



Journal of the Senate

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CALL TO ORDER

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

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

Excused: Senator Negron periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Sister Maureen Martin, Principal, John Paul II Catholic High School, Tallahassee:

Spirit of Justice,
 “Your integrity is implanted in everyone
 Yet in our world it is all too often set aside
 Or lost in self-absorption
 Prejudice and ugly bias, disregarded.
 The world’s continued oppression, denied.
 The indignity of the disabled, unnoticed.
 The gap between rich and poor, ignored.
 What will it take for the over-privileged
 To hear your imploring voice of justice?
 When will those with more than enough
 Turn and give attention to those with less?”
 (By Mary Lou Kownacki)

God of Silent Potency,
 “Through the work of our hands, the creativity of our minds and
 sensibilities of our hearts,
 You are ready at any moment
 To stir and activate our potential,
 To move our lethargy into action,
 To change despair into hopefulness,
 To soften love that has hardened
 To awaken slowly dying dreams,
 To uplift spirits caught in sadness,
 To guide the mind to clear thinking,
 To strengthen wills that are weakened,
 To free that which has been bound.”
 (By Neil Douglas-Klotz)

God of our potency, Lord of infinite compassion, help these legislators, these persons of care and courage and wisdom to be your power at work for good. Taking to heart these words of St. John Paul II: “The future is in your hearts and in your hands. God is entrusting you to the task at once difficult and uplifting of working with him in the building of the civilization of love.” Entrusting our needs to you, we say, Amen.

PLEDGE

Senate Pages, Tanner Clemons of Tallahassee; Elayna Darby of Jacksonville; India Alfonso of Dade City; and Mary Katherine Pittman of Bascom, 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. Hezi Cohen of Daytona Beach, sponsored by Senator Hukill, as the doctor of the day. Dr. Cohen specializes in family medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Evers—

By Senator Evers—

SR 1752—A resolution congratulating Florida’s own Bubba Watson on his 2014 Masters Tournament win.

WHEREAS, Bubba Watson grew up in the Panhandle community of Bagdad and was introduced to the links at the age of 6, when his father, Gerry, took him to an area golf course, and

WHEREAS, Bubba Watson was tenacious in pursuing his passion for the sport, hitting whiffle balls in his yard for hours on end instead of roughhousing with friends, and

WHEREAS, after graduating from Milton High School and without any formal training, Bubba Watson made an impressive showing as an amateur golfer, being named first-team junior college All-American while playing for Faulkner State Community College, and

WHEREAS, after transferring from Faulkner State to the University of Georgia, Bubba Watson helped the Bulldogs clinch the 2000 South-eastern Conference title, and

WHEREAS, Bubba Watson turned professional in 2003 and joined the Nationwide Tour, where he played until 2005, and

WHEREAS, Bubba Watson finished 21st on the tour's money list in 2005, making him the last player to qualify for the following year's PGA Tour, and

WHEREAS, in 2006, his rookie year with the PGA Tour, Bubba Watson earned more than \$1 million, placing 90th overall, and led the tour in driving distance with 442 yards, and

WHEREAS, in 2010, Bubba Watson claimed his first PGA Tour win at the Travelers Championship on the second hole of a sudden-death playoff, and

WHEREAS, as is characteristic of Bubba Watson's generosity of spirit and love of family, he dedicated the win to his father, who was battling cancer and died later that year, and

WHEREAS, in 2011, Bubba Watson took two PGA Tour titles, besting Phil Mickelson and Webb Simpson, and

WHEREAS, in 2012, Bubba Watson won his first major championship at the Masters Tournament, where he executed a miraculous recovery shot from deep in the woods on pine straw in a sudden-death playoff round against Louis Oosthuizen, and

WHEREAS, his first Masters Tournament title propelled Bubba Watson to a career-high 4th place in the Official World Golf Ranking, but that victory was followed by a difficult year on the PGA Tour that saw him finish with one win, six top-5 finishes, seven top-10 finishes, and three missed cuts, and

WHEREAS, on April 13, 2014, Bubba Watson won the 2014 Masters Tournament at Augusta National Golf Club by three shots with a score of -8, defeating Jordan Spieth and Jonas Blixt, and

WHEREAS, with his 2014 Masters Tournament win, Bubba Watson vaulted again to number four in the Official World Golf Ranking, joining the exclusive company of golfing greats like Jack Nicklaus, Tiger Woods, and Phil Mickelson, who also earned two masters titles in a 3-year period, and

WHEREAS, Bubba Watson's accomplishments on the PGA Tour are well-known, but he also devotes much of his time and money to charity and is a committed Christian who speaks openly about the importance of faith in his life, NOW, THEREFORE,

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

That Florida's own Bubba Watson is recognized for his outstanding play on the PGA Tour and his 2014 Masters Tournament win, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Bubba Watson as a token of the sentiments expressed herein.

—was introduced out of order and read by title. On motion by Senator Evers, **SR 1752** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Evers recognized 2014 Masters Tournament Winner Bubba Watson who was present in the chamber.

MOTION

On motion by Senator Thrasher, the rules were waived and **SR 1332** was withdrawn from its committees of reference.

At the request of Senator Thrasher—

By Senator Garcia—

SR 1332—A resolution encouraging the creation of a Turkish-Floridian Friendship Task Force to further the long-standing relationship between this state and the Republic of Turkey, build upon time-honored friendships, and promote the cultural, educational, academic, political, and economic ties between these two great nations.

WHEREAS, the Republic of Turkey and the United States of America are long-standing allies, both dearly cherishing the universal values of freedom, democracy, and human rights, and

WHEREAS, in its alliances with the United States, the Republic of Turkey has demonstrated its commitment to world peace and liberty as well as its secular and religious tolerance of others, and

WHEREAS, the Republic of Turkey has the world's 15th largest economy and Europe's 6th largest economy, is a valued trading partner with this state, and is to be commended for its contributions to the global economy, and

WHEREAS, the Republic of Turkey and this state have enjoyed a strong, vibrant, and mutually beneficial economic relationship with the prospect of further growth, and

WHEREAS, it is the custom of this state to welcome all who come, especially those who come in the interest of friendship and commerce, and

WHEREAS, it is in the best interest of this state to further cultivate the good relationship between Florida and the Republic of Turkey, and

WHEREAS, it is the policy of the Florida Legislature to recognize the contributions of our nation's allies and the value of maintaining beneficial relationships with allies, and

WHEREAS, the Turkic American Federation of Southeast (TAFS) is an independent, nonprofit organization that facilitates the mutually beneficial economic relationship between Florida and Turkey, and

WHEREAS, the organization's mission is to promote cultural, educational, academic, business, social, and arts relations and to organize events and activities to bring together the American, Turkish, Turkic, and Eurasian communities within the United States, and

WHEREAS, TAFS represents 12 member organizations in five states: Florida, Georgia, Tennessee, South Carolina, and Alabama, and

WHEREAS, TAFS brings people together by hosting public programs and private events featuring leaders and experts with diverse views on a wide range of global and regional topics through task forces, executive forums, luncheons, conferences, studies, and leadership dialogue, and

WHEREAS, the bipartisan Turkish-Floridian Friendship Task Force was created in 2014, with Senator Rene Garcia and Representative Reggie Fullwood serving as the initial network coordinators, for the purpose of providing members of the Legislature with the opportunity to strengthen Florida-Turkish relations, address issues that concern Turkish Americans in Florida, promote cultural, educational, academic, political, and economic relations between the people of this state and the Turkish people, and coordinate hospitality and educational events and exchanges with TAFS, and

WHEREAS, a Turkish-Floridian Friendship Day reception will be held in Tallahassee on April 1, 2014, NOW, THEREFORE,

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

That we recognize the Turkic American Federation of Southeast for its efforts to promote intercultural understanding and goodwill, and the Turkish-Floridian Friendship Task Force for its cooperation with TAFS, and extend best wishes on the occasion of the Turkish-Floridian Friendship Day reception.

