date.

—as amended April 26 was read the third time by title.

Senator Gardiner moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (964862) (with title amendment)—Delete lines 148-160.

And the title is amended as follows:

Delete lines 9-13 and insert: charter schools;

On motion by Senators Gardiner and Thrasher, **CS for SB 1108** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **CS for SB 1108**.

SPECIAL ORDER CALENDAR

SENATOR SMITH PRESIDING

Consideration of **CS for CS for SB 1352** and **CS for CS for SB 1388** was deferred.

CS for SB 1318—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public record requirements for a complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an investigation of the complaint by the agency; providing for limited duration of the exemption; providing for future 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.

Pending further consideration of **CS for SB 1318**, on motion by Senator Soto, by two-thirds vote **CS for HB 1075** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

On motion by Senator Soto—

CS for HB 1075—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public record requirements for a complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an investigation of the complaint by the agency; providing for limited duration of the exemption; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1318** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1075** was placed on the calendar of Bills on Third Reading.

CS for SB 1884—A bill to be entitled An act relating to county Medicaid contributions; amending s. 409.915, F.S.; specifying the total contribution for the year and specifying the method for determining the amount in the following years; revising the method for calculating each county's contribution; providing tables for calculating county contributions; requiring the Agency for Health Care Administration to annually report the status of county billings to the Legislature; authorizing the Department of Revenue to withhold county distributions for failure to remit Medicaid contributions; deleting provisions specifying the care and services that counties must participate in, obsolete bond provisions, and a process for refund requests; specifying the method for calculating each county's contribution for the 2013-2014 fiscal year; providing an effective date.

—was read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Grimsley moved the following amendment which was adopted:

Amendment 1 (148516) (with title amendment)—Delete lines 34-366 and insert:

(2)(a) For the 2013-2014 state fiscal year through the 2019-2020 state fiscal year, the total amount of the counties' annual contribution is $269.6 million. For each fiscal year thereafter, the annual amount shall be adjusted by the percentage change in the state Medicaid expenditures as determined by the Social Services Estimating Conference.

(b) By March 15, 2020, and each year thereafter, the Social Services Estimating Conference shall determine the percentage change in state Medicaid expenditures by comparing expenditures for the 2 most recent completed state fiscal years.

(3)(a)1. The amount of each county's annual contribution is equal to the product of the amount determined under subsection (2) multiplied by the sum of the percentages calculated in sub-subparagraphs a. and b.:

a. The enrollment weight provided in subparagraph 2. is multiplied by a fraction, the numerator of which is the number of the county's Medicaid enrollees as of March 1 of each year, and the denominator of which is the number of all counties' Medicaid enrollees as of March 1 of each year. The agency shall calculate this amount for each county and provide the information to the Department of Revenue by May 15 of each year.

b. The payment weight provided in subparagraph 2. is multiplied by the percentage share of payments provided in subparagraph 3. for each county.

2. The weights for each fiscal year are equal to:

WEIGHTS

FISCAL YEAR	*ENROLLMENT*	*PAYMENT*
2013-14	*0%*	*100%*
2014-15	*0%*	*100%*
2015-16	*20%*	*80%*
2016-17	*40%*	*60%*
2017-18	*60%*	*40%*
2018-19	*80%*	*20%*
2019-20+	*100%*	*0%*

3. The percentage share of payments for each county is:

COUNTY	*SHARE OF PAYMENTS*
Alachua	*1.278%*
Baker	*0.116%*
Bay	*0.607%*
Bradford	*0.179%*

COUNTY	*SHARE OF PAYMENTS*
Brevard	*2.471%*
Broward	*9.226%*
Calhoun	*0.084%*
Charlotte	*0.578%*
Citrus	*0.663%*
Clay	*0.635%*
Collier	*1.160%*
Columbia	*0.557%*
Dade (Miami-Dade)	*18.850%*
Desoto	*0.167%*
Dixie	*0.098%*
Duval	*5.336%*
Escambia	*1.614%*
Flagler	*0.397%*
Franklin	*0.091%*
Gadsden	*0.239%*
Gilchrist	*0.078%*
Glades	*0.055%*
Gulf	*0.076%*
Hamilton	*0.075%*
Hardee	*0.110%*
Hendry	*0.163%*
Hernando	*0.862%*
Highlands	*0.468%*
Hillsborough	*6.952%*
Holmes	*0.101%*
Indian River	*0.397%*
Jackson	*0.218%*
Jefferson	*0.083%*
Lafayette	*0.014%*
Lake	*1.525%*
Lee	*2.511%*
Leon	*0.929%*
Levy	*0.256%*
Liberty	*0.050%*
Madison	*0.086%*
Manatee	*1.622%*
Marion	*1.629%*
Martin	*0.352%*
Monroe	*0.262%*
Nassau	*0.240%*
Okaloosa	*0.566%*
Okeechobee	*0.235%*
Orange	*6.680%*
Osceola	*1.613%*
Palm Beach	*5.898%*
Pasco	*2.391%*
Pinellas	*6.644%*
Polk	*3.642%*
Putnam	*0.417%*
Saint Johns	*0.459%*
Saint Lucie	*1.154%*
Santa Rosa	*0.462%*
Sarasota	*1.230%*
Seminole	*1.739%*
Sumter	*0.218%*
Suwannee	*0.252%*
Taylor	*0.103%*
Union	*0.075%*
Volusia	*2.298%*
Wakulla	*0.103%*
Walton	*0.229%*
Washington	*0.114%*

(b)1. The Legislature intends to replace the county percentage share provided in subparagraph (a)3. with percentage shares based upon each county's proportion of the total statewide amount of county billings made under this section from April 1, 2012, through March 31, 2013, for which the state ultimately receives payment.

2. By February 1 of each year and continuing until a certification is made under sub-subparagraph b., the agency shall report to the President of the Senate and the Speaker of the House of Representatives the status of the county billings made under this section from April 1, 2012, through March 31, 2013, by county, including:

a. The amounts billed to each county which remain unpaid, if any; and

b. A certification from the agency of a final accounting of the amount of funds received by the state from such billings, by county, upon the expiration of all appeal rights that counties may have to contest such billings.

3. By March 15 of the state fiscal year in which the state receives the certification provided for in sub-subparagraph (b)2.b., the Social Services Estimating Conference shall calculate each county's percentage share of the total statewide amount of county billings made under this section from April 1, 2012, through March 31, 2013, for which the state ultimately receives payment.

4. Beginning in the state fiscal year following the receipt by the state of the certification provided in sub-subparagraph (b)2.b., each county's percentage share under subparagraph (a)3. shall be replaced by the percentage calculated under subparagraph (b)3.

5. If the court invalidates the replacement of each county's share as provided in this paragraph, the county share set forth in subparagraph (a)3. shall continue to apply.

(4) By June 1 of each year, the Department of Revenue shall notify each county of its required annual contribution. Each county shall pay its contribution, by check or electronic transfer, in equal monthly installments to the department by the 5th day of each month. If a county fails to remit the payment by the 5th day of the month, the department shall reduce the monthly distribution of that county pursuant to s. 218.61 and, if necessary, by the amount of the monthly installment pursuant to s. 218.26. The payments and the amounts by which the distributions are reduced shall be transferred to the General Revenue Fund.

~~(1) Each county shall participate in the following items of care and service:~~

~~(a) For both health maintenance members and fee-for-service beneficiaries, payments for inpatient hospitalization in excess of 10 days, but not in excess of 45 days, with the exception of pregnant women and children whose income is in excess of the federal poverty level and who do not participate in the Medicaid medically needy program, and for adult lung transplant services.~~

~~(b) For both health maintenance members and fee-for-service beneficiaries, payments for nursing home or intermediate facilities care in excess of $170 per month, with the exception of skilled nursing care for children under age 21.~~

~~(2) A county's participation must be 35 percent of the total cost, or the applicable discounted cost paid by the state for Medicaid recipients enrolled in health maintenance organizations or prepaid health plans, of providing the items listed in subsection (1), except that the payments for items listed in paragraph (1)(b) may not exceed $55 per month per person.~~

~~(3) Each county shall set aside sufficient funds to pay for items of care and service provided to the county's eligible recipients for which county contributions are required, regardless of where in the state the care or service is rendered.~~

~~(4) Each county shall contribute its pro rata share of the total county participation based upon statements rendered by the agency. The agency shall render such statements monthly based on each county's eligible recipients. For purposes of this section, each county's eligible recipients shall be determined by the recipient's address information contained in the federally approved Medicaid eligibility system within the Department of Children and Family Services. A county may use the process developed under subsection (10) to request a refund if it determines that the statement rendered by the agency contains errors.~~

(5) In any county in which a special taxing district or authority is located which *benefits* ~~will benefit~~ from the *Medicaid program* ~~medical assistance programs covered by this section~~, the board of county commissioners may divide the county's financial responsibility for this purpose proportionately, and each such district or authority must furnish its share to the board of county commissioners in time for the board to comply with subsection *(4)* ~~(3)~~. Any appeal of the proration made by the board of county commissioners must be made to the Department of Fi-

nancial Services, which shall ~~then~~ set the proportionate share *for* ~~of~~ each party.

~~(6) Counties are exempt from contributing toward the cost of new exemptions on inpatient ceilings for statutory teaching hospitals, specialty hospitals, and community hospital education program hospitals that came into effect July 1, 2000, and for special Medicaid payments that came into effect on or after July 1, 2000.~~

(6)~~(7)~~(a) By August 1, 2012, the agency shall certify to each county the amount of such county's billings from November 1, 2001, through April 30, 2012, which remain unpaid. A county may contest the amount certified by filing a petition under the applicable provisions of chapter 120 on or before September 1, 2012. This procedure is the exclusive method to challenge the amount certified. In order to successfully challenge the amount certified, a county must show, by a preponderance of the evidence, that a recipient was not an eligible recipient of that county or that the amount certified was otherwise in error.

(b) By September 15, 2012, the agency shall certify to the Department of Revenue:

1. For each county that files a petition on or before September 1, 2012, the amount certified under paragraph (a); and

2. For each county that does not file a petition on or before September 1, 2012, an amount equal to 85 percent of the amount certified under paragraph (a).

(c) The filing of a petition under paragraph (a) *does* ~~shall~~ not stay or stop the Department of Revenue from reducing distributions in accordance with paragraph (b) and subsection *(7)* ~~(8)~~. If a county that files a petition under paragraph (a) is able to demonstrate that the amount certified should be reduced, the agency shall notify the Department of Revenue of the amount of the reduction. The Department of Revenue shall adjust all future monthly distribution reductions under subsection *(7)* ~~(8)~~ in a manner that results in the remaining total distribution reduction being applied in equal monthly amounts.

(7)~~(8)~~(a) Beginning with the October 2012 distribution, the Department of Revenue shall reduce each county's distributions pursuant to s. 218.26 by one thirty-sixth of the amount certified by the agency under subsection *(6)* ~~(7)~~ for that county, minus any amount required under paragraph (b). Beginning with the October 2013 distribution, the Department of Revenue shall reduce each county's distributions pursuant to s. 218.26 by one forty-eighth of two-thirds of the amount certified by the agency under subsection *(6)* ~~(7)~~ for that county, minus any amount required under paragraph (b). However, the amount of the reduction may not exceed 50 percent of each county's distribution. If, after 60 months, the reductions for any county do not equal the total amount initially certified by the agency, the Department of Revenue shall continue to reduce such county's distribution by up to 50 percent until the total amount certified is reached. The amounts by which the distributions are reduced shall be transferred to the General Revenue Fund.

(b) As an assurance to holders of bonds issued before the effective date of this act to which distributions made pursuant to s. 218.26 are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to paragraph (a) does not reduce the amount of distribution to a county below the amount necessary for the timely payment of principal and interest when due on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds. If a reduction to a county's monthly distribution must be decreased in order to comply with this paragraph, the Department of Revenue must notify the agency of the amount of the decrease and the agency must send a bill for payment of such amount to the affected county.

~~(9)(a) Beginning May 1, 2012, and each month thereafter, the agency shall certify to the Department of Revenue by the 7th day of each month the amount of the monthly statement rendered to each county pursuant to subsection (4). Beginning with the May 2012 distribution, the Department of Revenue shall reduce each county's monthly distribution pursuant to s. 218.61 by the amount certified by the agency minus any amount required under paragraph (b). The amounts by which the distributions are reduced shall be transferred to the General Revenue Fund.~~

~~(b) As an assurance to holders of bonds issued before the effective date of this act to which distributions made pursuant to s. 218.61 are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to paragraph (a) does not reduce the amount of distribution to a county below the amount necessary for the timely payment of principal and interest when due on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds. If a reduction to a county's monthly distribution must be decreased in order to comply with this paragraph, the Department of Revenue must notify the agency of the amount of the decrease and the agency must send a bill for payment of such amount to the affected county.~~

~~(10) The agency, in consultation with the Department of Revenue and the Florida Association of Counties, shall develop a process for refund requests which:~~

~~(a) Allows counties to submit to the agency written requests for refunds of any amounts by which the distributions were reduced as provided in subsection (9) and which set forth the reasons for the refund requests.~~

~~(b) Requires the agency to make a determination as to whether a refund request is appropriate and should be approved, in which case the agency shall certify the amount of the refund to the department.~~

~~(c) Requires the department to issue the refund for the certified amount to the county from the General Revenue Fund. The Department of Revenue may issue the refund in the form of a credit against reductions to be applied to subsequent monthly distributions.~~

(8)~~(11)~~ Beginning in the 2013-2014 fiscal year and each year thereafter through the 2020-2021 fiscal year, the Chief Financial Officer shall transfer from the General Revenue Fund to the Lawton Chiles Endowment Fund an amount equal to the amounts transferred to the General Revenue Fund in the previous fiscal year pursuant to *subsections (4) and (7)* ~~subsections (8) and (9), reduced by the amount of refunds paid pursuant to subsection (10),~~ which are in excess of the official estimate for medical hospital fees for such previous fiscal year adopted by the Revenue Estimating Conference on January 12, 2012, as reflected in the conference's workpapers. By July 20 of each year, the Office of Economic and Demographic Research shall certify the amount to be transferred to the Chief Financial Officer. Such transfers must be made before July 31 of each year until the total transfers for all years equal $350 million. *If* ~~In the event that~~ such transfers do not total $350 million by July 1, 2021, the Legislature shall provide for the transfer of amounts necessary to total $350 million. The Office of Economic and Demographic Research shall publish the official estimates reflected in the conference's workpapers on its website.

(9)~~(12)~~ The agency may adopt rules to administer this section.

Section 2. *The Agency for Health Care Administration shall provide a data report to the Florida Association of Counties which includes such information as may be necessary for a comprehensive evaluation of the cost and utilization of health services by Medicaid enrollees in each county by service type. The data report shall be provided at least annually at the request of the association. Copies of the data report shall also be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The agency shall provide other information and assistance requested by the association in order to assess the impact on counties of the changes to the methodology for determining county contributions to Medicaid made by this act and to evaluate the impact of various Medicaid policies, including the use of diagnosis-related groups on the reimbursement of hospital inpatient services and the im-*

plementation of statewide managed care, including managed long-term care. This section is repealed December 31, 2015.

And the title is amended as follows:

Delete lines 4-15 and insert: contribution for certain years and specifying the method for determining the amount in the following years; revising the method for calculating each county's contribution; providing tables for calculating county contributions; requiring the Agency for Health Care Administration to annually report the status of county billings to the Legislature; authorizing the Department of Revenue to withhold county distributions for failure to remit Medicaid contributions; deleting provisions specifying the care and services that counties must participate in, obsolete bond provisions, and a process for refund requests; requiring the agency to provide a report to the Florida Association of Counties and the Legislature on the impact on counties of the changes to the methodology for determining county Medicaid contributions and other factors;

On motion by Senator Grimsley, by two-thirds vote **CS for SB 1884** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Abruzzo	Grimsley	Ring
Bean	Hays	Sachs
Benacquisto	Hukill	Simpson
Bradley	Joyner	Smith
Brandes	Latvala	Sobel
Clemens	Lee	Soto
Dean	Legg	Stargel
Detert	Margolis	Thompson
Evers	Montford	Thrasher
Galvano	Negron	
Gibson	Richter	

Nays—5

Braynon	Diaz de la Portilla	Garcia
Bullard	Flores	

Vote after roll call:

Yea—Mr. President, Simmons

Consideration of **CS for SB 1630** was deferred.

CS for CS for SB 1636—A bill to be entitled An act relating to infants born alive; amending s. 390.011, F.S.; defining the term "born alive"; amending s. 390.0111, F.S.; providing that an infant born alive during or immediately after an attempted abortion is entitled to the same rights, powers, and privileges as any other child born alive in the course of natural birth; requiring health care practitioners to preserve the life and health of such an infant born alive, if possible; providing for the transport and admittance of an infant born alive to a hospital; requiring a health care practitioner or certain employees who have knowledge of any violations with respect to infants born alive after an attempted abortion to report those violations to the Department of Health; providing a penalty; providing for construction; amending s. 390.0112, F.S.; revising a reporting requirement; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1636**, on motion by Senator Flores, by two-thirds vote **CS for CS for CS for HB 1129** was withdrawn from the Committees on Health Policy; Judiciary; and Appropriations.

On motion by Senator Flores—

CS for CS for CS for HB 1129—A bill to be entitled An act relating to infants born alive; amending s. 390.011, F.S.; defining the term "born alive"; amending s. 390.0111, F.S.; providing that an infant born alive during or immediately after an attempted abortion is entitled to the same rights, powers, and privileges as any other child born alive in the course of natural birth; requiring health care practitioners to preserve the life and health of such an infant born alive, if possible; providing for the transport and admittance of an infant born alive to a hospital; requiring a health care practitioner or certain employees who have knowledge of any violations with respect to infants born alive after an attempted abortion to report those violations to the Department of Health; providing a penalty; providing for construction; amending s. 390.0112, F.S.; revising a reporting requirement; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1636** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1129** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1722** and **CS for CS for SB 150** was deferred.

CS for SB 288—A bill to be entitled An act relating to costs of prosecution, investigation, and representation; amending s. 903.286, F.S.; providing for the withholding of unpaid costs of prosecution and representation from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; amending s. 938.27, F.S.; clarifying the types of cases that are subject to the collection and dispensing of cost payments by the clerk of the court; amending s. 985.032, F.S.; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld; amending s. 985.455, F.S.; providing that a child adjudicated delinquent may perform community service in lieu of certain costs and fees; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 288**, on motion by Senator Bradley, by two-thirds vote **CS for HB 311** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Bradley—

CS for HB 311—A bill to be entitled An act relating to costs of prosecution, investigation, and representation; amending s. 903.286, F.S.; providing for the withholding of unpaid costs of prosecution and representation from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; amending s. 938.27, F.S.; clarifying the types of cases that are subject to the collection and dispensing of cost payments by the clerk of the court; amending s. 985.032, F.S.; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld; amending s. 985.455, F.S.; providing that a child adjudicated delinquent may perform community service in lieu of certain costs and fees; providing an effective date.

—a companion measure, was substituted for **CS for SB 288** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 311** was placed on the calendar of Bills on Third Reading.

CS for SB 644—A bill to be entitled An act relating to licensure by the Office of Financial Regulation; amending s. 494.00321, F.S.; authorizing, rather than requiring, the office to deny a mortgage broker license application if the applicant had a mortgage broker license revoked previously; amending s. 494.00611, F.S.; authorizing, rather than requiring, the office to deny a mortgage lender license application if the applicant had a mortgage lender license revoked previously; amending s. 517.12, F.S.; revising the procedures and requirements for submitting fingerprints as part of an application to sell, or offer to sell, securities; removing conflicting language; amending s. 560.141, F.S.; revising the procedures and requirements for submitting fingerprints to apply for a license as a money services business; requiring the Office of Financial Regulation to pay an annual fee to the Department of Law Enforcement; removing conflicting language; amending s. 560.143, F.S.; revising li-

cense application fees to include fingerprint retention fees as prescribed by rule; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 644**, on motion by Senator Richter, by two-thirds vote **CS for CS for HB 665** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Richter—

CS for CS for HB 665—A bill to be entitled An act relating to licensure by the Office of Financial Regulation; amending s. 494.00321, F.S.; authorizing, rather than requiring, the office to deny a mortgage broker license application if the applicant had a mortgage broker license revoked previously; amending s. 494.00611, F.S.; authorizing, rather than requiring, the office to deny a mortgage lender license application if the applicant had a mortgage lender license revoked previously; amending s. 517.12, F.S.; revising the procedures and requirements for submitting fingerprints as part of an application to sell, or offer to sell, securities; removing conflicting language; amending s. 560.141, F.S.; revising the procedures and requirements for submitting fingerprints to apply for a license as a money services business; requiring the Office of Financial Regulation to pay an annual fee to the Department of Law Enforcement; removing conflicting language; requiring certain licensees to submit live-scan fingerprints before the next renewal period; amending s. 560.143, F.S.; conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for SB 644** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 665** was placed on the calendar of Bills on Third Reading.

CS for SB 1816—A bill to be entitled An act relating to health care; amending s. 409.811, F.S.; revising and providing definitions; amending s. 409.813, F.S.; revising the components of the Florida Kidcare program; prohibiting a cause of action from arising against the Florida Healthy Kids Corporation for failure to make health services available; amending s. 409.8132, F.S.; revising the eligibility of the Medikids program component; revising the enrollment requirements of the Medikids program component; amending s. 409.8134, F.S.; conforming provisions to changes made by the act; amending s. 409.814, F.S.; revising eligibility requirements for the Florida Kidcare program; amending s. 409.815, F.S.; revising the minimum health benefits coverage under the Florida Kidcare Act; deleting obsolete provisions; amending ss. 409.816 and 409.8177, F.S.; conforming provisions to changes made by the act; repealing s. 409.817, F.S., relating to the approval of health benefits coverage and financial assistance; repealing s. 409.8175, F.S., relating to delivery of services in rural counties; amending s. 409.818, F.S.; revising the duties of the Department of Children and Families and the Agency for Health Care Administration with regard to the Florida Kidcare Act; deleting the duties of the Department of Health and the Office of Insurance Regulation with regard to the Florida Kidcare Act; amending s. 409.820, F.S.; requiring the Department of Health, in consultation with the agency and the Florida Healthy Kids Corporation, to develop a minimum set of pediatric and adolescent quality assurance and access standards for all program components; amending s. 624.91, F.S.; revising the legislative intent of the Florida Healthy Kids Corporation Act to include the Healthy Florida program; revising participation guidelines for nonsubsidized enrollees in the Healthy Kids program; revising the medical loss ratio requirements for the contracts for the Florida Healthy Kids Corporation; modifying the membership of the Florida Healthy Kids Corporation's board of directors; creating an executive steering committee; requiring additional corporate compliance requirements for the Florida Healthy Kids Corporation; repealing s. 624.915, F.S., relating to the operating fund of the Florida Healthy Kids Corporation; creating s. 624.917, F.S.; creating the Healthy Florida program; providing definitions; providing eligibility and enrollment requirements; authorizing the Florida Healthy Kids Corporation to contract with certain insurers, managed care organizations, and provider service networks; encouraging the corporation to contract with insurers and managed care organizations that participate in more than one insurance affordability program under certain circumstances; requiring the corporation to establish a benefits package and a process for payment of services; authorizing the corporation to collect premiums and copayments; requiring the corporation to oversee the Healthy Florida program and to establish a grievance process and integrity process; providing applicability of certain state laws for administration of the Healthy Florida program; requiring the corporation to collect certain data and to submit enrollment reports and interim independent evaluations to the Legislature; providing for expiration of the program; providing an implementation and interpretation clause; amending s. 627.6474, F.S.; prohibiting a contract between a health insurer and a dentist from requiring the dentist to provide services at a fee set by the insurer under certain circumstances; providing that covered services are those services listed as a benefit that the insured is entitled to receive under a contract; prohibiting an insurer from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting a health insurer from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 636.035, F.S.; prohibiting a contract between a prepaid limited health service organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a prepaid limited health service organization is entitled to receive under a contract; prohibiting a prepaid limited health service organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the prepaid limited health service organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 641.315, F.S.; prohibiting a contract between a health maintenance organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a health maintenance organization is entitled to receive under a contract; prohibiting a health maintenance organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the health maintenance organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 766.1115, F.S.; revising a definition; requiring a contract with a governmental contractor for health care services to include a provision for a health care provider licensed under ch. 466, F.S., as an agent of the governmental contractor, to allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the patient without forfeiting sovereign immunity; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; providing that the contribution complies with the requirements of s. 766.1115, F.S.; providing for applicability; providing appropriations; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1816**, on motion by Senator Negron, by two-thirds vote **CS for HB 7169** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 7169—A bill to be entitled An act relating to the Florida Health Choices Plus Program; amending s. 408.910, F.S.; providing that all employers who meet the requirements of the Florida Health Choices Program are eligible to enroll in the Florida Health Choices Plus Program; requiring participating employers to make a defined contribution with certain conditions; providing that individuals and employees of enrolled employers are eligible to participate in the program; providing that vendors may not refuse to sell any offered product or service to any participant in the program; providing that product prices shall be based on criteria established by the Florida Health Choices, Inc.; providing that certain forms, website design, and marketing communication developed by the Florida Health Choices, Inc., are not subject to the Florida Insurance Code; creating s. 408.9105, F.S.; creating the Florida Health Choices Plus Program; providing definitions; providing eligibility requirements; providing exceptions to such requirements in specific situations; requiring the Department of Children and Families to determine eligibility; providing for enrollment in the program; establishing open enrollment periods; requiring cessation of enrollment under certain circumstances; providing that participation in the program is not an

entitlement; prohibiting a cause of action against certain entities under certain circumstances; requiring an education and outreach campaign; requiring certain joint activities by the Florida Health Choices, Inc., and the Florida Healthy Kids Corporation; providing for a state benefit allowance, subject to an appropriation; requiring an individual contribution; providing for disenrollment in specific situations; allowing contributions from certain other entities; providing requirements and procedures for use of funds; providing for refunds; requiring the corporation to submit to the Governor and Legislature information about the program in its annual report and an evaluation of the effectiveness of the program; creating a task force and providing its mission; establishing membership in the task force and providing for its expiration; amending s. 641.402, F.S.; authorizing prepaid health clinics to offer specified hospital services under certain circumstances; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for SB 1816** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Negron moved the following amendment which was adopted:

Amendment 1 (252560) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.811, Florida Statutes, is amended to read:

409.811 Definitions relating to Florida Kidcare Act.—As used in ss. 409.810-409.821, the term:

(1) "Actuarially equivalent" means that:

(a) The aggregate value of the benefits included in health benefits coverage is equal to the value of the benefits in the benchmark benefit plan; and

(b) The benefits included in health benefits coverage are substantially similar to the benefits included in the benchmark benefit plan, except that preventive health services must be the same as in the benchmark benefit plan.

(2) "Agency" means the Agency for Health Care Administration.

(3) "Applicant" means a parent or guardian of a child or a child whose disability of nonage has been removed under chapter 743, who applies for determination of eligibility for health benefits coverage under ss. 409.810-409.821.

(4) "*Child* benchmark benefit plan" means the form and level of health benefits coverage established in s. 409.815.

(5) "Child" means any person *younger than* ~~under~~ 19 years of age.

(6) "Child with special health care needs" means a child whose serious or chronic physical or developmental condition requires extensive preventive and maintenance care beyond that required by typically healthy children. Health care utilization by such a child exceeds the statistically expected usage of the normal child adjusted for chronological age, and such a child often needs complex care requiring multiple providers, rehabilitation services, and specialized equipment in a number of different settings.

(7) "Children's Medical Services Network" or "network" means a statewide managed care service system as defined in s. 391.021(1).

(8) "CHIP" means the Children's Health Insurance Program as authorized under Title XXI of the Social Security Act, and its regulations, ss. 409.810-409.820, and as administered in this state by the agency, the department, and the Florida Healthy Kids Corporation, as appropriate to their respective responsibilities.

(9) "Combined eligibility notice" means an eligibility notice that informs an applicant, an enrollee, or multiple family members of a household, when feasible, of eligibility for each of the insurance affordability programs and enrollment into a program or exchange plan. A combined eligibility form must be issued by the last agency or department to make an eligibility, renewal or denial determination. The form must meet all of the federal and state law and regulatory requirements no later than January 1, 2014.

~~(8) "Community rate" means a method used to develop premiums for a health insurance plan that spreads financial risk across a large population and allows adjustments only for age, gender, family composition, and geographic area.~~

(10)~~(9)~~ "Department" means the Department of Health.

(11)~~(10)~~ "Enrollee" means a child who has been determined eligible for and is receiving coverage under ss. 409.810-409.821.

~~(11) "Family" means the group or the individuals whose income is considered in determining eligibility for the Florida Kidcare program. The family includes a child with a parent or caretaker relative who resides in the same house or living unit or, in the case of a child whose disability of nonage has been removed under chapter 743, the child. The family may also include other individuals whose income and resources are considered in whole or in part in determining eligibility of the child.~~

~~(12) "Family income" means cash received at periodic intervals from any source, such as wages, benefits, contributions, or rental property. Income also may include any money that would have been counted as income under the Aid to Families with Dependent Children (AFDC) state plan in effect prior to August 22, 1996.~~

(12)~~(13)~~ "Florida Kidcare program," "Kidcare program," or "program" means the health benefits program administered through ss. 409.810-409.821.

(13)~~(14)~~ "Guarantee issue" means that health benefits coverage must be offered to an individual regardless of the individual's health status, preexisting condition, or claims history.

(14)~~(15)~~ "Health benefits coverage" means protection that provides payment of benefits for covered health care services or that otherwise provides, either directly or through arrangements with other persons, covered health care services on a prepaid per capita basis or on a prepaid aggregate fixed-sum basis.

(15)~~(16)~~ "Health insurance plan" means health benefits coverage under the following:

(a) A health plan offered by any certified health maintenance organization or authorized health insurer, except a plan that is limited to the following: a limited benefit, specified disease, or specified accident; hospital indemnity; accident only; limited benefit convalescent care; Medicare supplement; credit disability; dental; vision; long-term care; disability income; coverage issued as a supplement to another health plan; workers' compensation liability or other insurance; or motor vehicle medical payment only; or

(b) An employee welfare benefit plan that includes health benefits established under the Employee Retirement Income Security Act of 1974, as amended.

(16) "Household income" means the group or the individual whose income is considered in determining eligibility for the Florida Kidcare program. The term "household" has the same meaning as provided in s. 36B(d)(2) of the Internal Revenue Code of 1986.

(17) "Medicaid" means the medical assistance program authorized by Title XIX of the Social Security Act, and regulations thereunder, and ss. 409.901-409.920, as administered in this state by the agency.

(18) "Medically necessary" means the use of any medical treatment, service, equipment, or supply necessary to palliate the effects of a terminal condition, or to prevent, diagnose, correct, cure, alleviate, or preclude deterioration of a condition that threatens life, causes pain or suffering, or results in illness or infirmity and which is:

(a) Consistent with the symptom, diagnosis, and treatment of the enrollee's condition;

(b) Provided in accordance with generally accepted standards of medical practice;

(c) Not primarily intended for the convenience of the enrollee, the enrollee's family, or the health care provider;

(d) The most appropriate level of supply or service for the diagnosis and treatment of the enrollee's condition; and

(e) Approved by the appropriate medical body or health care specialty involved as effective, appropriate, and essential for the care and treatment of the enrollee's condition.

(19) "Medikids" means a component of the Florida Kidcare program of medical assistance authorized by Title XXI of the Social Security Act, and regulations thereunder, and s. 409.8132, as administered in the state by the agency.

(20) "Modified adjusted gross income" means the individual's or household's annual adjusted gross income as defined in s. 36B(d)(2) of the Internal Revenue Code of 1986 which is used to determine eligibility under the Florida Kidcare program.

(21) "Patient Protection and Affordable Care Act" or "Act" means the federal law enacted as Pub. L. No. 111-148, as further amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and any amendments, regulations, or guidance issued under those acts.

(22)~~(20)~~ "Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.

(23)~~(21)~~ "Premium" means the entire cost of a health insurance plan, including the administration fee or the risk assumption charge.

(24)~~(22)~~ "Premium assistance payment" means the monthly consideration paid by the agency per enrollee in the Florida Kidcare program towards health insurance premiums.

(25)~~(23)~~ "Qualified alien" means an alien as defined in *8 U.S.C. s. 1641 (b) and (c)* ~~s. 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193~~.

(26)~~(24)~~ "Resident" means a United States citizen, or qualified alien, who is domiciled in this state.

(27)~~(25)~~ "Rural county" means a county having a population density of less than 100 persons per square mile, or a county defined by the most recent United States Census as rural, in which there is no prepaid health plan participating in the Medicaid program as of July 1, 1998.

~~(26) "Substantially similar" means that, with respect to additional services as defined in s. 2103(c)(2) of Title XXI of the Social Security Act, these services must have an actuarial value equal to at least 75 percent of the actuarial value of the coverage for that service in the benchmark benefit plan and, with respect to the basic services as defined in s. 2103(c)(1) of Title XXI of the Social Security Act, these services must be the same as the services in the benchmark benefit plan.~~

Section 2. Section 409.813, Florida Statutes, is amended to read:

409.813 Health benefits coverage; program components; entitlement and nonentitlement.—

(1) The Florida Kidcare program includes health benefits coverage provided to children through the following program components, which shall be marketed as the Florida Kidcare program:

(a) Medicaid;

(b) Medikids as created in s. 409.8132;

(c) The Florida Healthy Kids Corporation as created in s. 624.91; *and*

~~(d) Employer-sponsored group health insurance plans approved under ss. 409.810-409.821; and~~

(d)~~(e)~~ The Children's Medical Services network established in chapter 391.

(2) Except for Title XIX-funded Florida Kidcare program coverage under the Medicaid program, coverage under the Florida Kidcare program is not an entitlement. No cause of action shall arise against the state, the department, the Department of Children and *Families* ~~Family Services~~, ~~or~~ the agency*, or the Florida Healthy Kids Corporation* for failure to make health services available to any person under ss. 409.810-409.821.

Section 3. Subsections (6) and (7) of section 409.8132, Florida Statutes, are amended to read:

409.8132 Medikids program component.—

(6) ELIGIBILITY.—

(a) A child who has attained the age of 1 year but who is under the age of 5 years is eligible to enroll in the Medikids program component of the Florida Kidcare program, if the child is a member of a family that has a family income which exceeds the Medicaid applicable income level as specified in s. 409.903, but which is equal to or below 200 percent of the current federal poverty level. In determining the eligibility of such a child, an assets test is not required. ~~A child who is eligible for Medikids may elect to enroll in Florida Healthy Kids coverage or employer-sponsored group coverage. However, a child who is eligible for Medikids may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.~~

(b) The provisions of s. 409.814 apply to the Medikids program.

