



# Journal of the Senate

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Tuesday, March 29, 2011

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## CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m. A quorum present—38:

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

Excused: Senators Bogdanoff and Bullard

## PRAYER

The following prayer was offered by Lieutenant Colonel Kendrie Conway, the 101st Air Operation Group, Florida Air National Guard. Chaplain Conway has over 24 years of service and has been deployed in support of numerous overseas operations:

Heavenly Father, we are so grateful and we are so thankful that you are a source in whom we have our faith, hope, and love. We gather in your name. We are gathering because we have a great heritage. We enjoy these great freedoms. You are our salvation. Our nation is great because of your presence in our lives and we say, "Thank you."

We thank you for watching over our country and for keeping us safe. May every one of us honor you and revere you. We ask, Father, that you continue to implant in our hearts a steadfast purpose to work as one and to stand together for freedom, justice and peace. We pray for our President, Vice President, Cabinet, Congress, Supreme Court, Governor, and Legislators. Safeguard their lives and protect them from every evil. For it is in wisdom and your divine understanding that they may lead us and guide us. Give them power and strength. Lord, we are so grateful for the men and women of our armed forces who serve this country who are devoted to making our lives better, and to protecting freedom. May we

never forget their sacrifices, and the challenges that they face. Thank you, Lord. Challenge us today to continue to make our state better. Challenge us today, O Lord, with new courage, boldness, and new ideas. Bless each leader and his or her team that we may come together. Thank you, Lord, for this Senate who is taking us into the twenty-first century. For it is in your holy name we completely trust and pray. Amen.

## HONOR GUARD

At the direction of the President, the Sergeant at Arms opened the doors of the chamber and an Honor Guard of the Florida National Guard marched into the chamber bearing flags of the United States of America and the State of Florida.

The Honor Guard included the following members: First Sergeant Robert Ponder, Staff Sergeant Brian Presley, Sergeant Nicholas Devore, Master Sergeant Michael Grigsby, Master Sergeant Karrie Warren, and Staff Sergeant John Hartzell.

## PLEDGE

First Lieutenant Ryan Hovatter led the Senate in the pledge of allegiance to the flag of the United States of America. Lieutenant Hovatter has six years of service, including a year in Kuwait with the 53rd Brigade Combat Team.

## SPECIAL GUEST

Senator Thrasher introduced Major General Emmett R. Titshaw, Jr., Adjutant General of Florida. As the Adjutant General, Major General Titshaw supervises the administration, training, and operations of the Florida National Guard.

## SPECIAL PERFORMANCE

The President introduced Kelly Goddard and her brother, Brian Durham. Kelly is a member of the President's professional staff, and she and her brother, Brian, are members of *The New 76ers* band. Kelly and Brian sang the National Anthem, *The Star-Spangled Banner*.

## DOCTOR OF THE DAY

The President recognized Dr. Robert Pickard of South Miami, sponsored by Senator Diaz de la Portilla, as doctor of the day. Dr. Pickard is a Vietnam-era veteran with 28 years of service. Dr. Pickard specializes in Ear, Nose, and Throat.

## ADOPTION OF RESOLUTIONS

On motion by Senator Fasano—

By Senator Fasano—

**SR 2060**—A resolution honoring the Florida National Guard and recognizing March 29, 2011, as "Florida National Guard Day."

WHEREAS, the Florida National Guard is the military arm of the Governor and the people of this state, and

WHEREAS, in times of crisis or emergency, the Florida National Guard stands ready to immediately respond to a call from the Governor, and

WHEREAS, the citizens of this state are assured that, when called to protect their lives and property, the Florida National Guard will respond, prepared to accomplish any task or mission, and

WHEREAS, the Florida Air National Guard deployed for Operation Noble Eagle to protect the skies over this state on September 11, 2001, and deployed again in support of Operation Iraqi Freedom, and

WHEREAS, elements of the Florida Army National Guard continue to deploy in support of Operation New Dawn and Operation Enduring Freedom, and

WHEREAS, the Florida National Guard is richly deserving of recognition for its immediate and effective response to man-made and natural disasters, as its soldiers and airmen stand ready to protect the citizens of this state, NOW, THEREFORE,

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

That the Senate commends the true and faithful service and constant readiness of the soldiers and airmen of the Florida National Guard and the sacrifices of their family members and, therefore, recognizes March 29, 2011, as "Florida National Guard Day."

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Major General Emmett R. Titshaw, Jr., Adjutant General of Florida, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Fasano, **SR 2060** was read the second time in full and adopted.

## SPECIAL ORDER CALENDAR

On motion by Senator Gaetz—

**CS for SB 94**—A bill to be entitled An act relating to blood establishments; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Health to adopt rules regarding the distribution of prescription drugs by blood establishments; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 94** was placed on the calendar of Bills on Third Reading.

**SM 358**—A memorial to the Congress of the United States, urging Congress to honor the provisions of the Constitution of the United States and United States Supreme Court case law which limit the scope and exercise of federal power.