BE IT FURTHER RESOLVED that we encourage the creation of a Turkish-Floridian Friendship Task Force by members of this body and the House of Representatives to further the long-standing relations between this state and the Republic of Turkey, build upon time-honored friendships, and promote cultural, educational, academic, political, and economic relations between Florida and Turkey.

—**SR 1332** was introduced, read and adopted by publication.

At the request of Senator Legg—

By Senator Legg—

SR 1746—A resolution recognizing the 2014 State Champion J.W. Mitchell High School ice hockey team.

WHEREAS, J.W. Mitchell High School in New Port Richey is known for consistently living up to its slogan, "We make excellence matter. Mustangs do this every day, every lesson, every class period, and every time," and

WHEREAS, on February 23, 2014, the J.W. Mitchell High School Mustangs ice hockey team won its second Tier II state championship in three seasons, and

WHEREAS, the J.W. Mitchell High School Mustangs ice hockey team finished the season with a 16-2-1 record, outscoring the opposition by 66 points, and

WHEREAS, the J.W. Mitchell High School Mustangs ice hockey team demonstrates excellence both on and off the ice, NOW, THEREFORE,

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

That the 2014 State Champion J.W. Mitchell High School ice hockey team is recognized for making excellence matter both on and off the ice.

—**SR 1746** was introduced, read and adopted by publication.

At the request of Senator Richter—

By Senator Richter—

SR 1758—A resolution expressing support for the successful negotiation of a mutually beneficial Transatlantic Trade and Investment Partnership between the United States and the European Union.

WHEREAS, the transatlantic economy is the largest in the world, encompassing nearly 50 percent of global gross domestic product (GDP), and the United States-European Union High Level Working Group on Jobs and Growth has called for an agreement to remove constraints to economic growth between these two entities, resulting in discussion of the Transatlantic Trade and Investment Partnership (TTIP), and

WHEREAS, growth of emerging marketplaces across the globe continues to lessen the share of global GDP attributable to the transatlantic economy, and

WHEREAS, expansion of global trade, especially with member nations of the European Union, is of vital importance to the growth of the economy of the United States, small business participation in the international marketplace, and job creation, and

WHEREAS, this state would benefit greatly from the ratification of a comprehensive TTIP, which would create employment opportunities for Floridians as a direct result of loosening current burdens on trade and free markets, and

WHEREAS, the successful implementation of the TTIP will increase exports to the European Union from this state, and

WHEREAS, the Constitution of the United States of America grants the Congress of the United States sole authority in regulating commerce with foreign nations, and

WHEREAS, the negotiation of a successful Transatlantic Trade and Investment Partnership will necessarily be a bipartisan cooperation between state, federal, and foreign governments, NOW, THEREFORE,

Be It Resolved by the Senate of Florida:

That successful negotiation by the Executive Branch of a mutually beneficial Transatlantic Trade and Investment Partnership between the United States and the European Union and its ratification by the United States Congress is supported.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Florida congressional delegation.

—**SR 1758** was introduced, read and adopted by publication.

MATTERS ON RECONSIDERATION

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

CS for CS for SB 1138—A bill to be entitled An act relating to the civil liability of farmers; amending s. 768.137, F.S.; expanding an existing exemption from civil liability for farmers who gratuitously allow a

person to enter upon their land for the purpose of removing farm produce or crops left in the field after harvesting to include farmers who gratuitously allow a person to enter upon their land to remove any farm produce or crops; revising exceptions to the exemption from civil liability; providing an effective date.

—passed April 23. On motion by Senator Evers, the rules were waived and **CS for CS for SB 1138** was retained on the calendar of Bills on Third Reading.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 586** was deferred.

CS for CS for SB 850—A bill to be entitled An act relating to education; amending s. 1001.42, F.S.; requiring a school that includes certain grades to include information, data, and instructional strategies in its school improvement plan; requiring a school that includes certain grades to implement an early warning system based on indicators to identify students in need of additional academic support; amending s. 1002.32, F.S.; revising the kind of lab schools that receive a proportional share of the sparsity supplement; amending s. 1003.42, F.S.; providing State Board of Education duties relating to middle grades courses; amending s. 1003.4203, F.S.; requiring a district school board, in consultation with the district school superintendent, to make CAPE Digital Tool certificates and CAPE industry certifications available to students, including students with disabilities, in prekindergarten through grade 12, to enable students to attain digital skills; providing eligibility for additional FTE funding; requiring innovative programs and courses that combine academic and career instructional tools and industry certifications into education for both college and career preparedness; providing for additional FTE funding; providing for grade point average calculation; requiring the Department of Education to collaborate with Florida educators and school leaders to provide technical assistance to district school boards regarding implementation; authorizing public schools to provide students with access to third-party assessment centers and career and professional academy curricula; encouraging third-party assessment providers and career and professional academy curricula providers to provide annual training; amending s. 1003.4281, F.S.; deleting calculations for paid and unpaid high school credits; amending s. 1003.4285, F.S.; revising requirements to earn a Scholar designation on a standard high school diploma; revising requirements to earn a Merit designation on a standard high school diploma; creating s. 1003.4298, F.S.; requiring the third-party assessment center providers to report return on investment to students and students' families regarding completing CAPE industry certifications and CAPE Digital Tool certificates; providing criteria for the return on investment report; amending s. 1003.4935, F.S.; authorizing additional FTE funding for certain Digital Tool certificates and industry certifications; amending s. 1003.53, F.S.; authorizing dropout prevention and academic intervention services for a student identified by a school's early warning system; amending s. 1006.135, F.S.; including middle grades schools under provisions prohibiting hazing; revising the definition of the term "hazing"; requiring a school district policy that prohibits hazing and establishes consequences for an act of hazing; revising penalty provisions and providing for applicability; creating s. 1007.273, F.S.; requiring a Florida College System institution to work with each district school board in its designated service area to establish a collegiate high school program; providing options for participation in a collegiate high school program; requiring a Florida College System institution to execute a contract with each district school board in its designated service area to establish the program; authorizing another Florida College System institution to execute a contract with the district school board in certain circumstances; requiring each district school board to execute the contract with the local Florida College System institution; requiring the contract to be executed by a specified date for the purpose of implementation; specifying information that must be included in the contract; specifying requirements for student performance contracts for students participating in the collegiate high school program; providing the calculation for funding the collegiate high school program; prohibiting a Florida College System institution from reporting certain funds for purposes of funding or receiving the standard tuition rate per credit hour for a student enrolled in a dual enrollment course at the institution unless the institution establishes a collegiate high school program; authorizing district school boards to execute a contract with a state university or certain independent colleges and universities to establish the collegiate high