(7) ENROLLMENT.—Enrollment in the Medikids program component may occur at any time throughout the year. A child may not receive services under the Medikids program until the child is enrolled in a managed care plan or MediPass. Once determined eligible, an applicant may receive choice counseling and select a managed care plan or MediPass. The agency may initiate mandatory assignment for a Medikids applicant who has not chosen a managed care plan or MediPass provider after the applicant's voluntary choice period ends. An applicant may select MediPass under the Medikids program component only in counties that have fewer than two managed care plans available to serve Medicaid recipients ~~and only if the federal Health Care Financing Administration determines that MediPass constitutes "health insurance coverage" as defined in Title XXI of the Social Security Act~~.

Section 4. Subsection (2) of section 409.8134, Florida Statutes, is amended to read:

409.8134 Program expenditure ceiling; enrollment.—

(2) The Florida Kidcare program may conduct enrollment continuously throughout the year.

(a) Children eligible for coverage under the Title XXI-funded Florida Kidcare program shall be enrolled on a first-come, first-served basis using the date the enrollment application is received. Enrollment shall immediately cease when the expenditure ceiling is reached. Year-round enrollment shall only be held if the Social Services Estimating Conference determines that sufficient federal and state funds will be available to finance the increased enrollment.

(b) The application for the Florida Kidcare program is valid for a period of 120 days after the date it was received. At the end of the 120-day period, if the applicant has not been enrolled in the program, the application is invalid and the applicant shall be notified of the action. The applicant may reactivate the application after notification of the action taken by the program.

(c) Except for the Medicaid program, whenever the Social Services Estimating Conference determines that there are presently, or will be by the end of the current fiscal year, insufficient funds to finance the current or projected enrollment in the Florida Kidcare program, all additional enrollment must cease and additional enrollment may not resume until sufficient funds are available to finance such enrollment.

Section 5. Section 409.814, Florida Statutes, is amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose *household* ~~family~~ income is equal to or below 200 percent of the federal poverty level is eligible for the Florida Kidcare program as pro-

vided in this section. If an enrolled individual is determined to be ineligible for coverage, he or she must be immediately disenrolled from the respective Florida Kidcare program component *and referred to another insurance affordability program, if appropriate, through a combined eligibility notice*.

(1) A child who is eligible for Medicaid coverage under s. 409.903 or s. 409.904 must be *offered the opportunity to enroll* ~~enrolled~~ in Medicaid ~~and is not eligible to receive health benefits under any other health benefits coverage authorized under the Florida Kidcare program~~. *A child who is eligible for Medicaid and opts to enroll in CHIP may disenroll from CHIP at any time and transition to Medicaid. This transition must occur without any break in coverage.*

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida Kidcare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 if such coverage is approved and available in the county in which the child resides.

(3) A Title XXI-funded child who is eligible for the Florida Kidcare program who is a child with special health care needs, as determined through a medical or behavioral screening instrument, is eligible for health benefits coverage from and shall be assigned to and may opt out of the Children's Medical Services Network.

(4) The following children are not eligible to receive Title XXI-funded premium assistance for health benefits coverage under the Florida Kidcare program, except under Medicaid if the child would have been eligible for Medicaid under s. 409.903 or s. 409.904 as of June 1, 1997:

(a) A child who is covered under a family member's group health benefit plan or under other private or employer health insurance coverage, if the cost of the child's participation is not greater than 5 percent of the *household's* ~~family's~~ income. If a child is otherwise eligible for a subsidy under the Florida Kidcare program and the cost of the child's participation in the family member's health insurance benefit plan is greater than 5 percent of the *household's* ~~family's~~ income, the child may enroll in the appropriate subsidized Kidcare program.

~~(b) A child who is seeking premium assistance for the Florida Kidcare program through employer-sponsored group coverage, if the child has been covered by the same employer's group coverage during the 60 days before the family submitted an application for determination of eligibility under the program.~~

(b)~~(c)~~ A child who is an alien, but who does not meet the definition of qualified alien, in the United States.

(c)~~(d)~~ A child who is an inmate of a public institution or a patient in an institution for mental diseases.

(d)~~(e)~~ A child who is otherwise eligible for premium assistance for the Florida Kidcare program and has had his or her coverage in an employer-sponsored or private health benefit plan voluntarily canceled in the last 60 days, except those children whose coverage was voluntarily canceled for good cause, including, but not limited to, the following circumstances:

1. The cost of participation in an employer-sponsored health benefit plan is greater than 5 percent of the *household's modified adjusted gross* ~~family's~~ income;

2. The parent lost a job that provided an employer-sponsored health benefit plan for children;

3. The parent who had health benefits coverage for the child is deceased;

4. The child has a medical condition that, without medical care, would cause serious disability, loss of function, or death;

5. The employer of the parent canceled health benefits coverage for children;

6. The child's health benefits coverage ended because the child reached the maximum lifetime coverage amount;

7. The child has exhausted coverage under a COBRA continuation provision;

8. The health benefits coverage does not cover the child's health care needs; or

9. Domestic violence led to loss of coverage.

~~(5) A child who is otherwise eligible for the Florida Kidcare program and who has a preexisting condition that prevents coverage under another insurance plan as described in paragraph (4)(a) which would have disqualified the child for the Florida Kidcare program if the child were able to enroll in the plan is eligible for Florida Kidcare coverage when enrollment is possible.~~

(5)~~(6)~~ A child whose *household's modified adjusted gross* ~~family~~ income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may participate in the Florida Kidcare program as provided in s. 409.8132 or, if the child is ineligible for Medikids by reason of age, in the Florida Healthy Kids program, subject to the following:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The board of directors of the Florida Healthy Kids Corporation may offer a reduced benefit package to these children in order to limit program costs for such families.

(c) By August 15, 2013, the Florida Healthy Kids Corporation shall notify all current full-pay enrollees of the availability of the exchange and how to access other insurance affordability options. New applications for full-pay coverage may not be accepted after September 30, 2013.

(6)~~(7)~~ Once a child is enrolled in the Florida Kidcare program, the child is eligible for coverage for 12 months without a redetermination or reverification of eligibility, if the family continues to pay the applicable premium. Eligibility for program components funded through Title XXI of the Social Security Act terminates when a child attains the age of 19. A child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is eligible for coverage for 12 months without a redetermination or reverification of eligibility.

(7)~~(8)~~ When determining or reviewing a child's eligibility under the Florida Kidcare program, the applicant shall be provided with reasonable notice of changes in eligibility which may affect enrollment in one or more of the program components. If a transition from one program component to another is authorized, there shall be cooperation between the program components and the affected family which promotes continuity of health care coverage. Any authorized transfers must be managed within the program's overall appropriated or authorized levels of funding. Each component of the program shall establish a reserve to ensure that transfers between components will be accomplished within current year appropriations. These reserves shall be reviewed by each convening of the Social Services Estimating Conference to determine the adequacy of such reserves to meet actual experience.

(8)~~(9)~~ In determining the eligibility of a child, an assets test is not required. Each applicant shall provide documentation during the application process and the redetermination process, including, but not limited to, the following:

(a) Proof of *household* ~~family~~ income, which must be verified electronically to determine financial eligibility for the Florida Kidcare program. Written documentation, which may include wages and earnings statements or pay stubs, W-2 forms, or a copy of the applicant's most recent federal income tax return, is required only if the electronic verification is not available or does not substantiate the applicant's income. *This paragraph expires December 31, 2013.*

(b) A statement from all applicable, employed *household* ~~family~~ members that:

1. Their employers do not sponsor health benefit plans for employees;

2. The potential enrollee is not covered by an employer-sponsored health benefit plan; or

3. The potential enrollee is covered by an employer-sponsored health benefit plan and the cost of the employer-sponsored health benefit plan

is more than 5 percent of the *household's modified adjusted gross* ~~family's~~ income.

(c) To enroll in the Children's Medical Services Network, a completed application, including a clinical screening.

(d) Effective January 1, 2014, eligibility shall be determined through electronic matching using the federally managed data services hub and other resources. Written documentation from the applicant may be accepted if the electronic verification does not substantiate the applicant's income or if there has been a change in circumstances.

(9)~~(10)~~ Subject to paragraph (4)(a), the Florida Kidcare program shall withhold benefits from an enrollee if the program obtains evidence that the enrollee is no longer eligible, submitted incorrect or fraudulent information in order to establish eligibility, or failed to provide verification of eligibility. The applicant or enrollee shall be notified that because of such evidence program benefits will be withheld unless the applicant or enrollee contacts a designated representative of the program by a specified date, which must be within 10 working days after the date of notice, to discuss and resolve the matter. The program shall make every effort to resolve the matter within a timeframe that will not cause benefits to be withheld from an eligible enrollee.

(10)~~(11)~~ The following individuals may be subject to prosecution in accordance with s. 414.39:

(a) An applicant obtaining or attempting to obtain benefits for a potential enrollee under the Florida Kidcare program when the applicant knows or should have known the potential enrollee does not qualify for the Florida Kidcare program.

(b) An individual who assists an applicant in obtaining or attempting to obtain benefits for a potential enrollee under the Florida Kidcare program when the individual knows or should have known the potential enrollee does not qualify for the Florida Kidcare program.

Section 6. Paragraphs (g), (k), (q), and (w) of subsection (2) of section 409.815, Florida Statutes, are amended to read:

409.815 Health benefits coverage; limitations.—

(2) BENCHMARK BENEFITS.—In order for health benefits coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.821, the health benefits coverage, except for coverage under Medicaid and Medikids, must include the following minimum benefits, as medically necessary.

(g) Behavioral health services.—

1. Mental health benefits include:

a. Inpatient services~~, limited to 30 inpatient days per contract year~~ for psychiatric admissions, or residential services in facilities licensed under s. 394.875(6) or s. 395.003 in lieu of inpatient psychiatric admissions~~; however, a minimum of 10 of the 30 days shall be available only for inpatient psychiatric services~~ if authorized by a physician; and

b. Outpatient services, including outpatient visits for psychological or psychiatric evaluation, diagnosis, and treatment by a licensed mental health professional~~, limited to 40 outpatient visits each contract year~~.

2. Substance abuse services include:

a. Inpatient services~~, limited to 7 inpatient days per contract year~~ for medical detoxification only and ~~30 days of~~ residential services; and

b. Outpatient services, including evaluation, diagnosis, and treatment by a licensed practitioner~~, limited to 40 outpatient visits per contract year~~.

~~Effective October 1, 2009,~~ Covered services include inpatient and outpatient services for mental and nervous disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Such benefits include psychological or psychiatric evaluation, diagnosis, and treatment by a licensed mental health professional and inpatient, outpatient, and residential treatment of substance abuse disorders. Any benefit limitations, including duration of services, number of visits, or number of days for hospitalization or residential services, shall not be any less favorable than those for physical illnesses generally. The program may also implement appropriate financial incentives, peer review, utilization requirements, and other methods used for the management of benefits provided for other medical conditions in order to reduce service costs and utilization without compromising quality of care.

(k) Hospice services.—Covered services include reasonable and necessary services for palliation or management of an enrollee's terminal illness~~, with the following exceptions:~~

~~1. Once a family elects to receive hospice care for an enrollee, other services that treat the terminal condition will not be covered; and~~

~~2. Services required for conditions totally unrelated to the terminal condition are covered to the extent that the services are included in this section~~.

(q) Dental services.~~—Effective October 1, 2009,~~ Dental services shall be covered as required under federal law and may also include those dental benefits provided to children by the Florida Medicaid program under s. 409.906(6).

(w) Reimbursement of federally qualified health centers and rural health clinics.~~—Effective October 1, 2009,~~ Payments for services provided to enrollees by federally qualified health centers and rural health clinics under this section shall be reimbursed using the Medicaid Prospective Payment System as provided for under s. 2107(e)(1)(D) of the Social Security Act. If such services are paid for by health insurers or health care providers under contract with the Florida Healthy Kids Corporation, such entities are responsible for this payment. The agency may seek any available federal grants to assist with this transition.

Section 7. Section 409.816, Florida Statutes, is amended to read:

409.816 Limitations on premiums and cost-sharing.—The following limitations on premiums and cost-sharing are established for the program.

(1) Enrollees who receive coverage under the Medicaid program may not be required to pay:

(a) Enrollment fees, premiums, or similar charges; or

(b) Copayments, deductibles, coinsurance, or similar charges.

(2) Enrollees in *households that have* ~~families with~~ a *modified adjusted gross* ~~family~~ income equal to or below 150 percent of the federal poverty level, who are not receiving coverage under the Medicaid program, may not be required to pay:

(a) Enrollment fees, premiums, or similar charges that exceed the maximum monthly charge permitted under s. 1916(b)(1) of the Social Security Act; or

(b) Copayments, deductibles, coinsurance, or similar charges that exceed a nominal amount, as determined consistent with regulations referred to in s. 1916(a)(3) of the Social Security Act. However, such charges may not be imposed for preventive services, including well-baby and well-child care, age-appropriate immunizations, and routine hearing and vision screenings.

(3) Enrollees in *households that have* ~~families with~~ a *modified adjusted gross* ~~family~~ income above 150 percent of the federal poverty level who are not receiving coverage under the Medicaid program or who are not eligible under *s. 409.814(5)* ~~s. 409.814(6)~~ may be required to pay enrollment fees, premiums, copayments, deductibles, coinsurance, or similar charges on a sliding scale related to income, except that the total annual aggregate cost-sharing with respect to all children in a *household* ~~family~~ may not exceed 5 percent of the *household's modified adjusted* ~~family's~~ income. However, copayments, deductibles, coinsurance, or similar charges may not be imposed for preventive services, including well-baby and well-child care, age-appropriate immunizations, and routine hearing and vision screenings.

Section 8. *Section 409.817, Florida Statutes, is repealed.*

Section 9. *Section 409.8175, Florida Statutes, is repealed.*

Section 10. Paragraph (c) of subsection (1) of section 409.8177, Florida Statutes, is amended to read:

409.8177 Program evaluation.—

(1) The agency, in consultation with the Department of Health, the Department of Children and *Families* ~~Family Services~~, and the Florida Healthy Kids Corporation, shall contract for an evaluation of the Florida Kidcare program and shall by January 1 of each year submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report of the program. In addition to the items specified under s. 2108 of Title XXI of the Social Security Act, the report shall include an assessment of crowd-out and access to health care, as well as the following:

(c) The characteristics of the children and families assisted under the program, including ages of the children, *household* ~~family~~ income, and access to or coverage by other health insurance prior to the program and after disenrollment from the program.

Section 11. Section 409.818, Florida Statutes, is amended to read:

409.818 Administration.—In order to implement ss. 409.810-409.821, the following agencies shall have the following duties:

(1) The Department of Children and *Families* ~~Family Services~~ shall:

(a) *Maintain* ~~Develop~~ a simplified eligibility *determination and renewal process* ~~application mail-in form to be used for determining the eligibility of children for coverage~~ under the Florida Kidcare program, in consultation with the agency, the Department of Health, and the Florida Healthy Kids Corporation. The simplified eligibility *process* ~~application form~~ must include ~~an item that provides~~ an opportunity for the applicant to indicate whether coverage is being sought for a child with special health care needs. Families applying for children's Medicaid coverage must also be able to use the simplified application *process* ~~form~~ without having to pay a premium.

(b) Establish and maintain the eligibility determination process under the program except as specified in subsection *(3), which includes the following:* ~~(5).~~

1. The department shall directly, or through the services of a contracted third-party administrator, establish and maintain a process for determining eligibility of children for coverage under the program. The eligibility determination process must be used solely for determining eligibility of applicants for health benefits coverage under the program. The eligibility determination process must include an initial determination of eligibility for any coverage offered under the program, as well as a redetermination or reverification of eligibility each subsequent 6 months. ~~Effective January 1, 1999,~~ A child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is eligible for coverage for 12 months without a redetermination or reverification of eligibility. In conducting an eligibility determination, the department shall determine if the child has special health care needs.

2. The department, in consultation with the Agency for Health Care Administration and the Florida Healthy Kids Corporation, shall develop procedures for redetermining eligibility which enable *applicants and enrollees* ~~a family~~ to easily update any change in circumstances which could affect eligibility.

3. The department may accept changes in ~~a family's~~ status as reported to the department by the Florida Healthy Kids Corporation *or the exchange* without requiring a new application ~~from the family~~. Redetermination of a child's eligibility for Medicaid may not be linked to a child's eligibility determination for other programs.

4. The department, in consultation with the agency and the Florida Healthy Kids Corporation, shall develop a combined eligibility notice to inform applicants and enrollees of their application or renewal status, as appropriate. The content must be coordinated to meet all federal and state requirements under the federal Patient Protection and Affordable Care Act.

(c) Inform program applicants about eligibility determinations and provide information about eligibility of applicants to the Florida Kidcare program and to insurers and their agents~~, through a centralized coordinating office~~.

(d) Adopt rules necessary for conducting program eligibility functions.

~~(2) The Department of Health shall:~~

~~(a) Design an eligibility intake process for the program, in coordination with the Department of Children and Family Services, the agency, and the Florida Healthy Kids Corporation. The eligibility intake process may include local intake points that are determined by the Department of Health in coordination with the Department of Children and Family Services.~~

~~(b) Chair a state-level Florida Kidcare coordinating council to review and make recommendations concerning the implementation and operation of the program. The coordinating council shall include representatives from the department, the Department of Children and Family Services, the agency, the Florida Healthy Kids Corporation, the Office of Insurance Regulation of the Financial Services Commission, local government, health insurers, health maintenance organizations, health care providers, families participating in the program, and organizations representing low-income families.~~

~~(c) In consultation with the Florida Healthy Kids Corporation and the Department of Children and Family Services, establish a toll-free telephone line to assist families with questions about the program.~~

~~(d) Adopt rules necessary to implement outreach activities.~~

(2)~~(3)~~ The Agency for Health Care Administration, under the authority granted in s. 409.914(1), shall:

(a) Calculate the premium assistance payment necessary to comply with the premium and cost-sharing limitations specified in s. 409.816 *and the federal Patient Protection and Affordable Care Act*. The premium assistance payment for each enrollee in a health insurance plan participating in the Florida Healthy Kids Corporation shall equal the premium approved by the Florida Healthy Kids Corporation ~~and the Office of Insurance Regulation of the Financial Services Commission pursuant to ss. 627.410 and 641.31,~~ less any enrollee's share of the premium established within the limitations specified in s. 409.816. ~~The premium assistance payment for each enrollee in an employer-sponsored health insurance plan approved under ss. 409.810-409.821 shall equal the premium for the plan adjusted for any benchmark benefit plan actuarial equivalent benefit rider approved by the Office of Insurance Regulation pursuant to ss. 627.410 and 641.31, less any enrollee's share of the premium established within the limitations specified in s. 409.816. In calculating the premium assistance payment levels for children with family coverage, the agency shall set the premium assistance payment levels for each child proportionately to the total cost of family coverage.~~

(b) Make premium assistance payments to health insurance plans on a periodic basis. The agency may use its Medicaid fiscal agent or a contracted third-party administrator in making these payments. The agency may require health insurance plans that participate in the Medikids program ~~or employer-sponsored group health insurance~~ to collect premium payments from an enrollee's family. Participating health insurance plans shall report premium payments collected on behalf of enrollees in the program to the agency in accordance with a schedule established by the agency.

(c) Monitor compliance with quality assurance and access standards developed under s. 409.820 and in accordance with s. 2103(f) of the Social Security Act, 42 U.S.C. s. 1397cc(f).

(d) Establish a mechanism for investigating and resolving complaints and grievances from program applicants, enrollees, and health benefits coverage providers, and maintain a record of complaints and confirmed problems. In the case of a child who is enrolled in a *managed care* ~~health maintenance~~ organization, the agency must use the provisions of s. 641.511 to address grievance reporting and resolution requirements.

~~(e) Approve health benefits coverage for participation in the program, following certification by the Office of Insurance Regulation under subsection (4).~~

(e)~~(f)~~ Adopt rules necessary for ~~calculating premium assistance payment levels, making premium assistance payments,~~ monitoring access and quality assurance standards *and*~~,~~ investigating and resolving

complaints and grievances~~, administering the Medikids program, and approving health benefits coverage~~.

(f) Contract with the Florida Healthy Kids Corporation for the administration of the Florida Kidcare program and the Healthy Florida program and to facilitate the release of any federal and state funds.

The agency is designated the lead state agency for Title XXI of the Social Security Act for purposes of receipt of federal funds, for reporting purposes, and for ensuring compliance with federal and state regulations and rules.

~~(4) The Office of Insurance Regulation shall certify that health benefits coverage plans that seek to provide services under the Florida Kidcare program, except those offered through the Florida Healthy Kids Corporation or the Children's Medical Services Network, meet, exceed, or are actuarially equivalent to the benchmark benefit plan and that health insurance plans will be offered at an approved rate. In determining actuarial equivalence of benefits coverage, the Office of Insurance Regulation and health insurance plans must comply with the requirements of s. 2103 of Title XXI of the Social Security Act. The department shall adopt rules necessary for certifying health benefits coverage plans.~~

(3)~~(5)~~ The Florida Healthy Kids Corporation shall retain its functions as authorized in s. 624.91, including eligibility determination for participation in the Healthy Kids program.

(4)~~(6)~~ The agency, the Department of Health, the Department of Children and *Families* ~~Family Services~~, *and* the Florida Healthy Kids Corporation, ~~and the Office of Insurance Regulation,~~ after consultation with and approval of the Speaker of the House of Representatives and the President of the Senate, *may* ~~are authorized to~~ make program modifications that are necessary to overcome any objections of the United States Department of Health and Human Services to obtain approval of the state's child health insurance plan under Title XXI of the Social Security Act.

Section 12. Section 409.820, Florida Statutes, is amended to read:

409.820 Quality assurance and access standards.—Except for Medicaid, the Department of Health, in consultation with the agency and the Florida Healthy Kids Corporation, shall develop a minimum set of *pediatric and adolescent* quality assurance and access standards for all program components. The standards must include a process for granting exceptions to specific requirements for quality assurance and access. Compliance with the standards shall be a condition of program participation by health benefits coverage providers. These standards shall comply with the provisions of this chapter and chapter 641 and Title XXI of the Social Security Act.

Section 13. Section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(1) SHORT TITLE.—This section may be cited as the "William G. 'Doc' Myers Healthy Kids Corporation Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have comprehensive, affordable health care services available. It is the intent of the Legislature that the Florida Healthy Kids Corporation provide comprehensive health insurance coverage to such children. The corporation is encouraged to cooperate with any existing health service programs funded by the public or the private sector.

(b) It is the intent of the Legislature that the Florida Healthy Kids Corporation serve as one of several providers of services to children eligible for medical assistance under Title XXI of the Social Security Act. Although the corporation may serve other children, the Legislature intends the primary recipients of services provided through the corporation be school-age children with a family income below 200 percent of the federal poverty level, who do not qualify for Medicaid. It is also the intent of the Legislature that state and local government Florida Healthy Kids funds be used to continue coverage, subject to specific appropriations in the General Appropriations Act, to children not eligible for federal matching funds under Title XXI.

(c) It is further the intent of the Legislature that the Florida Healthy Kids Corporation administer and manage services for Healthy Florida, a health care program for uninsured adults using a unique network of providers and contracts. Enrollees in Healthy Florida will receive comprehensive health care services from private, licensed health insurers who meet standards established by the corporation. It is further the intent of the Legislature that these enrollees participate in their own health care decisionmaking and contribute financially toward their medical costs. The Legislature intends to provide an alternative benefit package that includes a full range of services that meet the needs of residents of this state. As a new program, the Legislature shall also ensure that a comprehensive evaluation is conducted to measure the overall impact of the program and identify whether to renew the program after an initial 3-year term.

(3) ELIGIBILITY FOR STATE-FUNDED ASSISTANCE.—Only the following individuals are eligible for state-funded assistance in paying *premiums for Healthy Florida or* Florida Healthy Kids ~~premiums~~:

(a) Residents of this state who are eligible for the Florida Kidcare program pursuant to s. 409.814 *or the Healthy Florida program pursuant to s. 624.917*.

(b) Notwithstanding s. 409.814, legal aliens who are enrolled in the Florida Healthy Kids program as of January 31, 2004, who do not qualify for Title XXI federal funds because they are not qualified aliens as defined in s. 409.811.

(4) NONENTITLEMENT.—Nothing in this section shall be construed as providing an individual with an entitlement to health care services. No cause of action shall arise against the state, the Florida Healthy Kids Corporation, or a unit of local government for failure to make health services available under this section.

(5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(a) There is created the Florida Healthy Kids Corporation, a not-for-profit corporation.

(b) The Florida Healthy Kids Corporation shall:

1. Arrange for the collection of any family, *individual, or* local contributions~~, or employer payment or premium~~, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.

2. Arrange for the collection of any voluntary contributions to provide for payment of *premiums for enrollees in the* Florida Kidcare program *or Healthy Florida* ~~premiums for children who are not eligible for medical assistance under Title XIX or Title XXI of the Social Security Act~~.

3. Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional Florida Kidcare coverage in contributing counties under Title XXI.

4. Establish the administrative and accounting procedures for the operation of the corporation.

5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children, provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.

6. Determine eligibility for children seeking to participate in the Title XXI-funded components of the Florida Kidcare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).

7. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or third-party administrator to provide administrative services to the corporation.

9. Establish enrollment criteria that include penalties or waiting periods of 30 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family *and individual* premiums *under the programs*.

10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites.

a. Health plans shall be selected through a competitive bid process.

b. The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective manner consistent with the delivery of quality medical care. The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. For *all* health care contracts, the minimum medical loss ratio *is* ~~for a Florida Healthy Kids Corporation contract shall be~~ 85 percent. *The calculations must use uniform financial data collected from all plans in a format established by the corporation and shall be computed for each insurer on a statewide basis. Funds shall be classified in a manner consistent with 45 C.F.R. part 158* ~~For dental contracts, the remaining compensation to be paid to the authorized insurer or provider under a Florida Healthy Kids Corporation contract shall be no less than an amount which is 85 percent of premium; to the extent any contract provision does not provide for this minimum compensation, this section shall prevail~~.

c. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.

11. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

12. Develop and implement a plan to publicize the Florida Kidcare program *and Healthy Florida*, the eligibility requirements of the *programs* ~~program~~, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the *programs* ~~program~~.

13. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

14. In consultation with the partner agencies, *annually* provide a report on the Florida Kidcare program ~~annually~~ to the Governor, the Chief Financial Officer, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives.

15. Provide information on a quarterly basis to the Legislature and the Governor which compares the costs and utilization of the full-pay enrolled population and the Title XXI-subsidized enrolled population in the Florida Kidcare program. The information, at a minimum, must include:

a. The monthly enrollment and expenditure for full-pay enrollees in the Medikids and Florida Healthy Kids programs compared to the Title XXI-subsidized enrolled population; and

b. The costs and utilization by service of the full-pay enrollees in the Medikids and Florida Healthy Kids programs and the Title XXI-subsidized enrolled population. *This subparagraph is repealed effective December 31, 2013.*

~~By February 1, 2010, the Florida Healthy Kids Corporation shall provide a study to the Legislature and the Governor on premium impacts to the subsidized portion of the program from the inclusion of the full-pay program, which shall include recommendations on how to eliminate or mitigate possible impacts to the subsidized premiums.~~

16. By August 15, 2013, the corporation shall notify all current full-pay enrollees of the availability of the exchange, as defined in the federal Patient Protection and Affordable Care Act, and how to access other insurance affordability options. New applications for full-pay coverage may not be accepted after September 30, 2013.

17.~~16.~~ Establish benefit packages that conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.821.

(c) Coverage under the corporation's program is secondary to any other available private coverage held by, or applicable to, the participant ~~child~~ or family member. Insurers under contract with the corporation are the payors of last resort and must coordinate benefits with any other third-party payor that may be liable for the participant's medical care.

(d) The Florida Healthy Kids Corporation shall be a private corporation not for profit, *registered, incorporated, and* organized pursuant to chapter 617, and shall have all powers necessary to carry out the purposes of this act, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this act. *The corporation and any committees it forms shall act in compliance with part III of chapter 112, and chapters 119 and 286.*

(6) BOARD OF DIRECTORS *AND MANAGEMENT SUPERVISION*.—

(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by *an appointee designated by* the *Governor* ~~Chief Financial Officer or her or his designee,~~ and composed of *15* ~~12~~ other members. *The Senate shall confirm the designated chair and other board appointees* ~~selected~~ for 3-year terms of office as follows:

1. The Secretary of Health Care Administration, or his or her designee*, as an ex officio member*.

2. *The State Surgeon General, or his or her designee, as an ex officio member* ~~One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education~~.

3. *The Secretary of Children and Families, or his or her designee, as an ex officio member* ~~One member appointed by the Chief Financial Officer from among three members nominated by the Florida Pediatric Society~~.

4. *Four members* ~~One member,~~ appointed by the Governor~~, who represents the Children's Medical Services Program~~.

5. *Two members* ~~One member~~ appointed by the *President of the Senate* ~~Chief Financial Officer from among three members nominated by the Florida Hospital Association~~.

6. *Two members* ~~One member,~~ appointed by the *Senate Minority Leader* ~~Governor, who is an expert on child health policy~~.

7. *Two members* ~~One member,~~ appointed by the *Speaker of the House of Representatives* ~~Chief Financial Officer, from among three members nominated by the Florida Academy of Family Physicians~~.

8. *Two members* ~~One member,~~ appointed by the *House Minority Leader* ~~Governor, who represents the state Medicaid program~~.

~~9. One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Association of Counties.~~

~~10. The State Health Officer or her or his designee.~~

~~11. The Secretary of Children and Family Services, or his or her designee.~~

~~12. One member, appointed by the Governor, from among three members nominated by the Florida Dental Association.~~

(b) A member of the board of directors may be removed by the official who appointed that member. The board shall appoint an executive director, who is responsible for other staff authorized by the board.

(c) Board members are entitled to receive, from funds of the corporation, reimbursement for per diem and travel expenses as provided by s. 112.061.

(d) There shall be no liability on the part of, and no cause of action shall arise against, any member of the board of directors, or its employees or agents, for any action they take in the performance of their powers and duties under this act.

(e) Board members who are serving on or before the date of enactment of this act or similar legislation may remain until July 1, 2013.

(f) An executive steering committee is created to provide management direction and support and to make recommendations to the board on the programs. The steering committee is composed of the Secretary of Health Care Administration, the Secretary of Children and Families, and the State Surgeon General. Committee members may not delegate their membership or attendance.

(7) LICENSING NOT REQUIRED; FISCAL OPERATION.—

(a) The corporation shall not be deemed an insurer. The officers, directors, and employees of the corporation shall not be deemed to be agents of an insurer. Neither the corporation nor any officer, director, or employee of the corporation is subject to the licensing requirements of the insurance code or the rules of the Department of Financial Services *or Office of Insurance Regulation*. However, any marketing representative utilized and compensated by the corporation must be appointed as a representative of the insurers or health services providers with which the corporation contracts.

(b) The board has complete fiscal control over the corporation and is responsible for all corporate operations.

(c) The Department of Financial Services shall supervise any liquidation or dissolution of the corporation and shall have, with respect to such liquidation or dissolution, all power granted to it pursuant to the insurance code.

Section 14. *Section 624.915, Florida Statutes, is repealed.*

Section 15. Section 624.917, Florida Statutes, is created to read:

624.917 Healthy Florida program.—

(1) PROGRAM CREATION.—There is created Healthy Florida, a health care program for lower income, uninsured adults who meet the eligibility guidelines established under s. 624.91. The Florida Healthy Kids Corporation shall administer the program under its existing corporate governance and structure.

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

(a) "Actuarially equivalent" means:

1. The aggregate value of the benefits included in health benefits coverage is equal to the value of the benefits in the child benchmark benefit plan as defined in s. 409.811; and

2. The benefits included in health benefits coverage are substantially similar to the benefits included in the child benchmark benefit plan, except that preventive health services do not include dental services.

(b) "Agency" means the Agency for Health Care Administration.

(c) "Applicant" means the individual who applies for determination of eligibility for health benefits coverage under this section.

(d) "Child" means any person younger than 19 years of age.

(e) "Child benchmark benefit plan" means the form and level of health benefits coverage established in s. 409.815.

(f) "Corporation" means the Florida Healthy Kids Corporation.

(g) "Enrollee" means an individual who has been determined eligible for and is receiving coverage under this section.

(h) "Florida Kidcare program" or "Kidcare program" means the health benefits program administered through ss. 409.810-409.821.

(i) "Health benefits coverage" means protection that provides payment of benefits for covered health care services or that otherwise provides, either directly or through arrangements with other persons, covered health care services on a prepaid per capita basis or on a prepaid aggregate fixed-sum basis.

(j) "Healthy Florida" means the program created by this section which is administered by the Florida Healthy Kids Corporation.

(k) "Healthy Kids" means the Florida Kidcare program component created under s. 624.91 for children who are 5 through 18 years of age.

(l) "Household income" means the group or the individual whose income is considered in determining eligibility for the Healthy Florida program. The term "household" has the same meaning as provided in s. 36B(d)(2) of the Internal Revenue Code of 1986.

(m) "Medicaid" means the medical assistance program authorized by Title XIX of the Social Security Act, and regulations thereunder, and ss. 409.901-409.920, as administered in this state by the agency.

(n) "Medically necessary" means the use of any medical treatment, service, equipment, or supply necessary to palliate the effects of a terminal condition, or to prevent, diagnose, correct, cure, alleviate, or preclude deterioration of a condition that threatens life, causes pain or suffering, or results in illness or infirmity and which is:

1. Consistent with the symptom, diagnosis, and treatment of the enrollee's condition;

2. Provided in accordance with generally accepted standards of medical practice;

3. Not primarily intended for the convenience of the enrollee, the enrollee's family, or the health care provider;

4. The most appropriate level of supply or service for the diagnosis and treatment of the enrollee's condition; and

5. Approved by the appropriate medical body or health care specialty involved as effective, appropriate, and essential for the care and treatment of the enrollee's condition.

(o) "Modified adjusted gross income" means the individual or household's annual adjusted gross income as defined in s. 36B(d)(2) of the Internal Revenue Code of 1986 which is used to determine eligibility under the Florida Kidcare program.

(p) "Patient Protection and Affordable Care Act" or "Act" means the federal law enacted as Pub. L. No. 111-148, as further amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and any amendments, regulations, or guidance thereunder, issued under those acts.

(q) "Premium" means the entire cost of a health insurance plan, including the administration fee or the risk assumption charge.

(r) "Premium assistance payment" means the monthly consideration paid by the agency per enrollee in the Florida Kidcare program towards health insurance premiums.

(s) "Qualified alien" means an alien as defined in 8 U.S.C. s. 1641(b) and (c).

(t) "Resident" means a United States citizen or qualified alien who is domiciled in this state.

(3) ELIGIBILITY.—To be eligible and remain eligible for the Healthy Florida program, an individual must be a resident of this state and meet the following additional criteria:

(a) Be identified as newly eligible, as defined in s. 1902(a)(10)(A)(i)(-VIII) of the Social Security Act or s. 2001 of the federal Patient Protection

and Affordable Care Act, and as may be further defined by federal regulation.