WHEREAS, the Tenth Amendment to the Constitution of the United States proclaims: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," and

WHEREAS, the Tenth Amendment defines the scope of federal power as being that specifically granted by the Constitution of the United States and no more, and

WHEREAS, the limitation of power contained in the Tenth Amendment established the foundational principle that the Federal Government was created by the states specifically to be an agent of the states, and yet currently the states are demonstrably treated as agents of the Federal Government, and

WHEREAS, many federal laws are in direct violation of the Tenth Amendment, and

WHEREAS, the Tenth Amendment ensures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the Federal Government may not usurp, and

WHEREAS, Article IV, Section 4 of the Constitution of the United States begins: "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment to the Constitution of the United States declares: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and

WHEREAS, the United States Supreme Court ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress does not have the authority to simply commandeer the states' legislative processes by compelling the states to enact and enforce federal regulatory programs, and

WHEREAS, a number of proposals from previous administrations and some proposals now pending from the present administration and from Congress may further violate the Constitution of the United States, NOW, THEREFORE,

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

That the Legislature claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the Federal Government by the Constitution of the United States.

BE IT FURTHER RESOLVED that this memorial serves as a notice and a demand to the Federal Government, as our agent, to cease and desist, effective immediately, from issuing mandates that are beyond the scope of these constitutionally delegated powers.

BE IT FURTHER RESOLVED that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the presiding officers of each state legislature of the United States, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Evers, **SM 358** was adopted and certified to the House.

**SB 1630**—A bill to be entitled An act relating to traffic offenses; repealing s. 316.2024, F.S., which prohibits a motor vehicle coasting on a downgrade; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1630**, on motion by Senator Lynn, by two-thirds vote **HB 4019** was withdrawn from the Committee on Transportation.

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

**HB 4019**—A bill to be entitled An act relating to traffic offenses; repealing s. 316.2024, F.S., which prohibits a motor vehicle coasting on a downgrade; providing an effective date.

—a companion measure, was substituted for **SB 1630** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 4019** was placed on the calendar of Bills on Third Reading.

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**SB 172**—A bill to be entitled An act relating to security cameras; reenacting s. 163.31802, F.S., relating to prohibited standards for security cameras; providing for retroactive operation of the act; providing for an exception under specified circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 172**, on motion by Senator Bennett, by two-thirds vote **HB 93** was withdrawn from the Committees on Community Affairs; Judiciary; and Budget.

On motion by Senator Bennett—

**HB 93**—A bill to be entitled An act relating to security cameras; reenacting s. 163.31802, F.S., relating to prohibited standards for security cameras; providing for retroactive operation of the act; providing for an exception under specified circumstances; providing an effective date.

—a companion measure, was substituted for **SB 172** and read the second time by title.

Pursuant to Rule 4.19, **HB 93** was placed on the calendar of Bills on Third Reading.

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**SB 174**—A bill to be entitled An act relating to growth management; reenacting s. 1, chapter 2009-96, Laws of Florida, relating to a short title; reenacting s. 163.3164(29) and (34), F.S., relating to the definition of “urban service area” and “dense urban land area” for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; reenacting s. 163.3177(3)(b) and (f), (6)(h), and (12)(a) and (j), F.S., relating to certain required and optional elements of a comprehensive plan; reenacting s. 163.3180(5), (10), and (13)(b) and (e), F.S., relating to concurrency requirements for transportation facilities; reenacting s. 163.31801(3)(d), F.S., relating to a required notice for a new or increased impact fee; reenacting s. 163.3184(1)(b) and (3)(e), F.S., relating to the process for adopting a comprehensive plan or plan amendment; reenacting s. 163.3187(1)(b), (f), and (q), F.S., relating to amendments to a comprehensive plan; reenacting s. 163.32465(2), F.S., relating to a pilot program to provide an alternative to the state review process for local comprehensive plans; reenacting s. 171.091, F.S., relating to the recording of any change in municipal boundaries; reenacting s. 186.509, F.S., relating to a dispute resolution process for reconciling differences concerning planning and growth management issues; reenacting s. 380.06(7)(a), (24), (28), and (29), F.S., relating to certain exemptions from review provided for proposed developments of regional impact; reenacting ss. 13, 14, and 34 of chapter 2009-96, Laws of Florida, relating to a study and report concerning a mobility fee, the extension and renewal of certain permits issued by the Department of Environmental Protection or a water management district, and a statement of important state interest; providing a legislative finding of important state interest; providing for retroactive operation of the act with respect to provisions of law amended or created by chapter 2009-96, Laws of Florida; providing for an exception under specified circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 174**, on motion by Senator Bennett, by two-thirds vote **HB 7001** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Budget.