school program; amending s. 1008.44, F.S.; requiring the department to annually identify CAPE Digital Tool certificates and CAPE industry certifications; authorizing the Commissioner of Education to recommend adding certain certificates and certifications; providing requirements for inclusion of CAPE Digital Tool certificates and CAPE industry certifications on the funding list; authorizing the commissioner to limit certain Digital Tool certificates and CAPE industry certifications to students in certain grades; providing requirements for the Articulation Coordinating Committee; amending s. 1011.62, F.S.; specifying requirements relating to additional FTE funding based on completion of certain courses or programs and issuance of CAPE industry certification; deleting obsolete provisions; deleting provisions regarding Florida Cyber Security Recognition, Florida Digital Arts Recognition, and Florida Digital Tool Certificates; amending s. 1012.98, F.S.; providing requirements relating to professional development, including inservice plans and instructional strategies, for middle grades educators; requiring the Department of Education to disseminate professional development in the use of integrated digital instruction; renaming the Florida Agricultural and Mechanical University Crestview Education Center as the "Senator Durell Peaden, Jr., FAMU Educational Center"; providing an effective date.

—as amended April 11 was read the third time by title.

On motion by Senator Legg, **CS for CS for SB 850** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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|---------------|---------------------|----------|
| Mr. President | Diaz de la Portilla | Legg |
| Abruzzo | Flores | Margolis |
| Altman | Galvano | Montford |
| Bean | Garcia | Richter |
| Benacquisto | Gardiner | Ring |
| Bradley | Gibson | Simpson |
| Brandes | Grimsley | Smith |
| Braynon | Hukill | Soto |
| Bullard | Joyner | Stargel |
| Clemens | Latvala | Thompson |
| Dean | Lee | Thrasher |

Nays—None

Vote after roll call:

Yea—Detert, Evers, Hays, Sachs, Simmons, Sobel

Consideration of **CS for CS for SB 764** was deferred.

CS for SB 1726—A bill to be entitled An act relating to crisis stabilization services; amending s. 394.9082, F.S.; requiring the Department of Children and Families to develop standards and protocols for the collection, storage, transmittal, and analysis of utilization data from public receiving facilities; defining the term "public receiving facility"; requiring the department to require compliance by managing entities by a specified date; requiring a managing entity to require public receiving facilities in its provider network to submit certain data within specified timeframes; requiring managing entities to reconcile data to ensure accuracy; requiring managing entities to submit certain data to the department within specified timeframes; requiring the department to create a statewide database; requiring the department to adopt rules; requiring the department to submit an annual report to the Governor and the Legislature; providing that implementation is subject to specific appropriations; providing an effective date.

—was read the third time by title.

On motion by Senator Sobel, **CS for SB 1726** was passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------|-------------|---------|
| Mr. President | Bean | Brandes |
| Abruzzo | Benacquisto | Braynon |
| Altman | Bradley | Bullard |

| | | |
|---------------------|----------|----------|
| Clemens | Hays | Sachs |
| Dean | Hukill | Simmons |
| Detert | Joyner | Simpson |
| Diaz de la Portilla | Latvala | Smith |
| Evers | Lee | Sobel |
| Flores | Legg | Soto |
| Garcia | Margolis | Stargel |
| Gardiner | Montford | Thompson |
| Gibson | Richter | Thrasher |
| Grimsley | Ring | |

Nays—None

Vote after roll call:

Yea—Galvano

CS for CS for CS for SB 602—A bill to be entitled An act relating to the residency of candidates and public officers; creating ss. 99.0125 and 111.015, F.S.; requiring a candidate or public officer required to reside in a specific geographic area to have only one domicile at a time; providing factors that may be considered when determining residency; providing exceptions for active duty military members; amending ss. 14.01, 16.01, 17.02, 19.23, and 114.03, F.S.; specifying the applicability of residency requirements on the Governor and Cabinet officers; specifying that the act does not apply to members of the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for CS for CS for SB 602** was passed and certified to the House. The vote on passage was:

Yeas—39

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|---------------------|----------|----------|
| Mr. President | Evers | Margolis |
| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | Thrasher |

Nays—None

CS for CS for HB 287—A bill to be entitled An act relating to certificates of need; amending s. 408.034, F.S.; decreasing the subdistrict average occupancy rate that the Agency for Health Care Administration is required to maintain as a goal of its nursing-home-bed-need methodology; conforming a provision to changes made by the act; authorizing an applicant to aggregate the need of geographically contiguous subdistricts within a district for a proposed community nursing home under certain circumstances; requiring the proposed nursing home site to be located in the subdistrict with the greater need under certain circumstances; recognizing an additional positive application factor for an applicant who voluntarily relinquishes certain nursing home beds; requiring the applicant to demonstrate that it meets certain requirements; amending s. 408.036, F.S.; providing that, under certain circumstances, replacement of a nursing home and relocation of a portion of a nursing home's licensed beds to another facility, or to establish a new facility, is a health-care-related project subject to expedited review; conforming a cross-reference; revising the requirements for projects that are exempted from applying for a certificate of need; creating s. 408.0436, F.S.; prohibiting the agency from approving a certificate-of-need application for new community nursing home beds under certain circumstances; defining the term "batching cycle"; providing for future repeal; repealing s. 408.0435, F.S., relating to the moratorium on the approval of certificates

of need for additional community nursing home beds; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **CS for CS for HB 287** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 409—A bill to be entitled An act relating to offenses against vulnerable persons; amending s. 90.803, F.S.; revising when an out of court statement by an elderly person or disabled adult is admissible in certain proceedings; amending s. 817.568, F.S.; expanding applicability of prohibition on the fraudulent use of personal identification information of specified victims without consent to include persons 60 years of age or older; amending s. 825.101, F.S.; revising and deleting definitions; amending s. 825.103, F.S.; deleting a requirement that property of an elderly person or disabled adult be obtained by deception or intimidation in order to constitute exploitation of such a person; specifying additional circumstances that constitute a breach of a fiduciary duty and specifying when an unauthorized appropriation occurs; creating a presumption that certain inter vivos transfers are a result of exploitation; providing exceptions; providing for jury instructions concerning the presumption; revising the valuation of funds, assets, or property involved for various degrees of offenses of exploitation of an elderly person or disabled adult; providing for return of property seized from a defendant to the victim before trial in certain circumstances; amending ss. 775.0844 and 921.0022, F.S.; conforming provisions to changes made by the act; reenacting s. 772.11(1), F.S., relating to a civil remedy for theft or exploitation, to incorporate the amendments made by the act to s. 825.103, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

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

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

Amendment 1 (663072) (with title amendment)—Delete lines 73-529 and insert:
Florida Statutes, are amended, subsections (11) through (17) of that section are redesignated as subsections (13) through (19), respectively, and new subsections (11) and (12) are added to that section, to read:

817.568 Criminal use of personal identification information.—

(6) Any person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is younger less than 18 years of age or 60 years of age or older without first obtaining the consent of that individual or of his or her legal guardian commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) Any person who is in the relationship of parent or legal guardian, or who otherwise exercises custodial authority over an individual who is younger less than 18 years of age or 60 years of age or older, who willfully

and fraudulently uses personal identification information of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(11) A person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101; a public servant as defined in s. 838.014; a veteran as defined in s. 1.01; a first responder as defined in s. 125.01045; an individual who is employed by the State of Florida; or an individual who is employed by the Federal Government without first obtaining the consent of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of this section, the court shall impose a surcharge of \$1,001. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision.