(b) Maintain eligibility with the corporation and meet all renewal requirements as established by the corporation.

(c) Renew eligibility on at least an annual basis.

(4) ENROLLMENT.—The corporation may begin the enrollment of applicants in the Healthy Florida program on October 1, 2013. Enrollment may occur directly, through the services of a third-party administrator, referrals from the Department of Children and Families, and the exchange as defined by the federal Patient Protection and Affordable Care Act. As an enrollee disenrolls, the corporation must also provide the enrollee with information about other insurance affordability programs and electronically refer the enrollee to the exchange or other programs, as appropriate. The earliest coverage effective date under the program shall be January 1, 2014.

(5) DELIVERY OF SERVICES.—The corporation shall contract with authorized insurers licensed under chapter 627; managed care organizations authorized under chapter 641; and provider service networks authorized under ss. 409.912(4)(d) and 409.962(13) which are prepaid plans. These insurers, managed care organizations, and provider service networks must meet standards established by the corporation to provide comprehensive health care services to enrollees who qualify for services under this section. The corporation may contract for such services on a statewide or regional basis. To encourage continuity of care among enrollees who may transition across multiple insurance affordability programs, the corporation is encouraged to contract with those insurers and managed care organizations that participate in more than one such program.

(a) The corporation shall establish access and network standards for such contracts and ensure that contracted providers have sufficient providers to meet enrollee needs. Quality standards must be developed by the corporation, specific to the adult population, which take into consideration recommendations from the National Committee on Quality Assurance, stakeholders, and other existing performance indicators from both public and commercial populations. The corporation and its contracted health plans shall develop policies that minimize the disruption of enrollee medical homes when enrollees transition between insurance affordability plans.

(b) The corporation shall provide an enrollee a choice of plans. The corporation may select a plan if no selection has been received before the coverage start date. Once enrolled, an enrollee has an initial 90-day free-look period before a lock-in period of not more than 12 months is applied. Exceptions to the lock-in period must be offered to an enrollee for reasons based upon good cause or qualifying events.

(c) The corporation may consider contracts that provide family plans that would allow members from multiple state and federally funded programs to remain together under the same plan.

(d) All contracts must meet the medical loss ratio requirements under s. 624.91.

(6) BENEFITS.—The corporation shall establish a benefits package that is actuarially equivalent to the benchmark benefit plan offered under s. 409.815(2), excluding dental, and meets the alternative benefits package requirements under s. 1937 of the Social Security Act. Benefits must be offered as an integrated, single package.

(a) In addition to benchmark benefits, health reimbursement accounts or a comparable health savings account for each enrollee must be established through the corporation or the contracts managed by the corporation. Enrollees must be rewarded for healthy behaviors, wellness program adherence, and other activities established by the corporation which demonstrate compliance with preventive care or disease management guidelines. Funds deposited into these accounts may be used to pay cost-sharing obligations or to purchase over-the-counter health-related items to the extent allowed under federal law or regulation.

(b) Enhanced services may be offered if the cost of such additional services provides savings to the overall plan.

(c) The corporation shall establish a process for the payment of wraparound services not covered by the benchmark benefit plan through a separate subcapitation process to its contracted providers if it is determined that such services are required by federal law. Such services would be covered when deemed medically necessary on an individual basis. The subcapitation pool is subject to a separate reconciliation process under the medical loss ratio provisions in s. 624.91.

(d) A prior authorization process and other utilization controls may be established by the plan for any benefit if approved by the corporation.

(7) COST SHARING.—The corporation may collect premiums and copayments from enrollees in accordance with federal law. Amounts to be collected for the Healthy Florida program must be established annually in the General Appropriations Act.

(a) Payment of a monthly premium may be required before the establishment of an enrollee's coverage start date and to retain monthly coverage.

(b) An enrollee who has a family income above the federal poverty level may be required to make nominal copayments, in accordance with federal rule, as a condition of receiving a health care service.

(c) A provider is responsible for the collection of point-of-service cost-sharing obligations. The enrollee's cost-sharing contribution is considered part of the provider's total reimbursement. Failure to collect an enrollee's cost sharing reduces the provider's share of the reimbursement.

(8) PROGRAM MANAGEMENT.—The corporation is responsible for the oversight of the Healthy Florida program. The agency shall seek a state plan amendment or other appropriate federal approval to implement the Healthy Florida program. The agency shall consult with the corporation in the amendment's development and submit by June 14, 2013, the state plan amendment to the federal Department of Health and Human Services. The agency shall contract with the corporation for the administration of the Healthy Florida program and for the timely release of federal and state funds. The agency retains its authorities as provided in ss. 409.902 and 409.963.

(a) The corporation shall establish a process by which grievances can be resolved and Healthy Florida recipients can be informed of their rights under the Medicaid Fair Hearing Process, as appropriate, or any alternative resolution process adopted by the corporation.

(b) The corporation shall establish a program integrity process to ensure compliance with program guidelines. At a minimum, the corporation shall withhold benefits from an applicant or enrollee if the corporation obtains evidence that the applicant or enrollee is no longer eligible, submitted incorrect or fraudulent information in order to establish eligibility, or failed to provide verification of eligibility. The corporation shall notify the applicant or enrollee that, because of such evidence, program benefits must be withheld unless the applicant or enrollee contacts a designated representative of the corporation by a specified date, which must be within 10 working days after the date of notice, to discuss and resolve the matter. The corporation shall make every effort to resolve the matter within a timeframe that will not cause benefits to be withheld from an eligible enrollee. The following individuals may be subject to specific prosecution in accordance with s. 414.39:

1. An applicant who obtains or attempts to obtain benefits for a potential enrollee under the Healthy Florida program when the applicant knows or should have known that the potential enrollee does not qualify for the Healthy Florida program.

2. An individual who assists an applicant in obtaining or attempting to obtain benefits for a potential enrollee under the Healthy Florida program when the individual knows or should have known that the potential enrollee does not qualify for the Healthy Florida program.

(9) APPLICABILITY OF LAWS RELATING TO MEDICAID.—The provisions of ss. 409.902, 409.9128, and 409.920 apply to the administration of the Healthy Florida program.

(10) PROGRAM EVALUATION.—The corporation shall collect both eligibility and enrollment data from program applicants and enrollees as well as encounter and utilization data from all contracted entities during the program term. The corporation shall submit monthly enrollment reports to the President of the Senate, the Speaker of the House of Representative, and the Minority Leaders of the Senate and the House of Representatives. The corporation shall submit an interim independent

evaluation of the Healthy Florida program to the presiding officers no later than July 1, 2015, with annual evaluations due July 1 each year thereafter. The evaluations must address, at a minimum, application and enrollment trends and issues, utilization and cost data, and customer satisfaction.

(11) PROGRAM EXPIRATION.—The Healthy Florida program shall expire at the end of the state fiscal year in which any of these conditions occur, whichever occurs first:

(a) The federal match contribution falls below 90 percent.

(b) The federal match contribution falls below the increased FMAP for medical assistance for newly eligible mandatory individuals as specified in the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152.

(c) The federal match for the Healthy Florida program and the Medicaid program are blended under federal law or regulation in such a way that causes the overall federal contribution to diminish when compared to separate, nonblended federal contributions.

Section 16. *The Florida Healthy Kids Corporation may make changes to comply with the objections of the federal Department of Health and Human Services to gain approval of the Healthy Florida program in compliance with the federal Patient Protection and Affordable Care Act, upon giving notice to the Senate and the House of Representatives of the proposed changes. If there is a conflict between a provision in this section and the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, the provision must be interpreted and applied so as to comply with the requirement of the federal law.*

Section 17. Section 627.6474, Florida Statutes, is amended to read:

627.6474 Provider contracts.—

(1) A health insurer *may* ~~shall~~ not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the insurer or any other insurer, or health maintenance organization, under common management and control with the insurer, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, *s. 636.035,* or s. 641.315, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. Any contract provision that violates this section is void. A violation of this *subsection* ~~section~~ is not subject to the criminal penalty specified in s. 624.15.

(2)(a) A contract between a health insurer and a dentist licensed under chapter 466 for the provision of services to an insured may not contain any provision that requires the dentist to provide services to the insured under such contract at a fee set by the health insurer unless such services are covered services under the applicable contract.

(b) Covered services are those services that are listed as a benefit that the insured is entitled to receive under the contract. An insurer may not provide merely de minimis reimbursement or coverage in order to avoid the requirements of this section. Fees for covered services shall be set in good faith and must not be nominal.

(c) A health insurer may not require as a condition of the contract that the dentist participate in a discount medical plan under part II of chapter 636.

Section 18. Subsection (13) is added to section 636.035, Florida Statutes, to read:

636.035 Provider arrangements.—

(13)(a) A contract between a prepaid limited health service organization and a dentist licensed under chapter 466 for the provision of services to a subscriber of the prepaid limited health service organization may not contain any provision that requires the dentist to provide services to the subscriber of the prepaid limited health service organization at a fee set by the prepaid limited health service organization unless such services are covered services under the applicable contract.

(b) Covered services are those services that are listed as a benefit that the subscriber is entitled to receive under the contract. A prepaid limited health service organization may not provide merely de minimis reimbursement or coverage in order to avoid the requirements of this section. Fees for covered services shall be set in good faith and must not be nominal.

(c) A prepaid limited health service organization may not require as a condition of the contract that the dentist participate in a discount medical plan under part II of this chapter.

Section 19. Subsection (11) is added to section 641.315, Florida Statutes, to read:

641.315 Provider contracts.—

(11)(a) A contract between a health maintenance organization and a dentist licensed under chapter 466 for the provision of services to a subscriber of the health maintenance organization may not contain any provision that requires the dentist to provide services to the subscriber of the health maintenance organization at a fee set by the health maintenance organization unless such services are covered services under the applicable contract.

(b) Covered services are those services that are listed as a benefit that the subscriber is entitled to receive under the contract. A health maintenance organization may not provide merely de minimis reimbursement or coverage in order to avoid the requirements of this section. Fees for covered services shall be set in good faith and must not be nominal.

(c) A health maintenance organization may not require as a condition of the contract that the dentist participate in a discount medical plan under part II of chapter 636.

Section 20. Paragraph (a) of subsection (3) of section 766.1115, Florida Statutes, is amended, and paragraph (h) is added to subsection (4) of that section, to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

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

(a) "Contract" means an agreement executed in compliance with this section between a health care provider and a governmental contractor *which allows*~~. This contract shall allow~~ the health care provider to deliver health care services to low-income recipients as an agent of the governmental contractor. The contract must be for volunteer, uncompensated services. For services to qualify as volunteer, uncompensated services under this section, the health care provider must receive no compensation from the governmental contractor for ~~any~~ services provided under the contract and must not bill or accept compensation from the recipient, or *a* ~~any~~ public or private third-party payor, for the specific services provided to the low-income recipients covered by the contract.

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties under the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section. The contract must provide that:

(h) As an agent of the governmental contractor for purposes of s. 768.28(9), while acting within the scope of duties under the contract, a health care provider licensed under chapter 466 may allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the patient. This contribution may not exceed the actual cost of the dental laboratory charges and is deemed in compliance with this section.

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 21. *The amendments to ss. 627.6474, 636.035, and 641.315, Florida Statutes, apply to contracts entered into or renewed on or after July 1, 2013.*

Section 22. *(1) The sum of $1,258,054,808 from the Medical Care Trust Fund is appropriated to the Agency for Health Care Administration beginning in the 2013-2014 fiscal year to provide coverage for individuals who enroll in the Healthy Florida program.*

(2) The sum of $254,151 from the General Revenue Fund and $18,235,833 from the Medical Care Trust Fund is appropriated to the Agency for Health Care Administration beginning in the 2013-2014 fiscal year to comply with federal regulations to compensate insurers and managed care organizations that contract with the Healthy Florida program for the imposition of the annual fee on health insurance providers under section 9010 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152.

(3) The sum of $10,676,377 from the General Revenue Fund and $10,676,377 from the Medical Care Trust Fund is appropriated beginning in the 2013-2014 fiscal year to the Agency for Health Care Administration to contract with the Florida Healthy Kids Corporation under s. 409.818(2)(f), Florida Statutes, to fund administrative costs necessary for implementing and operating the Healthy Florida program.

(4) The Agency for Health Care Administration may submit budget amendments to the Legislative Budget Commission pursuant to chapter 216, Florida Statutes, to fund the Healthy Florida program for the coverage of children who transfer from the Florida Kidcare Program to the Healthy Florida program, or to provide additional spending authority from the Medical Care Trust Fund under subsection (1) for the coverage of individuals who enroll in the Healthy Florida program, during the 2013-2014 fiscal year.

Section 23. 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 health care; amending s. 409.811, F.S.; revising and providing definitions; amending s. 409.813, F.S.; revising the components of the Florida Kidcare program; prohibiting a cause of action from arising against the Florida Healthy Kids Corporation for failure to make health services available; amending s. 409.8132, F.S.; revising the eligibility of the Medikids program component; revising the enrollment requirements of the Medikids program component; amending s. 409.8134, F.S.; conforming provisions to changes made by the act; amending s. 409.814, F.S.; revising eligibility requirements for the Florida Kidcare program; amending s. 409.815, F.S.; revising the minimum health benefits coverage under the Florida Kidcare Act; deleting obsolete provisions; amending ss. 409.816 and 409.8177, F.S.; conforming provisions to changes made by the act; repealing s. 409.817, F.S., relating to the approval of health benefits coverage and financial assistance; repealing s. 409.8175, F.S., relating to delivery of services in rural counties; amending s. 409.818, F.S.; revising the duties of the Department of Children and Families and the Agency for Health Care Administration with regard to the Florida Kidcare Act; deleting the duties of the Department of Health and the Office of Insurance Regulation with regard to the Florida Kidcare Act; amending s. 409.820, F.S.; requiring the Department of Health, in consultation with the agency and the Florida Healthy Kids Corporation, to develop a minimum set of pediatric and adolescent quality assurance and access standards for all program components; amending s. 624.91, F.S.; revising the legislative intent of the Florida Healthy Kids Corporation Act to include the Healthy Florida program; revising participation guidelines for nonsubsidized enrollees in the Healthy Florida program; revising the medical loss ratio requirements for the contracts for the Florida Healthy Kids Corporation; modifying the membership of the Florida Healthy Kids Corporation's board of directors; creating an executive steering committee; requiring additional corporate compliance requirements for the Florida Healthy Kids Corporation; repealing s. 624.915, F.S., relating to the operating fund of the Florida Healthy Kids Corporation; creating s. 624.917, F.S.; creating the Healthy Florida program; providing definitions; providing eligibility and enrollment requirements; authorizing the Florida Healthy Kids Corporation to contract with certain insurers, managed care organizations, and provider service networks; encouraging the corporation to contract with insurers and managed care organizations that participate in more than one insurance affordability program under certain circumstances; requiring the corporation to establish a benefits package and a process for payment of services; authorizing the corporation to collect premiums and copayments; requiring the corporation to oversee the Healthy Florida program and to establish a grievance process and integrity process; providing applicability of certain state laws for administration of the Healthy Florida program; requiring the corporation to collect certain data and to submit enrollment reports and interim independent evaluations to the Legislature; providing for expiration of the program; providing an implementation and interpretation clause; amending s. 627.6474, F.S.; prohibiting a contract between a health insurer and a dentist from requiring the dentist to provide services at a fee set by the insurer under certain circumstances; providing that covered services are those services listed as a benefit that the insured is entitled to receive under a contract; prohibiting an insurer from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting a health insurer from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 636.035, F.S.; prohibiting a contract between a prepaid limited health service organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a prepaid limited health service organization is entitled to receive under a contract; prohibiting a prepaid limited health service organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the prepaid limited health service organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 641.315, F.S.; prohibiting a contract between a health maintenance organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a health maintenance organization is entitled to receive under a contract; prohibiting a health maintenance organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the health maintenance organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 766.1115, F.S.; revising a definition; requiring a contract with a governmental contractor for health care services to include a provision for a health care provider licensed under ch. 466, F.S., as an agent of the governmental contractor, to allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the patient without forfeiting sovereign immunity; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; providing that the contribution complies with the requirements of s. 766.1115, F.S.; providing for applicability; providing appropriations; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 7169** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1408—A bill to be entitled An act relating to captive insurance; replacing the term "captive insurer" with "captive insurance company" in part V of ch. 628, F.S.; amending s. 628.901, F.S.; revising definitions; amending s. 628.905, F.S.; expanding the risks that an industrial insured capital insurance company may insure; providing that an industrial insured captive insurance company may provide certain insurance if the company has and maintains unencumbered capital and surplus of a certain amount; amending s. 628.907, F.S.; conforming terms; amending s. 628.909, F.S.; conforming terms and requiring captive insurance companies to deposit and maintain securities for the protection of policyholders; amending ss. 628.9142, 628.915, 628.917, and 628.919, F.S.; conforming terms; 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 Richter, by two-thirds vote **CS for HB 1191** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Appropriations.

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

CS for HB 1191—A bill to be entitled An act relating to captive insurance; amending s. 628.901, F.S.; revising definitions; amending s. 628.905, F.S.; revising terminology; prohibiting an industrial insured captive insurance company from insuring risks other than specified risks; authorizing the licensure of industrial insured captive insurance companies to provide workers compensation and employer's liability insurance in excess of a specified amount; requiring an industrial insured captive insurance company to maintain a certain amount of capital and surplus in order to continue to write such excess workers compensation; specifying that certain duties or actions are the responsibility of the Office of Insurance Regulation; amending s. 628.907, F.S.; conforming a provision; amending s. 628.909, F.S.; providing applicability of specified provisions to captive insurance companies and industrial insured captive insurance companies; conforming provisions; amending ss. 628.9142, 628.915, and 628.917, F.S.; conforming provisions; amending s. 628.919, F.S.; requiring a pure captive insurance company to submit certain standards relating to the risk management of controlled unaffiliated businesses to the Office of Insurance Regulation for approval; providing an effective date.

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

On motion by Senator Richter, by two-thirds vote **CS for HB 1191** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher
Flores	Montford	

Nays—None

Vote after roll call:

Yea—Mr. President

Consideration of **CS for CS for SB 1132** was deferred.

CS for CS for CS for SB 1644—A bill to be entitled An act relating to victims of human trafficking; amending s. 90.803, F.S.; revising the mental, emotional, or developmental age of a child victim whose out-of-court statement describing specified criminal acts is admissible in evidence in certain instances; creating s. 943.0583, F.S.; providing definitions; providing for the expungement of the criminal history record of a victim of human trafficking; designating what offenses may be expunged; providing exceptions; providing that an expunged conviction is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings; providing for a period in which such expungement must be sought; providing that official documentation of the victim's status as a human trafficking victim creates a presumption; providing a standard of proof absent official documentation; providing requirements for petitions; providing criminal penalties for false statements on such petitions; providing for parties to and service of such petitions; providing for electronic appearances of petitioners and attorneys at hearings; providing for orders of relief; providing for physical destruction of certain records; authorizing a person whose records are expunged to lawfully deny or fail to acknowledge the arrests covered by the expunged record; providing that such lawful denial does not constitute perjury or subject the person to liability; providing that cross-references are considered general reference for the purpose of incorporation by reference; amending ss. 943.0582, 943.0585, 943.059, and 961.06, F.S.; conforming provisions to changes made by the act; providing for an appropriation to the Department of Law Enforcement; providing that the department or any other criminal justice agency is not required to comply with certain requirements relating to expunging criminal history records until a specified date; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1644**, on motion by Senator Flores, by two-thirds vote **CS for CS for HB 1325** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Appropriations.

On motion by Senator Flores—

CS for CS for HB 1325—A bill to be entitled An act relating to victims of human trafficking; amending s. 90.803, F.S.; revising the mental, emotional, or developmental age of a child victim whose out-of-court statement describing specified criminal acts is admissible in evidence in certain instances; creating s. 943.0583, F.S.; providing definitions; providing for the expungement of the criminal history record of a victim of human trafficking; designating what offenses may be expunged; providing exceptions; providing that an expunged conviction is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings; providing for a period in which such expungement must be sought; providing that official documentation of the victim's status as a human trafficking victim creates a presumption; providing a standard of proof absent official documentation; providing requirements for petitions; providing criminal penalties for false statements on such petitions; providing for parties to and service of such petitions; providing for electronic appearances of petitioners and attorneys at hearings; providing for orders of relief; providing for physical destruction of certain records; authorizing a person whose records are expunged to lawfully deny or fail to acknowledge the arrests covered by the expunged record; providing exceptions; providing that such lawful denial does not constitute perjury or subject the person to liability; providing that cross-references are considered general reference for the purpose of incorporation by reference; amending ss. 943.0582, 943.0585, 943.059, and 961.06, F.S.; conforming provisions to changes made by the act; providing an appropriation; providing for applicability; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 1644** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1325** was placed on the calendar of Bills on Third Reading.

CS for SB 862—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.; providing that parents who have a student in a public school that is implementing a turnaround option may petition to have a particular turnaround option implemented; requiring the school district to notify parents of a public school student being taught by an out-of-field teacher or by a teacher with an unsatisfactory performance rating; specifying requirements for the notice; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1002.33, F.S.; requiring a charter school to comply with certain procedures for the assignment of teachers; creating s. 1003.07, F.S.; creating the Parent Empowerment Act; specifying what constitutes an eligible student and a parental vote; requiring that a school district send a written notice to parents of public school students regarding the parents' options to petition the school for a particular turnaround option; requiring the notice to include certain information; authorizing up to one parental vote per eligible student; establishing the process to solicit signatures for a petition; prohibiting a person from being paid for signatures; prohibiting a for-profit corporation, business, or entity from soliciting signatures or paying a person to solicit signatures; establishing criteria to verify the signatures on a petition; requiring the State Board of Education to adopt rules for filing a petition; specifying that a petition is valid if it is signed and dated by a majority of the parents of eligible students and those signatures are verified; requiring the school district to consider the turnaround option on the valid petition with the most signatures at a publicly noticed school board meeting; requiring the district school board to implement a turnaround option; requiring the district school board to

complete a report under certain circumstances; providing report requirements; providing that the turnaround option selected by the district school board is final and conclusive; providing that the turnaround option is no longer required if the school improves by at least one letter grade; amending s. 1008.33, F.S.; authorizing a parent to petition the school district to implement a turnaround option selected by the parent; amending s. 1012.2315, F.S.; providing for assistance to teachers teaching out-of-field; requiring the school district to notify parents and inform them of their options if a student is being taught by an out-of-field teacher; providing that a student may not be assigned to a teacher with a performance evaluation rating of less than effective for a specified number of consecutive school years; authorizing the parent of a student to consent to the assignment of that student to a teacher with a performance evaluation rating of less than effective under certain circumstances; repealing s. 1012.42, F.S., relating to teachers who are teaching out-of-field; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 862**, on motion by Senator Stargel, by two-thirds vote **CS for CS for HB 867** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Stargel—

CS for CS for HB 867—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.; providing that parents who have a student in a public school that is implementing a turnaround option may petition to have a particular turnaround option implemented; requiring the school district to notify parents of a public school student being taught by an out-of-field teacher or by a teacher with an unsatisfactory performance rating; specifying requirements for the notice; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1002.33, F.S.; requiring a charter school to comply with certain procedures for the assignment of teachers; creating s. 1003.07, F.S.; creating the Parent Empowerment Act; specifying what constitutes an eligible student and a parental vote; requiring that a school district send a written notice to parents of public school students regarding the parents' options to petition the school for a particular turnaround option; requiring the notice to include certain information; authorizing up to one parental vote per eligible student; establishing the process to solicit signatures for a petition; prohibiting a person from being paid for signatures; prohibiting a for-profit corporation, business, or entity from soliciting signatures or paying a person to solicit signatures; establishing criteria to verify the signatures on a petition; requiring the State Board of Education to adopt rules for filing a petition; specifying that a petition is valid if it is signed and dated by a majority of the parents of eligible students and those signatures are verified; requiring the school district to consider the turnaround option on the valid petition with the most signatures at a publicly noticed school board meeting; requiring the school district to submit an implementation plan to the state board; amending s. 1008.33, F.S.; authorizing a parent to petition the school district to implement a turnaround option selected by the parent; amending s. 1012.2315, F.S.; providing for assistance to teachers teaching out-of-field; requiring the school district to notify parents and inform them of their options if a student is being taught by an out-of-field teacher; providing that a student may not be assigned to a teacher with a performance evaluation rating of less than effective for a specified number of consecutive school years; authorizing the parent of a student to consent to the assignment of that student to a teacher with a performance evaluation rating of less than effective under certain circumstances; repealing s. 1012.42, F.S., relating to teachers who are teaching out-of-field; providing an effective date.

—a companion measure, was substituted for **CS for SB 862** and read the second time by title.

On motion by Senator Stargel, further consideration of **CS for CS for HB 867** was deferred.

CS for CS for SB 156—A bill to be entitled An act relating to building construction; amending s. 162.12, F.S.; revising notice requirements in the Local Government Code Enforcement Boards Act; amending ss. 255.20 and 255.2575, F.S.; requiring governmental entities to specify certain products associated with public works projects; providing for applicability; amending s. 255.257, F.S.; requiring state agencies to use certain building rating systems and building codes for each new construction and renovation project; amending s. 381.0065, F.S.; specifying that certain actions relating to onsite sewage treatment and removal are not required if a bedroom is not added during a remodeling addition or modification to a single-family home; prohibiting a remodeling addition or modification from certain coverage or encroachment; authorizing a local health board to review specific plans; requiring a review to be completed within a specific time period after receipt of specific plans; amending s. 489.103, F.S.; providing for additional exemptions; amending s. 489.105, F.S.; revising definitions; amending s. 489.111, F.S.; revising eligibility criteria to take the swimming pool/spa examination; providing that amendments to s. 489.113(2), F.S., enacted in s. 11, ch. 2012-13, Laws of Florida, are remedial and intended to clarify existing law; providing for retroactivity; amending s. 489.127, F.S.; revising civil penalties; authorizing a local building department to retain 75 percent of certain fines collected if it transmits 25 percent to the Department of Business and Professional Regulation; amending s. 489.131, F.S.; deleting legislative intent referring to a local agency's enforcement of regulatory laws; deleting the definitions of "minor violation" and "notice of noncompliance"; deleting provisions that provide for what a notice of noncompliance should or should not include; deleting a provision that provides for further disciplinary proceedings for certain licensees; amending s. 489.514, F.S.; extending the date by which an applicant must make application for a license to be grandfathered; amending s. 489.531, F.S.; revising a maximum civil penalty; amending s. 553.71, F.S.; providing a definition for the term "local technical amendment"; amending s. 553.73, F.S.; prohibiting any provision of the International Residential Code relating to mandated fire sprinklers from incorporation into the Florida Building Code; amending s. 553.74, F.S.; revising membership of the Florida Building Commission; amending s. 553.79, F.S.; authorizing a site plan to be maintained at the worksite as an electronic copy; requiring the copy to be open to inspection by certain officials; amending s. 553.842, F.S.; requiring an application for state approval of a certain product to be approved by the department after the application and related documentation are complete; amending ss. 553.901, 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.; requiring the Florida Building Commission to adopt the Florida Building Code-Energy Conservation; conforming subsequent sections of the thermal efficiency code; amending s. 553.912, F.S.; requiring replacement air conditioning systems in residential applications to use energy-saving quality installation procedures; providing that certain existing heating and cooling equipment is not required to meet the minimum equipment efficiencies; amending s. 553.991, F.S.; revising the purpose of the Florida Building Energy-Efficiency Rating Act; repealing s. 553.992, F.S., relating to the adoption of a rating system; amending s. 553.993, F.S.; providing definitions; amending s. 553.994, F.S.; providing for the applicability of building energy-efficiency rating systems; amending s. 553.995, F.S.; deleting a minimum requirement for the building energy-efficiency rating systems; revising language; deleting provisions relating to a certain interest group; deleting provisions relating to the Department of Business and Professional Regulation; amending s. 553.996, F.S.; requiring building energy-efficiency rating system providers to provide certain information; amending s. 553.997, F.S.; deleting a provision relating to the department; amending s. 553.998, F.S.; revising provisions relating to rating compliance; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 156**, on motion by Senator Detert, by two-thirds vote **CS for CS for HB 269** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Detert—

CS for CS for HB 269—A bill to be entitled An act relating to public construction projects; amending ss. 255.20 and 255.2575, F.S.; requiring governmental entities to specify certain products associated with public works projects; providing for applicability; amending s. 255.257, F.S.; requiring state agencies to use certain building rating systems and building codes for each new construction and renovation project; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 156** and read the second time by title.

Senators Detert and Simpson offered the following amendment which was moved by Senator Detert:

Amendment 1 (117882) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail*, return receipt requested,* to the address listed in the tax collector's office for tax notices~~,~~ or to *the address listed in the county property appraiser's database. The local government may also provide an additional notice to* any other address *it may find for* ~~provided by~~ the property owner ~~in writing to the local government for the purpose of receiving notices~~. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the *postmarked* date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board *or the local government*, notice may ~~also~~ be served by publication or posting, as follows:

(a)1. Such notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

Section 2. Subsection (3) 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.—

(3)*(a)* All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions that are charged with the letting of contracts for public work, for the construction of public bridges, buildings, and other structures must specify *in the contract* lumber, timber, and other forest products produced and manufactured in this state*, if wood is a component of the public work, and* if such products are available and their price, fitness, and quality are equal.

(b) This subsection does not apply*:*

1. To plywood specified for monolithic concrete forms*.*~~,~~

2. If the structural or service requirements for timber for a particular job cannot be supplied by native species*.*~~, or~~

3. If the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.

4. To transportation projects for which federal aid funds are available.

Section 3. Subsection (4) is added to section 255.2575, Florida Statutes, to read:

255.2575 Energy-efficient and sustainable buildings.—

(4)(a) All state agencies, county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions that are charged with the letting of contracts for public work, for the construction of public bridges, buildings, and other structures must specify in the contract lumber, timber, and other forest products produced and manufactured in this state, if wood is a component of the public work, and if such products are available and their price, fitness, and quality are equal.

(b) This subsection does not apply:

1. To plywood specified for monolithic concrete forms.

2. If the structural or service requirements for timber for a particular job cannot be supplied by native species.

3. If the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.

4. To transportation projects for which federal aid funds are available.

Section 4. Paragraph (a) of subsection (4) of section 255.257, Florida Statutes, is amended to read:

255.257 Energy management; buildings occupied by state agencies.—

(4) ADOPTION OF STANDARDS.—

(a) *Each* ~~All~~ state *agency* ~~agencies~~ shall *use* ~~adopt~~ a sustainable building rating system or ~~use~~ a national model green building code for *each* ~~all~~ new *building* ~~buildings~~ and *renovation* ~~renovations~~ to *an* existing *building* ~~buildings~~.

Section 5. Paragraph (aa) of subsection (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(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.

(aa) *An existing-system inspection or evaluation and assessment, or* a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition *or modification* to a single-family home if a bedroom is not added. *However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.*

Section 6. Effective October 1, 2014, subsection (23) is added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.— This part does not apply to:

(23) An owner or operator of a public swimming pool or spa permitted under s. 514.031, an entity under common ownership or control with the owner or operator, or a direct employee of the owner, operator, or related entity, who undertakes to maintain the swimming pool or spa for the purpose of water treatment.

Section 7. Effective October 1, 2014, subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.— As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, *maintain for purposes of water treatment,* subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. *For purposes of regulation under this part, the phrase "maintain for purposes of water treatment" applies only to cleaning, maintenance, and water treatment of swimming pools and spas.* Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(a) "General contractor" means a contractor whose services are unlimited as to the type of work which he or she may do, who may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure under this part, except as otherwise expressly provided in s. 489.113.

(b) "Building contractor" means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.

(c) "Residential contractor" means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.

(d) "Sheet metal contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, if not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same, the balancing of air-handling systems, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.

(e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes skylights and any related work, required roof-deck attachments, and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement and any related work.

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to

an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class A air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(g) "Class B air-conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as necessary to complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class B air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(h) "Class C air-conditioning contractor" means a contractor whose business is limited to the servicing of air-conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. Only a person who was registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses before October 1, 1988.

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring. A mechanical contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(j) "Commercial pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, *water treatment, maintenance,* and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, ~~any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and~~ the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. ~~The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.~~

(k) "Residential pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, *water treatment, maintenance,* and servicing of a residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, ~~any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and~~ the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. ~~The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.~~

(l) "Swimming pool/spa servicing contractor" means a contractor whose scope of work involves, but is not limited to, the repair*, water treatment, maintenance,* and servicing of a swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any *sanitation, chemical balancing, routine maintenance or cleaning,* ~~cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and~~ the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of repair*,* ~~or~~ renovation*, or water treatment*. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. ~~The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that~~

~~does not affect the structural integrity of the pool or spa or its associated equipment.~~

(m) "Plumbing contractor" means a contractor whose services are unlimited in the plumbing trade and includes contracting business consisting of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, if not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, if not prohibited by law, design the following without obtaining an additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities, water and sewer plants and substations, venting systems, public or private water supply systems, septic tanks, drainage and supply wells, swimming pool piping, irrigation systems, and solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines. The scope of work of the plumbing contractor also includes the design, if not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers if authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in a manner that complies with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor applies to private property and public property, including any excavation work incidental thereto, and includes the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified as being the work of a trade other than that of a plumbing contractor. This definition does not limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6), and does not require certification or registration under this part of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. A plumbing contractor may perform drain cleaning and clearing and install or repair rainwater catchment systems; however, a mandatory licensing requirement is not established for the performance of these specific services.

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multi-occupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and the installation of such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may not install piping that is an integral part of a fire protection system as defined in s. 633.021 beginning at the point where the piping is used exclusively for such system.

(o) "Solar contractor" means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to this chapter, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide services enumerated in this paragraph that are within the scope of the services such contractors may render under this part.

(p) "Pollutant storage systems contractor" means a contractor whose services are limited to, and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of, pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303.

(q) "Specialty contractor" means a contractor whose scope of work and responsibility is limited to a particular phase of construction established in a category adopted by board rule and whose scope is limited to a subset of the activities described in one of the paragraphs of this subsection.

Section 8. Effective October 1, 2014, subsection (2) of section 489.111, Florida Statutes, is amended to read:

489.111 Licensure by examination.—

(2) A person shall be eligible for licensure by examination if the person:

(a) Is 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to take the building contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to take the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to take the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to take the air-conditioning Class B contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to take the air-conditioning Class A contractors' examination if he or she

possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to take the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to take the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to take the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to take the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

d. An applicant is eligible to take the swimming pool/spa servicing contractors' examination if he or she has satisfactorily completed 60 hours of instruction in courses *and 20 hours of field hands-on instruction* related to the scope of work covered by that license and approved by the Construction Industry Licensing Board by rule ~~and has at least 1 year of proven experience related to the scope of work of such a contractor~~.