On motion by Senator Bennett—

**HB 7001**—A bill to be entitled An act relating to growth management; reenacting s. 1, chapter 2009-96, Laws of Florida, relating to a short title; reenacting s. 163.3164(29) and (34), F.S., relating to the definition of “urban service area” and “dense urban land area” for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; reenacting s. 163.3177(3)(b) and (f), (6)(h), and (12)(a) and (j), F.S., relating to certain required and optional elements of a comprehensive plan; reenacting s. 163.3180(5), (10), and (13)(b) and (e), F.S., relating to concurrency requirements for transportation facilities; reenacting s. 163.31801(3)(d), F.S., relating to a required notice for a new or increased impact fee; reenacting s. 163.3184(1)(b) and (3)(e), F.S., relating to the process for adopting a comprehensive plan or plan amendment; reenacting s. 163.3187(1)(b), (f), and (q), F.S., relating to amendments to a comprehensive plan; reenacting s. 163.32465(2), F.S., relating to a pilot program to provide an alternative to the state review process for local comprehensive plans; reenacting s. 171.091, F.S., relating to the recording of any change in municipal boundaries; reenacting s. 186.509, F.S., relating to a dispute resolution process for reconciling differences concerning planning and growth management issues; reenacting s. 380.06(7)(a), (24), (28), and (29), F.S., relating to preapplication procedures and certain exemptions from review provided for proposed developments of regional impact; reenacting ss. 13, 14, and 34 of chapter 2009-96, Laws of Florida, relating to a study and report concerning a mobility fee, the extension and renewal of certain permits issued by the Department of Environmental Protection or a water management district, and a statement of important state interest; providing a legislative finding of important state interest; providing for retroactive operation of the act with respect to provisions of law amended or created by chapter 2009-96, Laws of Florida; providing for an exception under specified circumstances; providing an effective date.

—a companion measure, was substituted for **SB 174** and read the second time by title.

Pursuant to Rule 4.19, **HB 7001** was placed on the calendar of Bills on Third Reading.

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**SB 176**—A bill to be entitled An act relating to affordable housing; reenacting s. 159.807(4), F.S., relating to the state allocation pool used to confirm private activity bonds; reenacting s. 193.018, F.S., relating to lands that are owned by a community land trust and used to provide affordable housing; reenacting s. 196.196(5), F.S., relating to a tax exemption provided to organizations that provide low-income housing; reenacting s. 196.1978, F.S., relating to a property exemption for affordable housing owned by a nonprofit entity; reenacting s. 212.055(2)(d), F.S., relating to the use of a local government infrastructure surtax; reenacting s. 163.3202(2), F.S., relating to requirements for local land development regulations; reenacting s. 420.503(25), F.S., relating to a definition under the Florida Housing Finance Corporation Act; reenacting s. 420.507(47), F.S., relating to powers of the corporation to select developers and general contractors; reenacting s. 420.5087(6)(c) and (l), F.S., relating to the State Apartment Incentive Loan Program; reenacting s. 420.622(5), F.S., relating to the State Office on Homelessness; reenacting s. 420.628, F.S., relating to affordable housing for children and young adults leaving foster care; reenacting s. 420.9071(4), (8), (16), (25), (29), and (30), F.S., relating to definitions under the State Housing Initiatives Partnership Act; reenacting s. 420.9072(6) and (7), F.S., relating to the distribution of funds under the State Housing Initiatives Partnership Program; reenacting s. 420.9073(1), (2), (5), (6), and (7), F.S., relating to distributions of local housing funds; reenacting s. 420.9075(1), (3), (5), (8), (10)(a) and (h), (13)(b), and (14), F.S., relating to local housing assistance plans; reenacting s. 420.9076(2)(h), (5), (6), and (7)(a), F.S., relating to the adoption of affordable housing incentive strategies by the governing board of a county or municipality; repealing s. 420.9078, F.S., relating to the state administration of funds remaining in the Local Government Housing Trust Fund; reenacting s. 420.9079, F.S., relating to the Local Government Housing Trust Fund; reenacting s. 1001.43(12), F.S., relating to the use by school districts of certain lands for affordable housing; providing for retroactive operation of the act with respect to provisions of law amended, created, or repealed by chapter 2009-96, Laws of Florida; providing for an exception under specified circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 176**, on motion by Senator Bennett, by two-thirds vote **HB 7003** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Budget.