(a) The sum of \$500 of the surcharge shall be deposited into the Department of Law Enforcement Operating Trust Fund for the department to provide grants to local law enforcement agencies to investigate offenses related to the criminal use of personal identification information as provided in s. 943.0412.

(b) The sum of \$500 of the surcharge shall be deposited into the State Attorneys Revenue Trust Fund for the purpose of funding prosecutions of offenses relating to the criminal use of personal identification information.

(c) The clerk of the court shall retain \$1 of each \$1,001 surcharge that he or she collects as a service charge of the clerk's office.

(d) The surcharge may not be waived by the court. In the event that the person has been ordered to pay restitution in accordance with s. 775.089, the surcharge shall be included in a judgment.

Section 3. Subsections (2), (3), and (8) of section 825.101, Florida Statutes, are amended to read:

825.101 Definitions.—As used in this chapter:

(2) “Caregiver” means a person who has been entrusted with or has assumed responsibility for the care or the property of an elderly person or disabled adult. “Caregiver” includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of facilities as defined in subsection (6)(7).

~~(3) “Deception” means:~~

~~(a) Misrepresenting or concealing a material fact relating to:~~

~~1. Services rendered, disposition of property, or use of property, when such services or property are intended to benefit an elderly person or disabled adult;~~

~~2. Terms of a contract or agreement entered into with an elderly person or disabled adult; or~~

~~3. An existing or preexisting condition of any property involved in a contract or agreement entered into with an elderly person or disabled adult; or~~

~~(b) Using any misrepresentation, false pretense, or false promise in order to induce, encourage, or solicit an elderly person or disabled adult to enter into a contract or agreement.~~

~~(8) “Intimidation” means the communication by word or act to an elderly person or disabled adult that the elderly person or disabled adult will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.~~

Section 4. Section 825.103, Florida Statutes, is amended to read:

825.103 Exploitation of an elderly person or disabled adult; penalties.—

(1) "Exploitation of an elderly person or disabled adult" means:

(a) Knowingly, ~~by deception or intimidation~~, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

1. Stands in a position of trust and confidence with the elderly person or disabled adult; or
2. Has a business relationship with the elderly person or disabled adult;

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent; ~~or~~

(c) Breach of a fiduciary duty to an elderly person or disabled adult by the person's guardian, *trustee who is an individual*, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. *An unauthorized appropriation under this paragraph occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties:*

1. For agents appointed under chapter 709:
 - a. Committing fraud in obtaining their appointments;
 - b. Abusing their powers;
 - c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or
 - d. Acting contrary to the principal's sole benefit or best interest; or
2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744:
 - a. Committing fraud in obtaining their appointments;
 - b. Abusing their powers; or
 - c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust;

(d) *Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer. This paragraph only applies to the following types of accounts:*

1. Personal accounts;
2. Joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or
3. Convenience accounts created in accordance with s. 655.80; or

(e) *Intentionally or negligently failing to effectively use an elderly person's or disabled adult's income and assets for the necessities required for that person's support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult.*

(2) *Any inter vivos transfer of money or property valued in excess of \$10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2 years before the first transfer and for which the transferor did not receive the reasonably equivalent financial*

value in goods or services creates a permissive presumption that the transfer was the result of exploitation.

(a) *This subsection applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan, except that it does not apply to a valid loan evidenced in writing that includes definite repayment dates. However, if repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption of this subsection applies.*

(b) *This subsection does not apply to:*

1. Persons who are in the business of making loans.
2. Bona fide charitable donations to nonprofit organizations that qualify for tax exempt status under the Internal Revenue Code.

(c) *In a criminal case to which this subsection applies, if the trial is by jury, jurors shall be instructed that they may, but are not required to, draw an inference of exploitation upon proof beyond a reasonable doubt of the facts listed in this subsection. The presumption of this subsection imposes no burden of proof on the defendant.*

(3)(a) *If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$50,000 ~~\$100,000~~ or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) *If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$10,000 ~~\$20,000~~ or more, but less than \$50,000 ~~\$100,000~~, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(c) *If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than \$10,000 ~~\$20,000~~, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(4) *If a person is charged with financial exploitation of an elderly person or disabled adult that involves the taking of or loss of property valued at more than \$5,000 and property belonging to a victim is seized from the defendant pursuant to a search warrant, the court shall hold an evidentiary hearing and determine, by a preponderance of the evidence, whether the defendant unlawfully obtained the victim's property. If the court finds that the property was unlawfully obtained, the court may order it returned to the victim for restitution purposes before trial on the charge. This determination is inadmissible in evidence at trial on the charge and does not give rise to any inference that the defendant has committed an offense under this section.*

Section 5. Section 943.0412, Florida Statutes, is created to read:

943.0412 Identity Theft and Fraud Grant Program.—

(1) *There is created the Identity Theft and Fraud Grant Program within the department to award grants to support local law enforcement agencies in the investigation and enforcement of personal identification information theft and fraud.*

(2) *Funds collected pursuant to s. 817.568(12)(a) and any funds specifically appropriated for the grant program shall be awarded annually by the department to local law enforcement agencies. The total amount of grants awarded may not exceed funding appropriated for the grant program.*

(3) *The department may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awards.*

Section 6. Paragraph (a) of subsection (5) of section 775.0844, Florida Statutes, is amended to read:

775.0844 White Collar Crime Victim Protection Act.—

(5) Any person who commits an aggravated white collar crime as defined in this section and in so doing either:

- (a) Victimizes 10 or more elderly persons, as defined in s. 825.101(5);

and thereby obtains or attempts to obtain \$50,000 or more, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Paragraphs (f), (g), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 316.193(2)(b) | 3rd | Felony DUI, 4th or subsequent conviction. |
| 499.0051(3) | 2nd | Knowing forgery of pedigree papers. |
| 499.0051(4) | 2nd | Knowing purchase or receipt of prescription drug from unauthorized person. |
| 499.0051(5) | 2nd | Knowing sale or transfer of prescription drug to unauthorized person. |
| 775.0875(1) | 3rd | Taking firearm from law enforcement officer. |
| 784.021(1)(a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |
| 784.021(1)(b) | 3rd | Aggravated assault; intent to commit felony. |
| 784.041 | 3rd | Felony battery; domestic battery by strangulation. |
| 784.048(3) | 3rd | Aggravated stalking; credible threat. |
| 784.048(5) | 3rd | Aggravated stalking of person under 16. |
| 784.07(2)(c) | 2nd | Aggravated assault on law enforcement officer. |
| 784.074(1)(b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 784.08(2)(b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 784.081(2) | 2nd | Aggravated assault on specified official or employee. |
| 784.082(2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 784.083(2) | 2nd | Aggravated assault on code inspector. |
| 787.02(2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 790.115(2)(d) | 2nd | Discharging firearm or weapon on school property. |
| 790.161(2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |
| 790.164(1) | 2nd | False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property. |
| 790.19 | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles. |