Section 9. *The amendments to s. 489.113(2), Florida Statutes, by section 11 of chapter 2012-13, Laws of Florida, are remedial in nature and intended to clarify existing law. This section applies retroactively to any action initiated or pending on or after March 23, 2012.*

Section 10. Paragraphs (c) and (f) of subsection (5) and subsection (6) of section 489.127, Florida Statutes, are amended to read:

489.127 Prohibitions; penalties.—

(5) Each county or municipality may, at its option, designate one or more of its code enforcement officers, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of subsection (1) and s. 489.132(1) against persons who engage in activity for which a county or municipal certificate of competency or license or state certification or registration is required.

(c) The local governing body of the county or municipality *may* ~~is authorized to~~ enforce codes and ordinances against unlicensed contractors under the provisions of this subsection and may enact an ordinance establishing procedures for implementing this subsection, including a schedule of penalties to be assessed by the code enforcement officer. The maximum civil penalty which may be levied *may* ~~shall~~ not exceed *$2,000* ~~$500~~. Moneys collected pursuant to this subsection shall be retained locally, as provided for by local ordinance, and may be set aside in a specific fund to support future enforcement activities against unlicensed contractors.

(f) If the enforcement or licensing board or designated special magistrate finds that a violation exists, the enforcement or licensing board or designated special magistrate may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than *$2,500* ~~$1,000~~ per day for each violation. In determining the amount of the penalty, the enforcement or licensing board or designated special magistrate shall consider the following factors:

1. The gravity of the violation.

2. Any actions taken by the violator to correct the violation.

3. Any previous violations committed by the violator.

(6) Local building departments may collect outstanding fines against registered or certified contractors issued by the Construction Industry Licensing Board and may retain *75* ~~25~~ percent of the fines they are able to collect, provided that they transmit *25* ~~75~~ percent of the fines they are able to collect to the department according to a procedure to be determined by the department.

Section 11. Paragraph (a) of subsection (7) of section 489.131, Florida Statutes, is amended to read:

489.131 Applicability.—

(7)(a) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established in law. Fines and other penalties are provided in order to ensure compliance~~; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance~~ with state laws and local jurisdiction ordinances. ~~It is the intent of the Legislature that a local jurisdiction agency charged with enforcing regulatory laws shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation of a regulatory law is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. A "notice of noncompliance" is a notification by the local jurisdiction agency charged with enforcing the ordinance, which is issued to the licensee that is subject to the ordinance. A notice of noncompliance should not be accompanied with a fine or other disciplinary penalty. It should identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time would then result in the institution of further disciplinary proceedings.~~

Section 12. Section 489.514, Florida Statutes, is amended to read:

489.514 Certification for registered contractors; grandfathering provisions.—

(1) The board shall, upon receipt of a completed application, appropriate fee, and proof of compliance with the provisions of this section, issue:

(a) To an applying registered electrical contractor, a certificate as an electrical contractor, as defined in s. 489.505(12); ~~or~~

(b) To an applying registered alarm system contractor, a certificate in the matching alarm system contractor category, as defined in s. 489.505(2)(a) or (b); or

(c) To an applying registered electrical specialty contractor, a certificate in the matching electrical specialty contractor category, as defined in s. 489.505(19).

(2) Any contractor registered under this part who makes application under this section to the board shall meet each of the following requirements for certification:

(a) Currently holds a valid registered local license in the category of electrical contractor, alarm system contractor, or electrical specialty contractor.

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

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

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

(e) Is in compliance with the insurance and financial responsibility requirements in s. 489.515(1)(b).

(3) An applicant must make application by November 1, *2015* ~~2004~~, to be licensed pursuant to this section.

Section 13. Paragraph (c) and (f) of subsection (4) of section 489.531, Florida Statutes, are amended to read:

489.531 Prohibitions; penalties.—

(4) Each county or municipality may, at its option, designate one or more of its code enforcement officers, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of subsection (1) against persons who engage in activity for which county or municipal certification is required.

(c) The local governing body of the county or municipality *may* ~~is authorized to~~ enforce codes and ordinances against unlicensed contractors under the provisions of this section and may enact an ordinance establishing procedures for implementing this section, including a schedule of penalties to be assessed by the code enforcement officers. The maximum civil penalty which may be levied *may* ~~shall~~ not exceed *$2,000* ~~$500~~. Moneys collected pursuant to this section shall be retained locally as provided for by local ordinance and may be set aside in a specific fund to support future enforcement activities against unlicensed contractors.

(f) If the enforcement or licensing board or designated special magistrate finds that a violation exists, the enforcement or licensing board or designated special magistrate may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than *$2,500* ~~$500~~ per day for each violation. In determining the amount of the penalty, the enforcement or licensing board or designated special magistrate shall consider the following factors:

1. The gravity of the violation.

2. Any actions taken by the violator to correct the violation.

3. Any previous violations committed by the violator.

Section 14. Present subsections (6) through (11) of section 553.71, Florida Statutes, are redesignated as subsections (7) through (12), respectively, and a new subsection (6) is added to that section, to read:

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

(6) "Local technical amendment" means an action by a local governing authority that results in a technical change to the Florida Building Code and its local enforcement.

Section 15. Subsection (17) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(17) *A provision* ~~The provisions of section R313 of the most current version~~ of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. *This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official.* This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

Section 16. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members *are* ~~shall be~~ appointed by the Governor subject to confirmation by the Senate. The commission *is* ~~shall be~~ composed of *26* ~~25~~ members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. The Florida Electrical Contractors Association and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(f) One general contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(h) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors National Association are encouraged to recommend a list of candidates for consideration.

(i) One residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(k) One member who represents the Department of Financial Services.

(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.

(m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association

of Counties are encouraged to recommend a list of candidates for consideration.

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.

(s) One member who is a representative of the insurance industry. The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.

(t) One member who is a representative of public education.

(u) One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. The Florida Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration.

(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED).

(w) One member who is a representative of a natural gas distribution system and who is actively engaged in the distribution of natural gas in this state. The Florida Natural Gas Association is encouraged to recommend a list of candidates for consideration.

(x)~~(w)~~ One member who shall be the chair.

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

Section 17. Subsection (18) is added to section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

(18) For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

Section 18. Paragraph (a) of subsection (5) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(5) Statewide approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, *impact protective systems,* and structural components as established by the commission by rule. A product may not be advertised, sold, offered, provided, distributed, or marketed as hurricane, windstorm, or impact protection from wind-borne debris from a hurricane or windstorm unless it is approved pursuant to this section or s. 553.8425. Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501 brought by the enforcing authority as defined in s. 501.203.

(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency, which may be used only for products for which the code designates standardized testing;

2. A test report from an approved testing laboratory;

3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or

4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

A product evaluation report or a certification mark or listing of an approved certification agency which demonstrates that the product or method or system of construction complies with the Florida Building Code for the purpose intended is equivalent to a test report and test procedure referenced in the Florida Building Code. An application for state approval of a product under subparagraph 1. *or 3.* must be approved by the department after the commission staff or a designee verifies that the application and related documentation are complete. This verification must be completed within 10 business days after receipt of the application. Upon approval by the department, the product shall be immediately added to the list of state-approved products maintained under subsection (13). Approvals by the department shall be reviewed and ratified by the commission's program oversight committee except for a showing of good cause that a review by the full commission is necessary. The commission shall adopt rules providing means to cure deficiencies identified within submittals for products approved under this paragraph.

Section 19. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.—The Department of Business and Professional Regulation shall prepare a thermal efficiency code to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Florida Building Commission shall adopt the *Florida Building Code-Energy Conservation* ~~Florida Energy Efficiency Code for Building Construction within the Florida Building Code~~, and shall modify, revise, update, and maintain the code to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least triennially, determine the most cost-effective energy-saving equipment and techniques available and report its determinations to the commission, which shall update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months *before* ~~prior to~~ code implementation. The term "cost-effective," *as used in* ~~for the purposes of~~ this part, *means* ~~shall be construed to mean~~ cost-effective to the consumer.

Section 20. Section 553.902, Florida Statutes, is reordered and amended to read:

553.902 Definitions.—*As used in* ~~For the purposes of~~ this part*, the term*:

(2)~~(1)~~ "Exempted building" means:

(a) *A* ~~Any~~ building or portion thereof whose peak design rate of energy usage for all purposes is less than 1 watt (3.4 Btu per hour) per square foot of floor area for all purposes.

(b) *A* ~~Any~~ building *that* ~~which~~ is neither heated nor cooled by a mechanical system designed to control or modify the indoor temperature and powered by electricity or fossil fuels.

(c) *A* ~~Any~~ building for which federal mandatory standards preempt state energy codes.

(d) *A* ~~Any~~ historical building as described in s. 267.021(3).

The Florida Building Commission may recommend to the Legislature additional types of buildings which should be exempted from compliance with the *Florida Building Code-Energy Conservation* ~~Florida Energy Efficiency Code for Building Construction~~.

(4)~~(2)~~ "HVAC" means a system of heating, ventilating, and air-conditioning.

(6)~~(3)~~ "Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, *if* ~~provided~~ the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

(5)~~(4)~~ "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce the Florida Building Code. *The term* ~~It~~ includes any agency within the definition of s. 553.71(5).

(3)~~(5)~~ "Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which energy may be transferred to or from the exterior.

(1)~~(6)~~ "Energy performance level" means the indicator of the energy-related performance of a building, including, but not limited to, the levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiencies.

Section 21. Section 553.903, Florida Statutes, is amended to read:

553.903 Applicability.—This part *applies* ~~shall apply~~ to all new and renovated buildings in the state, except exempted buildings, for which building permits are obtained after March 15, 1979, and to the installation or replacement of building systems and components with new products for which thermal efficiency standards are set by the *Florida Building Code-Energy Conservation* ~~Florida Energy Efficiency Code for Building Construction~~. The provisions of this part shall constitute a statewide uniform code.

Section 22. Section 553.904, Florida Statutes, is amended to read:

553.904 Thermal efficiency standards for new nonresidential buildings.—Thermal designs and operations for new nonresidential buildings for which building permits are obtained after March 15, 1979, *must* ~~shall~~ at a minimum take into account exterior envelope physical characteristics, including thermal mass; HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and selection; and HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary equipment performance*,* and *are* ~~shall~~ not ~~be~~ required to meet standards more stringent than the provisions of the *Florida Building Code-Energy Conservation* ~~Florida Energy Efficiency Code for Building Construction~~.

Section 23. Section 553.905, Florida Statutes, is amended to read:

553.905 Thermal efficiency standards for new residential buildings.—Thermal designs and operations for new residential buildings for which building permits are obtained after March 15, 1979, *must* ~~shall~~ at a minimum take into account exterior envelope physical characteristics, HVAC system selection and configuration, HVAC equipment performance, and service water heating design and equipment selection and *are* ~~shall~~ not ~~be~~ required to meet standards more stringent than the provisions of the *Florida Building Code-Energy Conservation* ~~Florida Energy Efficiency Code for Building Construction~~. HVAC equipment mounted in an attic or a garage *is* ~~shall~~ not ~~be~~ required to have supplemental insulation in addition to that installed by the manufacturer. All new residential buildings, except those herein exempted, *must* ~~shall~~ have insulation in ceilings rated at R-19 or more, space permitting. Thermal efficiency standards do not apply to a building of less than 1,000 square feet which is not primarily used as a principal residence and which is constructed and owned by a natural person for hunting or similar recreational purposes; however, ~~no~~ such person may *not* build more than one exempt building in any 12-month period.

Section 24. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings.—Thermal designs and operations for renovated buildings for which building permits are obtained after March 15, 1979, *must* ~~shall~~ take into account insulation; windows; infiltration; *and* HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and equipment selection and performance. Such buildings *are* ~~shall~~ not ~~be~~ required to meet standards more stringent than the provisions of the *Florida Building Code-Energy Conservation* ~~Florida Energy Efficiency Code for Building Construction~~. These standards apply only to those portions of the structure which are actually renovated.

Section 25. Section 553.912, Florida Statutes, is amended to read:

553.912 Air conditioners.—All air conditioners that are sold or installed in the state *must* ~~shall~~ meet the minimum efficiency ratings of the Florida *Building Code-Energy Conservation* ~~Energy Efficiency Code for Building Construction~~. These efficiency ratings *must* ~~shall~~ be minimums and may be updated in the *Florida Building Code-Energy Conservation* ~~Florida Energy Efficiency Code for Building Construction~~ by the department in accordance with s. 553.901, following its determination that more cost-effective energy-saving equipment and techniques are available. It is the intent of the Legislature that all replacement air-conditioning systems *in residential applications* be installed using energy-saving, quality installation procedures, including, but not limited to, equipment sizing analysis and duct inspection. *Notwithstanding this section, existing heating and cooling equipment in residential applications need not meet the minimum equipment efficiencies, including system sizing and duct sealing.*

Section 26. Section 553.991, Florida Statutes, is amended to read:

553.991 Purpose.—The purpose of this part is to *identify systems* ~~provide for a statewide uniform system~~ for rating the energy efficiency of buildings. It is in the interest of the state to encourage the consideration of ~~the~~ energy-efficiency rating *systems* ~~system~~ in the market so as to provide market rewards for energy-efficient buildings and to those persons or companies designing, building, or selling energy-efficient buildings.

Section 27. *Section 553.992, Florida Statutes, is repealed.*

Section 28. Section 553.993, Florida Statutes, is amended to read:

553.993 Definitions.—For purposes of this part:

(1) "Acquisition" means to gain the sole or partial use of a building through a purchase agreement.

(2) "Builder" means the primary contractor who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the contracting activities of the business organization with which she or he is connected and who has the responsibility to supervise, direct, manage, and control the construction work on a job for which she or he has obtained the building permit. Construction work includes, but is not limited to, foundation, framing, wiring, plumbing, and finishing work.

(3) "Building energy-efficiency rating system" means a whole building energy evaluation system established by the Residential Energy Services Network, the Commercial Energy Services Network, the Building Performance Institute, or the Florida Solar Energy Center.

(4)~~(3)~~ "Designer" means the architect, engineer, landscape architect, builder, interior designer, or other person who performs the actual design work or under whose direct supervision and responsible charge the construction documents are prepared.

(5) "Energy auditor" means a trained and certified professional who conducts energy evaluations of an existing building and uses tools to identify the building's current energy usage and the condition of the building and equipment.

(6) "Energy-efficiency rating" means an unbiased indication of a building's relative energy efficiency based on consistent inspection procedures, operating assumptions, climate data, and calculation methods.

(7) "Energy rater" means an individual certified by a building energy-efficiency rating system to perform building energy-efficiency ratings for the building type and in the rating class for which the rater is certified.

(8)~~(4)~~ "New building" means commercial occupancy buildings permitted for construction after January 1, 1995, and residential occupancy buildings permitted for construction after January 1, 1994.

(9)~~(5)~~ "Public building" means a building comfort-conditioned for occupancy that is owned or leased by the state, a state agency, or a governmental subdivision, including, but not limited to, a city, county, or school district.

Section 29. Section 553.994, Florida Statutes, is amended to read:

553.994 Applicability.—*Building energy-efficiency* ~~The~~ rating *systems* ~~system shall~~ apply to all public, commercial, and residential buildings in the state.

Section 30. Section 553.995, Florida Statutes, is amended to read:

553.995 Energy-efficiency ratings for buildings.—

(1) *Building* ~~The~~ energy-efficiency rating *systems must,* ~~system shall~~ at a minimum:

~~(a) Provide a uniform rating scale of the efficiency of buildings based on annual energy usage.~~

(a)~~(b)~~ Take into account local climate conditions, construction practices, and building use.

(b)~~(c)~~ Be compatible with standard federal rating systems and state building codes and standards, where applicable, and shall satisfy the requirements of s. 553.9085 with respect to residential buildings and s. 255.256 with respect to state buildings.

(c)~~(2) The energy-efficiency rating system adopted by the department shall~~ Provide a means of analyzing ~~and comparing~~ the relative energy efficiency of buildings upon the sale of new or existing residential, public, or commercial buildings.

~~(3) The department shall establish a voluntary working group of persons interested in the energy-efficiency rating system or energy efficiency, including, but not limited to, such persons as electrical engineers, mechanical engineers, architects, public utilities, and builders. The interest group shall advise the department in the development of the energy-efficiency rating system and shall assist the department in the implementation of the rating system by coordinating educational programs for designers, builders, businesses, and other interested persons to assist compliance and to facilitate incorporation of the rating system into existing practices.~~

(2)(a)~~(4) The department shall develop a training and certification program to certify raters. In addition to the department,~~ Ratings may be conducted by *a* ~~any~~ local government or private entity *if*~~, provided that~~ the appropriate persons have completed the necessary training *established by the applicable building energy-efficiency rating system* ~~and have been certified by the department~~.

(b) The Department of Management Services shall rate state-owned or state-leased buildings *if*~~, provided that~~ the appropriate persons have completed the necessary training *established by the applicable building energy-efficiency rating system* ~~and have been certified by the Department of Business and Professional Regulation~~.

(c) A state agency *that* ~~which~~ has building construction regulation authority may rate its own buildings and those it is responsible for~~,~~ if the appropriate persons have completed the necessary training *established by the applicable building energy-efficiency rating system* ~~and have been certified by the Department of Business and Professional Regulation. The Department of Business and Professional Regulation may charge a fee not to exceed the costs for the training and certification of raters. The department shall by rule set the appropriate charges for raters to charge for energy ratings, not to exceed the actual costs.~~

Section 31. Section 553.996, Florida Statutes, is amended to read:

553.996 Energy-efficiency information *provided by building energy-efficiency rating systems providers* ~~brochure~~.—A prospective purchaser of real property with a building for occupancy located thereon shall be provided ~~with a copy of an~~ information ~~brochure,~~ at the time of or *before* ~~prior to~~ the purchaser's execution of the contract for sale and purchase *which notifies*~~, notifying~~ the purchaser of the option for an energy-efficiency rating on the building. *Building energy-efficiency rating system providers identified in this part shall prepare such information and make it available for distribution* ~~Such brochure shall be prepared, made available for distribution, and provided at no cost by the department~~. Such ~~brochure shall contain~~ information relevant to that class of building *must include*, ~~including,~~ but *need* not *be* limited to:

(1) How to analyze the building's energy-efficiency rating.

(2) Comparisons to statewide averages for new and existing construction of that class.

(3) Information concerning methods to improve the building's energy-efficiency rating.

(4) A notice to residential purchasers that the energy-efficiency rating may qualify the purchaser for an energy-efficient mortgage from lending institutions.

Section 32. Subsection (2) of section 553.997, Florida Statutes, is amended to read:

553.997 Public buildings.—

(2) ~~The department, together with other~~ State agencies having building construction and maintenance responsibilities, shall make available energy-efficiency practices information to be used by individuals involved in the design, construction, retrofitting, and maintenance of buildings for state and local governments.

Section 33. Section 553.998, Florida Statutes, is amended to read:

553.998 Compliance.—All ratings *must* ~~shall~~ be determined using tools and procedures *developed by the systems recognized under this part* ~~adopted by the department by rule in accordance with chapter 120~~ and *must* ~~shall~~ be certified by the rater as accurate and correct and in compliance with procedures *of the system under which the rater is certified* ~~adopted by the department by rule in accordance with chapter 120~~.

Section 34. Except as otherwise explicitly stated elsewhere, this act shall take effect July 1, 2013.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to building construction; amending s. 162.12, F.S.; revising notice requirements in the Local Government Code Enforcement Boards Act; amending ss. 255.20 and 255.2575, F.S.; requiring governmental entities to specify certain products associated with public works projects; providing for applicability; amending s. 255.257, F.S.; requiring state agencies to use certain building rating systems and building codes for each new construction and renovation project; amending s. 381.0065, F.S.; specifying that certain actions relating to onsite sewage treatment and removal are not required if a bedroom is not added during a remodeling addition or modification to a single-family home; prohibiting a remodeling addition or modification from certain coverage or encroachment; authorizing a local health board to review specific plans; requiring a review to be completed within a specific time period after receipt of specific plans; amending s. 489.103, F.S.; providing for additional exemptions; amending s. 489.105, F.S.; revising definitions; amending s. 489.111, F.S.; revising eligibility criteria to take the swimming pool/spa examination; providing that amendments to s. 489.113(2), F.S., enacted in s. 11, ch. 2012-13, Laws of Florida, are remedial and intended to clarify existing law; providing for retroactivity; amending s. 489.127, F.S.; revising civil penalties; authorizing a local building department to retain 75 percent of certain fines collected if it transmits 25 percent to the Department of Business and Professional Regulation; amending s. 489.131, F.S.; deleting legislative intent referring to a local agency's enforcement of regulatory laws; deleting the definitions of "minor violation" and "notice of noncompliance"; deleting provisions that provide for what a notice of noncompliance should or should not include; deleting a provision that provides for further disciplinary proceedings for certain licensees; amending s. 489.514, F.S.;

extending the date by which an applicant must make application for a license to be grandfathered; amending s. 489.531, F.S.; revising maximum civil penalties for specified violations; amending s. 553.71, F.S.; providing a definition for the term "local technical amendment"; amending s. 553.73, F.S.; prohibiting any provision of the International Residential Code relating to mandated fire sprinklers from incorporation into the Florida Building Code; amending s. 553.74, F.S.; revising membership of the Florida Building Commission; amending s. 553.79, F.S.; authorizing a site plan to be maintained at the worksite as an electronic copy; requiring the copy to be open to inspection by certain officials; amending s. 553.842, F.S.; requiring an application for state approval of a certain product to be approved by the department after the application and related documentation are complete; amending ss. 553.901, 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.; requiring the Florida Building Commission to adopt the Florida Building Code-Energy Conservation; conforming subsequent sections of the thermal efficiency code; amending s. 553.912, F.S.; requiring replacement air conditioning systems in residential applications to use energy-saving quality installation procedures; providing that certain existing heating and cooling equipment is not required to meet the minimum equipment efficiencies; amending s. 553.991, F.S.; revising the purpose of the Florida Building Energy-Efficiency Rating Act; repealing s. 553.992, F.S., relating to the adoption of a rating system; amending s. 553.993, F.S.; providing definitions; amending s. 553.994, F.S.; providing for the applicability of building energy-efficiency rating systems; amending s. 553.995, F.S.; deleting a minimum requirement for the building energy-efficiency rating systems; revising language; deleting provisions relating to a certain interest group; deleting provisions relating to the Department of Business and Professional Regulation; amending s. 553.996, F.S.; requiring building energy-efficiency rating system providers to provide certain information; amending s. 553.997, F.S.; deleting a provision relating to the department; amending s. 553.998, F.S.; revising provisions relating to rating compliance; providing effective dates.

Senator Stargel moved the following amendment to **Amendment 1 (117882)** which was adopted:

Amendment 1A (553348) (with title amendment)—Delete lines 200-656 and insert:

Section 6. Section 489.1131, Florida Statutes, is created to read:

489.1131 Pool/Spa Cleaning.— Any person who cleans a pool or spa in a way that affects the structural integrity of the pool or spa or its associated equipment without being properly licensed as required by this part is subject to the provisions of s. 489.127.

And the title is amended as follows:

Delete lines 1345-1349 and insert: receipt of specific plans; creating s. 489.1131, F.S.; clarifying penalties for unauthorized contracting by pool/spa cleaners; providing that

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Detert moved the following amendment to **Amendment 1 (117882)**:

Amendment 1B (290052) (with title amendment)—Delete lines 953-955 and insert:

Section 17. Paragraph (a) of subsection (5) of section 553.79, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

553.79 Permits; applications; issuance; inspections.—

(5)(a) The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to and approved by the enforcing agency *before* ~~prior to~~ the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector. The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. *553.71(12)* ~~553.71(11)~~, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

And the title is amended as follows:

Delete line 1376 and insert: Commission; amending s. 553.79, F.S.; conforming a cross-reference; authorizing a

On motion by Senator Detert, further consideration of **CS for CS for HB 269** with pending **Amendment 1 (117882)** as amended and pending **Amendment 1B (290052)** was deferred.

SB 742—A bill to be entitled An act relating to parole interview dates for certain inmates; amending ss. 947.16, 947.174, and 947.1745, F.S.; extending from 2 years to 7 years the period between parole interview dates for inmates convicted of committing certain specified crimes; reenacting s. 947.165(1), F.S., relating to the development and implementation by the Parole Commission of objective parole guidelines to serve as the criteria upon which parole decisions are to be made, to incorporate the amendments made to s. 947.1745, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 742**, on motion by Senator Evers, by two-thirds vote **HB 685** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Evers—

HB 685—A bill to be entitled An act relating to parole interview dates for certain inmates; amending ss. 947.16, 947.174, and 947.1745, F.S.; extending from 2 years to 7 years the period between parole interview dates for inmates convicted of committing specified crimes; requiring a periodic parole interview for an inmate convicted of kidnapping or attempted kidnapping or robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, or the attempt thereof of any of these crimes, in which a human being is present and a sexual act is attempted or completed; reenacting s. 947.165(1), F.S., relating to objective parole guidelines, to incorporate the amendment made by this act to s. 947.1745, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **SB 742** and read the second time by title.

Pursuant to Rule 4.19, **HB 685** was placed on the calendar of Bills on Third Reading.

CS for SB 860—A bill to be entitled An act relating to workers' compensation system administration; amending s. 440.02, F.S.; revising a definition; amending s. 440.05, F.S.; revising requirements relating to submitting notice of election of exemption; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 440.107, F.S.; revising effectiveness of stop-work orders and penalty assessment orders; amending s. 440.11, F.S.; revising immunity from liability standards for employers and employees using a help supply services company; amending s. 440.13, F.S.; deleting and revising definitions; revising health care provider requirements and responsibilities; deleting rulemaking authority and responsibilities of the Department of Financial Services; revising provider reimbursement dispute procedures; revising penalties for certain violations or overutilization of treatment; deleting certain Office of Insurance Regulation audit requirements; deleting provisions providing for removal of physicians from lists of those authorized to render medical care under certain conditions; amending s. 440.15, F.S.; revising limitations on compensation for temporary total disability; amending s.

440.185, F.S.; revising and deleting penalties for noncompliance relating to duty of employer upon receipt of notice of injury or death; amending s. 440.20, F.S.; transferring certain responsibilities of the office to the department; deleting certain responsibilities of the department; amending s. 440.211, F.S.; deleting a requirement that a provision that is mutually agreed upon in any collective bargaining agreement be filed with the department; amending s. 440.385, F.S.; conforming cross-references; amending s. 440.491, F.S.; revising certain carrier reporting requirements; revising duties of the department upon referral of an injured employee; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 860**, on motion by Senator Galvano, by two-thirds vote **CS for CS for HB 553** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Appropriations.

On motion by Senator Galvano—

CS for CS for HB 553—A bill to be entitled An act relating to workers' compensation system administration; amending s. 440.02, F.S.; revising a definition for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements relating to submitting notice of election of exemption; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 440.107, F.S.; revising effectiveness of stop-work orders and penalty assessment orders; amending s. 440.11, F.S.; revising immunity from liability standards for employers and employees using a help supply services company; amending s. 440.13, F.S.; deleting and revising definitions; revising health care provider requirements and responsibilities; deleting rulemaking authority and responsibilities of the Department of Financial Services; revising provider reimbursement dispute procedures; revising penalties for certain violations or overutilization of treatment; deleting certain Office of Insurance Regulation audit requirements; deleting provisions providing for removal of physicians from lists of those authorized to render medical care under certain conditions; amending s. 440.15, F.S.; revising limitations on compensation for temporary total disability; amending s. 440.185, F.S.; revising and deleting penalties for noncompliance relating to duty of employer upon receipt of notice of injury or death; amending s. 440.20, F.S.; transferring certain responsibilities of the office to the department; deleting certain responsibilities of the department; amending s. 440.211, F.S.; deleting a requirement that a provision that is mutually agreed upon in any collective bargaining agreement be filed with the department; amending s. 440.385, F.S.; correcting cross-references; amending s. 440.491, F.S.; revising certain carrier reporting requirements; revising duties of the department upon referral of an injured employee; providing an effective date.

—a companion measure, was substituted for **CS for SB 860** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 553** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 960—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending ss. 212.05 and 212.08, F.S.; providing a sales tax exemption for dyed diesel fuel used in commercial shrimping; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 960**, on motion by Senator Bean, by two-thirds vote **CS for HB 423** was withdrawn from the Committees on Commerce and Tourism; Appropriations Subcommittee on Finance and Tax; and Appropriations.

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

CS for HB 423—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; providing an exception to sales tax for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; amending s. 212.0501, F.S.; providing an exception from sales tax collected by a licensed sales tax dealer for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; amending s. 212.08, F.S.; providing a sales tax exemption for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 960** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 423** was placed on the calendar of Bills on Third Reading.

CS for SB 1246—A bill to be entitled An act relating to public retirement plans; amending ss. 185.03 and 185.08, F.S.; specifying applicability of ch. 185, F.S., to certain consolidated governments; providing that a consolidated government that has entered into an interlocal agreement to provide police protection services to a municipality within its boundaries is eligible to receive the premium taxes reported for the municipality under certain circumstances; authorizing the municipality receiving the police protection services to enact an ordinance levying the tax as provided by law; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote **CS for SB 1246** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Abruzzo	Flores	Montford
Bean	Galvano	Richter
Benacquisto	Garcia	Ring
Bradley	Gardiner	Sachs
Brandes	Gibson	Simmons
Braynon	Grimsley	Simpson
Bullard	Hays	Smith
Clemens	Hukill	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

Vote after roll call:

Yea—Negron

CS for SB 1280—A bill to be entitled An act relating to tax dealer collection allowances; amending s. 212.12, F.S.; revising the process for dealers to elect to forgo the sales tax collection allowance and direct that the collection allowance amount be transferred into the Educational Enhancement Trust Fund; providing applicability; providing an effective date.

—was read the second time by title. On motion by Senator Sachs, by two-thirds vote **CS for SB 1280** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Abruzzo	Flores	Montford
Bean	Galvano	Richter
Benacquisto	Garcia	Ring
Bradley	Gardiner	Sachs
Brandes	Gibson	Simmons
Braynon	Grimsley	Simpson
Bullard	Hays	Smith
Clemens	Hukill	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

Vote after roll call:

Yea—Negron

CS for SB 1390—A bill to be entitled An act relating to school district innovation; providing a short title; amending s. 196.1983, F.S.; granting school districts the ad valorem tax exemption given to charter schools; requiring a landlord to certify compliance by affidavit; amending s. 1002.31, F.S.; providing a calculation for compliance with class size maximums for a public school of choice; creating s. 1003.622, F.S.; creating innovation schools to allow school districts to earn flexibility for high academic achievement; specifying school and student eligibility requirements; limiting the number of innovation schools that may be operated and established in a school district; providing guiding principles for innovation schools; requiring innovation schools to personalize education for each student; establishing an application process; specifying requirements of a performance contract between the State Board of Education and a school district; establishing the term of the performance contract; providing for a Region of Innovation in which three or more school districts enter into a joint performance contract; requiring the State Board of Education to monitor innovation schools for compliance with the act and performance contracts; requiring the State Board of Education to adopt rules; providing that a participating school district has autonomy in certain areas; exempting innovation schools from ch. 1000-1013, F.S., subject to certain exceptions; exempting such districts from certain ad valorem taxes and other requirements; providing for funding; requiring a school district with an innovation school to submit an annual report to the State Board of Education and the Legislature; specifying requirements for such report; providing an effective date.

—was read the second time by title. On motion by Senator Montford, by two-thirds vote **CS for SB 1390** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher
Evers	Margolis	

Nays—None

Consideration of **CS for SB 154** was deferred.

THE PRESIDENT PRESIDING

CS for CS for CS for SB 242—A bill to be entitled An act relating to the Interstate Insurance Product Regulation Compact; providing legislative findings and intent; providing purposes; providing definitions; providing for the establishment of an Interstate Insurance Product Regulation Commission; providing responsibilities of the commission; specifying the commission as an instrumentality of the compacting states; providing for venue; specifying the commission as a separate, not-for-profit entity; providing powers of the commission; providing for organization of the commission; providing for membership, voting, and bylaws; designating the Commissioner of Insurance Regulation as the representative of the state on the commission; allowing the commissioner to designate a person to represent the state on the commission, as is necessary, to fulfill the duties of being a member of the commission; providing for a management committee, officers, and personnel of the commission; providing authority of the management committee; providing for legislative and advisory committees; providing for qualified immunity, defense, and indemnification of members, officers, employees, and representatives of the commission; providing for meetings and acts of the commission; providing rules and operating procedures; providing rulemaking functions of the commission; providing for opting out of uniform standards; providing procedures and requirements; providing for commission records and enforcement; authorizing the commission to adopt rules; providing for disclosure of certain information; specifying that certain records, data, or information of the commission, wherever received, by and in possession of the Office of Insurance Regulation is subject to ch. 119, F.S.; requiring the commission to monitor for compliance; providing for dispute resolution; providing for product filing and approval; requiring the commission to establish filing and review processes and procedures; providing for review of commission decisions regarding filings; providing for finance of commission activities; providing for payment of expenses; authorizing the commission to collect filing fees for certain purposes; providing for approval of a commission budget; exempting the commission from all taxation, except as otherwise provided; prohibiting the commission from pledging the credit of any compacting states without authority; requiring the commission to keep complete accurate accounts, provide for audits, and make annual reports to the Governors and Legislatures of compacting states; providing for amendment of the compact; providing for withdrawal from the compact, default by compacting states, and dissolution of the compact; providing severability and construction; providing for binding effect of this compact and other laws; prospectively opting out of all uniform standards adopted by the commission involving long-term care insurance products; adopting all other existing uniform standards that have been adopted by the commission; providing a procedure for opting out of and adopting new uniform standards or amendments to existing standards; providing for the preemption of certain state laws; requiring the office to notify the Legislature of any new uniform standards or amendments to existing standards; providing that the commission is subject to certain state tax requirements; providing for public access to records; authorizing the Financial Services Commission to adopt rules to implement this act; providing that if any part of this act is invalidated the entire act is invalid; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 242**, on motion by Senator Hukill, by two-thirds vote **CS for CS for HB 383** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Hukill—

CS for CS for HB 383—A bill to be entitled An act relating to the Interstate Insurance Product Regulation Compact; providing legislative findings and intent; providing purposes; providing definitions; providing for the establishment of an Interstate Insurance Product Regulation Commission; providing responsibilities of the commission; specifying the commission as an instrumentality of the compacting states; providing for venue; specifying the commission as a separate, not-for-profit entity; providing powers of the commission; providing for organization of the commission; providing for membership, voting, and bylaws; designating the Commissioner of Insurance Regulation as the representative of the state on the commission; authorizing the Commissioner of Insurance to designate a person to represent the state on the commission; providing for a management committee, officers, and personnel of the commission; providing authority of the management committee; providing for legislative and advisory committees; providing for qualified immunity, defense, and indemnification of members, officers, employees, and representatives of the commission; providing for meetings and acts of the commission; providing rules and operating procedures; providing rulemaking functions of the commission; providing for opting out of uniform standards; providing procedures and requirements; providing for commission records and enforcement; authorizing the commission to adopt rules; providing for disclosure of certain information; specifying that certain records, data, or information of the commission, wherever received, by and in possession of the Office of Insurance Regulation, the commissioner, or the commissioner's designee are subject to ch. 119, F.S.; requiring the commission to monitor for compliance; providing for dispute resolution; providing for product filing and approval; requiring the commission to establish filing and review processes and procedures; providing for review of commission decisions regarding filings; providing for finance of commission activities; providing for payment of expenses; authorizing the commission to collect filing fees for certain purposes; providing for approval of a commission budget; exempting the commis-

sion from all taxation, except as otherwise provided by the act; prohibiting the commission from pledging the credit of any compacting states without authority; requiring the commission to keep complete accurate accounts, provide for audits, and make annual reports to the Governors and Legislatures of compacting states; providing for amendment of the compact; providing for withdrawal from the compact, default by compacting states, and dissolution of the compact; providing severability and construction; providing for binding effect of this compact and other laws; prospectively opting out of all uniform standards adopted by the commission involving long-term care insurance products; adopting all other existing uniform standards that have been adopted by the commission; providing a procedure for adoption of any new uniform standards or amendments to existing uniform standards of the commission; requiring the office to notify the Legislature of any new uniform standards or amendments to existing uniform standards of the commission; providing that any new uniform standards or amendments to existing uniform standards of the commission may only be adopted via legislation; providing for applicability with respect to taxation of the commission; providing for applicability and process with respect to certain requests for inspection and copying of information, data, or records; authorizing the Financial Services Commission to adopt rules to implement this act and opt out of certain uniform standards; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 242** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Hukill moved the following amendment which was adopted:

Amendment 1 (760430) (with title amendment)—Delete lines 1053-1133 and insert:

Section 3. *Opt out from long-term care products standards.—Pursuant to Article VII of the Interstate Insurance Product Regulation Compact, adopted by this act, this state prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products, and such opt out may not be treated as a material variance in the offer or acceptance of this state to participate in the compact.*

Section 4. *Effective date of compact standards; opt out procedures; state law exemptions; legislative notice.—*

(1) Except as provided in section 3 of this act and this section, all uniform standards adopted by the Interstate Insurance Product Regulation Commission as of March 1, 2013, are adopted by this state.