On motion by Senator Bennett—

**HB 7003**—A bill to be entitled An act relating to affordable housing; reenacting s. 159.807(4), F.S., relating to the state allocation pool used to confirm private activity bonds; reenacting s. 193.018, F.S., relating to lands that are owned by a community land trust and used to provide affordable housing; reenacting s. 196.196(5), F.S., relating to a tax exemption provided to organizations that provide low-income housing; reenacting s. 196.1978, F.S., relating to a property exemption for affordable housing owned by a nonprofit entity; reenacting s. 212.055(2)(d), F.S., relating to the use of a local government infrastructure surtax; reenacting s. 163.3202(2), F.S., relating to requirements for local land development regulations; reenacting s. 420.503(25), F.S., relating to a definition under the Florida Housing Finance Corporation Act; reenacting s. 420.507(47), F.S., relating to powers of the corporation to select developers and general contractors; reenacting s. 420.5087(6)(c) and (l), F.S., relating to the State Apartment Incentive Loan Program; reenacting s. 420.622(5), F.S., relating to the State Office on Homelessness; reenacting s. 420.628, F.S., relating to affordable housing for children and young adults leaving foster care; reenacting s. 420.9071(4), (8), (16), (25), (29), and (30), F.S., relating to definitions under the State Housing Initiatives Partnership Act; reenacting s. 420.9072(6) and (7), F.S., relating to the distribution of funds under the State Housing Initiatives Partnership Program; reenacting s. 420.9073(1), (2), (5), (6), and (7), F.S., relating to distributions of local housing funds; reenacting s. 420.9075(1), (3), (5), (8), (10)(a) and (h), (13)(b), and (14), F.S., relating to local housing assistance plans; reenacting s. 420.9076(2)(h), (5), (6), and (7)(a), F.S., relating to the adoption of affordable housing incentive strategies by the governing board of a county or municipality; repealing s. 420.9078, F.S., relating to the state administration of funds remaining in the Local Government Housing Trust Fund; reenacting s. 420.9079, F.S., relating to the Local Government Housing Trust Fund; reenacting s. 1001.43(12), F.S., relating to the use by school districts of certain lands for affordable housing; providing for retroactive operation of the act with respect to provisions of law amended, created, or repealed by chapter 2009-96, Laws of Florida; providing for an exception under specified circumstances; providing an effective date.

—a companion measure, was substituted for **SB 176** and read the second time by title.

Pursuant to Rule 4.19, **HB 7003** was placed on the calendar of Bills on Third Reading.

On motion by Senator Evers—

**CS for SB 618**—A bill to be entitled An act relating to juvenile justice; repealing ss. 985.02(5), 985.03(48), 985.03(56), 985.47, 985.483, 985.486, and 985.636, F.S., relating to, respectively, legislative intent for serious or habitual juvenile offenders in the juvenile justice system, definitions of terms for a training school and the serious or habitual juvenile offender program, the serious or habitual juvenile offender program in the juvenile justice system, the intensive residential treatment program for offenders less than 13 years of age, and the designation of persons holding law enforcement certification within the Office of the Inspector General to act as law enforcement officers; amending s. 985.494, F.S.; requiring a child who is adjudicated delinquent, or for whom adjudication is withheld, to be committed to a maximum-risk residential program for an act that would be a felony if committed by an adult if the child has completed two different high-risk residential commitment programs; repealing s. 985.445, F.S., relating to cases involving grand theft of a motor vehicle committed by a child; amending ss. 985.0301, 985.47, and 985.565, F.S.; conforming references to changes made by the act; amending s. 985.66, F.S.; removing all references to the Juvenile Justice Standards and Training Commission; requiring the Department of Juvenile Justice to be responsible for staff development and training; specifying the duties and responsibilities of the department for staff development and training; removing obsolete provisions to conform to changes made by the act; repealing s. 985.48(8), F.S., relating to activities of the Juvenile Justice Standards and Training Commission with

respect to training and treatment services for juvenile sexual offenders; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 618** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

**SB 410**—A bill to be entitled An act relating to impact fees; reenacting s. 163.31801(5), F.S., relating to the burden of proof required by the government in an action challenging an impact fee; providing for retroactive operation of the act; providing for an exception under specified circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 410** was placed on the calendar of Bills on Third Reading.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special Order Calendar for Tuesday, March 29, 2011: CS for SB 94, SM 358, SB 1630, SB 172, SB 174, SB 176, CS for SB 618, SB 410.

Respectfully submitted,  
John Thrasher, Chair

The Committee on Judiciary recommends the following pass: SB 1152

**The bill was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Community Affairs recommends the following pass: SJR 592; SB 1792; SB 2042; SB 2044

The Committee on Criminal Justice recommends the following pass: SB 714; CS for SB 734; SB 1390

The Committee on Judiciary recommends the following pass: SB 104; CS for SB 438; SB 978; CS for SB 1300

**The bills contained in the foregoing reports were referred to the Committee on Budget under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 1850

**The bill was referred to the Committee on Children, Families, and Elder Affairs under the original reference.**

The Committee on Health Regulation recommends the following pass: SB 292 with 1 amendment

**The bill was referred to the Committee on Community Affairs under the original reference.**

The Committee on Health Regulation recommends the following pass: SB 1156

**The bill was referred to the Committee on Criminal Justice under the original reference.**

The Committee on Judiciary recommends the following pass: SJR 1664

**The bill was referred to the Committee on Governmental Oversight and Accountability under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 1146 with 1 amendment

**The bill was referred to the Committee on Health Regulation under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 1272

The Committee on Health Regulation recommends the following pass: SB 720; SB 1324 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Higher Education under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 884; SB 1248 with 1 amendment; SB 1722

The Committee on Criminal Justice recommends the following pass: SB 458; SB 494

**The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

The Committee on Community Affairs recommends the following pass: CS for SB 426

The Committee on Rules Subcommittee on Ethics and Elections recommends the following pass: SB 2056

**The bills contained in the foregoing reports were referred to the Committee on Rules under the original reference.**

The Committee on Judiciary recommends the following pass: SM 1344

**The bill was placed on the Calendar.**

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1226

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 236

The Committee on Military Affairs, Space, and Domestic Security recommends a committee substitute for the following: CS for SB 1228