| Florida Statute | Felony Degree | Description |
|--|---------------|--|
| 794.011(8)(a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult. |
| 794.05(1) | 2nd | Unlawful sexual activity with specified minor. |
| 800.04(5)(d) | 3rd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years. |
| 800.04(6)(b) | 2nd | Lewd or lascivious conduct; offender 18 years of age or older. |
| 806.031(2) | 2nd | Arson resulting in great bodily harm to firefighter or any other person. |
| 810.02(3)(c) | 2nd | Burglary of occupied structure; unarmed; no assault or battery. |
| 810.145(8)(b) | 2nd | Video voyeurism; certain minor victims; 2nd or subsequent offense. |
| 812.014(2)(b)1. | 2nd | Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree. |
| 812.014(6) | 2nd | Theft; property stolen \$3,000 or more; coordination of others. |
| 812.015(9)(a) | 2nd | Retail theft; property stolen \$300 or more; second or subsequent conviction. |
| 812.015(9)(b) | 2nd | Retail theft; property stolen \$3,000 or more; coordination of others. |
| 812.13(2)(c) | 2nd | Robbery, no firearm or other weapon (strong-arm robbery). |
| 817.4821(5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |
| 825.102(1) | 3rd | Abuse of an elderly person or disabled adult. |
| 825.102(3)(c) | 3rd | Neglect of an elderly person or disabled adult. |
| 825.1025(3) | 3rd | Lewd or lascivious molestation of an elderly person or disabled adult. |
| 825.103(3)(c) 825.103(2)(e) | 3rd | Exploiting an elderly person or disabled adult and property is valued at less than \$10,000 \$20,000 . |
| 827.03(2)(c) | 3rd | Abuse of a child. |
| 827.03(2)(d) | 3rd | Neglect of a child. |
| 827.071(2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 836.05 | 2nd | Threats; extortion. |
| 836.10 | 2nd | Written threats to kill or do bodily injury. |
| 843.12 | 3rd | Aids or assists person to escape. |
| 847.011 | 3rd | Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors. |

| Florida Statute | Felony Degree | Description | Florida Statute | Felony Degree | Description |
|--------------------|---------------|--|-----------------|---------------|--|
| 847.012 | 3rd | Knowingly using a minor in the production of materials harmful to minors. | 461.012(1) | 3rd | Practicing podiatric medicine without a license. |
| 847.0135(2) | 3rd | Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. | 462.17 | 3rd | Practicing naturopathy without a license. |
| 914.23 | 2nd | Retaliation against a witness, victim, or informant, with bodily injury. | 463.015(1) | 3rd | Practicing optometry without a license. |
| 944.35(3)(a)2. | 3rd | Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm. | 464.016(1) | 3rd | Practicing nursing without a license. |
| 944.40 | 2nd | Escapes. | 465.015(2) | 3rd | Practicing pharmacy without a license. |
| 944.46 | 3rd | Harboring, concealing, aiding escaped prisoners. | 466.026(1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 944.47(1)(a)5. | 2nd | Introduction of contraband (firearm, weapon, or explosive) into correctional facility. | 467.201 | 3rd | Practicing midwifery without a license. |
| 951.22(1) | 3rd | Intoxicating drug, firearm, or weapon introduced into county facility. | 468.366 | 3rd | Delivering respiratory care services without a license. |
| (g) LEVEL 7 | | | 483.828(1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| Florida Statute | Felony Degree | Description | 484.901(9) | 3rd | Practicing medical physics without a license. |
| 316.027(1)(b) | 1st | Accident involving death, failure to stop; leaving scene. | 484.013(1)(c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. | 484.053 | 3rd | Dispensing hearing aids without a license. |
| 316.1935(3)(b) | 1st | Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. | 484.053 | 3rd | Dispensing hearing aids without a license. |
| 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious bodily injury. | 494.0018(2) | 1st | Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. | 560.123(8)(b)1. | 3rd | Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business. |
| 409.920 (2)(b)1.a. | 3rd | Medicaid provider fraud; \$10,000 or less. | 560.125(5)(a) | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 409.920 (2)(b)1.b. | 2nd | Medicaid provider fraud; more than \$10,000, but less than \$50,000. | 655.50(10)(b)1. | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |
| 456.065(2) | 3rd | Practicing a health care profession without a license. | 775.21(10)(a) | 3rd | Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations. |
| 456.065(2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. | 775.21(10)(b) | 3rd | Sexual predator working where children regularly congregate. |
| 458.327(1) | 3rd | Practicing medicine without a license. | 775.21(10)(g) | 3rd | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator. |
| 459.013(1) | 3rd | Practicing osteopathic medicine without a license. | 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 460.411(1) | 3rd | Practicing chiropractic medicine without a license. | 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |

| Florida Statute | Felony Degree | Description | Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|--------------------------|---------------|---|
| 782.071 | 2nd | Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide). | 794.08(4) | 3rd | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |
| 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). | 796.03 | 2nd | Procuring any person under 16 years for prostitution. |
| 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years. |
| 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly weapon. | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older. |
| 784.045(1)(b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. | 806.01(2) | 2nd | Maliciously damage structure by fire or explosive. |
| 784.048(4) | 3rd | Aggravated stalking; violation of injunction or court order. | 810.02(3)(a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 784.048(7) | 3rd | Aggravated stalking; violation of court order. | 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 784.07(2)(d) | 1st | Aggravated battery on law enforcement officer. | 810.02(3)(d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 784.074(1)(a) | 1st | Aggravated battery on sexually violent predators facility staff. | 810.02(3)(e) | 2nd | Burglary of authorized emergency vehicle. |
| 784.08(2)(a) | 1st | Aggravated battery on a person 65 years of age or older. | 812.014(2)(a)1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 784.081(1) | 1st | Aggravated battery on specified official or employee. | 812.014(2)(b)2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 784.082(1) | 1st | Aggravated battery by detained person on visitor or other detainee. | 812.014(2)(b)3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 784.083(1) | 1st | Aggravated battery on code inspector. | 812.014(2)(b)4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 787.06(3)(a) | 1st | Human trafficking using coercion for labor and services. | 812.0145(2)(a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 787.06(3)(e) | 1st | Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state. | 812.019(2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). | 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. | 812.133(2)(b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 790.165(2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. | 817.034(4)(a)1. | 1st | Communications fraud, value greater than \$50,000. |
| 790.165(3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. | 817.234(8)(a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 790.166(3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. | 817.234(9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 790.166(4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. | 817.234(11)(c) | 1st | Insurance fraud; property value \$100,000 or more. |
| 790.23 | 1st, PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. | 817.2341 (2)(b) & (3)(b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of |