(2) Notwithstanding subsections (3), (4), (5), and (6) of Article VII of the Interstate Insurance Product Regulation Compact as adopted by this act, it is the policy of this state as a participant in the compact:

(a) To opt out, and for the Office of Insurance Regulation to opt out, of any new uniform standard, or amendments to existing uniform standards, adopted by the Interstate Insurance Product Regulation Commission after March 1, 2013, if such amendments substantially alter or add to existing uniform standards adopted by this state pursuant to subsection (1) until such time as this state enacts legislation to adopt or opt out of, adopts rules to adopt or opt out of, or executes an order to adopt or opt out of new uniform standards or amendments to existing standards adopted by the commission after March 1, 2013.

(b) That, notwithstanding the adoption of the Interstate Product Regulation Compact pursuant to this act, participation in the compact is contingent upon a determination by the Commissioner of Insurance Regulation that the uniform standards of the compact provide consumer protections equivalent to those under state law and, if the commissioner determines otherwise, an order issued by the Office of Insurance Regulation constitutes the action required by the commission to not join the compact, to opt out of, or to stay the effect of, any uniform standard not otherwise opted out of pursuant to this act.

(c) That the authority under the compact to opt out of a uniform standard includes an order issued under chapter 120, Florida Statutes, of the Administrative Procedure Act.

(3) In addition to any other uniform standards the state may opt out of pursuant to subsection (2), effective July 1, 2014, this subsection constitutes the legislation required to be enacted pursuant to subsections (4) and (5) of Article VII of the Interstate Insurance Product Regulation Compact by which this state opts out of the following uniform standards adopted by the Interstate Insurance Product Regulation Commission:

a. The 10-day period for the unconditional refund of premiums, plus any fees or charges under s. 626.99, Florida Statutes.

b. Underwriting criteria limiting the amount, extent, or kind of life insurance based on past or future travel in a manner that is inconsistent with s. 626.9541(1)(dd), Florida Statutes, as implemented by the Office of Insurance Regulation.

(4) It is the policy of this state that the exclusivity provision of paragraph (2)(b) of Article XVI of the Interstate Insurance Product Regulation Compact applies only to those uniform standards adopted by the Interstate Insurance Product Regulation Commission in accordance with the terms of the compact and does not apply to those standards that this state has opted out of pursuant to this act or the compact. In addition, it is the policy of this state that under the exclusivity provision, standards adopted by this state are not limited or rendered inapplicable by the absence of a standard adopted by the commission. Notwithstanding paragraph (2)(b) of Article XVI of the compact, standards adopted by this state continue to apply to the content, approval, and certification of products in this state, including, but not limited to, the following:

a. Prohibition of a surrender or deferred sales charge of more than 10 percent pursuant to s. 627.4554, Florida Statutes.

b. Notification to an applicant of the right to designate a secondary addressee at the time of application under s. 627.4555, Florida Statutes.

c. Notification of secondary addressees at least 21 days before the impending lapse of a policy under s. 627.4555, Florida Statutes.

d. Inclusion of a clear statement pursuant to s. 627.803, Florida Statutes, that the benefits, values, or premiums under a variable annuity are indeterminate and may vary.

e. Interest on surrender proceeds pursuant to s. 627.482, Florida Statutes.

(5) After enactment of this section, if the Interstate Insurance Product Regulation Commission adopts any new uniform standard or amendment to the existing uniform standard as specified in subsection (2), the Office of Insurance Regulation shall immediately notify the Legislature of such new standard or amendment. If the office or the court finds that the procedure specified in subsection (2) has not been followed, notice shall be given to the Legislature.

Section 5. *Notwithstanding subsection (4) of Article XII of the Interstate Insurance Product Regulation Compact, the Interstate Insurance Product Regulation Commission is subject to:*

(1) State unemployment or reemployment taxes imposed pursuant to chapter 443, Florida Statutes, in compliance with the Federal Unemployment Tax Act, for any persons employed by the commission who perform services for it within this state.

(2) Taxation on any commission business or activity conducted or performed in this state.

Section 6. *Access to records.—*

(1) Notwithstanding subsections (1) and (2) of Article VIII, subsection (2) of Article X, and subsection (6) of Article XII of the Interstate Insurance Product Regulation Compact, a request by a resident of this state for public inspection and copying of information, data, or official records that include:

(a) An insurer's trade secrets shall be referred to the Commissioner of Insurance Regulation who shall respond to the request, with the cooperation and assistance of the Financial Services Commission, in accordance with s. 624.4213, Florida Statutes; or

(b) Matters of privacy of individuals shall be referred to the Commissioner of Insurance Regulation who shall respond to the request, with the cooperation and assistance of the Financial Services Commission, in accordance with s. 119.07(1), Florida Statutes.

(2) This act does not abrogate the right of a person to access information consistent with the State Constitution and laws of this state.

Section 7. *The Financial Services Commission may adopt rules to administer this act.*

Section 8. *If any part of section 3 or section 4 of this act is invalidated by the courts, such ruling renders the entire act invalid.*

Section 9. This act shall take effect July 1, 2014.

And the title is amended as follows:

Delete lines 60-73 and insert: opting out of and adopting new uniform standards or amendments to existing standards; providing for the preemption of certain state laws; requiring the office to notify the Legislature of any new uniform standards or amendments to existing standards; providing that the commission is subject to certain state tax requirements; providing for public access to records; authorizing the Financial Services Commission to adopt rules to implement this act; providing that if any part of this act is invalidated, the entire act is invalid; providing an

Pursuant to Rule 4.19, **CS for CS for HB 383** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 154—A bill to be entitled An act relating to certified school counselors; amending ss. 322.091, 381.0057, 1002.3105, 1003.21, 1003.43, 1003.491, 1004.04, 1006.025, 1007.35, 1008.42, 1009.53, 1012.01, 1012.71, and 1012.98, F.S.; renaming guidance counselors as "certified school counselors"; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 154**, on motion by Senator Detert, by two-thirds vote, **CS for CS for HB 801** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

CS for CS for HB 801—A bill to be entitled An act relating to certified school counselors; amending ss. 322.091, 381.0057, 1002.3105, 1003.21, 1003.43, 1003.491, 1004.04, 1006.025, 1007.35, 1008.42, 1009.53, 1012.01, 1012.71, and 1012.98, F.S.; requiring that counselors in elementary, middle, and high schools be certified school counselors; providing an effective date.

—a companion measure, was substituted for **CS for SB 154** and by two-thirds vote read the second time by title.

On motion by Senator Detert, by two-thirds vote **CS for CS for HB 801** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

CS for CS for SB 1352—A bill to be entitled An act relating to paper reduction; amending s. 97.052, F.S.; providing that the uniform statewide voter registration application be designed to elicit the e-mail address of an applicant and whether the applicant desires to receive sample ballots by e-mail; amending s. 101.20, F.S.; authorizing a supervisor of elections to send a sample ballot to a registered elector by e-mail under certain circumstances; amending s. 125.66, F.S.; requiring the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State; amending s. 194.034, F.S.; permitting a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board; amending s. 200.069, F.S.; authorizing the property appraiser to notify taxpayers of proposed property taxes by posting the notice on the appraiser's website in lieu of first-class mail when approved by the county governing board; providing notice format details; requiring publication of legal notice that the notice of proposed taxes and assessments is available through the property appraiser's website; authorizing the property appraiser to provide e-mail notification when the proposed taxes and assessments are available on the appraiser's website; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1352** to **CS for CS for HB 247**.

Pending further consideration of **CS for CS for SB 1352** as amended, on motion by Senator Ring, by two-thirds vote **CS for CS for HB 247** was withdrawn from the Committee on Community Affairs.

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

CS for CS for HB 247—A bill to be entitled An act relating to paper reduction; amending s. 97.052, F.S.; providing that the uniform statewide voter registration application be designed to elicit the e-mail address of an applicant and whether the applicant desires to receive sample ballots by e-mail; amending s. 101.20, F.S.; authorizing a supervisor of elections to send a sample ballot to a registered elector by e-mail under certain circumstances; amending s. 125.66, F.S.; requiring the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State; amending s. 194.034, F.S.; permitting a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board; creating s. 192.048, F.S.; allowing certain ad valorem communications to be sent electronically in lieu of regular mail; providing requirements and conditions applicable to such electronic communications; amending s. 903.14, F.S.; permitting the electronic filing of certain affidavits; amending s. 903.26, F.S.; authorizing a clerk of court to mail or electronically transmit a notice relating to a bond forfeiture proceeding; amending s. 903.27, F.S.; permitting a clerk of court to furnish certain required documents and notices relating to bond forfeitures by mail or electronic means; amending s. 903.31, F.S.; providing that a certificate of cancellation of an original bond may be furnished by mail or electronically; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1352** as amended and read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (966796)—Delete lines 57-67 and insert: ~~prior to~~ the day of election. *A supervisor may send a sample ballot to each registered elector by e-mail at least 7 days before an election if an e-mail address has been provided and the elector has opted to receive a sample ballot by electronic delivery. If an e-mail address has not been provided, or if the elector has not opted for electronic delivery* ~~If the county has an addressograph or equivalent system for mailing to registered electors~~, a sample ballot may be mailed to each registered elector or to each household in which there is a registered elector~~, in lieu of publication,~~ at least 7 days *before an* ~~prior to any~~ election.

Pursuant to Rule 4.19, **CS for CS for HB 247** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 410—A bill to be entitled An act relating to money services businesses; amending s. 560.310, F.S.; requiring licensees engaged in check cashing to submit certain transaction information to the Office of Financial Regulation related to the payment instruments cashed; re-

quiring the office to maintain the transaction information in a centralized check cashing database; requiring the office to issue a competitive solicitation for a database to maintain certain transaction information relating to check cashing; authorizing the office to request funds and to submit draft legislation after certain requirements are met; authorizing the Financial Services Commission to adopt rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 410**, on motion by Senator Bean, by two-thirds vote **CS for CS for HB 217** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Bean—

CS for CS for HB 217—A bill to be entitled An act relating to money services businesses; amending s. 560.310, F.S.; requiring licensees engaged in check cashing 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 check cashing database; requiring the office to issue a competitive solicitation for a database to maintain certain transaction information relating to check cashing; authorizing the office to request funds and to submit draft legislation after certain requirements are met; authorizing the Financial Services Commission to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 410** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 217** was placed on the calendar of Bills on Third Reading.

CS for SB 1064—A bill to be entitled An act relating to the assessment of residential and nonhomestead real property; creating s. 193.624, F.S.; defining the term "renewable energy source device"; excluding the value of renewable energy source devices from the assessed value of residential real property; providing for applicability; amending s. 193.155, F.S.; specifying additional exceptions to the assessment of homestead property at just value; amending s. 193.1554, F.S.; specifying additional exceptions to assessment of nonhomestead residential property at just value; amending s. 196.012, F.S.; deleting the definition of the terms "renewable energy source device" and "device"; conforming a cross-reference; amending ss. 196.121 and 196.1995, F.S.; conforming cross-references; repealing s. 196.175, F.S., relating to the property tax exemption for renewable energy source devices; providing for applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1064**, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 277** was withdrawn from the Committees on Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Latvala—

CS for CS for HB 277—A bill to be entitled An act relating to the assessment of residential and nonhomestead real property; creating s. 193.624, F.S.; defining the term "renewable energy source device"; excluding the value of certain installations made after a specified date from the assessed value of residential real property; providing for applicability; amending s. 193.155, F.S.; specifying additional exceptions to the assessment of homestead property at just value; amending s. 193.1554, F.S.; specifying additional exceptions to assessment of nonhomestead property at just value; amending s. 196.012, F.S.; deleting the definition of the terms "renewable energy source device" and "device"; conforming a cross-reference; amending ss. 196.121 and 196.1995, F.S.; conforming cross-references; repealing s. 196.175, F.S., relating to the property tax exemption for renewable energy source devices; providing for applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1064** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 277** was placed on the calendar of Bills on Third Reading.

CS for SB 1190—A bill to be entitled An act relating to agricultural lands; amending s. 163.3162, F.S.; revising a definition; prohibiting a governmental entity from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land under certain circumstances; amending s. 604.50, F.S.; revising an exemption from the Florida Building Code and certain county and municipal code provisions and fees for nonresidential farm buildings, fences, and signs; limiting applicability of the exemption to such farm buildings, fences, and signs located on certain lands; defining the term "bona fide agricultural purposes"; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1190**, on motion by Senator Brandes, by two-thirds vote **CS for CS for HB 203** was withdrawn from the Committees on Agriculture; Environmental Preservation and Conservation; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Brandes—

CS for CS for HB 203—A bill to be entitled An act relating to agricultural lands; amending s. 163.3162, F.S.; revising a definition; prohibiting a governmental entity from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging a fee on a specific activity of a bona fide farm operation on land classified as agricultural land under certain circumstances; amending s. 604.50, F.S.; revising an exemption from the Florida Building Code and certain county and municipal code provisions and fees for nonresidential farm buildings, fences, and signs; limiting applicability of the exemption to such farm buildings, fences, and signs located on certain lands; defining the term "bona fide agricultural purposes"; providing an effective date.

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

Pursuant to Rule 4.19, **CS for CS for HB 203** was placed on the calendar of Bills on Third Reading.

CS for SB 1200—A bill to be entitled An act relating to the taxation of property; amending s. 193.461, F.S.; deleting authorization for a value adjustment board upon its own motion to review lands classified by a property appraiser as agricultural or nonagricultural; deleting a requirement that the property appraiser must reclassify as nonagricultural certain lands that have been zoned to a nonagricultural use; deleting authorization for a board of county commissioners to reclassify as nonagricultural certain lands that are contiguous to urban or metropolitan development under specified circumstances; deleting a presumption that land sold for a certain price is not used primarily for agricultural purposes; amending s. 193.503, F.S.; deleting authorization for a value adjustment board upon its own motion to review property granted or denied classification by a property appraiser as historic property that is being used for commercial or certain nonprofit purposes; amending s. 193.625, F.S.; deleting authorization for a value adjustment board upon its own motion to review land granted or denied a high-water recharge classification by a property appraiser; amending s. 196.194, F.S.; deleting authorization for a value adjustment board to review property tax exemptions upon its own motion or motion of the property appraiser and deleting certain notice requirements relating to the review of such exemptions; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1200**, on motion by Senator Simpson, by two-thirds vote **CS for HB 1193** was withdrawn from the Committees on Community Affairs; Agriculture; Appropriations Subcommittee on Finance and Tax; and Appropriations.

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

CS for HB 1193—A bill to be entitled An act relating to the taxation of property; amending s. 193.461, F.S.; deleting authorization for a value adjustment board upon its own motion to review lands classified by a property appraiser as agricultural or nonagricultural; deleting a requirement that the property appraiser must reclassify as nonagricultural certain lands that have been zoned to a nonagricultural use; deleting authorization for a board of county commissioners to reclassify as nonagricultural certain lands that are contiguous to urban or metropolitan development under specified circumstances; deleting an evidentiary presumption that land is not being used primarily for bone fide agricultural purposes if it is purchased for a certain amount above its agricultural assessment; amending s. 193.503, F.S.; deleting authorization for a value adjustment board upon its own motion to review property granted or denied classification by a property appraiser as historic property that is being used for commercial or certain nonprofit purposes; amending s. 193.625, F.S.; deleting authorization for a value adjustment board upon its own motion to review land granted or denied a high-water recharge classification by a property appraiser; amending s. 196.194, F.S.; deleting authorization for a value adjustment board to review property tax exemptions upon its own motion or motion of the property appraiser and deleting certain notice requirements relating to the review of such exemptions; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1200** and by two-thirds vote read the second time by title.

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

Yeas—39

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

Consideration of **CS for CS for SB 1024** was deferred.

CS for CS for SB 560—A bill to be entitled An act relating to natural gas motor fuel; amending s. 206.86, F.S.; deleting definitions for the terms "alternative fuel" and "natural gasoline"; amending s. 206.87, F.S.; conforming a cross-reference; repealing s. 206.877, F.S., relating to the annual decal fee program for motor vehicles powered by alternative fuels; repealing s. 206.89, F.S., relating to the requirements for alternative fuel retailer licenses; amending s. 206.91, F.S.; making grammatical and technical changes; providing a directive to the Division of Law Revision and Information; creating s. 206.9951, F.S.; providing definitions; creating s. 206.9952, F.S.; establishing requirements for natural gas fuel retailer licenses; providing penalties for certain licensure violations; creating s. 206.9955, F.S.; providing calculations for a motor fuel equivalent gallon; providing for the levy of the natural gas fuel tax; authorizing the Department of Revenue to adopt rules; creating s. 206.996, F.S.; establishing requirements for monthly reports of natural gas fuel retailers; providing that reports are made under the penalties of perjury; allowing natural gas fuel retailers to seek a deduction of the tax levied under specified conditions; creating s. 206.9965, F.S.; providing exemptions and refunds from the natural gas fuel tax; transferring, renumbering, and amending s. 206.879, F.S.; revising provisions relating to the state and local alternative fuel user fee clearing trust funds; creating s. 206.998, F.S.; providing for the applicability of specified sections of parts I and II of ch. 206, F.S.; amending s. 212.055, F.S.; expanding the use of the local government infrastructure surtax to include the installation of systems for natural gas fuel; amending s. 212.08, F.S.; providing an exemption from taxes for natural gas fuel under certain circumstances; directing the Office of Program Policy Analysis and Government Accountability to complete a report reviewing the taxation of natural gas fuel; requiring the report to be submitted to the Legislature by a specified date; creating the natural gas fuel fleet vehicle rebate program within the Department of Agriculture and Consumer Services; providing definitions; prescribing powers and duties of the department with respect to the program; prescribing limits on rebate awards; providing policies and procedures for application approval; requiring the department to adopt rules by a specified date; requiring the department to publish on its website the availability of rebate funds; requiring the department to submit an annual assessment to the Governor, the Legislature, and the Office of Program Policy Analysis and Government Accountability by a specified date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and the Legislature by a specified date; providing report requirements; providing that funding for the program is subject to an annual appropriation; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 560**, on motion by Senator Simpson, by two-thirds vote **CS for CS for HB 579** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Simpson—

CS for CS for HB 579—A bill to be entitled An act relating to natural gas motor fuel; amending s. 206.86, F.S.; deleting definitions for the terms "alternative fuel" and "natural gasoline"; amending s. 206.87, F.S.; conforming a cross-reference; repealing s. 206.877, F.S., relating to the annual decal fee program for motor vehicles powered by alternative fuels; repealing s. 206.89, F.S., relating to the requirements for alternative fuel retailer licenses; amending s. 206.91, F.S.; making grammatical and technical changes; providing a directive to the Division of Law Revision and Information; creating s. 206.9951, F.S.; providing definitions; creating s. 206.9952, F.S.; establishing requirements for natural gas fuel retailer licenses; providing penalties for certain licensure violations; creating s. 206.9955, F.S.; providing calculations for a motor fuel equivalent gallon; providing for the levy of the natural gas fuel tax; authorizing the Department of Revenue to adopt rules; creating s. 206.996, F.S.; establishing requirements for monthly reports of natural gas fuel retailers; providing that reports are made under the penalties of perjury; allowing natural gas fuel retailers to seek a deduction of the tax levied under specified conditions; creating s. 206.9965, F.S.; providing exemptions and refunds from the natural gas fuel tax; transferring, renumbering, and amending s. 206.879, F.S.; revising provisions relating to the State Alternative Fuel User Fee Clearing Trust Fund; creating s. 206.998, F.S.; providing for the applicability of specified sections of parts I and II of ch. 206, F.S.; amending s. 212.055, F.S.; expanding the use of the local government infrastructure surtax to include the installation of systems for natural gas fuel; amending s. 212.08, F.S.; providing an exemption from taxes for natural gas and natural gas fuel under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to complete a report reviewing the taxation of natural gas fuel; requiring submission of the report to the Legislature by a specified date; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 560** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simpson moved the following amendment:

Amendment 1 (519430) (with title amendment)— Delete everything after the enacting clause and insert:

Section 1. Section 206.86, Florida Statutes, is amended to read:

206.86 Definitions.—As used in this part:

(1) "Diesel fuel" means all petroleum distillates commonly known as diesel #2, biodiesel, or any other product blended with diesel or any

product placed into the storage supply tank of a diesel-powered motor vehicle.

(2) "Taxable diesel fuel" or "fuel" means any diesel fuel not held in bulk storage at a terminal ~~and~~ which has not been dyed for exempt use in accordance with Internal Revenue Code requirements.

(3) "User" includes any person who uses diesel fuels within this state for the propulsion of a motor vehicle on the public highways of this state, even though the motor is also used for a purpose other than the propulsion of the vehicle.

~~(4) "Alternative fuel" means any liquefied petroleum gas product or compressed natural gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas or compressed natural gas.~~

~~(5) "Natural gasoline" is a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel.~~

(4)~~(6)~~ "Removal" means any physical transfer of diesel fuel and any use of diesel fuel other than as a material in the production of diesel fuel.

(5)~~(7)~~ "Blender" means any person *who* ~~that~~ produces blended diesel fuel outside the bulk transfer/terminal system.

(6)~~(8)~~ "Colorless marker" means material that is not perceptible to the senses until the diesel fuel into which it is introduced is subjected to a scientific test.

(7)~~(9)~~ "Dyed diesel fuel" means diesel fuel that is dyed in accordance with United States Environmental Protection Agency or Internal Revenue Service requirements for high sulfur diesel fuel or low sulfur diesel fuel.

(8)~~(10)~~ "Ultimate vendor" means a licensee that sells undyed diesel fuel to the United States or its departments or agencies in bulk lots of not less than 500 gallons in each delivery or to the user of the diesel fuel for use on a farm for farming purposes.

(9)~~(11)~~ "Local government user of diesel fuel" means any county, municipality, or school district licensed by the department to use untaxed diesel fuel in motor vehicles.

(10)~~(12)~~ "Mass transit system" means any licensed local transportation company providing local bus service that is open to the public and that travels regular routes.

(11)~~(13)~~ "Diesel fuel registrant" means anyone required by this chapter to be licensed to remit diesel fuel taxes, including, but not limited to, terminal suppliers, importers, local government users of diesel fuel, and mass transit systems.

(12)~~(14)~~ "Biodiesel" means any product made from nonpetroleum-based oils or fats which is suitable for use in diesel-powered engines. Biodiesel is also referred to as alkyl esters.

(13)~~(15)~~ "Biodiesel manufacturer" means those industrial plants, regardless of capacity, where organic products are used in the production of biodiesel. This includes businesses that process or blend organic products that are marketed as biodiesel.

Section 2. Paragraph (a) of subsection (1) of section 206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.—

(1)(a) An excise tax of 4 cents per gallon is ~~hereby~~ imposed upon each net gallon of diesel fuel subject to the tax under subsection (2)~~, except alternative fuels which are subject to the fee imposed by s. 206.877~~.

Section 3. *Section 206.877, Florida Statutes, is repealed.*

Section 4. *Section 206.89, Florida Statutes, is repealed.*

Section 5. Subsection (1) of section 206.91, Florida Statutes, is amended to read:

206.91 Tax reports; computation and payment of tax.—

(1) For the purpose of determining the amount of taxes imposed by s. 206.87, each diesel fuel registrant shall, not later than the 20th day of each calendar month, mail to the department, on forms prescribed by the department, monthly reports *that provide* ~~which shall show such~~ information on inventories, purchases, nontaxable disposals, and taxable sales in gallons of diesel fuel ~~and alternative fuel,~~ for the preceding calendar month ~~as may be~~ required by the department. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The reports *must include,* ~~shall contain~~ or be verified by*,* a written declaration *stating* that *they are* ~~such report is~~ made under the penalties of perjury. The diesel fuel registrant shall deduct from the amount of taxes shown by the report to be payable an amount equivalent to .67 percent of the taxes on diesel fuel imposed by s. 206.87(1)(a) and (e), which deduction is ~~hereby~~ allowed to the diesel fuel registrant on account of services and expenses in complying with the provisions of this part. The allowance on taxable gallons of diesel fuel sold to persons licensed under this chapter *is not* ~~shall not be~~ deductible unless the diesel fuel registrant has allowed 50 percent of the allowance provided by this section to a purchaser with a valid wholesaler or terminal supplier license. This allowance *is not* ~~shall not be~~ deductible unless payment of the taxes is made on or before the 20th day of the month as ~~herein~~ required *in this subsection*. ~~Nothing in~~ This subsection *does not* ~~shall be construed to~~ authorize a deduction from the constitutional fuel tax or fuel sales tax.

Section 6. *The Division of Law Revision and Information is requested to create part V of chapter 206, Florida Statutes, consisting of ss. 206.9951-206.998, entitled "NATURAL GAS FUEL."*

Section 7. Section 206.9951, Florida Statutes, is created to read:

206.9951 Definitions.—As used in this part, the term:

(1) "Motor fuel equivalent gallon" means the volume of natural gas fuel it takes to equal the energy content of 1 gallon of motor fuel.

(2) "Natural gas fuel" means any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23). This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation.

(3) "Natural gas fuel retailer" means any person who sells, produces, or refines natural gas fuel for use in a motor vehicle as defined in s. 206.01(23). This term does not include individuals specified in s. 206.9965(5).

(4) "Natural gasoline" is a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel.

(5) "Person" means a natural person, corporation, copartnership, firm, company, agency, or association; a state agency; a federal agency; or a political subdivision of the state.

Section 8. Section 206.9952, Florida Statutes, is created to read:

206.9952 Application for license as a natural gas fuel retailer.—

(1) It is unlawful for any person to engage in business as a natural gas fuel retailer within this state unless the person is the holder of a valid license issued by the department to engage in such business.

(2) A person who has facilities for placing natural gas fuel into the supply system of an internal combustion engine fueled by individual portable containers of 10 gallons or less is not required to be licensed as a natural gas fuel retailer, provided that the fuel is only used for exempt purposes.

(3)(a) Any person who acts as a natural gas retailer and does not hold a valid natural gas fuel retailer license shall pay a penalty of $200 for each month of operation without a license. This paragraph expires December 31, 2018.

(b) Effective January 1, 2019, any person who acts as a natural gas fuel retailer and does not hold a valid natural gas fuel retailer license shall pay a penalty of 25 percent of the tax assessed on the total purchases made during the unlicensed period.

(4) To procure a natural gas fuel retailer license, a person shall file an application and a bond with the department on a form prescribed by the department. The department may not issue a license upon the receipt of any application unless it is accompanied by a bond.

(5) When a natural gas fuel retailer license application is filed by a person whose previous license was canceled for cause by the department or the department believes that such application was not filed in good faith or is filed by another person as a subterfuge for the actual person in interest whose previous license has been canceled, the department may, if evidence warrants, refuse to issue a license for such an application.

(6) Upon the department's issuance of a natural gas fuel retailer license, such license remains in effect so long as the natural gas fuel retailer is in compliance with the requirements of this part.

(7) Such license may not be assigned and is valid only for the natural gas fuel retailer in whose name the license is issued. The license shall be displayed conspicuously by the natural gas fuel retailer in the principal place of business for which the license was issued.

(8) With the exception of a state or federal agency or a political subdivision licensed under this chapter, each person, as defined in this part, who operates as a natural gas fuel retailer shall report monthly to the department and pay a tax on all natural gas fuel purchases beginning January 1, 2019.

(9) The license application requires a license fee of $5. Each license shall be renewed annually by submitting a reapplication and the license fee to the department. The license fee shall be paid to the department for deposit into the General Revenue Fund.

Section 9. Section 206.9955, Florida Statutes, is created to read:

206.9955 Levy of natural gas fuel tax.—

(1) The motor fuel equivalent gallon means the following for:

(a) Compressed natural gas gallon: 5.66 pounds, or per each 126.67 cubic feet.

(b) Liquefied natural gas gallon: 6.06 pounds.

(c) Liquefied petroleum gas gallon: 1.35 gallons.

(2) Effective January 1, 2019, the following taxes shall be imposed:

(a) An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.

(b) An additional tax of 1 cent upon each motor fuel equivalent gallon of natural gas fuel, which is designated as the "ninth-cent fuel tax."

(c) An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the "local option fuel tax."

(d) An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the "State Comprehensive Enhanced Transportation System Tax," at a rate determined pursuant to this paragraph. Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 5.8 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30.

(e)1. An additional tax is imposed on each motor fuel equivalent gallon of natural gas fuel for the privilege of selling natural gas fuel. Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1. The tax rate is calculated by adjusting the initially established tax rate of 9.2 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30.

2. The department is authorized to adopt rules and publish forms to administer this paragraph.

(3) Unless otherwise provided by this chapter, the taxes specified in subsection (2) are imposed on natural gas fuel when it is placed into the fuel supply tank of a motor vehicle as defined in s. 206.01(23). The person liable for payment of the taxes imposed by this section is the person selling or supplying the natural gas fuel to the end user, for use in the fuel supply tank of a motor vehicle as defined in s. 206.01(23).

Section 10. Section 206.996, Florida Statutes, is created to read:

206.996 Monthly reports by natural gas fuel retailers; deductions.—

(1) For the purpose of determining the amount of taxes imposed by s. 206.9955, each natural gas fuel retailer shall file beginning with February 2019, and each month thereafter, no later than the 20th day of each month, monthly reports electronically with the department showing information on inventory, purchases, nontaxable disposals, taxable uses, and taxable sales in gallons of natural gas fuel for the preceding month. However, if the 20th day of the month falls on a Saturday, Sunday, or federal or state legal holiday, a return must be accepted if it is electronically filed on the next succeeding business day. The reports must include, or be verified by, a written declaration stating that such report is made under the penalties of perjury. The natural gas fuel retailer shall deduct from the amount of taxes shown by the report to be payable an amount equivalent to 0.67 percent of the taxes on natural gas fuel imposed by s. 206.9955(2)(a) and (e), which deduction is allowed to the natural gas fuel retailer to compensate it for services rendered and expenses incurred in complying with the requirements of this part. This allowance is not deductible unless payment of applicable taxes is made on or before the 20th day of the month. This subsection may not be construed as authorizing a deduction from the constitutional fuel tax or the fuel sales tax.

(2) Upon the electronic filing of the monthly report, each natural gas fuel retailer shall pay the department the full amount of natural gas fuel taxes for the preceding month at the rate provided in s. 206.9955, less the amount allowed the natural gas fuel retailer for services and expenses as provided in subsection (1).

(3) The department may authorize a quarterly return and payment of taxes when the taxes remitted by the natural gas fuel retailer for the preceding quarter did not exceed $100, and the department may authorize a semiannual return and payment of taxes when the taxes remitted by the natural gas fuel retailer for the preceding 6 months did not exceed $200.

(4) In addition to the allowance authorized by subsection (1), every natural gas fuel retailer is entitled to a deduction of 1.1 percent of the taxes imposed under s. 206.9955(2)(b) and (c), on account of services and expenses incurred due to compliance with the requirements of this part. This allowance may not be deductible unless payment of the tax is made on or before the 20th day of the month.

Section 11. Section 206.9965, Florida Statutes, is created to read:

206.9965 Exemptions and refunds; natural gas fuel retailers.—Natural gas fuel may be purchased from natural gas fuel retailers exempt from the tax imposed by this part when used or purchased for the following:

(1) Exclusive use by the United States or its departments or agencies. Exclusive use by the United States or its departments and agencies means the consumption by the United States or its departments or agencies of the natural gas fuel in a motor vehicle as defined in s. 206.01(23).

(2) Use for agricultural purposes as defined in s. 206.41(4)(c).

(3) Uses as provided in s. 206.874(3).

(4) Use by vehicles operated by state and local government agencies.

(5) Individual use resulting from residential refueling devices located at a person's primary residence.

(6) Purchases of natural gas fuel between licensed natural gas fuel retailers. A natural gas fuel retailer that sells tax-paid natural gas fuel to another natural gas fuel retailer may take a credit on its monthly return or may file a claim for refund with the Chief Financial Officer pursuant to s. 215.26. All sales of natural gas fuel between natural gas fuel retailers must be documented on invoices or other evidence of the sale of such fuel and the seller shall retain a copy of the purchaser's natural gas fuel retailer license.

(7) Natural gas fuel consumed by a power take off or engine exhaust for the purpose of unloading bulk cargo by pumping or turning a concrete mixer drum used in the manufacturing process, or for the purpose of compacting solid waste, which is mounted on a motor vehicle and which has no separate fuel tank or power unit, is allowed a refund of 35 percent of the tax paid on the fuel purchased.