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Budget under the original reference.**

The Committee on Criminal Justice recommends a committee substitute for the following: SB 794

**The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.**

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 950

**The bill with committee substitute attached was referred to the Committee on Communications, Energy, and Public Utilities under the original reference.**

The Committee on Military Affairs, Space, and Domestic Security recommends committee substitutes for the following: SB 1110; SB 1502

**The bills with committee substitute attached were referred to the Committee on Community Affairs under the original reference.**

The Committee on Community Affairs recommends a committee substitute for the following: SB 890

**The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.**

The Committee on Agriculture recommends a committee substitute for the following: SB 1312

**The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 under the original reference.**

The Committee on Community Affairs recommends a committee substitute for the following: SB 1904

**The bill with committee substitute attached was referred to the Committee on Environmental Preservation and Conservation under the original reference.**

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 530; SJR 1954

The Committee on Criminal Justice recommends committee substitutes for the following: SB 416; SB 1206

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

## REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Communications, Energy, and Public Utilities recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment	For Term Ending
Florida Public Service Commission	
Appointees: Balbis, Eduardo E.	01/01/2015
Brisé, Ronald A.	01/01/2014
Brown, Julie I.	01/01/2015
Graham, Art	01/01/2014

**The appointments were referred to the Rules Subcommittee on Ethics and Elections under the original reference.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Environmental Preservation and Conservation; and Senators Hays, Detert, and Jones—

**CS for SB 236**—A bill to be entitled An act relating to state parks; amending s. 258.0145, F.S.; providing for the parents of certain deceased veterans and the spouse and parents of law enforcement officers and firefighters who die in the line of duty to receive annual entrance passes to state parks at no charge; designating the Jack Mashburn Marina at St. Andrews State Park in Bay County; directing the Department of Environmental Protection to erect suitable markers; exempting parks within the state park system which have free-roaming animal populations from the liability provisions in s. 588.15, F.S.; providing an effective date.

By the Committee on Criminal Justice; and Senator Bogdanoff—

**CS for SB 416**—A bill to be entitled An act relating to public records; providing a definition; providing an exemption from public-records requirements for photographs and video and audio recordings that depict or record the killing of a person; authorizing access to such photographs or video or audio recordings by specified members of the immediate family of the deceased subject of the photographs or video or audio recordings; providing for access to such records by local governmental entities or state or federal agencies in furtherance of official duties; providing for access pursuant to court order; providing guidelines of the court in issuing an order authorizing such photographs or video or audio recordings to be viewed, copied, or heard; requiring specified notice of a court petition to view or copy such records; providing penalties; exempting criminal or administrative proceedings from the act; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a finding of public necessity; providing an effective date.

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By the Committees on Community Affairs; and Regulated Industries; and Senator Fasano—

**CS for CS for SB 530**—A bill to be entitled An act relating to condominium, cooperative, and homeowners' associations; amending s. 633.0215, F.S.; exempting certain residential buildings from a requirement to install a manual fire alarm system; amending s. 718.111, F.S.; revising provisions relating to the official records of condominium associations; providing for disclosure of employment agreements or compensation paid to association employees; amending s. 718.112, F.S.; revising provisions relating to bylaws; providing that board of administration meetings discussing personnel matters are not open to unit members; revising requirements for electing the board of directors; providing for continued office and for filling vacancies under certain circumstances; specifying unit owner eligibility for board membership; requiring that certain educational curriculum be completed within a specified time before the election or appointment of a board director; amending s. 718.113, F.S.; authorizing the board of a condominium association to install impact glass or other code-compliant windows under certain circumstances; amending s. 718.114, F.S.; requiring the vote or written consent of a majority of the voting interests before a condominium association may enter into certain agreements to acquire leaseholds, memberships, or other possessory or use interests; amending s. 718.116, F.S.; revising provisions relating to condominium assessments; authorizing the association to charge for collection services for delinquent accounts; authorizing a claim of lien to secure reasonable expenses for collection services for a delinquent account; requiring any rent payments received by an association from a tenant to be applied to the oldest delinquent monetary obligation of a unit owner; amending s. 718.117, F.S.; providing a procedure for the termination of ownership of a condominium if the units have been totally destroyed or demolished; providing procedures and requirements for partial termination of a condominium property; requiring that a lien against a condominium unit being terminated be transferred to the proceeds of sale for that property; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or occupant; providing for the suspension of certain rights of use or voting rights; requiring that the suspension of certain rights of use or voting rights be approved at a noticed board meeting; amending s. 718.703, F.S.; redefining the term "bulk assignee" for purposes of the Distressed Condominium Relief Act; amending s. 718.704, F.S.; revising provisions relating to the assignment of developer rights by a bulk assignee; amending s. 718.705, F.S.; revising provisions relating to the transfer of control of a condominium board of administration to unit owners; amending s. 718.706, F.S.; revising provisions relating to the offering of units by a bulk assignee or bulk buyer; amending s. 718.707, F.S.; revising the time limitation for classification as a bulk assignee or bulk buyer; amending s. 719.108, F.S.; authorizing an association to charge for collection services for delinquent accounts; authorizing a claim of lien to secure reasonable expenses for collection services for a delinquent account; requiring any rent payments received by a cooperative association from a tenant to be applied to the oldest delinquent monetary obligation of a unit owner; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or occupant; providing for the suspension of certain rights of use or voting rights; requiring that the suspension of certain rights of use or voting rights be approved at a noticed board meeting; amending s. 720.301, F.S.; revising the definition