| Florida Statute | Felony Degree | Description | Florida Statute | Felony Degree | Description |
|---|---------------|--|--------------------|---------------|--|
| | | an insuring entity which are a significant cause of the insolvency of that entity. | 893.13(4)(a) | 1st | Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs). |
| 817.535(2)(a) | 3rd | Filing false lien or other unauthorized document. | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 825.102(3)(b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. | 893.135 (1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 825.103(2)(b) 825.103(3)(b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at \$10,000 \$20,000 or more, but less than \$50,000 \$100,000 . | 893.135 (1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 827.03(2)(b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. | 893.135(1)(d)1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 827.04(3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 838.015 | 2nd | Bribery. | 893.135 (1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 838.016 | 2nd | Unlawful compensation or reward for official behavior. | 893.135 (1)(h)1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 838.021(3)(a) | 2nd | Unlawful harm to a public servant. | 893.135 (1)(j)1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 838.22 | 2nd | Bid tampering. | 893.135 (1)(k)2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 843.0855(2) | 3rd | Impersonation of a public officer or employee. | 893.1351(2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 843.0855(3) | 3rd | Unlawful simulation of legal process. | 896.101(5)(a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 843.0855(4) | 3rd | Intimidation of a public officer or employee. | 896.104(4)(a)1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 847.0135(3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. | 943.0435(4)(c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 847.0135(4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. | 943.0435(8) | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |
| 872.06 | 2nd | Abuse of a dead human body. | 943.0435(9)(a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 874.05(2)(b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense. | 943.0435(13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 874.10 | 1st, PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity. | 943.0435(14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. |
| 893.13(1)(c)1. | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. | 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 893.13(1)(e)1. | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site. | 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |

| Florida Statute | Felony Degree | Description | Florida Statute | Felony Degree | Description |
|--------------------|---------------|---|-----------------|---------------|--|
| 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. | 787.06(3)(b) | 1st | Human trafficking using coercion for commercial sexual activity. |
| 944.607(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. | 787.06(3)(c) | 1st | Human trafficking using coercion for labor and services of an unauthorized alien. |
| 985.4815(10) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. | 787.06(3)(f) | 1st | Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state. |
| 985.4815(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. | 790.161(3) | 1st | Discharging a destructive device which results in bodily harm or property damage. |
| 985.4815(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. | 794.011(5) | 2nd | Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury. |
| (h) LEVEL 8 | | | | | |
| Florida Statute | Felony Degree | Description | Florida Statute | Felony Degree | Description |
| 316.193 (3)(c)3.a. | 2nd | DUI manslaughter. | 794.08(3) | 2nd | Female genital mutilation, removal of a victim younger than 18 years of age from this state. |
| 316.1935(4)(b) | 1st | Aggravated fleeing or attempted eluding with serious bodily injury or death. | 800.04(4) | 2nd | Lewd or lascivious battery. |
| 327.35(3)(c)3. | 2nd | Vessel BUI manslaughter. | 806.01(1) | 1st | Maliciously damage dwelling or structure by fire or explosive, believing person in structure. |
| 499.0051(7) | 1st | Knowing trafficking in contraband prescription drugs. | 810.02(2)(a) | 1st, PBL | Burglary with assault or battery. |
| 499.0051(8) | 1st | Knowing forgery of prescription labels or prescription drug labels. | 810.02(2)(b) | 1st, PBL | Burglary; armed with explosives or dangerous weapon. |
| 560.123(8)(b)2. | 2nd | Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter. | 810.02(2)(c) | 1st | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage. |
| 560.125(5)(b) | 2nd | Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000. | 812.014(2)(a)2. | 1st | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree. |
| 655.50(10)(b)2. | 2nd | Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions. | 812.13(2)(b) | 1st | Robbery with a weapon. |
| 777.03(2)(a) | 1st | Accessory after the fact, capital felony. | 812.135(2)(c) | 1st | Home-invasion robbery, no firearm, deadly weapon, or other weapon. |
| 782.04(4) | 2nd | Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb. | 817.535(2)(b) | 2nd | Filing false lien or other unauthorized document; second or subsequent offense. |
| 782.051(2) | 1st | Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3). | 817.535(3)(a) | 2nd | Filing false lien or other unauthorized document; property owner is a public officer or employee. |
| 782.071(1)(b) | 1st | Committing vehicular homicide and failing to render aid or give information. | 817.535(4)(a)1. | 2nd | Filing false lien or other unauthorized document; defendant is incarcerated or under supervision. |
| 782.072(2) | 1st | Committing vessel homicide and failing to render aid or give information. | 817.535(5)(a) | 2nd | Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument. |
| | | | 817.568(6) | 2nd | Fraudulent use of personal identification information of an individual under the age of 18. |
| | | | 825.102(2) | 1st | Aggravated abuse of an elderly person or disabled adult. |
| | | | 825.1025(2) | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult. |

| Florida Statute | Felony Degree | Description | Florida Statute | Felony Degree | Description |
|---|---------------|--|-----------------|---------------|--|
| 825.103(3)(a) 825.103(2)(a) | 1st | Exploiting an elderly person or disabled adult and property is valued at \$50,000 \$100,000 or more. | 896.101(5)(b) | 2nd | Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000. |
| 837.02(2) | 2nd | Perjury in official proceedings relating to prosecution of a capital felony. | 896.104(4)(a)2. | 2nd | Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000. |
| 837.021(2) | 2nd | Making contradictory statements in official proceedings relating to prosecution of a capital felony. | | | |
| 860.121(2)(c) | 1st | Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm. | | | |
| 860.16 | 1st | Aircraft piracy. | | | |
| 893.13(1)(b) | 1st | Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). | | | |
| 893.13(2)(b) | 1st | Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). | | | |
| 893.13(6)(c) | 1st | Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). | | | |
| 893.135(1)(a)2. | 1st | Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs. | | | |
| 893.135 (1)(b)1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams. | | | |
| 893.135 (1)(c)1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams. | | | |
| 893.135 (1)(d)1.b. | 1st | Trafficking in phencyclidine, more than 200 grams, less than 400 grams. | | | |
| 893.135 (1)(e)1.b. | 1st | Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms. | | | |
| 893.135 (1)(f)1.b. | 1st | Trafficking in amphetamine, more than 28 grams, less than 200 grams. | | | |
| 893.135 (1)(g)1.b. | 1st | Trafficking in flunitrazepam, 14 grams or more, less than 28 grams. | | | |
| 893.135 (1)(h)1.b. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms. | | | |
| 893.135 (1)(j)1.b. | 1st | Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms. | | | |
| 893.135 (1)(k)2.b. | 1st | Trafficking in Phenethylamines, 200 grams or more, less than 400 grams. | | | |
| 893.1351(3) | 1st | Possession of a place used to manufacture controlled substance when minor is present or resides there. | | | |
| 895.03(1) | 1st | Use or invest proceeds derived from pattern of racketeering activity. | | | |
| 895.03(2) | 1st | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property. | | | |
| 895.03(3) | 1st | Conduct or participate in any enterprise through pattern of racketeering activity. | | | |

Section 8. For the purpose of incorporating the amendment made by this act to section 825.103, Florida Statutes, in a reference thereto, subsection (1) of section 772.11, Florida Statutes, is reenacted to read:

772.11 Civil remedy for theft or exploitation.—

(1) Any person who proves by clear and convincing evidence that he or she has been injured in any fashion by reason of any violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of \$200, and reasonable attorney's fees and court costs in the trial and appellate courts. Before filing an action for damages under this section, the person claiming injury must make a written demand for \$200 or the treble damage amount of the person liable for damages under this section. If the person to whom a written demand is made complies with such demand within 30 days after receipt of the demand, that person shall be given a written release from further civil liability for the specific act of theft or exploitation by the person making the written demand. Any person who has a cause of action under this section may recover the damages allowed under this section from the parents or legal guardian of any unemancipated minor who lives with his or her parents or legal guardian and who is liable for damages under this section. Punitive damages may not be awarded under this section. The defendant is entitled to recover reasonable attorney's fees and court costs in the trial and appellate courts upon a finding that the claimant raised a claim that was without substantial fact or legal support. In awarding attorney's fees and costs under this section, the court may not consider the ability of the opposing party to pay such fees and costs. This section does not limit any right to recover attorney's fees or costs provided under any other law.