Section 12. Section 206.879, Florida Statutes, is transferred and renumbered as section 206.997, Florida Statutes, and amended to read:

206.997 ~~206.879~~ State and local alternative fuel user fee clearing trust funds; distribution.—

(1) Notwithstanding the provisions of s. 206.875, the revenues from the *state natural gas fuel tax imposed by s. 206.9955(2)(a), s. 206.9955(2)(d), and s. 206.9955(2)(e)* ~~state alternative fuel fees imposed by s. 206.877~~ shall be deposited into the State Alternative Fuel User Fee Clearing Trust Fund~~, which is hereby created~~. After deducting the service charges provided in s. 215.20, the proceeds in this trust fund shall be distributed as follows: *the taxes imposed under s. 206.9955(2)(d) and s. 206.9955(2)(e)* ~~one-fifth of the proceeds in calendar year 1991, one-third of the proceeds in calendar year 1992, three-sevenths of the proceeds in calendar year 1993, and one-half of the proceeds in each calendar year thereafter~~ shall be transferred to the State Transportation Trust Fund *and the tax imposed under s. 206.9955(2)(a)*~~; the remainder~~ shall be distributed as follows: 50 percent shall be transferred to the State Board of Administration for distribution according to the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended; 25 percent shall be transferred to the Revenue Sharing Trust Fund for Municipalities; and the remaining 25 percent shall be distributed using the formula contained in s. 206.60(1).

(2) Notwithstanding the provisions of s. 206.875, the revenues from the *local natural gas fuel tax imposed by s. 206.9955(2)(b) and s. 206.9955(2)(c)* ~~local alternative fuel fees imposed in lieu of s. 206.87(1)(b) or (c)~~ shall be deposited into The Local Alternative Fuel User Fee Clearing Trust Fund~~, which is hereby created~~. After deducting the service charges provided in s. 215.20, the proceeds in this trust fund shall be returned monthly to the appropriate county.

Section 13. Section 206.998, Florida Statutes, is created to read:

206.998 Applicability of specified sections of parts I and II.—The provisions of ss. 206.01, 206.02, 206.025, 206.026, 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.07, 206.075, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, 206.405, 206.406, 206.41, 206.413, 206.43, 206.44, 206.48, 206.485, 206.49, 206.56, 206.59, 206.606, 206.608, and 206.61, Florida Statutes, of part I of this chapter and ss. 206.86, 206.872, 206.874, 206.8745, 206.88, 206.90, and 206.93, Florida Statutes, of part II of this chapter shall, as far as lawful or practicable, be applicable to the tax levied and imposed and to the collection thereof as if fully set out in this part. However, any provision of any such section does not apply if it conflicts with any provision of this part.

Section 14. 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 negotiated 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 improve-

ment 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; *installation of systems for natural gas fuel as defined in s. 206.9951;* and installation of efficient lighting equipment.

3. 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 *into* ~~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 15. Paragraph (a) of subsection (4) 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.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation or flavorings, except those added at a water treatment facility, have been added. Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. *Natural gas and natural gas fuel as defined in s. 206.9951(2) are exempt from the tax imposed by this chapter when placed into the fuel supply system of a motor vehicle.* Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. However, during the fiscal year in which the carrier begins its initial operations in this state, the carrier's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and subsequently, additional tax shall be paid on the motor fuel and diesel fuels, or a refund may be applied for, on the basis of the actual ratio of the carrier's railroad locomotives' or vessels' miles in this state to its total miles for that year. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

Section 16. *The Office of Program Policy Analysis and Government Accountability shall complete a report reviewing the taxation of natural gas fuel used to power motor vehicles under chapters 206 and 212, Florida Statutes. The report must, at a minimum: evaluate growth trends in the use of natural gas fuel; survey how other states tax natural gas fuel and the energy content related to compressed natural gas, liquefied natural gas, and liquefied petroleum gas, and incentives provided to consumers of such fuels; and survey consumers and suppliers of natural gas fuel. The report shall be submitted to the President of the Senate and the Speaker of the House of Representatives by December 1, 2017.*

Section 17. *Natural gas fuel fleet vehicle rebate program.—*

(1) CREATION AND PURPOSE OF PROGRAM.—There is created within the Department of Agriculture and Consumer Services a natural gas fuel fleet vehicle rebate program. The purpose of this program is to help reduce transportation costs in this state and encourage freight mobility investments that contribute to the economic growth of the state.

(2) DEFINITIONS.—For purposes of this section, the term:

(a) "Conversion costs" means the excess cost associated with retrofitting a diesel or gasoline powered motor vehicle to a natural gas fuel powered motor vehicle.

(b) "Department" means the Department of Agriculture and Consumer Services.

(c) "Eligible costs" means the cost of conversion or the incremental cost incurred by an applicant in connection with an investment in the conversion, purchase, or lease lasting at least 5 years, of a natural gas fleet vehicle placed into service on or after July 1, 2013. The term does not include costs for project development, fueling stations, or other fueling infrastructure.

(d) "Fleet vehicles" means three or more motor vehicles registered in this state and used for commercial business or governmental purposes.

(e) "Incremental costs" means the excess costs associated with the purchase or lease of a natural gas fuel motor vehicle as compared to an equivalent diesel- or gasoline-powered motor vehicle.

(f) "Natural gas fuel" means any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23). This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation.

(3) NATURAL GAS FUEL FLEET VEHICLE REBATE.—The department shall award rebates for eligible costs as defined in this section. Forty percent of the annual allocation shall be reserved for governmental applicants, with the remaining funds allocated for commercial applicants. A rebate may not exceed 50 percent of the eligible costs of a natural gas fuel fleet vehicle with a dedicated or bi-fuel natural gas fuel operating system placed into service on or after July 1, 2013. An applicant is eligible to receive a maximum rebate of $25,000 per vehicle up to a total of $250,000 per fiscal year. All natural gas fuel fleet vehicles eligible for the rebate must comply with applicable United States Environmental Protection Agency emission standards.

(4) APPLICATION PROCESS.—

(a) An applicant seeking to obtain a rebate shall submit an application to the department by a specified date each year as established by department rule. The application shall require a complete description of all eligible costs, proof of purchase or lease of the vehicle for which the applicant is seeking a rebate, a copy of the vehicle registration certificate, a description of the total rebate sought by the applicant, and any other information deemed necessary by the department. The application form adopted by department rule must include an affidavit from the applicant certifying that all information contained in the application is true and correct.

(b) The department shall determine the rebate eligibility of each applicant in accordance with the requirements of this section and depart-

ment rule. The total amount of rebates allocated to certified applicants in each fiscal year may not exceed the amount appropriated for the program in the fiscal year. Rebates shall be allocated to eligible applicants on a first-come, first-served basis, determined by the date the application is received, until all appropriated funds for the fiscal year are expended or the program ends, whichever comes first. Incomplete applications submitted to the department will not be accepted and do not secure a place in the first-come, first-served application process.

(5) RULES.—The department shall adopt rules to implement and administer this section by December 31, 2013, including rules relating to the forms required to claim a rebate under this section, the required documentation and basis for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate, and the collection of economic impact data from applicants.

(6) PUBLICATION.—The department shall determine and publish on its website on an ongoing basis the amount of available funding for rebates remaining in each fiscal year.

(7) ANNUAL ASSESSMENT.—By October 1, 2014, and each year thereafter that the program is funded, the department shall provide an annual assessment of the use of the rebate program during the previous fiscal year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The assessment shall include, at a minimum, the following information:

(a) The name of each applicant awarded a rebate under this section;

(b) The amount of the rebates awarded to each applicant;

(c) The type and description of each eligible vehicle for which each applicant applied for a rebate; and

(d) The aggregate amount of funding awarded for all applicants claiming rebates under this section.

(8) REPORT.—By January 31, 2016, the Office of Program Policy Analysis and Government Accountability shall release a report reviewing the rebate program to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The review shall include an analysis of the economic benefits resulting to the state from the program.

(9) ANNUAL FUNDING.—Annual funding for the natural gas fuel fleet vehicle rebate program is subject to legislative appropriation.

(10) EFFECTIVE DATE.—This section shall take effect July 1, 2013.

Section 18. *Beginning in the 2013-2014 fiscal year and each year thereafter through the 2017-2018 fiscal year, the sum of $x million in recurring funds is appropriated in each fiscal year from the General Revenue Fund to the Department of Agriculture and Consumer Services for the purpose of funding the natural gas fuel fleet vehicle rebate program created by this act.*

Section 19. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2013, this act shall take effect January 1, 2014.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to natural gas motor fuel; amending s. 206.86, F.S.; deleting definitions for the terms "alternative fuel" and "natural gasoline"; amending s. 206.87, F.S.; conforming a cross-reference; repealing s. 206.877, F.S., relating to the annual decal fee program for motor vehicles powered by alternative fuels; repealing s. 206.89, F.S., relating to the requirements for alternative fuel retailer licenses; amending s. 206.91, F.S.; making grammatical and technical changes; providing a directive to the Division of Law Revision and Information; creating s. 206.9951, F.S.; providing definitions; creating s. 206.9952, F.S.; establishing requirements for natural gas fuel retailer licenses; providing penalties for certain licensure violations; creating s. 206.9955, F.S.; providing calculations for a motor fuel equivalent gallon; providing for the levy of the natural gas fuel tax; authorizing the Department of Revenue to adopt rules; creating s. 206.996, F.S.; establishing requirements for monthly reports of natural gas fuel retailers; providing that reports are made under the penalties of perjury; allowing natural gas fuel retailers to seek a deduction of the tax levied under specified conditions; creating s. 206.9965, F.S.; providing exemptions and refunds from the natural gas fuel tax; transferring, renumbering, and amending s. 206.879, F.S.; revising provisions relating to the state and local alternative fuel user fee clearing trust funds; creating s. 206.998, F.S.; providing for the applicability of specified sections of parts I and II of ch. 206, F.S.; amending s. 212.055, F.S.; expanding the use of the local government infrastructure surtax to include the installation of systems for natural gas fuel; amending s. 212.08, F.S.; providing an exemption from taxes for natural gas fuel under certain circumstances; directing the Office of Program Policy Analysis and Government Accountability to complete a report reviewing the taxation of natural gas fuel; requiring the report to be submitted to the Legislature by a specified date; creating the natural gas fuel fleet vehicle rebate program within the Department of Agriculture and Consumer Services; providing definitions; prescribing powers and duties of the department with respect to the program; prescribing limits on rebate awards; providing policies and procedures for application approval; requiring the department to adopt rules by a specified date; requiring the department to publish on its website the availability of rebate funds; requiring the department to submit an annual assessment to the Governor, the Legislature, and the Office of Program Policy Analysis and Government Accountability by a specified date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and the Legislature by a specified date; providing report requirements; providing that funding for the program is subject to an annual appropriation; providing an appropriation for a program created by this act; providing effective dates.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Negron moved the following amendment to **Amendment 1 (519430)** which was adopted:

Amendment 1A (631288) (with title amendment)—Delete lines 658-665 and insert:

(9) EFFECTIVE DATE.—This section shall take effect July 1, 2013.

Section 18. *Beginning in the 2013-2014 fiscal year and each year thereafter through the 2017-2018 fiscal year, the sum of $6 million in recurring funds is appropriated in each fiscal year*

And the title is amended as follows:

Delete lines 735 and 736 and insert: providing reporting requirements;

Amendment 1 (519430) as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 579** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 274—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Freemasonry license plate; establishing an annual use fee for the plate; providing for the distribution of annual use fees received from the sale of the plate; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 274**, on motion by Senator Dean, by two-thirds vote **CS for CS for CS for HB 487** was withdrawn from the Committees on Transportation; Rules; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Dean—

CS for CS for CS for HB 487—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Freemasonry license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 274** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 487** was placed on the calendar of Bills on Third Reading.

On motion by Senator Stargel, the Senate resumed consideration of—

CS for CS for HB 867—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.; providing that parents who have a student in a public school that is implementing a turnaround option may petition to have a particular turnaround option implemented; requiring the school district to notify parents of a public school student being taught by an out-of-field teacher or by a teacher with an unsatisfactory performance rating; specifying requirements for the notice; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1002.33, F.S.; requiring a charter school to comply with certain procedures for the assignment of teachers; creating s. 1003.07, F.S.; creating the Parent Empowerment Act; specifying what constitutes an eligible student and a parental vote; requiring that a school district send a written notice to parents of public school students regarding the parents' options to petition the school for a particular turnaround option; requiring the notice to include certain information; authorizing up to one parental vote per eligible student; establishing the process to solicit signatures for a petition; prohibiting a person from being paid for signatures; prohibiting a for-profit corporation, business, or entity from soliciting signatures or paying a person to solicit signatures; establishing criteria to verify the signatures on a petition; requiring the State Board of Education to adopt rules for filing a petition; specifying that a petition is valid if it is signed and dated by a majority of the parents of eligible students and those signatures are verified; requiring the school district to consider the turnaround option on the valid petition with the most signatures at a publicly noticed school board meeting; requiring the school district to submit an implementation plan to the state board; amending s. 1008.33, F.S.; authorizing a parent to petition the school district to implement a turnaround option selected by the parent; amending s. 1012.2315, F.S.; providing for assistance to teachers teaching out-of-field; requiring the school district to notify parents and inform them of their options if a student is being taught by an out-of-field teacher; providing that a student may not be assigned to a teacher with a performance evaluation rating of less than effective for a specified number of consecutive school years; authorizing the parent of a student to consent to the assignment of that student to a teacher with a performance evaluation rating of less than effective under certain circumstances; repealing s. 1012.42, F.S., relating to teachers who are teaching out-of-field; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Joyner moved the following amendments which failed:

Amendment 1 (728284)—Between lines 264 and 265 insert:

(8) If the school board adopts the turnaround option selected by parents, the parents shall annually have the opportunity to modify their selection using the provisions set forth in this section. If the option described in s. 1008.33(4)(b)3. is selected in any such modification, the charter contract must include a provision stating the opportunity provided for in this subsection.

Amendment 2 (930478)—Between lines 245 and 246 insert:

(i) If the option described in s. 1008.33(4)(b)3. is adopted, it will guarantee a private charter school operator a 5-year contract. This provision must be stated in bold letters.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simmons moved the following amendment which was adopted:

Amendment 3 (180100) (with title amendment)—Delete lines 251-262 and insert: *board. The district school board shall consider and implement one of the turnaround options set forth in s. 1008.33(4)(b). If the district school board adopts a turnaround option that is different from the turnaround option selected by parents, it shall set forth in a report a detailed explanation of the reasons it has not adopted the parents' suggested turnaround option and set forth the reasons for the plan it has adopted. The turnaround option selected by the district school board shall be final and conclusive. If the school improves by at least one letter grade,*

And the title is amended as follows:

Delete lines 37 and 38 and insert: requiring the district school board to implement a turnaround option; requiring the district school board to complete a report under certain circumstances; providing report requirements; providing that the turnaround option selected by the district school board is final and conclusive; providing that the turnaround option is no longer required if the school improves by at least one letter grade; amending s.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Stargel moved the following amendment which was adopted:

Amendment 4 (612526)—Delete lines 169-190 and insert:

(3) Each school district shall notify the parents of eligible students and the school advisory council, in writing and at a publicly noticed meeting of the school board attended by a quorum of school board members at the school, if a public school has earned a grade of "F" and is required to select a turnaround option pursuant to s. 1008.33. The written notice must:

(a) Be provided to parents and the school advisory council within 30 calendar days after the school district receives notice from the department that the school is required to select a turnaround option.

(b) Inform parents that, before the district school board selects a turnaround option, parents may petition for implementation of a particular turnaround option pursuant to s. 1008.33.

(c) Include the following:

1. The date, time, and location at which a publicly noticed school board meeting will be held to present and consider the options available for selection under s. 1008.33. The school board must allow for public testimony regarding the options that are under discussion, and the date of such meeting may not be less than 7 days after or more than 21 days after the date the notice is mailed;

2. A description of each turnaround option available for selection under s. 1008.33;

3. A description of the process for implementing a turnaround option, including the date by which the school district must submit its implementation plan to the State Board of Education;

4. The date and location for submission of the petition; and

5. The contact information of the district school board.

Pursuant to Rule 4.19, **CS for CS for HB 867** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1388—A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the duties of a district school board and the district superintendent with regard to instructional materials; repealing s. 1006.282, F.S., relating to the pilot program for the transition to electronic and digital instructional materials; creating s. 1006.283, F.S.; authorizing a district school board or a consortium of school districts to implement an instructional materials program; requiring the district superintendent to certify to the Department of Education that instructional materials for core courses align with applicable state standards; requiring the district school board to adopt rules; authorizing the district school board to assess and collect fees from a publisher that participates in the instructional materials review process; requiring the fee amount to be posted on the school district's website and reported to the Department of Education; providing a limit on fees; prohibiting fees from being collected from publishers to review certain instructional materials; providing for a stipend, reimbursement for travel expenses, and per

diem for reviewers; requiring instructional materials that are approved by the district instructional materials reviewers to be aligned with applicable state standards; requiring each district school superintendent to annually certify that the instructional materials for core courses used by the district align with applicable state standards; providing pricing requirements for instructional materials; amending s. 1006.29, F.S.; providing a definition; requiring the department to appoint state instructional materials reviewers, rather than state or national experts, to review instructional materials; providing requirements, appointments, and terms for state instructional materials reviewers; authorizing the department to assess and collect fees; requiring the fee amount to be posted on the department's website and reported to the State Board of Education; providing a purpose for the use of the fees, such as a stipend for service as a reviewer, payment for per diem, and reimbursement for travel expenses for service as a reviewer; requiring a publisher to offer sections of instructional materials in certain versions at reduced rates; requiring the department to post certain instructional materials on its website; amending s. 1006.30, F.S.; conforming provisions to changes made by the act; amending s. 1006.31, F.S.; conforming provisions to changes made by the act; revising the procedure for evaluating instructional materials; providing standards to determine the propriety of instructional materials; amending s. 1006.32, F.S.; conforming provisions to changes made by the act; repealing s. 1006.33, F.S., relating to bids, proposals, and advertisement regarding instructional materials; amending s. 1006.34, F.S.; revising the powers and duties of the State Board of Education in evaluating instructional materials to include collecting fees and adopting rules; conforming provisions to changes made by the act; amending s. 1006.35, F.S.; authorizing the Commissioner of Education to remove materials from the list of approved materials if the materials do not align with applicable state standards; prohibiting a school district from purchasing removed materials under certain circumstances; amending s. 1006.36, F.S.; providing for the state review cycle for instructional materials; amending s. 1006.37, F.S.; authorizing a district school superintendent to requisition approved instructional materials; conforming provisions to changes made by the act; amending s. 1006.38, F.S.; providing for applicability; revising duties of publishers and manufacturers; amending s. 1006.40, F.S.; revising the allocation for instructional materials; amending s. 1001.10, F.S.; revising the duties of the Commissioner of Education with regard to instructional materials, including submission of a report to the Governor, the Legislature, and the State Board of Education; amending s. 1003.55, F.S.; requiring a publisher or manufacturer of instructional materials that have been approved by the Department of Education or a school district to furnish the department with a computer file in an electronic format specified by the department; amending ss. 1003.621 and 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Montford moved the following amendment which was adopted:

Amendment 1 (397600) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) section 1006.28, Florida Statutes, is amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature. The district school board has the following specific duties:

(b) *Instructional materials.*—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials and furnish such other instructional materials as may be needed. The district school board shall ensure that instructional materials used in the district are consistent with the district goals and objectives and the *course descriptions established in* ~~curriculum frameworks adopted by~~ rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

Section 2. Section 1006.283, Florida Statutes, is created to read:

1006.283 District school board instructional materials review process.—

(1) A school board or consortium of school districts may implement an instructional materials program that includes the review, approval, adoption, and purchase of instructional materials. Beginning in the 2013-2014 school year, the district school superintendent shall certify to the department by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. Included in the certification shall be a list of the core instructional materials that will be used or purchased for use by the school district.

(2) The school board shall adopt rules implementing the district's instructional materials program which must include, but need not be limited to:

(a) Its review and purchase process.

(b) Identification of a review cycle for instructional materials.

(c) The duties and qualifications of the instructional materials reviewers.

(d) The requirements for an affidavit made by a district instructional materials reviewer which substantially includes the requirements of s. 1006.30.

(e) Compliance with s. 1006.32, relating to prohibited acts.

(f) A process that certifies the accuracy of instructional materials.

(g) The incorporation of applicable requirements of s. 1006.31, which relates to the duties of instructional material reviewers.

(h) The incorporation of applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of publishers of instructional materials.

(i) The process by which instructional materials will be purchased, including advertising, bidding, and purchasing requirements.

(3)(a) The school board may assess and collect fees from publishers participating in the instructional materials approval process. The amount assessed and collected must be posted on the school district's website and reported to the department. The fees may not exceed the actual cost of the review process, and the fees may not exceed $3,500 per submission by a publisher. Any fees collected for this process shall be allocated for the support of the review process and maintained in a separate line item for auditing purposes.

(b) The fees shall be used to cover the actual cost of substitute teachers for each workday that a member of a school district's instructional staff is absent from his or her assigned duties for the purpose of rendering service as an instructional materials reviewer. In addition, each reviewer may be paid a stipend and is entitled to reimbursement for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings.

(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved must have been determined to align with all applicable state standards pursuant to s. 1003.41 and the requirements in s. 1006.31. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards.

(5) A publisher that offers instructional materials to a district school board must provide such materials at a price that, including all costs of electronic transmission, does not exceed the lowest price at which the

publisher offers such instructional materials for approval or sale to any state or school district in the United States.

(6) A publisher shall reduce automatically the price of the instructional materials to the district school board to the extent that reductions in price are made elsewhere in the United States.

Section 3. Section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of *the Department of Education and school district* ~~each state~~ instructional materials reviewer.—The duties of *the* ~~each state~~ instructional materials reviewer are:

(1) PROCEDURES.—To adhere to procedures prescribed by the department *or the district* for evaluating instructional materials submitted by publishers and manufacturers in each adoption. *This section applies to both the state and district approval processes.*

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, in order to ascertain which instructional materials, if any, submitted for consideration implement the selection criteria developed by the department and those curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

(a) When recommending instructional materials for use in the schools, each reviewer shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each reviewer shall include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each reviewer shall require such materials as he or she deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each reviewer shall require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend any instructional materials for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) Any instructional material recommended by each reviewer for use in the schools shall be, to the satisfaction of each reviewer, accurate, objective, and current and suited to the needs and comprehension of students at their respective grade levels. Reviewers shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(3) REPORT OF REVIEWERS.— After a thorough study of all data submitted on each instructional material, to submit an electronic report to the department. The report shall be made public and must include responses to each section of the report format prescribed by the department.

Section 4. Subsection (1) of section 1006.37, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

1006.37 Requisition of instructional materials from publisher's depository.—

(1) The district school superintendent shall requisition adopted instructional materials from the depository of the publisher with whom a contract has been made. However, the superintendent shall requisition current instructional materials to provide each student with a textbook or other materials as a major tool of instruction in core courses of the subject areas specified in s. 1006.40(2). These materials must be requisitioned within the first *3* ~~2~~ years of the adoption cycle, except for instructional materials related to growth of student membership or instructional materials maintenance needs. The superintendent may requisition instructional materials in the core subject areas specified in s. 1006.40(2) that are related to growth of student membership or instructional materials maintenance needs during the 3rd, 4th, 5th, and 6th years of the original contract period.

(3) A district school board or a consortium of school districts which implements an instructional materials program pursuant to s. 1006.283 is not required to requisition instructional materials from the publisher's depository.

Section 5. Section 1006.38, Florida Statutes, is amended to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—*This section applies to both the state and district approval processes.* Publishers and manufacturers of instructional materials, or their representatives, shall:

(1) Comply with all provisions of this part.

(2) Electronically deliver fully developed sample copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education.

(3) Submit, at a time designated in s. 1006.33, the following information:

(a) Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the district, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.

(b) Evidence that the publisher *or manufacturer* has provided materials that address the performance standards provided for in s. 1001.03(1) and that can be accessed through the district's local instructional improvement system and a variety of electronic, digital, and mobile devices.

(c) Evidence that the instructional materials include specific references to statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments.

(4) Make available for purchase by any district school board any diagnostic, criterion-referenced, or other tests that they may develop.

(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.

(6) Reduce automatically the price of the instructional materials to any district school board to the extent that reductions are made elsewhere in the United States.

(7) Provide any instructional materials free of charge in the state to the same extent as they are provided free of charge to any state or school district in the United States.

(8) Guarantee that all copies of any instructional materials sold in this state will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and up-to-date as may be required by the department.

(9) Agree that any supplementary material developed at the district or state level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.

(10) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the state.

(11) Maintain or contract with a depository in the state.

(12) For the core subject areas specified in s. 1006.40(2), maintain in the depository for the first *3* ~~2~~ years of the contract an inventory of instructional materials sufficient to receive and fill orders.

(13) For the core subject areas specified in s. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.

(14) Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (16), the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

(15) Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

(16) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of three times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

Section 6. Subsection (2) and paragraph (a) of subsection (3) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2) Each district school board must purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first *3* ~~2~~ years after the effective date of the adoption cycle. For the 2012-2013 mathematics adoption, a district using a comprehensive mathematics instructional materials program adopted in the 2009-2010 adoption shall be deemed in compliance with this subsection if it provides each student with such additional state-adopted materials as may be necessary to align the previously adopted comprehensive program to common core standards and the other criteria of the 2012-2013 mathematics adoption.

(3)(a) By the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials *that align with state standards* included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). *This subsection does not apply to a district school board or a consortium of school districts which implements an instructional materials program pursuant to s. 1006.283, except that by the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards.*

Section 7. Paragraphs (o) and (p) of subsection (6) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following general powers and duties:

(o) To develop criteria for use by *department* ~~state~~ instructional materials reviewers in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in *course descriptions* ~~curriculum frameworks~~ and student performance standards. The criteria for each subject or course shall be made available to publishers *and manufacturers* of instructional materials pursuant to the requirements of chapter 1006.

(p) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

Section 8. Paragraph (b) of subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for safe schools.

3. Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

4. Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials *that are* aligned *with applicable* ~~to Next Generation Sunshine~~ state standards and *course descriptions* ~~benchmarks~~ and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

Section 9. This act shall take effect July 1, 2013.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the duties of a district school board with regard to instructional materials; creating s. 1006.283, F.S.; authorizing a district school board or a consortium of school districts to implement an instructional materials program; requiring the district superintendent to certify to the Department of Education that instructional materials for core courses align with applicable state standards; requiring the district school board to adopt rules; authorizing the district school board to assess and collect fees from a publisher that participates in the instructional materials review process; requiring the fee amount to be posted on the school district's website and reported to the department; providing a limit on fees; providing for a stipend, reimbursement for travel expenses, and per diem for reviewers; requiring instructional materials that are approved by the district instructional materials reviewers to be aligned with applicable state standards; requiring each district school superintendent to annually certify that the instructional materials for core courses used by the district align with applicable state standards; providing pricing requirements for instructional materials; amending s. 1006.31, F.S.; revising the procedure for evaluating instructional materials; amending s. 1006.37, F.S.; revising the time period in which the superintendent must requisition instructional materials; providing that a district school board or a consortium of school districts which implements an instructional materials program is not required to requisition instructional materials from the publisher's depository; amending s. 1006.38, F.S.; providing for applicability; revising duties of publishers and manufacturers; amending s. 1006.40, F.S.; revising the allocation for instructional materials; providing for applicability; amending s. 1001.10, F.S.; revising the duties of the Commis-

sioner of Education with regard to instructional materials; amending s. 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Montford, by two-thirds vote **CS for CS for SB 1388** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

On motion by Senator Detert, the Senate resumed consideration of—

CS for CS for HB 269—A bill to be entitled An act relating to public construction projects; amending ss. 255.20 and 255.2575, F.S.; requiring governmental entities to specify certain products associated with public works projects; providing for applicability; amending s. 255.257, F.S.; requiring state agencies to use certain building rating systems and building codes for each new construction and renovation project; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (117882)** by Senator Detert as amended and pending **Amendment 1B (290052)** by Senator Detert. **Amendment 1B (290052)** was adopted.

Senator Montford moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (841976) (with title amendment)—Delete lines 200-656.

And the title is amended as follows:

Delete lines 1345-1349 and insert: receipt of specific plans; providing that

RECONSIDERATION OF AMENDMENT

On motion by Senator Stargel, the Senate reconsidered the vote by which **Amendment 1A (553348)** was adopted. **Amendment 1A** was was withdrawn.

Amendment 1 (117882) as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 269** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 306—A bill to be entitled An act relating to economic development; amending s. 125.0104, F.S.; providing that tourist development tax revenues may also be used to pay the debt service on bonds that finance the renovation of a professional sports facility that is publicly owned, or that is on publicly owned land, and that is publicly operated or operated by the owner of a professional sports franchise or other lessee; requiring that the renovation costs exceed a specified amount; allowing certain fees and costs to be included in the cost for renovation; requiring private contributions to the professional sports facility as a condition for the use of tourist development taxes; authorizing the use of certain tax revenues to pay for operation and maintenance costs of the renovated facility; requiring a majority plus one vote of the membership of the board of county commissioners to levy a tax for renovation of a sports franchise facility after approval by a majority of the electors voting in a referendum to approve the proposed use of the tax revenues; authorizing the referendum to be held before or after the effective date of this act; providing requirements for the referendum ballot; providing for nonapplication of the prohibition against levying such tax in certain cities and towns under certain conditions; authorizing the use of tourist development tax revenues for financing the renovation of a professional sports franchise facility; amending s. 212.20, F.S.; authorizing a distribution for an applicant that has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, F.S.; providing a limitation; amending s. 220.153, F.S.; conforming a cross-reference; repealing s. 220.62(3) and (5), F.S., relating to the definitions of the terms “international banking facility” and “foreign person” in the income tax code; repealing s. 220.63(5), F.S., relating to an income tax deduction for international banking facilities; providing retroactive applicability and effect of certain provisions of the act; creating s. 288.11625, F.S.; providing that the Department of Economic Opportunity shall screen applicants for state funding for sports development; defining the terms “agreement,” “applicant,” “beneficiary,” “facility,” “project,” “state sales taxes generated by sales at the facility,” and “signature event”; providing a purpose to provide funding for applicants for constructing, reconstructing, renovating, or improving a facility; providing an application and approval process; providing for an annual application period; providing for the Department of Economic Opportunity to submit recommendations to the Legislature by a certain date; requiring legislative approval for state funding; providing evaluation criteria for an applicant to receive state funding; providing for evaluation and ranking of applicants under certain criteria; allowing the department to determine the type of beneficiary; providing levels of state funding up to a certain amount of new incremental state sales tax revenue; providing for a distribution and calculation; requiring the Department of Revenue to distribute funds within a certain timeframe after notification by the department; limiting annual distributions to $13 million; providing for a contract between the department and the applicant; limiting use of funds; requiring an applicant to submit information to the department annually; requiring a 5-year review; authorizing the Auditor General to conduct audits; providing for an application related to a signature event; requiring award of a signature event as a condition for receiving distributions for an application related to a signature event; authorizing the Legislative Budget Commission to approve an application; providing for reimbursement of the state funding under certain circumstances; providing for discontinuation of distributions upon an applicant’s request; authorizing the Department of Economic Opportunity to adopt rules; contingently creating s. 288.116255, F.S.; providing for an evaluation; amending s. 218.64, F.S.; providing for municipalities and counties to expend a portion of local government half-cent sales tax revenues to reimburse the state as required by a contract; authorizing the Department of Economic Opportunity to adopt emergency rules; providing effective dates.

—was read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Braynon moved the following amendment which was adopted:

Amendment 1 (723596) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (n) of subsection (3) and paragraph (a) of subsection (5) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners*, or as otherwise provided in this paragraph,* in order to:

1. Pay the debt service on bonds issued to finance:

a. The construction, reconstruction, or renovation of a facility *that is* ~~either~~ publicly owned and operated~~,~~ or *is* publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred *before* ~~prior to~~ the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b. The acquisition, construction, reconstruction, or renovation of a facility ~~either~~ publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred *before* ~~prior to~~ the issuance of such bonds for a retained spring training franchise.

2. Pay the debt service on bonds issued to finance the renovation of a professional sports franchise facility that is publicly owned, or located on land that is publicly owned, and that is publicly operated or operated by the owner of a professional sports franchise or other lessee who has sufficient expertise or financial capability to operate the facility, and to pay the planning and design costs incurred before the issuance of such bonds for the renovated professional sports facility. The cost to renovate the facility must be more than $300 million, including permitting, architectural, and engineering fees, and at least a majority of the total construction cost, exclusive of in-kind contributions, must be paid for by the ownership group of the professional sports franchise or other private sources. Tax revenues available to pay debt service on bonds may be used to pay for operation and maintenance costs of the facility. A county levying the tax for the purposes specified in this subparagraph may do so only by a majority plus one vote of the membership of the board of county commissioners and after approval of the proposed use of the tax revenues by a majority vote of the electors voting in the referendum. Referendum approval of the proposed use of the tax revenues may be in an election held before or after the effective date of this act. The referendum ballot must include a brief description of the proposed use of the tax revenues and the following question:

FOR the Proposed Use

AGAINST the Proposed Use

3.~~2.~~ Promote and advertise tourism in *this* ~~the~~ state ~~of Florida~~ and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event *must* ~~shall~~ have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, *expansion,* construction, reconstruction, or renovation of a facility for which tax revenues are used pursuant to subparagraph 1. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the *2 percent* ~~2-percent~~ tax authorized by this section *does* ~~shall~~ not apply to the additional tax authorized by this paragraph in counties *that* ~~which~~ levy convention development taxes pursuant to s. 212.0305(4)(a) *or (b)*. Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance *must* ~~shall~~ be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax *must* ~~shall~~ be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, aquariums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied. Tax revenues received pursuant to this section may also be used for promotion of zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. However, these purposes may be implemented through service contracts and leases with lessees with sufficient expertise or financial capability to operate such facilities;

2. To promote and advertise tourism in *this* ~~the~~ state ~~of Florida~~ and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event *must* ~~shall~~ have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists;

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county, which may include any indirect administrative costs for services performed by the county on behalf of the promotion agency; ~~or~~

4. To finance beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access as those uses relate to the physical preservation of the beach, shoreline, or inland lake or river. However, any funds identified by a county as the local matching source for beach renourishment, restoration, or erosion control projects included in the long-range budget plan of the state's Beach Management Plan, pursuant to s. 161.091, or funds contractually obligated by a county in the financial plan for a federally authorized shore protection project may not be used or loaned for any other purpose. In counties of less than 100,000 population, no more than 10 percent of the revenues from the tourist development tax may be used for beach park facilities*; or*~~.~~

5. For other uses specifically allowed under subsection (3).

Section 2. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) *must* ~~shall~~ be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) *must* ~~shall~~ be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 *must* ~~shall~~ be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred *must* ~~shall~~ be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which *must* ~~shall~~ be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent *must* ~~shall~~ be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds *must* ~~shall~~ be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds *must* ~~shall~~ be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this sub-

paragraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, *a* ~~no~~ municipality *may not* ~~shall~~ receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 *must* ~~shall~~ be divided into as many equal parts as there are counties in the state, and one part *must* ~~shall~~ be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall*, pursuant to s. 288.1162,* distribute $166,667 monthly ~~pursuant to s. 288.1162~~ to each applicant certified as a facility for a new or retained professional sports franchise ~~pursuant to s. 288.1162~~. Up to $41,667 *must* ~~shall~~ be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. *288.1162* ~~288.1162(5)~~ or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 *must* ~~shall~~ be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 *must* ~~shall~~ be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 *must* ~~shall~~ be made, after certification and before July 1, 2000.

e. Beginning 45 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, the department shall distribute each month an amount equal to one-twelfth the annual distribution amount certified by the Department of Economic Opportunity for the applicant. The department may not distribute more than $13 million annually to all applicants approved by the Legislature and certified by the Department of Economic Opportunity pursuant to s. 288.11625.