of the term "declaration of covenants"; amending s. 720.303, F.S.; revising provisions relating to records that are not accessible to members of a homeowners' association; providing for disclosure of employment agreements and compensation paid to association employees; amending s. 720.305, F.S.; revising provisions relating to imposing remedies against a delinquent member of a homeowners' association; requiring that the suspension of certain rights of use or voting rights be approved at a noticed board meeting; amending s. 720.306, F.S.; providing limitations on who may serve on the board of directors of a homeowners' association; amending s. 720.3085, F.S.; authorizing an association to charge for collection services for delinquent accounts; authorizing a claim of lien to secure expenses for collection services for a delinquent account; requiring any rent payments received by an association from a tenant to be applied to the oldest delinquent monetary obligation of a parcel owner; amending s. 720.309, F.S.; providing for the allocation of communication services by a homeowners' association; providing for the cancellation of communication contracts; providing that hearing-impaired or legally blind owners and owners receiving certain supplemental security income or food stamps may discontinue the service without incurring costs; providing that residents may not be denied access to available franchised, licensed, or certificated cable or video service providers; providing an effective date.

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By the Committee on Criminal Justice; and Senator Diaz de la Portilla—

**CS for SB 794**—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting specified offenses within 1,000 feet of the real property comprising a homeless shelter; defining the term "homeless shelter"; providing criminal penalties; amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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By the Committee on Community Affairs; and Senator Dean—

**CS for SB 890**—A bill to be entitled An act relating to public safety telecommunicators; amending s. 401.465, F.S.; providing for sworn state-certified law enforcement officers to serve as temporary 911 public safety telecommunicators; providing training requirements; providing an effective date.

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By the Committee on Environmental Preservation and Conservation; and Senator Bennett—

**CS for SB 950**—A bill to be entitled An act relating to water and wastewater utilities; creating s. 367.0819, F.S.; providing for the recovery of costs through a surcharge for certain water and wastewater system improvement projects; defining the term "nonrevenue-producing project"; requiring utilities to submit surcharge tariffs reflecting the surcharge calculation for recovery of such costs to the Florida Public Service Commission for approval and to provide specified notice of such surcharge tariff filings; providing for the automatic approval of the surcharge tariff within a specified period after filing the surcharge tariff with the commission; requiring the utility to file a sworn affirmation as to the accuracy of the figures and calculations; providing for penalties; requiring the utility to submit an annual report regarding the rate of return to the commission; allowing the commission to order the utility to make refunds, with interest, under certain circumstances; requiring that the surcharge notice be presented as a separate line item on the customer's bill; specifying a limitation on the surcharge amount; providing requirements for billing, reconciliation, and quarterly adjustment of the surcharge; specifying a limitation on the recovery of project costs; providing project eligibility criteria; specifying water and wastewater treatment criteria; providing requirements for notice, maintenance, and availability of certain records; authorizing the commission to review specified projects; providing that the surcharge is subject to refund under certain conditions; providing an effective date.

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By the Committee on Military Affairs, Space, and Domestic Security; and Senators Dean, Gaetz, and Flores—

**CS for SB 1110**—A bill to be entitled An act relating to commemoration of the 40th anniversary of the end of the United States'

involvement in the Vietnam War; amending s. 683.01, F.S.; designating March 25, 2013, the 40th anniversary of the end of the United States' involvement in the Vietnam War, as a legal holiday; creating s. 683.025, F.S.; designating a date for the observance of the anniversary; providing for the annual observance of "Vietnam Veterans' Day," commencing on a specified date; specifying purpose of the observance; creating s. 292.075, F.S.; requiring the Department of Veterans' Affairs to administratively promote and support the efforts of counties, municipalities, and veterans' organizations that voluntarily hold special community events commemorating the 40th anniversary of the end of the United States' involvement in the Vietnam War and subsequent observances of Vietnam Veterans' Day; authorizing solicitation of private donations to fund grants to counties, municipalities, and veterans' organizations that voluntarily hold activities in support of such commemoration; providing for rulemaking of the department; providing for the creation of a special volunteer advisory board to the department for the purpose of reviewing and making recommendations with respect to activities and expenditures of private funds raised in support of such commemoration; amending ss. 320.08056 and 320.08058, F.S.; creating the Vietnam Veterans 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.