Section 9. (1) For the 2014-2015 fiscal year, the sum of \$72,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for local law enforcement grants as provided in s. 943.0412, Florida Statutes, as created by this act.

(2) For the 2014-2015 fiscal year, the sum of \$42,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement, and one full-time equivalent position with associated salary rate is authorized, to administer the Identity Theft and Fraud Grant Program as provided in s. 943.0412, Florida Statutes, as created by this act.

(3) For the 2014-2015 fiscal year, the sum of \$186,000 in recurring funds is appropriated from the General Revenue Fund to the State Attorneys Revenue Trust Fund to be distributed equally to the state attorneys of the Eleventh, Fifteenth, and Seventeenth Judicial Circuits for salaries and benefits for one assistant state attorney in each circuit to prosecute personal identification information theft and fraud offenses.

And the title is amended as follows:

Delete lines 2-31 and insert: An act relating to offenses against vulnerable persons; amending s. 90.803, F.S.; revising when an out of court statement by an elderly person or disabled adult is admissible in certain proceedings; amending s. 817.568, F.S.; expanding applicability of prohibition on the fraudulent use of personal identification information of specified victims without consent to include persons 60 years of age or older; providing that it is unlawful for any person to willfully and without authorization fraudulently use personal identification information concerning specified individuals without their consent; providing criminal penalties; providing for a surcharge and allocation thereof; amending s. 825.101, F.S.; revising and deleting definitions; amending s. 825.103, F.S.; deleting a requirement that property of an elderly person or disabled adult be obtained by deception or intimidation in order to constitute exploitation of such a person; specifying additional circum-

stances that constitute a breach of a fiduciary duty and specifying when an unauthorized appropriation occurs; creating a presumption that certain inter vivos transfers are a result of exploitation; providing exceptions; providing for jury instructions concerning the presumption; revising the valuation of funds, assets, or property involved for various degrees of offenses of exploitation of an elderly person or disabled adult; providing for return of property seized from a defendant to the victim before trial in certain circumstances; creating s. 943.0412, F.S.; providing legislative findings; creating the Identity Theft and Fraud Grant Program; amending ss. 775.0844 and 921.0022, F.S.; conforming provisions to changes made by the act; reenacting s. 772.11(1), F.S., relating to a civil remedy for theft or exploitation, to incorporate the amendments made by the act to s. 825.103, F.S., in a reference thereto; providing appropriations and authorizing a position; providing an

On motion by Senator Richter, **CS for CS for HB 409** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------------|----------|----------|
| Mr. President | Evers | Margolis |
| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | Thrasher |

Nays—None

CS for CS for HB 633—A bill to be entitled An act relating to the Division of Insurance Agents and Agency Services; amending s. 20.121, F.S.; revising the name of the division; amending s. 624.310, F.S.; revising service delivery methods; amending s. 624.318, F.S.; prohibiting the removal of specified original documents under certain conditions; amending s. 624.501, F.S.; revising original appointment and renewal fees related to certain insurance representatives; amending s. 626.015, F.S.; prohibiting new limited customer representative licenses from being issued after a specified date; defining the term “unaffiliated insurance agent”; amending s. 626.0428, F.S.; revising prohibitions relating to binding insurance and soliciting insurance; requiring a branch place of business to have an agent in charge; authorizing an agent to be in charge of more than one branch office under certain circumstances; providing requirements relating to the designation of an agent in charge; providing that the agent in charge is accountable for misconduct and violations committed by the licensee and any person under his or her supervision; prohibiting an insurance agency from conducting insurance business at a location without a designated agent in charge; providing for expiration of an agency license under specified circumstances; amending s. 626.112, F.S.; providing licensure exemptions that allow specified individuals or entities to conduct insurance business at specified locations under certain circumstances; revising licensure requirements and penalties with respect to registered insurance agencies; providing that the registration of an approved registered insurance agency automatically converts to an insurance agency license on a specified date; amending s. 626.171, F.S.; providing an exemption from certain licensure application fees; amending s. 626.172, F.S.; revising requirements relating to applications for insurance agency licenses; amending s. 626.207, F.S.; conforming a cross-reference; amending s. 626.241, F.S.; revising the scope of the examination for a limited agent; amending s. 626.261, F.S.; deleting a provision requiring certain costs to be paid by applicants who request licensure examinations in Spanish; amending s. 626.311, F.S.; limiting the types of business that may be transacted by certain agents; amending s. 626.321, F.S.; providing that a limited license to offer motor vehicle rental insurance issued to a business that rents or leases motor vehicles encompasses employees and authorized representatives of such business; amending s. 626.382, F.S.; providing that an insurance agency license continues in force until canceled, suspended, revoked, terminated, or expired; amending s.

626.601, F.S.; revising terminology relating to investigations conducted by the Department of Financial Services and the Office of Insurance Regulation with respect to individuals and entities involved in the insurance industry; amending s. 626.611, F.S.; requiring the department to suspend certain licenses and appointments; amending s. 626.641, F.S.; conforming a cross-reference; amending s. 626.733, F.S.; revising applicability of certain appointment provisions; amending s. 626.7355, F.S.; revising qualifications for a temporary customer representative’s license; repealing s. 626.747, F.S., relating to branch agencies, agents in charge, and the payment of additional county tax under certain circumstances on a specified date; amending s. 626.7845, F.S.; revising a prohibition against unlicensed transaction of life insurance; amending ss. 626.8411, 626.861, and 626.862, F.S.; conforming cross-references; amending s. 626.9272, F.S.; revising requirements for the licensure of nonresident surplus lines agents; creating s. 627.4553, F.S.; requiring an insurance agent who recommends the surrender of certain annuity or life insurance to provide certain information to the department; amending s. 627.7015, F.S.; revising the rulemaking authority of the department with respect to qualifications and specified types of penalties covered under the property insurance mediation program; amending s. 627.706, F.S.; revising definitions; amending s. 627.7074, F.S.; providing grounds for the department to deny an application, or suspend or revoke approval of certification, of a neutral evaluator; requiring the department to adopt rules; amending s. 627.745, F.S.; revising qualifications for approval as a mediator by the department; providing grounds for the department to deny an application, or suspend or revoke approval, of a mediator; authorizing the department to adopt rules; amending s. 627.952, F.S.; providing that certain persons who are not residents of this state must be licensed and appointed as nonresident surplus lines agents in this state in order to engage in specified activities with respect to servicing insurance contracts, certificates, or agreements for purchasing or risk retention groups; deleting a fidelity bond requirement applicable to certain nonresident agents who are licensed as surplus lines agents in another state; amending s. 648.43, F.S.; revising requirements for the submission of a power of attorney; amending s. 648.49, F.S.; revising provisions relating to the duration of suspension or revocation of a license; amending ss. 943.0585 and 943.059, F.S.; prohibiting persons seeking to be licensed by the Division of Insurance Agent and Agency Services from denying or failing to acknowledge certain expunged or sealed records; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for CS for HB 633** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Detert

CS for SB 1238—A bill to be entitled An act relating to family trust companies; amending s. 655.005, F.S.; revising the definition of the term “financial institutions codes”; creating chapter 662, F.S.; creating s. 662.10, F.S.; providing a short title; creating s. 662.102, F.S.; providing the purpose of the act; creating s. 662.111, F.S.; defining terms; creating s. 662.112, F.S.; providing for the calculation of kinship; creating s.