7. All other proceeds must remain in the General Revenue Fund.

Section 3. Section 288.11625, Florida Statutes, is created to read:

288.11625 Sports development.—

(1) ADMINISTRATION.—The department shall serve as the state agency responsible for screening applicants for state funding under s. 212.20(6)(d)6.e.

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

(a) "Agreement" means a signed agreement between a unit of local government and a beneficiary.

(b) "Applicant" means a unit of local government, as defined in s. 218.369, which is responsible for the construction, management, or operation of a facility; or an entity that is responsible for the construction, management, or operation of a facility if a unit of local government holds title to the underlying property on which the facility is located.

(c) "Beneficiary" means a professional sports franchise of the National Football League, the National Hockey League, the National Basketball Association, the National League or American League of Major League Baseball, Major League Soccer, or the National Association for Stock Car Auto Racing, or a nationally recognized professional sports association that occupies or uses a facility as the facility's primary tenant. A beneficiary may also be an applicant under this section.

(d) "Facility" means a facility primarily used to host games or events held by a beneficiary and does not include any portion used to provide transient lodging.

(e) "Project" means a proposed construction, reconstruction, renovation, or improvement of a facility, or the proposed acquisition of land to construct a new facility.

(f) "Signature event" means a professional sports event with significant export factor potential. For purposes of this paragraph, the term "export factor" means the attraction of economic activity or growth into the state which otherwise would not have occurred. Examples of signature events may include, but are not limited to:

1. National Football League Super Bowls.

2. Professional sports All-Star games.

3. International sporting events and tournaments.

4. Professional automobile race championships or Formula 1 Grand Prix.

5. The establishment of a new professional sports franchise in this state.

(g) "State sales taxes generated by sales at the facility" means state sales taxes imposed under chapter 212 generated by admissions to the facility or by sales made by vendors at the facility who are accessible to persons attending events occurring at the facility.

(3) PURPOSE.—The purpose of this section is to provide applicants state funding under s. 212.20(6)(d)6.e. for the public purpose of constructing, reconstructing, renovating, or improving a facility.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) The department shall establish the procedures and application forms deemed necessary pursuant to the requirements of this section. The department may notify an applicant of any additional required or incomplete information necessary to evaluate an application.

(b) The annual application period is from June 1 through November 1.

(c) Within 60 days after receipt of a completed application, the department shall complete its evaluation of the application as provided under subsection (5) and notify the applicant in writing of the department's decision to recommend approval of the applicant by the Legislature or to deny the application.

(d) Annually by February 1, the department shall rank the applicants and shall provide to the Legislature the list of the recommended applicants in ranked order of projects most likely to positively impact the state based on required criteria established in this section. The list must include the department's evaluation of the applicant.

(e) A recommended applicant's request for funding must be approved by the Legislature by general law.

1. An application by a unit of local government which is approved by the Legislature and subsequently certified by the department remains certified for the duration of the beneficiary's agreement with the applicant or for 30 years, whichever is less, provided the certified applicant has an agreement with a beneficiary at the time of initial certification by the department.

2. An application by a beneficiary which is approved by the Legislature and subsequently certified by the department remains certified for the duration of the beneficiary's agreement with the unit of local government that owns the underlying property or for 30 years, whichever is less, provided the certified applicant has an agreement with the unit of local government at the time of initial certification by the department.

3. An applicant that is previously certified pursuant to this section does not need legislative approval each year to receive state funding.

(f) An applicant that is recommended by the department but is not approved by the Legislature may reapply and update any information in the original application as required by the department.

(g) The department may recommend no more than one distribution under this section for any applicant, facility, or beneficiary at a time.

(5) EVALUATION PROCESS.—

(a) Before recommending an applicant to receive a state distribution under s. 212.20(6)(d)6.e., the department must verify that:

1. The applicant or beneficiary is responsible for the construction, reconstruction, renovation, or improvement of a facility.

2. If the applicant is also the beneficiary, a unit of local government holds title to the property on which the facility and project are located.

3. The project for which the applicant is seeking state funding has not commenced construction.

4. If the applicant is a unit of local government in whose jurisdiction the facility will be located, the unit of local government has an exclusive intent agreement to negotiate in this state with the beneficiary.

5.a. The unit of local government in whose jurisdiction the facility will be located supports the application for state funds. Such support must be verified by the adoption of a resolution after a public hearing that the project serves a public purpose.

b. If the unit of local government is required to pass a resolution by a majority plus one vote by the local government's governing body and to hold a referendum for approval pursuant to s. 125.0104(3)(n)2., such resolution and referendum must affirmatively pass for the applicant to receive state funding under this section.

6. The applicant or beneficiary has not previously defaulted or failed to meet any statutory requirements of a previous state-administered sports-related program under s. 288.1162, s. 288.11621, or s. 288.1168.

7. The applicant or beneficiary has sufficiently demonstrated a commitment to employ residents of this state, contract with Florida-based firms, and purchase locally available building materials to the greatest extent possible.

8. If the applicant is a unit of local government, the applicant has a certified copy of a signed agreement with a beneficiary for the use of the facility. If the applicant is a beneficiary, the beneficiary must enter into an agreement with the department. The applicant's or beneficiary's agreement must also require the following:

a. The beneficiary must reimburse the state for state funds that have been distributed and will be distributed if the beneficiary relocates before the agreement expires.

b. The beneficiary must pay for signage or advertising within the facility. The signage or advertising must be placed in a prominent location as close to the field of play or competition as is practical, displayed consistent with signage or advertising in the same location and like value, and must feature Florida advertising approved by the Florida Tourism Industry Marketing Corporation.

9. The project will commence within 12 months after receiving state funds.

(b) The department shall competitively evaluate and rank applicants that submit applications for state funding which are received during the application period using the following criteria to evaluate the applicant's ability to positively impact the state:

1. The proposed use of state funds.

2. The length of time that a beneficiary has agreed to use the facility.

3. The percentage of total project funds provided by the applicant and the percentage of total project funds provided by the beneficiary.

4. The number and type of signature events the facility is likely to attract during the duration of the agreement with the beneficiary.

5. The anticipated increase in average annual ticket sales and attendance at the facility due to the project.

6. The potential to attract out-of-state visitors to the facility.

7. The length of time a beneficiary has been in the state or partnered with the unit of local government. In order to encourage new franchises to locate in this state, an application for a new franchise shall be considered to have a significant positive impact on the state and shall be given priority in the evaluation and ranking by the department.

8. The multiuse capabilities of the facility.

9. The facility's projected employment of residents of this state, contracts with Florida-based firms, and purchases of locally available building materials.

10. The amount of private and local financial or in-kind contributions to the project.

11. The amount of positive advertising or media coverage the facility generates.

(6) DISTRIBUTION.—

(a) The department shall determine the annual distribution amount an applicant may receive based on the total cost of the project.

1. If the total project cost is $200 million or greater, the applicant is eligible to receive annual distributions equal to the new incremental state sales taxes generated by saleat the facility during 12 months as provided under subparagraph (b)2., up to $3 million.

2. If the total project cost is at least $100 million but less than $200 million, the applicant is eligible to receive annual distributions equal to the new incremental state sales taxes generated by sales at the facility during 12 months as provided under subparagraph (b)2., up to $2 million.

3. If the total project cost is less than $100 million, the applicant is eligible to receive annual distributions equal to the new incremental state sales taxes generated by sales at the facility during 12 months as provided under subparagraph (b)2., up to $1 million.

(b) At the time of initial evaluation and review by the department pursuant to subsection (5), the applicant must provide an analysis by an independent certified public accountant which demonstrates:

1. The amount of state sales taxes generated by sales at the facility during the 12-month period immediately prior to the beginning of the application period. This amount is the baseline.

2. The expected amount of new incremental state sales taxes generated by sales at the facility above the baseline which will be generated as a result of the project.

(c) The independent analysis provided in paragraph (b) must be verified by the department.

(d) The Department of Revenue shall begin distributions within 45 days after notification of initial certification from the department.

(e) The department must consult with the Department of Revenue and the Office of Economic and Demographic Research to develop a standard calculation for estimating new incremental state sales taxes generated by sales at the facility and adjustments to distributions.

(f) In any 12-month period when total distributions for all certified applicants equal $13 million, the department may not certify new distributions for any additional applicants.

(7) CONTRACT.—An applicant approved by the Legislature and certified by the department must enter into a contract with the department which:

(a) Specifies the terms of the state's investment.

(b) States the criteria that the certified applicant must meet in order to remain certified.

(c) Requires the applicant to submit the independent analysis required under subsection (6) and an annual independent analysis.

1. The applicant must agree to submit to the department, beginning 12 months after completion of a project or 12 months after the first four annual distributions, whichever is earlier, an annual analysis by an independent certified public accountant demonstrating the actual amount of new incremental state sales taxes generated by sales at the facility during the previous 12-month period. The applicant shall certify to the department a comparison of the actual amount of state sales taxes generated by sales at the facility during the previous 12-month period to the baseline under subparagraph (6)(b)1.

2. The applicant must submit the certification within 60 days after the end of the previous 12-month period. The department shall verify the analysis.

(d) Specifies information that the certified applicant must report to the department.

(e) Requires the applicant to reimburse the state for the amount each year that the actual new incremental state sales taxes generated by sales at the facility during the most recent 12-month period was less than the annual distribution under paragraph (6)(a). This requirement applies 12 months after completion of a project or 12 months after the first four annual distributions, whichever is earlier.

1. If the applicant is unable or unwilling to reimburse the state in any year for the amount equal to the difference between the actual new incremental state sales taxes generated by sales at the facility and the annual distribution under paragraph (6)(a), the department may place a lien on the applicant's facility.

2. If the applicant is a municipality or county, it may reimburse the state from its half-cent sales tax allocation, as provided in s. 218.64(3).

3. Reimbursements must be sent to the Department of Revenue for deposit into the General Revenue Fund.

(f) Includes any provisions deemed prudent by the department.

(8) USE OF FUNDS.—An applicant certified under this section may use state funds only for the following purposes:

(a) Constructing, reconstructing, renovating, or improving a facility, or reimbursing such costs.

(b) Paying or pledging for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the construction or renovation of such facility; or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(9) REPORTS.—

(a) On or before November 1 of each year, an applicant certified under this section and approved to receive state funds must submit to the department any information required by the department. The department shall summarize this information for inclusion in the report to the Legislature due February 1 under paragraph (4)(d).

(b) Every 5 years following the first month that an applicant receives a monthly distribution, the department must verify that the applicant is meeting the program requirements. If the applicant is not meeting program requirements, the department must notify the Governor and Legislature of the requirements not being met and must recommend future action as part of the report to the Legislature due February 1 pursuant to paragraph (4)(d). The department shall consider exceptions that may have prevented the applicant from meeting the program requirements. Such exceptions include:

1. Force majeure events.

2. Significant economic downturn.

3. Other extenuating circumstances.

(10) AUDITS.—The Auditor General may conduct audits pursuant to s. 11.45 to verify the independent analysis required under paragraphs (6)(b) and (7)(c) and to verify that the distributions are expended as required. The Auditor General shall report the findings to the department. If the Auditor General determines that the distribution payments are not expended as required, the Auditor General must notify the Department of Revenue, which may pursue recovery of distributions under the laws and rules that govern the assessment of taxes.

(11) REPAYMENT OF DISTRIBUTIONS.—An applicant that is certified under this section may be subject to repayment of distributions upon the occurrence of any of the following:

(a) An applicant's beneficiary has broken the terms of its agreement with the applicant and relocated from the facility. The beneficiary must reimburse the state for state funds that have been distributed and will be distributed if the beneficiary relocates before the agreement expires.

(b) The department has determined that an applicant has submitted any information or made a representation that is determined to be false, misleading, deceptive, or otherwise untrue. The applicant must reimburse the state for state funds that have been distributed and will be distributed if such determination is made.

(12) HALTING OF PAYMENTS.—The applicant may request to halt future distributions by providing the department with written notice at least 20 days prior to the next monthly distribution payment. The department must immediately notify the Department of Revenue to halt future payments.

(13) RULEMAKING.—The department may adopt rules to implement this section.

Section 4. Contingent upon enactment of the Economic Development Program Evaluation as set forth in SB 406 or similar legislation, section 288.116255, Florida Statutes, is created to read:

288.116255 Sports Development Program evaluation.—Beginning in 2015, the Sports Development Program must be evaluated as part of the Economic Development Program Evaluation, and every 3 years thereafter.

Section 5. Subsections (2) and (3) of section 218.64, Florida Statutes, are amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(2) Municipalities shall expend their portions of the local government half-cent sales tax only for municipality-wide programs*, for reimbursing the state as required by a contract pursuant to s. 288.11625(7),* or for municipality-wide property tax or municipal utility tax relief. All utility tax rate reductions afforded by participation in the local government half-cent sales tax shall be applied uniformly across all types of taxed utility services.

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to *$3* ~~$2~~ million annually of the local government half-cent sales tax

allocated to that county for ~~funding for~~ any of the following *purposes* ~~applicants~~:

(a) *Funding* a certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. It is the Legislature's intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the Department of Economic Opportunity except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(8), shall apply to an applicant's facility to be funded by local government as provided in this subsection.

(b) *Funding* a certified applicant as a "motorsport entertainment complex," as provided for in s. 288.1171. Funding for each franchise or motorsport complex shall begin 60 days after certification and shall continue for not more than 30 years.

(c) Reimbursing the state as required by a contract pursuant to s. 288.11625(7).

Section 6. *(1) The executive director of the Department of Economic Opportunity may, and all conditions are deemed met, adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.*

(2) Notwithstanding any provision of law, such emergency rules remain in effect for 6 months after the date adopted and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 7. 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 economic development; amending s. 125.0104, F.S.; providing that tourist development tax revenues may also be used to pay the debt service on bonds that finance the renovation of a professional sports facility that is publicly owned, or that is on publicly owned land, and that is publicly operated or operated by the owner of a professional sports franchise or other lessee; requiring that the renovation costs exceed a specified amount; allowing certain fees and costs to be included in the cost for renovation; requiring private contributions to the professional sports facility as a condition for the use of tourist development taxes; authorizing the use of certain tax revenues to pay for operation and maintenance costs of the renovated facility; requiring a majority plus one vote of the membership of the board of county commissioners to levy a tax for renovation of a sports franchise facility after approval by a majority of the electors voting in a referendum to approve the proposed use of the tax revenues; authorizing the referendum to be held before or after the effective date of this act; providing requirements for the referendum ballot; providing for nonapplication of the prohibition against levying such tax in certain cities and towns under certain conditions; authorizing the use of tourist development tax revenues for financing the renovation of a professional sports franchise facility; amending s. 212.20, F.S.; authorizing a distribution for an applicant that has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.116255, F.S.; providing a limitation; creating s. 288.11625, F.S.; providing that the Department of Economic Opportunity shall screen applicants for state funding for sports development; defining the terms "agreement," "applicant," "beneficiary," "facility," "project," "state sales taxes generated by sales at the facility," and "signature event"; providing a purpose to provide funding for applicants for constructing, reconstructing, renovating, or improving a facility; providing an application and approval process; providing for an annual application period; providing for the Department of Economic Opportunity to submit recommendations to the Legislature by a certain date; requiring legislative approval for state funding; providing evaluation criteria for an applicant to receive state funding; providing for evaluation and ranking of applicants under certain criteria; allowing the department to determine the type of beneficiary; providing levels of state funding up to a certain amount of new incremental state sales tax revenue; providing for a distribution and calculation; requiring the Department of Revenue to distribute funds within a certain timeframe after notification by the department; limiting annual distributions to $13 million; providing for a contract between the department and the applicant; limiting use of funds; requiring an applicant to submit information to the department annually; requiring a 5-year review; authorizing the Auditor General to conduct audits; providing for reimbursement of the state funding under certain circumstances; providing for discontinuation of distributions upon an applicant's request; authorizing the Department of Economic Opportunity to adopt rules; contingently creating s. 288.116255, F.S.; providing for an evaluation; amending s. 218.64, F.S.; providing for municipalities and counties to expend a portion of local government half-cent sales tax revenues to reimburse the state as required by a contract; authorizing the Department of Economic Opportunity to adopt emergency rules; providing effective dates.

SENATOR BENACQUISTO PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Braynon, by two-thirds vote **CS for CS for CS for SB 306** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Abruzzo	Galvano	Richter
Bean	Gardiner	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Joyner	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Margolis	Thompson
Diaz de la Portilla	Montford	Thrasher
Evers	Negron	

Nays—4

Mr. President	Flores	Garcia
Legg		

MOTIONS

On motion by Senator Thrasher, by two-thirds vote all bills remaining on the Special Order Calendar this day, except **CS for SB 916** and **CS for CS for SB 1384**, were placed on the Special Order Calendar for Tuesday, April 30.

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 Tuesday, April 30.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Monday, April 29, 2013: CS for CS for SB 1384, CS for CS for SB 274, CS for SB 262, CS for SB 378, CS for SB 1000, SB 924, CS for CS for SB 836, SB 1680, CS for SB 304, CS for CS for SB 594, CS for CS for SB 984, CS for SB 1318, SB 1864, CS for SB 1868, SB 862, CS for SB 844, CS for SB 732, CS for SB 582, CS for CS for CS for SB 500, CS for SB 370, SB 662, CS for SB 916, SB 1026, CS for SB 1132, CS for CS for SB 1192, CS for SB 1350, CS for SB 1352, CS for SB 1388, CS for SB 1408, SB 1630, CS for CS for SB 1636, CS for CS for SB 1644, CS for SB 1722, CS for SB 150, CS for SB 156, CS for SB 288, CS for SB 644, SB 742, CS for SB 860, CS for CS for SB 958, CS for SB 960, SB 1246, SB 1280, CS for SB 1390, CS for SB 154, CS for CS for SB 242, SB 410, CS for SB 1024, SB 1064, SB 1190, SB 1200, SB 1816, SB 1884, CS for CS for SB 560, CS for CS for SB 966, CS for SB 1844.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for SB 464** and **CS for SB 1096** which he approved on April 24, 2013.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 87, CS for CS for CS for HB 125, CS for HB 241, CS for CS for HB 427, CS for HB 589, CS for CS for HB 807, HB 855, CS for CS for CS for HB 879, HB 949, CS for HB 977, HB 979, CS for HB 981, CS for HB 1007, CS for HB 1013, CS for CS for HB 1015, HB 1027, CS for HB 1069, CS for HB 1171, CS for HB 1193, HB 1271, CS for HB 1281, HB 1283, HB 1285, HB 1287, CS for HB 1321, CS for HB 1323, HB 1367, CS for CS for CS for HB 1379, CS for HB 1403, CS for HB 1411, CS for HB 1421, HB 4037, HB 4039, HB 4053; has passed as amended CS for HB 433, HB 533, CS for CS for HB 801, CS for CS for HB 1159, CS for HB 1191, CS for CS for CS for HB 1245, CS for CS for HB 7007, CS for CS for HB 7125; has passed by the required constitutional three-fifths vote of the membership CS for HB 1009 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Appropriations Committee, Judiciary Committee and Representative(s) Passidomo, Caldwell, Cummings, Moraitis, Rodrigues, R.—

CS for CS for HB 87—A bill to be entitled An act relating to mortgage foreclosures; amending s. 95.11, F.S.; revising the limitations period for commencing an action to enforce a claim of a deficiency judgment after a foreclosure action; providing for applicability to actions commenced on or after a specified date; providing a time limitation for commencing certain actions; creating s. 702.015, F.S.; providing legislative intent; specifying required contents of a complaint seeking to foreclose on certain types of residential properties with respect to the authority of the plaintiff to foreclose on the note and the location of the note; authorizing sanctions against plaintiffs who fail to comply with complaint requirements; providing for nonapplicability to proceedings involving timeshare interests; creating s. 702.036, F.S.; requiring a court to treat a collateral attack on a final judgment of foreclosure on a mortgage as a claim for monetary damages under certain circumstances; prohibiting such court from granting certain relief affecting title to the foreclosed property; providing for construction relating to the rights of certain persons to seek specified types of relief or pursue claims against the foreclosed property under certain circumstances; amending s. 702.06, F.S.; limiting the amount of a deficiency judgment; amending s. 702.10, F.S.; revising the class of persons authorized to move for expedited foreclosure to include lienholders; defining the term "lienholder"; providing requirements and procedures with respect to an order directed to defendants to show cause why a final judgment of foreclosure should not be entered; providing that certain failures by a defendant to make certain filings or to make certain appearances may have specified legal consequences; requiring the court to enter a final judgment of foreclosure and order a foreclosure sale under certain circumstances; revising a restriction on a mortgagee to request a court to order a mortgagor defendant to make payments or to vacate the premises during an action to foreclose on residential real estate to provide that the restriction applies to all but owner-occupied residential property; providing a presumption regarding owner-occupied residential property; creating s. 702.11, F.S.; providing requirements for reasonable means of providing adequate protection under s. 673.3091, F.S., in mortgage foreclosures of certain residential properties; providing for liability of persons who wrongly claim to be holders of or entitled to enforce a lost, stolen, or destroyed note and cause the mortgage secured thereby to be foreclosed in certain circumstances; providing legislative findings; providing for applicability; requesting the Florida Supreme Court to adopt rules and forms to expedite foreclosure proceedings; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Appropriations.

By Health & Human Services Committee, Health Care Appropriations Subcommittee, Health Innovation Subcommittee and Representative(s) Smith, Fasano, Jones, M.—

CS for CS for CS for HB 125—A bill to be entitled An act relating to the Program of All-inclusive Care for the Elderly (PACE); requiring the Agency for Health Care Administration to contract with a certain organization to provide PACE services in Duval, St. Johns, Baker, and Nassau Counties; requiring the agency to contract with a certain not-for-profit corporation to provide PACE services in Alachua and Clay Counties; authorizing the agency to contract with a certain organization to provide PACE services in Hernando and Pasco counties; providing an exemption from ch. 641, F.S., for an organization or the not-for-profit corporation providing PACE services in counties specified in the act; authorizing, subject to appropriation, enrollment slots for the program in such counties; prohibiting the agency from issuing additional PACE contracts under certain circumstances; requiring PACE projects approved after a specified date to be subject to certain rate-setting and encounter data submission requirements; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Health Care Appropriations Subcommittee and Representative(s) Reed, Pafford, Van Zant—

CS for HB 241—A bill to be entitled An act relating to community health workers; providing definitions; specifying the duties and activities of community health workers; creating the Community Health Worker Task Force within a state college or university; requiring the Department of Health to provide administrative support and services; providing membership and duties of the task force; requiring the members of the task force to elect a chair and vice chair; providing that task force members serve without compensation and are not entitled to reimbursement for per diem or travel expenses; requiring that the task force meet at least quarterly in person, by teleconference, or by other electronic means; specifying the number of members required for a quorum; requiring the task force to submit a report to the Governor and Legislature by a specified date; providing an effective date.

—was referred to the Committees on Health Policy; Education; Community Affairs; and Rules.

By Transportation & Economic Development Appropriations Subcommittee, Transportation & Highway Safety Subcommittee and Representative(s) Rogers, Bracy, Powell—

CS for CS for HB 427—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Sun, Sea, and Smiles license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Rules; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By Economic Development & Tourism Subcommittee and Representative(s) Raulerson, Fitzenhagen, Nelson, Rodrigues, R.—

CS for HB 589—A bill to be entitled An act relating to the State Poet Laureate; amending s. 265.285, F.S.; assigning duties to the Florida Council on Arts and Culture relating to the promotion of poetry and recommendations for the appointment of the State Poet Laureate; creating s. 265.2863, F.S.; creating the honorary position of State Poet Laureate within the Department of State; establishing procedures for the acceptance of nominations, the qualifications and recommendation of nominees, and the appointment of the State Poet Laureate; providing terms and the process for filling vacancies; specifying that any former poet laureate becomes a State Poet Laureate Emeritus or State Poet

Laureate Emerita; providing that the State Poet Laureate, the State Poet Laureate Emeritus, and the State Poet Laureate Emerita shall serve without compensation; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Education; and Rules.

By Regulatory Affairs Committee, Finance & Tax Subcommittee and Representative(s) Steube, Gonzalez—

CS for CS for HB 807—A bill to be entitled An act relating to emergency communication system; amending s. 365.172, F.S., relating to the Emergency Communications Number E911 System; revising definitions; revising provisions relating to oversight of certain fees by the Technology Program within the Department of Management Services; revising E911 board appointment provisions; revising duties of the board; revising provisions for administration, distribution, and use of the E911 fee; revising provisions for state E911 Grant Program funding; revising E911 fee provisions; revising fee collection procedures; providing that the state and local governments are not consumers for certain purposes; specifying the amount of the fee; revising provisions for use of the fees collected; authorizing the board to adjust the rate of the fee; providing that fees collected may not be included in the base for measuring any tax, fee, surcharge, or other charge; providing for a prepaid wireless E911 fee; limiting the amount of the fee; providing procedures for adjustment and imposition of the fee; requiring the Department of Revenue to provide notice to sellers; providing requirements for collection of the fee by the seller; providing criteria for the location of the transaction; providing requirements and procedures for filing returns and remitting fees to the Department of Revenue; providing that the Department of Revenue is the agent for the E911 Board for purposes of collecting the prepaid wireless E911 fee; requiring sellers of prepaid wireless services to register with the department; providing for distribution of funds remitted; limiting liability of provider or seller of prepaid wireless service; prohibiting a local government from imposing a fee on sellers of prepaid wireless services; providing that the state and local governments are not consumers for certain purposes; providing definitions for specified purposes; revising provisions for authorized expenditures of the E911 fee; providing that certain costs of the Department of Health are functions of 911 services; amending s. 365.173, F.S.; revising provisions for accounting, distribution, use, and auditing of the Emergency Communications Number E911 System Fund; providing for a prepaid wireless category in such fund; providing an appropriation; providing effective dates.

—was referred to the Committees on Communications, Energy, and Public Utilities; Regulated Industries; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Representative(s) Rooney—

HB 855—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida, as amended; authorizing construction of improvements on district property for recreational purposes within a specified area of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Economic Affairs Committee, Transportation & Economic Development Appropriations Subcommittee, Transportation & Highway Safety Subcommittee and Representative(s) Ray, Rogers, Broxson—

CS for CS for CS for HB 879—A bill to be entitled An act relating to freight logistics zones; creating s. 311.103, F.S.; defining the term "freight logistics zones"; authorizing a county or two or more contiguous counties to designate a geographic area or areas within its jurisdiction as a freight logistics zone; requiring the adoption of a strategic plan which must include certain information; providing that certain projects within freight logistics zones may be eligible for priority in state funding and certain incentive programs; providing evaluation criteria for freight logistics zones; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Representative(s) Roberson, K.—

HB 949—A bill to be entitled An act relating to Charlotte County; amending chapter 98-508, Laws of Florida, as amended; revising provisions for the election of members of the Charlotte County Airport Authority; providing for the members to be known as commissioners; repealing s. 2 of chapter 63-1207, Laws of Florida, relating to obsolete provisions for the election of members of the Charlotte County Development Commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Harrell—

CS for HB 977—A bill to be entitled An act relating to St. Lucie County Mosquito Control District, St. Lucie County; amending chapter 2003-365, Laws of Florida; revising the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Mayfield—

HB 979—A bill to be entitled An act relating to Fort Pierce Farms Water Control District, St. Lucie County; codifying the district's charter pursuant to s. 189.429, Florida Statutes; providing legislative intent; amending, codifying, repealing, and reenacting all special acts relating to Fort Pierce Farms Water Control District as a single act; repealing chapters 9981 (1923), 10549 (1925), 12033 (1927), 16032 (1933), 25447 (1949), 65-1226, 78-609, 82-376, 87-448, and 2012-240, Laws of Florida, relating to the Fort Pierce Farms Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Mayfield—

CS for HB 981—A bill to be entitled An act relating to the North St. Lucie River Water Control District, St. Lucie County; codifying, amending, reenacting, and repealing special acts relating to the district; providing a charter for the district; providing district boundaries; providing purpose; providing for a governing board and its membership, compensation, and duties; providing requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing for the issuance of bonds; providing for elections; authorizing the levy of taxes, non-ad valorem assessments, fees, and service charges; providing for termination of the district; providing for construction and severability; repealing chapters 7973 (1919), 8896 (1921), 9635 (1923), 11129 (1925), 12106 (1927), 12108 (1927), 12109 (1927), 14773 (1931), 14774 (1931), 14775 (1931), 16089 (1933), 22111 (1943), 22714 (1945), 26790 (1951), 28379 (1953), 28647 (1953), 57-842, 59-979, 59-980, 65-1225, 69-1544, 96-529, and 2012-237, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Economic Affairs Committee and Representative(s) Rodrigues, R., Fitzenhagen—

CS for HB 1007—A bill to be entitled An act relating to the Lee County Tourist Development Council, Lee County; revising membership

of the council; providing an exception to general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Workman—

CS for HB 1013—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; abolishing the authority; transferring all assets and liabilities of the authority to the county; repealing ch. 2005-337, Laws of Florida, relating to creation of the authority; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Health & Human Services Committee, Healthy Families Subcommittee and Representative(s) Roberson, K.—

CS for CS for HB 1015—A bill to be entitled An act relating to the state ombudsman program; amending s. 400.0060, F.S.; revising and providing definitions; amending s. 400.0061, F.S.; revising legislative intent with respect to citizen ombudsmen; deleting references to ombudsman councils and transferring their responsibilities to representatives of the Office of State Long-Term Care Ombudsman; amending s. 400.0063, F.S.; revising duties of the office; amending s. 400.0065, F.S.; revising the purpose of state and local ombudsman councils; establishing districts; requiring the state ombudsman to submit an annual report to the Governor, the Legislature, and specified agencies and entities; amending s. 400.0067, F.S.; revising duties and membership of the State Long-Term Care Ombudsman Council; amending s. 400.0069, F.S.; requiring the state ombudsman to designate and direct program districts; providing duties of representatives of the office in the districts; providing for appointment and qualifications of district ombudsmen; prohibiting certain individuals from serving as ombudsmen; amending s. 400.0070, F.S.; providing conditions under which a representative of the office could be found to have a conflict of interest; amending s. 400.0071, F.S.; requiring the Department of Elderly Affairs to consult with the state ombudsman before adopting rules pertaining to complaint resolution; amending s. 400.0073, F.S.; providing procedures for investigation of complaints; amending s. 400.0074, F.S.; revising procedures for conducting onsite administrative assessments; authorizing the department to adopt rules; amending s. 400.0075, F.S.; revising complaint notification and resolution procedures; amending s. 400.0078, F.S.; providing for a resident or representative of a resident to receive additional information regarding resident rights; amending s. 400.0079, F.S.; providing immunity from liability for a representative of the office under certain circumstances; amending s. 400.0081, F.S.; requiring long-term care facilities to provide representatives of the office with access to facilities, residents, and records for certain purposes; amending s. 400.0083, F.S.; conforming provisions to changes made by the act; amending s. 400.0087, F.S.; providing for the office to coordinate ombudsman services with Disability Rights Florida; amending s. 400.0089, F.S.; conforming provisions to changes made by the act; amending s. 400.0091, F.S.; revising training requirements for representatives of the office and ombudsmen; amending ss. 20.41, 400.021, 400.022, 400.0255, 400.1413, 400.162, 400.19, 400.191, 400.23, 400.235, 415.1034, 415.104, 415.1055, 415.106, 415.107, 429.02, 429.07, 429.19, 429.26, 429.28, 429.34, 429.35, 429.85, and 744.444, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative(s) Waldman—

HB 1027—A bill to be entitled An act relating to the Broward County Education, Research, and Training Authority, Broward County; repealing chapter 94-431, Laws of Florida, relating to the creation of the authority; abolishing the authority; transferring assets and liabilities of the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Ingram—

CS for HB 1069—A bill to be entitled An act relating to the Emerald Coast Utilities Authority, Escambia County; amending chapter 2001-324, Laws of Florida; revising the frequency of a management efficiency audit; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Harrell—

CS for HB 1171—A bill to be entitled An act relating to St. Lucie and Martin Counties; amending chapter 2012-45, Laws of Florida; revising provisions for the temporary distribution from Martin County to St. Lucie County of certain tax and assessment revenue collected in a portion of St. Lucie County being incorporated into Martin County; defining the term "tax and assessment revenue"; exempting certain revenue from distribution to St. Lucie County; revising the annual date of such distributions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By State Affairs Committee and Representative(s) Beshears, Raburn, Albritton, Edwards, Steube—

CS for HB 1193—A bill to be entitled An act relating to the taxation of property; amending s. 193.461, F.S.; deleting authorization for a value adjustment board upon its own motion to review lands classified by a property appraiser as agricultural or nonagricultural; deleting a requirement that the property appraiser must reclassify as nonagricultural certain lands that have been zoned to a nonagricultural use; deleting authorization for a board of county commissioners to reclassify as nonagricultural certain lands that are contiguous to urban or metropolitan development under specified circumstances; deleting an evidentiary presumption that land is not being used primarily for bone fide agricultural purposes if it is purchased for a certain amount above its agricultural assessment; amending s. 193.503, F.S.; deleting authorization for a value adjustment board upon its own motion to review property granted or denied classification by a property appraiser as historic property that is being used for commercial or certain nonprofit purposes; amending s. 193.625, F.S.; deleting authorization for a value adjustment board upon its own motion to review land granted or denied a high-water recharge classification by a property appraiser; amending s. 196.194, F.S.; deleting authorization for a value adjustment board to review property tax exemptions upon its own motion or motion of the property appraiser and deleting certain notice requirements relating to the review of such exemptions; providing for retroactive application; providing an effective date.