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By the Committee on Criminal Justice; and Senator Negron—

**CS for SB 1206**—A bill to be entitled An act relating to eyewitness identification; providing a short title; defining terms; requiring state, county, municipal, and other law enforcement agencies that conduct lineups to follow certain specified procedures; requiring the eyewitness to sign an acknowledgement that he or she received the instructions about the lineup procedures from the law enforcement agency; specifying remedies for failing to adhere to the eyewitness identification procedures; requiring the Criminal Justice Standards and Training Commission to create educational materials and conduct training programs on how to conduct lineups in compliance with the act; providing an effective date.

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By the Committee on Criminal Justice; and Senators Joyner and Gaetz—

**CS for SB 1226**—A bill to be entitled An act relating to health care fraud; amending s. 456.0635, F.S.; revising the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and refuse to issue or renew a license, certificate, or registration of a health care practitioner; providing an exception; amending s. 456.036, F.S.; requiring a delinquent licensee whose license becomes delinquent before the final resolution of a case regarding Medicaid fraud to affirmatively apply by submitting a complete application for active or inactive status during the licensure cycle in which the case achieves final resolution by order of the court; providing that failure by a delinquent licensee to become active or inactive before the expiration of that licensure cycle renders the license null; requiring that any subsequent licensure be as a result of applying for and meeting all requirements imposed on an applicant for new licensure; providing an effective date.

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By the Committees on Military Affairs, Space, and Domestic Security; and Health Regulation; and Senators Altman and Evers—

**CS for CS for SB 1228**—A bill to be entitled An act relating to temporary certificates and licenses for certain health care practitioners; amending s. 456.024, F.S.; providing for issuance of a temporary license to specified health care practitioners who are spouses of active duty members of the Armed Forces under certain circumstances; providing for criminal history checks; providing fees; providing for expiration of a temporary license; requiring a person who is issued a temporary license to be subject to certain general licensing requirements; providing that certain persons are ineligible for such license; providing for revocation of such license; requiring certain temporary licensees to practice under the indirect supervision of other licensees; amending ss. 458.315 and 459.0076, F.S.; naming the temporary certificates issued to physicians who practice in areas of critical need after Rear Admiral LeRoy Collins, Jr.; providing an effective date.

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By the Committee on Agriculture; and Senators Siplin and Gaetz—

**CS for SB 1312**—A bill to be entitled An act relating to school nutrition programs; providing a short title; transferring and reassigning functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources for the administration of the school food and nutrition programs from the Department of Education to the Department of Agriculture and Consumer Services; creating s. 570.98, F.S.; requiring the Department of Agriculture and Consumer Services to conduct, supervise, and administer all school food and nutrition programs; requiring the department to cooperate fully with the United States Government; authorizing the department to act as agent of, or contract with, the Federal Government, other state agencies, or any county or municipal government for the administration of the school food and nutrition programs; transferring, renumbering, and amending s. 1006.06, F.S., relating to school food service programs; conforming provisions to changes made by the act; deleting obsolete provisions; transferring, renumbering, and amending ss. 1006.0606 and 1010.77, F.S., relating to the children's summer nutrition program and the Food and Nutrition Services Trust Fund, respectively; conforming provisions to changes made by the act; deleting obsolete provisions; amending s. 1003.453, F.S.; requiring each school district to send an updated copy of its wellness policy and physical education policy to the Department of Education and the Department of Agriculture and Consumer Services; deleting obsolete provisions; requiring certain information to be accessible from the website of the Department of Agriculture and Consumer Services; creating the Healthy Schools for Healthy Lives Council within the Department of Agriculture and Consumer Services; requiring the Commissioner of Agriculture to appoint members of the council; providing duties of the council; providing requirements for the meetings, powers, duties, procedures, and recordkeeping of the council; providing an effective date.

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By the Committee on Military Affairs, Space, and Domestic Security; and Senator Simmons—

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

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By the Committee on Community Affairs; and Senator Altman—

**CS for SB 1904**—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; making conforming amendments; amending s. 163.3177, F.S.; making conforming amendments; amending s. 163.3180, F.S.; making conforming amendments; amending s. 163.3245, F.S.; renaming optional sector plans as "sector plans"; increasing the minimum size of geographic areas that qualify for the use of sector plans; revising terminology relating to such plans; deleting obsolete provisions; renaming long-term conceptual buildout overlays as

“long-term master plans”; revising the content required to be included in long-term master plans and detailed specified area plans; requiring identification of water development projects and transportation facilities to serve future development needs; exempting certain developments from the requirement to develop a detailed specific area plan; providing that detailed specific area plans shall be adopted by local development orders; requiring that detailed specific area plans include a buildup date and precluding certain changes in the development until after that date; authorizing certain development agreements between the developer and the local government; providing for continuation of certain existing land uses; amending ss. 163.3246, 380.06, and 380.115, F.S.; making conforming amendments; providing an effective date.