—was referred to the Committees on Community Affairs; Agriculture; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Representative(s) Hudson—

HB 1271—A bill to be entitled An act relating to the Central County Water Control District, Hendry County; amending chapter 2000-415, Laws of Florida; revising the legal description of the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Caldwell—

CS for HB 1281—A bill to be entitled An act relating to East County Water Control District, Hendry and Lee Counties; amending chapter 2000-423, Laws of Florida; authorizing the board of commissioners to exercise additional powers relating to public improvements and community facilities and their funding; providing for applicability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Adkins—

HB 1283—A bill to be entitled An act relating to Nassau County; amending chapter 81-440, Laws of Florida; revising criteria for special alcoholic beverage licenses for restaurants within the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Williams, A.—

HB 1285—A bill to be entitled An act relating to the Tallahassee-Leon County Civic Center Authority, Leon County; abolishing the authority; repealing chapter 2004-435, Laws of Florida, relating to the charter of the authority; designating the Tallahassee-Leon County Civic Center as the "Donald L. Tucker Civic Center"; providing for the erection of suitable markers; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to Florida State University or its designee; transferring all assets and liabilities of the authority to the university; providing for applicability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) La Rosa—

HB 1287—A bill to be entitled An act relating to the Tohopekaliga Water Authority, Osceola County; amending chapter 2003-368, Laws of Florida; revising the terms of members of the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Raschein—

CS for HB 1321—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; amending chapter 76-441, Laws of Florida, as amended; revising membership of the board of directors of the authority; providing that members be elected in nonpartisan elections rather than appointed; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Health Innovation Subcommittee and Representative(s) Nuñez, Ahern, Steube—

CS for HB 1323—A bill to be entitled An act relating to Medicaid eligibility; amending s. 409.902, F.S.; providing asset transfer limitations for the determination of eligibility for certain nursing facility services under the Medicaid program after a specified date; requiring the Department of Children and Families to determine the institutional spouse ineligible for Medicaid under certain circumstances; authorizing the Agency for Health Care Administration to recover certain Medicaid expenses; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative(s) Young—

HB 1367—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida, as amended; deleting a requirement that certain expenditures be approved by an affirmative vote of a specified number of members of the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Judiciary Committee, Justice Appropriations Subcommittee, Civil Justice Subcommittee and Representative(s) Mayfield—

CS for CS for CS for HB 1379—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; requiring sheriffs to charge a uniform fee for service of process; amending s. 48.031, F.S.; requiring an employer to allow an authorized individual to make service on an employee in a private area designated by the employer; providing a civil fine for employers failing to comply with the process; revising provisions relating to substitute service if a specified number of attempts of service have been made at a business that is a sole proprietorship under certain circumstances; requiring the person requesting service or the person authorized to serve the process to file the return-of-service form; amending s. 48.081, F.S.; revising provisions relating to service on a corporation; amending s. 56.27, F.S.; providing that a sheriff may rely on the affidavit submitted by the levying creditor; providing that the sheriff may apply for instructions from the court regarding the distribution of proceeds from a levy sale; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Local & Federal Affairs Committee and Representative(s) Raschein—

CS for HB 1403—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida, as amended; revising provisions relating to vacancies on the district's governing board; revising compensation of the governing board members, subject to annual adjustment according to a specified price index; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Hooper—

CS for HB 1411—A bill to be entitled An act relating to Pinellas County; amending chapter 72-666, Laws of Florida, as amended; updating terminology applicable to provisions relating to the Pinellas Police Standards Council; revising certain assessments of court costs that provide funding for the council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Regulatory Affairs Committee and Representative(s) Beshears—

CS for HB 1421—A bill to be entitled An act relating to Madison County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a special alcoholic beverage license to certain hotels and motels in the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Waldman—

HB 4037—A bill to be entitled An act relating to Broward County; repealing chapter 12554 (1927), Laws of Florida, relating to saltwater fishing; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Waldman—

HB 4039—A bill to be entitled An act relating to Broward County; repealing chapter 8636 (1921), Laws of Florida, relating to fishing; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Ingram, Ford—

HB 4053—A bill to be entitled An act relating to the City of Pensacola, Escambia County; repealing chapters 84-510, 86-447, 86-450, 88-537, and 90-473, Laws of Florida; repealing the Civil Service System for city employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Insurance & Banking Subcommittee and Representative(s) Richardson, Artiles, Diaz, J., Nuñez, Pritchett, Stewart, Watson, B.—

CS for HB 433—A bill to be entitled An act relating to the inspector general of Citizens Property Insurance Corporation; amending s. 627.351, F.S.; requiring the internal auditor of the corporation to cooperate and coordinate activities with the inspector general; requiring employees of the corporation to report certain information to the inspector general; establishing the Office of Inspector General within the corporation; providing for appointment and duties of the inspector general; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By Representative(s) Raulerson—

HB 533—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the General Employees' Pension Plan for the City of Tampa; revising the definition of the term "Pension Credit"; specifying conditions under which an Employee's Pension Credit is nonforfeitable; providing for the return to an Employee of his or her contributions to the Plan under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Education Committee, Education Appropriations Subcommittee and Representative(s) Eagle, Fitzenhagen, Passidomo—

CS for CS for HB 801—A bill to be entitled An act relating to certified school counselors; amending ss. 322.091, 381.0057, 1002.3105, 1003.21, 1003.43, 1003.491, 1004.04, 1006.025, 1007.35, 1008.42, 1009.53, 1012.01, 1012.71, and 1012.98, F.S.; requiring that counselors in elementary, middle, and high schools be certified school counselors; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Health & Human Services Committee, Health Innovation Subcommittee and Representative(s) O'Toole—

CS for CS for HB 1159—A bill to be entitled An act relating to health care facilities; amending s. 395.003, F.S.; authorizing certain specialty-licensed children's hospitals to provide obstetrical services under certain circumstances; amending s. 408.036, F.S.; providing for expedited review of certificate-of-need for licensed skilled nursing facilities in qualifying retirement communities; providing criteria for expedited review for licensed skilled nursing homes in qualifying retirement communities; limiting the number of beds per retirement community that can be added through expedited review; providing for severability; providing an effective date.

—was referred to the Committees on Judiciary; Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Insurance & Banking Subcommittee and Representative(s) Nelson—

CS for HB 1191—A bill to be entitled An act relating to captive insurance; amending s. 628.901, F.S.; revising definitions; amending s. 628.905, F.S.; revising terminology; prohibiting an industrial insured captive insurance company from insuring risks other than specified risks; authorizing the licensure of industrial insured captive insurance companies to provide workers compensation and employer's liability insurance in excess of a specified amount; requiring an industrial insured captive insurance company to maintain a certain amount of capital and surplus in order to continue to write such excess workers compensation; specifying that certain duties or actions are the responsibility of the Office of Insurance Regulation; amending s. 628.907, F.S.; conforming a provision; amending s. 628.909, F.S.; providing applicability of specified provisions to captive insurance companies and industrial insured captive insurance companies; conforming provisions; amending ss. 628.9142, 628.915, and 628.917, F.S.; conforming provisions; amending s. 628.919, F.S.; requiring a pure captive insurance company to submit certain standards relating to the risk management of controlled unaffiliated businesses to the Office of Insurance Regulation for approval; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Tourism; and Appropriations.

By Regulatory Affairs Committee, Appropriations Committee, Business & Professional Regulation Subcommittee and Representative(s) Davis—

CS for CS for CS for HB 1245—A bill to be entitled An act relating to building construction; amending s. 162.12, F.S.; revising notice requirements in the Local Government Code Enforcement Boards Act; amending ss. 255.20 and 255.2575, F.S.; requiring public construction works contracts to include specified information; amending s. 255.257, F.S.; requiring state agencies to use a sustainable building rating system or a national model green building code for new buildings and renovations; amending s. 381.0065, F.S.; specifying that certain actions relating to onsite sewage treatment and removal are not required if a bedroom is not added during a remodeling addition or modification to a single-family home; prohibiting a remodeling addition or modification from certain coverage or encroachment; authorizing a local health board to review specific plans; requiring a review to be completed within a specific time period after receipt of specific plans; amending s. 489.105, F.S.;

revising definitions; providing legislative intent with respect to the applicability of certain amendments to s. 489.113(2), F.S.; providing for retroactive effect; amending s. 489.127, F.S.; revising civil penalties; authorizing a local building department to retain 75 percent of certain fines collected if it transmits 25 percent to the Department of Business and Professional Regulation; amending s. 489.131, F.S.; deleting legislative intent referring to a local agency's enforcement of regulatory laws; deleting the definitions of "minor violation" and "notice of noncompliance"; deleting provisions that provide for what a notice of noncompliance should or should not include; deleting a provision that provides for further disciplinary proceedings for certain licensees; amending s. 489.514, F.S.; extending the date by which an applicant must make application for a contracting license to be grandfathered; amending s. 489.531, F.S.; revising maximum civil penalties for specified violations; amending s. 553.71, F.S.; defining the term "local technical amendment"; amending s. 553.73, F.S.; prohibiting any provision of the International Residential Code relating to mandated fire sprinklers from incorporation into the Florida Building Code; amending s. 553.74, F.S.; revising the membership of the Florida Building Commission; amending s. 553.79, F.S.; conforming a cross-reference; authorizing a site plan to be maintained at the worksite as an electronic copy; requiring the copy to be open to inspection by certain officials; amending s. 553.842, F.S.; requiring statewide approval of impact protective systems by the commission; requiring an application for state approval of a certain product to be approved by the department after the application and related documentation are complete; amending ss. 553.901, 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.; requiring the Florida Building Commission to adopt the Florida Building Code—Energy Conservation; conforming subsequent sections of the thermal efficiency code; amending s. 553.912, F.S.; requiring replacement air conditioning systems in residential applications to use energy-saving quality installation procedures; providing that certain existing heating and cooling equipment is not required to meet the minimum equipment efficiencies; amending s. 553.991, F.S.; revising the purpose of the Florida Building Energy-Efficiency Rating Act; repealing s. 553.992, F.S., relating to the adoption of a statewide uniform building energy-efficiency rating system; amending s. 553.993, F.S.; providing definitions; amending s. 553.994, F.S.; providing for applicability of building energy-efficiency rating systems; amending s. 553.995, F.S.; revising requirements for building energy-efficiency rating systems; deleting provisions related to an advisory working group; revising requirements for the training and certification of persons who conduct the energy efficiency ratings; amending s. 553.996, F.S.; requiring building energy-efficiency rating system providers to provide certain information to prospective purchasers; amending s. 553.997, F.S.; deleting requirement that the department participate in making certain energy-efficiency practices information available on behalf of other state agencies; amending s. 553.998, F.S.; revising provisions relating to the certification of energy efficiency ratings for compliance; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; and Appropriations.

By Economic Affairs Committee, Transportation & Economic Development Appropriations Subcommittee, Economic Development & Tourism Subcommittee and Representative(s) Trujillo—

CS for CS for HB 7007—A bill to be entitled An act relating to economic development; amending s. 20.60, F.S.; revising the date on which the Department of Economic Opportunity and Enterprise Florida, Inc., are required to report on the business climate and economic development in the state; specifying reports and information that must be included; amending s. 201.15, F.S.; revising the distribution of funds in the Grants and Donations Trust Fund; amending s. 212.08, F.S.; revising definitions; amending s. 213.053, F.S.; authorizing the Department of Revenue to make certain information available to the director of the Office of Program Policy Analysis and Government Accountability and the coordinator of the Office of Economic and Demographic Research; authorizing the offices to share certain information; amending s. 220.194, F.S.; requiring the annual report for the Florida Space Business Incentives Act to be included in the annual incentives report; deleting certain reporting requirements; amending s. 288.001, F.S.; providing a network purpose; providing definitions; requiring the statewide director and the network to operate the program in compliance with federal laws and regulations and a Board of Governors regulation; requiring the statewide director to consult with the Board of Governors, the Department of Economic Opportunity, and the network's statewide advisory board to establish certain policies and goals; requiring the network to maintain a statewide advisory board; providing for advisory board membership; providing for terms of membership; providing for certain member reimbursement; requiring the director to develop support services; specifying support service requirements; requiring businesses that receive support services to participate in certain assessments; requiring the network to provide a match equal to certain state funding; providing criteria for the match; requiring the statewide director to coordinate with the host institution to establish a pay-per-performance incentive; providing for pay-per-performance incentive funding and distribution; providing a distribution formula requirement; requiring the statewide director to coordinate with the advisory board to distribute funds for certain purposes and develop programs to distribute funds for those purposes; requiring the network to announce available funding, performance expectations, and other requirements; requiring the statewide director to present applications and recommendations to the advisory board; requiring applications approved by the advisory board to be publicly posted; providing minimum requirements for a program; prohibiting certain regional small business development centers from receiving funds; providing that match funding may not be reduced for regional small business development centers receiving additional funds; requiring the statewide director to regularly update the Board of Governors, the department, and the advisory board with certain information; requiring the statewide director, in coordination with the advisory board, to annually report certain information to the President of the Senate and the Speaker of the House of Representatives; amending s. 288.005, F.S.; revising definitions; amending s. 288.012, F.S.; requiring each State of Florida international office to submit a report to Enterprise Florida, Inc., for inclusion in its annual report; deleting a reporting date; amending s. 288.0656, F.S.; requiring the Rural Economic Development Initiative to submit a report to supplement the department's annual report; deleting certain reporting requirements; amending s. 288.061, F.S.; providing for the evaluation of economic development incentive applications; requiring an applicant to provide a surety bond to the department before the applicant receives incentive awards through the Quick Action Closing Fund or the Innovation Incentive Program; requiring the contract or agreement to provide that the bond remain in effect until all conditions have been satisfied; providing that the department may require the bond to cover the entire contracted amount or allow for bonds to be renewed upon completion of certain performance measures; requiring the contract or agreement to provide that funds are contingent upon receipt of the surety bond; requiring the contract or agreement to provide that up to half of the premium payment on the bond may be paid from the award up to a certain amount; requiring an applicant to notify the department of premium payments; providing for certain notice requirements upon cancellation or nonrenewal by an insurer; providing that the cancellation of the surety bond violates the contract or agreement; providing an exception; providing for a waiver if certain information is provided; providing that if the department grants a waiver, the contract or agreement must provide for securing the award in a certain form; requiring the contract or agreement to provide that the release of funds is contingent upon satisfying certain requirements; requiring the irrevocable letter of credit, trust, or security agreement to remain in effect until certain conditions have been satisfied; providing for a waiver of the surety bond or other security if certain information is provided and the department determines it to be in the best interest of the state; providing that the waiver of the surety bond or other security, for funding in excess of $5 million, must be approved by the Legislative Budget Commission; prohibiting the executive director from approving an economic development incentive application unless a specified written declaration is received; requiring an awardee to provide a signed written declaration in specified years; providing that the state may bring suit upon default or upon a violation of this section; providing that the department may adopt rules to implement this section; creating s. 288.076, F.S.; providing definitions; requiring the department to publish on a website specified information concerning state investment in economic development programs; requiring the department to work with the Office of Economic and Demographic Research to provide a description of specified methodology and requiring the department to publish such description on its website; providing procedures and requirements for reviewing, updating, and supplementing specified published information; requiring the department to annually publish information relating to the progress of Quick Action Closing Fund projects; requiring the department to publish certain confidential information pertaining to participant businesses upon expiration of a specified con-

fidentiality period; requiring the department to publish certain reports concerning businesses that fail to complete tax refund agreements under the tax refund program for qualified target industry businesses; providing for construction and legislative intent; authorizing the department to adopt rules; creating s. 288.0761, F.S.; establishing the Economic Development Programs Evaluation; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to present the evaluation; requiring the offices to develop and submit a work plan for completing the evaluation by a certain date; requiring the offices to provide an analysis of certain economic development programs and specifying a schedule; requiring the Office of Economic and Demographic Research to make certain evaluations in its analysis; limiting the office's evaluation for the purposes of tax credits, tax refunds, sales tax exemptions, cash grants, and similar programs; requiring the office to use a certain model to evaluate each program; requiring the Office of Program Policy Analysis and Government Accountability to make certain evaluations in its analysis; providing the offices access to all data necessary to complete the evaluation; repealing s. 288.095(3)(c), F.S., relating to the annual report by Enterprise Florida, Inc., of programs funded by the Economic Development Incentives Account; amending s. 288.106, F.S.; revising provisions relating to the application and approval process of the tax refund program for qualified target industry businesses; requiring the department to include information on qualified target industry businesses in the annual incentives report; deleting certain reporting requirements; amending s. 288.107, F.S.; revising definitions; revising provisions to conform to changes made by the act; revising the minimum criteria for participation in the brownfield redevelopment bonus refund; amending s. 288.1081, F.S.; requiring the use of loan funds from the Economic Gardening Business Loan Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1082, F.S.; requiring the progress of the Economic Gardening Technical Assistance Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1088, F.S.; requiring the department to validate contractor performance for the Quick Action Closing Fund and include the performance validation in the annual incentives report; deleting certain reporting requirements; amending s. 288.1089, F.S.; requiring that certain projects in the Innovation Incentive Program provide a cumulative break-even economic benefit; requiring the department to report information relating to the Innovation Incentive Program in the annual incentives report; deleting certain reporting requirements; deleting provisions that require the Office of Program Policy Analysis and Government Accountability and the Auditor General's Office to report on the Innovation Incentive Program; amending s. 288.1253, F.S.; revising a reporting date; requiring expenditures of the Office of Film and Entertainment to be included in the annual entertainment industry financial incentive program report; amending s. 288.1254, F.S.; revising a reporting date; requiring the annual entertainment industry financial incentive program report to include certain information; amending s. 288.1258, F.S.; revising a reporting date; requiring the report detailing the relationship between tax exemptions and incentives to industry growth to be included in the annual entertainment industry financial incentive program report; amending s. 288.714, F.S.; requiring the department's annual report to include a report on the Black Business Loan Program; deleting certain reporting requirements; amending s. 288.7771, F.S.; requiring the Florida Export Finance Corporation to submit a report to Enterprise Florida, Inc.; amending s. 288.903, F.S.; requiring Enterprise Florida, Inc., with the department, to prepare an annual incentives report; repealing s. 288.904(6), F.S., relating to Enterprise Florida, Inc., which requires the department to report the return on the public's investment; amending s. 288.906, F.S.; requiring certain reports to be included in the Enterprise Florida, Inc., annual report; amending s. 288.907, F.S.; requiring Enterprise Florida, Inc., in conjunction with the department, to prepare the annual incentives report; requiring the report to include certain information; deleting a provision requiring the Division of Strategic Business Development to assist Enterprise Florida, Inc., with the report; amending s. 288.92, F.S.; requiring each division of Enterprise Florida, Inc., to submit a report; amending s. 288.95155, F.S.; requiring the financial status of the Florida Small Business Technology Growth Program to be included in the annual incentives report; amending 288.9918, F.S.; revising reporting requirements related to community development entities, amending 290.0055, F.S.; providing for the expansion of the boundaries of enterprise zones that meet certain requirements; providing an application deadline; amending s. 290.0056, F.S.; revising a reporting date; requiring the enterprise zone development agency to submit certain information for the department's annual report; amending s. 290.014, F.S.; revising a reporting date; requiring certain reports on enterprise zones to be included in the department's annual report; amending s. 290.0455, F.S.; providing for the state's guarantee of certain federal loans to local governments; requiring applicants for such loans to pledge a specified amount of revenues to guarantee the loans; revising requirements for the department to submit recommendations to the Federal Government for such loans; revising the maximum amount of the loan guarantee commitment that a local government may receive and providing exceptions; providing for reduction of a local government's future community development block grants if the local government defaults on the federal loan; providing procedures if a local government is granted entitlement community status; amending s. 331.3051, F.S.; revising a reporting date; requiring Space Florida's annual report to include certain information; amending s. 331.310, F.S.; requiring the Board of Directors of Space Florida to supplement Space Florida's annual report with operations information; deleting certain reporting requirements; amending s. 376.78, F.S.; revising legislative intent with regard to community revitalization in certain areas; amending s. 376.80, F.S.; revising procedures for designation of brownfield areas by local governments; authorizing local governments to use a term other than "brownfield area" when naming such areas; amending s. 376.82, F.S.; providing relief of liability for property damages for entities that execute and implement certain brownfield site rehabilitation agreements; providing for applicability; amending s. 443.036, F.S.; providing examples of misconduct; amending s. 443.091, F.S.; providing for online work registration and providing exceptions; limiting a claimant's use of the same prospective employer to meet work search requirements; providing an exception, providing that work search requirements do not apply to individuals required to participate in reemployment services; amending s. 443.101, F.S.; providing for disqualification in any week with respect to which the department finds that his or her unemployment is due to failure without good cause to maintain a license, registration, or certification required by applicable law necessary for the employee to perform her or his assigned job duties; providing examples of "good cause"; amending s. 443.1113, F.S., relating to the Reemployment Assistance Claims and Benefits Information System; revising timeframe for deployment of a certain Internet portal as part of such system; amending s. 443.131, F.S.; revising requirements for the estimate of interest due on advances received from the Federal Government to the Unemployment Compensation Trust Fund; revising the calculation of additional assessments to contributing employers to repay the interest; providing an exemption from such additional assessments; amending s. 443.151 F.S.; revising provisions to conform to changes made to benefit eligibility; providing that an employer or its agent may not be relieved of benefit charges for failure to timely and adequately respond to notice of claim or request for information; imposing a penalty against a claimant who is overpaid reemployment assistance benefits due to fraud by the claimant; requiring appeals referees appointed on or after a specified date to be attorneys in good standing or admitted to The Florida Bar within a specified period after appointment; amending s. 443.1715, F.S.; prohibiting the unlawful disclosure of certain confidential information relating to employing units and individuals under the Reemployment Assistance Program Law; providing penalties; amending s. 443.191, F.S.; providing for deposit of moneys collected for certain penalties in the Unemployment Compensation Trust Fund; amending s. 446.50, F.S.; requiring the department's annual report to include a plan for the displaced homemaker program; deleting certain reporting requirements; providing for applicability; providing effective dates.

—was referred to the Committees on Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By Economic Affairs Committee, Transportation & Economic Development Appropriations Subcommittee, Transportation & Highway Safety Subcommittee and Representative(s) Raburn, Campbell, Slosberg—

CS for CS for HB 7125—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from career service; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms "apportioned motor vehicle" and "apportionable vehicle"; amending s. 316.0083, F.S.; revising provisions for enforcement

of specified provisions using a traffic infraction detector; prohibiting a notice of violation or a traffic citation for a right on red violation under specified provisions; amending s. 316.066, F.S.; authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.0776, F.S.; removing a requirement that the department, a county, or a municipality notify the public of enforcement of violations concerning right turns via a traffic infraction detector; amending s. 316.081, F.S.; prohibiting a driver from driving at less than the posted speed in the furthermost left-hand lane of a road, street, or highway having two or more lanes if being overtaken by a motor vehicle; providing exceptions; providing penalties; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.2397, F.S.; exempting specified municipal officials from a prohibition against showing or displaying blue lights on a motor vehicle under certain conditions; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal regulations relating to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of motor vehicle for refusal to pay penalty; providing penalties for violation of specified federal regulations relating to commercial drivers and the use of mobile telephones and texting while driving a commercial motor vehicle; providing exemptions; amending s. 316.515, F.S.; revising provisions for exceptions to width, height, and length limitations; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S., relating to proof of property damage liability security and display thereof; providing for proof of insurance in an electronic format and on an electronic device; providing conditions relating to the use of such electronic device; requiring the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S., relating to disposition of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner's permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons taking unapproved course; providing criteria for initial approval of courses; revising requirements for courses, course certificates, and course providers; directing the department to adopt rules; creating s. 319.141, F.S.; directing the department to conduct a pilot program to evaluate rebuilt vehicle inspection services performed by the private sector; providing definitions; providing for the department to enter into a memorandum of understanding with the private provider; providing minimum criteria and certain requirements; requiring the department to provide a report to the Legislature; providing for future expiration; amending s. 319.225, F.S.; revising provisions for certificates of title, reassignment of title, and forms; revising procedures for transfer of title; amending s. 319.23, F.S.; revising requirements for content of certificates of title and applications for title; amending s. 319.28, F.S.; revising provisions for transfer of ownership by operation of law when a motor vehicle or mobile home is repossessed; removing provisions for a certificate of repossession; amending s. 319.30, F.S., relating to disposition of derelict motor vehicles; defining the term "National Motor Vehicle Title Information System"; requiring salvage motor vehicle dealers, insurance companies, and other persons to notify the system when receiving or disposing of such a vehicle; requiring proof of such notification when applying for a certificate of destruction or salvage certificate of title; providing penalties; amending s. 319.323, F.S., relating to expedited services of the department; removing certificates of repossession; amending s. 320.01, F.S.; removing the definition of the term "apportioned motor vehicle"; revising the definition of the term "apportionable vehicle"; amending s. 320.02, F.S.; revising requirements for application for motor vehicle registration; providing for insurers to furnish proof-of-purchase cards in a paper or an electronic format; requiring the application form for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 320.03, F.S.; revising a provision for registration under the International Registration Plan; amending s. 320.071, F.S.; revising a provision for advance renewal of registration under the International Registration Plan; amending s. 320.0715, F.S.; revising provisions for vehicles required to be registered under the International Registration Plan; amending s. 320.08058, F.S.; revising the prescribed use of proceeds from the sale of Hispanic Achievers license plates; amending s. 320.089, F.S.; creating a special use license plate for current or former members of the United States Armed Forces who participated in Operation Desert Storm or Operation Desert Shield; amending s. 320.18, F.S.; providing for withholding of motor vehicle or mobile home registration when a coowner has failed to register the motor vehicle or mobile home during a previous period when such registration was required; providing for cancelling a vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the coowner pays certain fees and other liabilities with a dishonored check; amending s. 320.27, F.S., relating to motor vehicle dealers; providing for extended periods for dealer licenses and supplemental licenses; providing fees; amending s. 320.62, F.S., relating to manufacturers, distributors, and importers of motor vehicles; providing for extended licensure periods; providing fees; amending s. 320.77, F.S., relating to mobile home dealers; providing for extended licensure periods; providing fees; amending s. 320.771, F.S., relating to recreational vehicle dealers; providing for extended licensure periods; providing fees; amending s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturers, distributors, and importers; providing for extended licensure periods; providing fees; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 322.095, F.S.; requiring an applicant for a driver license to complete a traffic law and substance abuse education course; providing exceptions; revising procedures for evaluation and approval of such courses; revising criteria for such courses and the schools conducting the courses; providing for collection and disposition of certain fees; requiring providers to maintain records; directing the department to conduct effectiveness studies; requiring a provider to cease offering a course that fails the study; requiring courses to be updated at the request of the department; requiring providers to disclose certain information; requiring providers to submit course completion information to the department within a certain time period; prohibiting certain acts; providing that the department shall not accept certification from students; prohibiting a person convicted of certain crimes from conducting courses; directing the department to suspend course approval for certain purposes; providing for the department to deny, suspend, or revoke course approval for certain acts; providing for administrative hearing before final action denying, suspending, or revoking course approval; providing penalties for violations; amending s. 322.125, F.S.; revising criteria for members of the Medical Advisory Board; amending s. 322.135, F.S.; removing a provision that authorizes a tax collector to direct certain licensees to the department for examination or reexamination; creating s. 322.143, F.S.; defining terms; prohibiting a private entity from swiping an individual's driver license or identification card except for certain specified purposes; providing that a private entity that swipes an individual's driver license or identification card may not store, sell, or share personal information collected from swiping the driver license or identification card; providing exceptions; providing that the private entity may manually collect personal information; prohibiting a private entity from withholding the provision of goods or services solely as a result of the individual requesting the collection of the data through manual means; providing remedies; amending s. 322.212, F.S.; providing penalties for certain violations involving application and testing for a commercial driver license or a commercial learner's permit; amending s. 322.22, F.S.; authorizing the department to withhold issuance or renewal of a driver license, identification card, vehicle or vessel registration, or fuel-use decal under certain circumstances; amending s. 322.245, F.S.; requiring a depository or clerk of court to electronically notify the department of a person's failure to pay support or comply with directives of the court; amending s. 322.25, F.S.; removing a provision for a court order to reinstate a person's driving privilege on a temporary basis when the person's license and driving privilege have been revoked under certain circumstances; amending ss. 322.2615 and 322.2616, F.S., relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level; authorizing the driver to request a review of eligibility for a restricted driving privilege; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit

or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 322.271, F.S.; providing conditions under which a person whose driver license is suspended for a DUI-related offense may be eligible to receive a restricted driving privilege; amending s. 322.2715, F.S.; providing requirements for issuance of a restricted driver license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person; amending s. 322.28, F.S., relating to revocation of driver license for convictions of DUI offenses; providing that convictions occurring on the same date for offenses occurring on separate dates are considered separate convictions; removing a provision relating to a court order for reinstatement of a revoked driver license; repealing s. 322.331, F.S., relating to habitual traffic offenders; amending s. 322.61, F.S.; revising provisions for disqualification from operating a commercial motor vehicle; providing for application of such provisions to persons holding a commercial learner's permit; revising the offenses for which certain disqualifications apply; amending s. 322.64, F.S., relating to driving with unlawful blood-alcohol level or refusal to submit to breath, urine, or blood test by a commercial driver license holder or person driving a commercial motor vehicle; providing that a disqualification from driving a commercial motor vehicle is considered a conviction for certain purposes; revising the time period a person is disqualified from driving for alcohol-related violations; revising requirements for notice of the disqualification; providing that under the review of a disqualification the hearing officer shall consider the crash report; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be removed and impounded; requiring an unauthorized wrecker operator to disclose certain information in writing to the owner or operator of a motor vehicle and provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if an officer is present; authorizing state and local government law enforcement officers to cause to be removed and impounded any wrecker, tow truck, or other motor vehicle used in violation of specified provisions; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; providing procedures and requirements for release of the vehicle; providing penalties; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the vehicle; amending s. 324.0221, F.S.; revising the actions which must be reported to the department by an insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage; revising time allowed for submitting the report; amending s. 324.031, F.S.; revising the methods a vehicle owner or operator may use to prove financial responsibility; removing a provision for posting a bond with the department; amending s. 324.091, F.S.; revising provisions requiring motor vehicle owners and operators to provide evidence to the department of liability insurance coverage under certain circumstances; revising provisions for verification by insurers of such evidence; amending s. 324.161, F.S.; providing requirements for issuance of a certificate of insurance; requiring proof of a certificate of deposit of a certain amount of money in a financial institution; providing for power of attorney to be issued to the department for execution under certain circumstances; amending s. 328.01, F.S., relating to vessel titles; revising identification requirements for applications for a certificate of title; amending s. 328.48, F.S., relating to vessel registration; revising identification requirements for applications for vessel registration; amending s. 328.76, F.S., relating to vessel registration funds; revising provisions for funds to be deposited into the Highway Safety Operating Trust Fund; providing for certain funds to be used for aquaculture development; providing appropriations; amending s. 713.585, F.S.; revising procedures and requirements for enforcement of lien by sale of motor vehicle when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring the lienholder to make certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising requirements for notification to the local law enforcement agency; revising requirements for notification of the sale of the vehicle; revising documents and proofs the lienholder is required to furnish with a certificate of compliance filed with the clerk of the circuit court; requiring the lienholder to provide the department proof of checking the National Motor Vehicle Title Information System for application for transfer of title; amending s. 713.78, F.S.; revising provisions for enforcement of liens for recovering, towing, or storing a vehicle or vessel; providing a definition; providing for a lien on a vehicle or vessel when a landlord or the landlord's designee authorized removal after tenancy is terminated and specified conditions are met; revising provisions requiring notice to the owner, insurance company, and lienholders; revising procedures and requirements when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising provisions for notice of sale; requiring that insurance company representatives shall be allowed to inspect the vehicle or vessel; providing that when the vehicle is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, it must be reported to the National Motor Vehicle Title Information System and application made to the department for a certificate of destruction; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships for the medical information program and enter into an interlocal agreement with another county to solicit such sponsorships; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for applications to participate; providing for a yellow dot decal and a yellow dot folder to be issued to participants and a form containing specified information about the participant; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing for contingent effect; amending ss. 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing effective dates.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By Local & Federal Affairs Committee and Representative(s) Mayfield—

CS for HB 1009—A bill to be entitled An act relating to the Fellsmere Water Control District, Indian River County; codifying, amending, reenacting, and repealing chapters 8877 (1921), 11555 (1925), 12023 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and 69-1161, Laws of Florida; renaming the district as the Fellsmere Improvement District, a special tax district; providing legislative intent; providing additional authority relating to the provision of public infrastructure, services, assessment, levy, and collection of non-ad valorem assessments and fees, public finance, and district operations; providing district boundaries; providing for applicability of chapter 298, F.S., and other general laws; providing powers of the district; providing for compliance with county and municipal plans and regulations; providing for levy of non-ad valorem assessments; providing for collection, enforcement, and penalties; providing for issuance of revenue bonds, assessment bonds, and bond anticipation notes; ratifying prior acts and circuit court decrees; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed SB 356; adopted SM 1478.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed HB 7015 as amended.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 26 was corrected and approved.

CO-INTRODUCERS

Senators Abruzzo—CS for SB 1108; Bean—CS for SB 1108; Benacquisto—CS for SB 1108; Bradley—CS for SB 1108; Brandes—CS for SB 1108; Braynon—CS for SB 1108; Bullard—CS for SB 1108; Clemens—CS for SB 1108; Dean—CS for SB 1108; Detert—CS for SB 1108; Diaz de la Portilla—CS for SB 1108; Evers—CS for SB 1108, CS for CS for CS for SB 1632; Flores—CS for SB 1108; Gaetz—CS for SB 1108; Galvano—CS for SB 1108; Garcia—CS for SB 1108; Gibson—CS for SB 1108; Grimsley—CS for SB 1108; Hays—CS for SB 1108; Hukill—CS for SB 1108; Joyner—CS for SB 1108; Latvala—CS for SB 1108; Lee—CS for SB 1108; Legg—CS for SB 1108; Margolis—CS for SB 1108; Montford—CS for SB 1108; Negron—CS for SB 1108; Richter—CS for SB 1108; Sachs—CS for SB 1108; Simmons—CS for SB 1108; Simpson—CS for SB 1108; Smith—CS for SB 1108; Sobel—CS for SB 1108; Soto—CS for SB 1108; Stargel—CS for SB 1108; Thompson—CS for SB 1108

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 5:53 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Tuesday, April 30 or upon call of the President.

SENATE PAGES

April 29-May 3, 2013

Mandi Blankenship, New Port Richey; Nick DiMinno, Tallahassee; Abbey Fagan, Fleming Island; Matthew Hall, Tallahassee; Katie Heffley, Tallahassee; Adrian Hill, Tallahassee; Zack Kanter, Sarasota; Marissa Lamberti, Pompano; Royce Lowery, Havana; Shelbi McCall, Mayo; Sarah Stanley, Inverness; Savanah Watson, Quincy