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By the Committee on Community Affairs; and Senator Garcia—

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

### REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Transportation; and Senator Diaz de la Portilla—

**CS for SB 792**—A bill to be entitled An act relating to driving without a valid driver’s license; amending s. 318.18, F.S.; providing an additional fine for a violation of specified provisions relating to driving with a canceled, suspended, or revoked driver’s license or driving privilege; providing increased fine amounts for second or subsequent violations; amending s. 318.21, F.S.; providing for distribution of such fines collected; amending s. 322.34, F.S.; deleting a knowledge element for conviction of the offense of driving while a person’s driver’s license or driving privilege is canceled, suspended, or revoked; requiring immediate impoundment of the motor vehicle; conforming provisions; revising penalties for knowingly driving while the driver’s license or driving privilege is canceled, suspended, or revoked; revising procedures for impoundment of the vehicle; providing an effective date.

—was referred to the Committees on Criminal Justice; and Budget.

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By the Committee on Judiciary; and Senator Latvala—

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

—was referred to the Committees on Banking and Insurance; and Budget.

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By the Committee on Agriculture; and Senators Siplin and Gaetz—

**CS for SB 1312**—A bill to be entitled An act relating to school nutrition programs; providing a short title; transferring and reassigning functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources for the administration of the school food and nutrition programs from the Department of Education to the Department of Agriculture and Consumer Services; creating s. 570.98, F.S.; requiring the Department of Agriculture and Consumer Services to conduct, supervise, and administer all school food and nutrition programs; requiring the department to cooperate fully with the United States Government; authorizing the department to act as agent of, or contract with, the Federal Government, other state agencies, or any county or municipal government for the administration of the school food and nutrition programs; transferring, renumbering, and amending s. 1006.06, F.S., relating to school food service programs; conforming provisions to changes made by the act; deleting obsolete provisions; transferring, renumbering, and amending ss. 1006.0606 and 1010.77, F.S., relating to the children’s summer nutrition program and the Food and Nutrition Services Trust Fund, re-

spectively; conforming provisions to changes made by the act; deleting obsolete provisions; amending s. 1003.453, F.S.; requiring each school district to send an updated copy of its wellness policy and physical education policy to the Department of Education and the Department of Agriculture and Consumer Services; deleting obsolete provisions; requiring certain information to be accessible from the website of the Department of Agriculture and Consumer Services; creating the Healthy Schools for Healthy Lives Council within the Department of Agriculture and Consumer Services; requiring the Commissioner of Agriculture to appoint members of the council; providing duties of the council; providing requirements for the meetings, powers, duties, procedures, and recordkeeping of the council; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Budget.

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By the Committee on Transportation; and Senator Latvala—

**CS for SB 1434**—A bill to be entitled An act relating to the Office of Motor Carrier Compliance; amending s. 20.23, F.S.; creating a motor carrier weight inspection area of program responsibility within the Department of Transportation, which replaces motor carrier compliance; amending s. 20.24, F.S.; creating the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles; amending ss. 110.205, 311.115, 316.302, 316.3025, 316.3026, 316.516, 316.545, 316.640, 320.18, 321.05, and 334.044, F.S.; conforming provisions to changes made by the act; creating the Law Enforcement Consolidation Task Force; providing for membership; requiring the task force to make recommendations and submit a report to the Legislature by a certain date; providing for future expiration; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Criminal Justice; and Budget.

### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 916, SB 924, SB 944 and SB 946 which he approved on March 25, 2011.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

#### FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed HB 4019 and requests the concurrence of the Senate.

*Robert L. “Bob” Ward*, Clerk

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By Representative(s) Workman—

**HB 4019**—A bill to be entitled An act relating to traffic offenses; repealing s. 316.2024, F.S., which prohibits a motor vehicle coasting on a downgrade; providing an effective date.

—was referred to the Committee on Transportation.

### CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 24 was corrected and approved.

### CO-INTRODUCERS

Senators Altman—SB 1190; Benacquisto—SB 1190; Braynon—SB 1190; Bullard—CS for SB 524; Detert—SB 1108, SB 1724; Diaz de la Portilla—SB 1190; Evers—SB 672, SB 1190; Fasano—SB 1190; Garcia—SB 1190; Jones—SR 2066; Joyner—SB 590, CS for SB 782; Latvala—SB 844, SB 1190; Lynn—CS for SB 246, CS for SB 336, CS for CS for SB 818, SB 1190, SB 1448; Margolis—SB 346; Montford—SB 1190;

Norman—SB 1190; Sachs—SB 346, SJR 1706; Sobel—CS for SB 1594;  
Storms—SB 1190

**SENATE PAGES**

March 28-April 1, 2011

**RECESS**

On motion by Senator Thrasher, the Senate recessed at 10:44 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:30 a.m., Wednesday, March 30 or upon call of the President.

McKenzie Altman, Rockledge; Jasmyne Arnold, Tallahassee; Austin Benacquisto, Wellington; Andrew Chico, Tallahassee; Mackenzie Dummer, Melbourne; Christian Griffin, Madison; Colleen Heeney, Lake City; Katherine Horne, Fleming Island; Connor Larkin, St. Augustine; Ashley Meade, St. Augustine; Marisa McGlone, Port St. Lucie; Taylor Munson, Apopka; Cassandra Pereda, Bascom; Samuel Sundook, Wellington; Sarah Unatin, Ormond Beach