662.114, F.S.; exempting a family trust company or foreign licensed family trust company from licensure; creating s. 662.115, F.S.; providing for the applicability of the chapter to a family trust company or foreign licensed family trust company; creating s. 662.120, F.S.; specifying the maximum number of designated relatives allowed for a family trust company and a licensed family trust company; creating s. 662.121, F.S.; providing procedures for applying for a family trust company license; requiring a fee; creating s. 662.1215, F.S.; providing for investigations of applicants by the Office of Financial Regulation; creating s. 662.122, F.S.; providing procedures for the registration of a family trust company or a foreign licensed family trust company; requiring a fee; creating s. 662.1225, F.S.; providing requirements for a family trust company, licensed family trust company, and foreign licensed family trust company; creating s. 662.123, F.S.; requiring organizational documents to include certain provisions; authorizing the use of the term "trust"; creating s. 662.124, F.S.; requiring a minimum capital account; creating s. 662.125, F.S.; vesting exclusive authority to manage a family trust company or licensed family trust company in a board of directors or managers; providing for appointment of directors and managers; requiring certain notice to the office in specified circumstances; requiring the office to issue a notice of disapproval of a proposed appointment in specified circumstances; creating s. 662.126, F.S.; requiring that licensed family trust companies procure and maintain fidelity bonds or specified minimum capital account and errors and omissions insurance; authorizing a family trust company that is not licensed to procure and maintain such coverage; authorizing licensed and unlicensed family trust companies to procure and maintain other insurance policies; creating s. 662.127, F.S.; requiring certain books and records to be segregated; creating s. 662.128, F.S.; requiring annual license and registration renewal; requiring a fee; creating s. 662.129, F.S.; providing for the discontinuance of a licensed family trust company; creating s. 662.130, F.S.; authorizing family trust companies to conduct certain activities; creating s. 662.131, F.S.; prohibiting certain activities on the part of family trust companies; creating s. 662.132, F.S.; imposing certain requirements on the assets that form the minimum capital of licensed family trust companies and family trust companies; authorizing such trust companies to purchase or rent real or personal property, invest funds, and, while acting as a fiduciary, make certain purchases; imposing a restriction on that authorization; clarifying the degree of prudence required of fiduciaries; restricting the authority of a fiduciary to purchase certain bonds or securities; specifying additional authority of fiduciaries; applying the duty of loyalty to family trust companies in certain cases; creating s. 662.133, F.S.; requiring certain officers, directors, or managers of a licensed family trust company or a family trust company to make an oath, affirmation, affidavit, or acknowledgment on behalf of the company in certain circumstances; creating s. 662.134, F.S.; prohibiting a family trust company from advertising to the public; creating s. 662.135, F.S.; providing that a licensed family trust company is not required to post a bond to serve as a court-appointed fiduciary; creating s. 662.140, F.S.; authorizing the commission to adopt rules; creating s. 662.141, F.S.; authorizing the office to conduct examinations and investigations; requiring that family trust companies be examined at least once every 18 months; authorizing the office to accept an independent audit in lieu of conducting an examination; requiring the office to examine the books and records of a family trust company or licensed family trust company; authorizing the office to rely on a certificate of trust, trust summary, or written statement in certain circumstances; authorizing the commission to adopt rules relating to records and requirements; authorizing the office to examine the books and records of a foreign licensed family trust company; requiring family trust companies to pay examination fees tied to actual costs incurred by the office; providing a penalty for late payment and authorizing an administrative fine if late payment is intentional; creating s. 662.142, F.S.; providing for license revocation; specifying acts and conduct that constitute grounds for revocation; authorizing the office to suspend a license pending revocation; creating s. 662.143, F.S.; authorizing the office to issue a cease and desist order and an emergency cease and desist order; creating s. 662.144, F.S.; authorizing the office to collect fines for the failure to submit required reports; creating s. 662.145, F.S.; providing grounds for the removal of an officer, director, manager, employee, or agent of a licensed family trust company or a family trust company; creating s. 662.146, F.S.; providing for the confidentiality of certain company books and records; creating s. 662.147, F.S.; providing requirements for books and records of family trust companies; requiring the office to retain certain records for a specified time; allowing the introduction of certain copies into evidence; requiring the office to establish a schedule of fees for such copies; providing requirements for orders issued by courts or administrative law judges for the production of

confidential records or information; creating s. 662.150, F.S.; providing for the domestication of a foreign family trust company; creating s. 662.151, F.S.; providing for the registration of a foreign licensed family trust company; amending s. 120.80, F.S.; adding licensed family trust companies to the entities regulated by the office that are exempted from licensing timeframes under ch. 120, F.S.; amending s. 736.0802, F.S.; providing circumstances under which certain trust transactions are not avoidable by a beneficiary affected by a transaction; providing circumstances under which certain transactions involving the investment or management of trust property are not presumed to be affected by conflicts of interest; providing an exception; amending s. 744.351, F.S.; exempting a family trust company from certain bond requirements and applying those requirements to licensed family trust companies and foreign licensed family trust companies; providing a contingent effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Richter, **CS for SB 1238** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Detert

SENATOR RICHTER PRESIDING

CS for CS for HB 523—A bill to be entitled An act relating to licensure to carry a concealed weapon or firearm; amending s. 790.06, F.S.; authorizing an applicant for a license to carry a concealed weapon or firearm to submit the application to an appointed tax collector; creating s. 790.0625, F.S.; defining terms; authorizing the Department of Agriculture and Consumer Services to appoint tax collectors to accept applications for new or renewal licenses to carry a concealed weapon or firearm on behalf of the Division of Licensing of the Department of Agriculture and Consumer Services; requiring a tax collector seeking appointment to submit a written request to the division; providing requirements for the request; requiring the division and an appointed tax collector to enter into a memorandum of understanding; authorizing the department or the division to rescind a memorandum of understanding at any time; providing that certain personal identifying information of applicants for licensure is confidential and exempt; establishing license fees for new and renewal applications; requiring an appointed tax collector to remit fees to the department; prohibiting a tax collector from maintaining a list or record of concealed weapon or firearm licensees or applicants; prohibiting a person from processing a concealed weapon or firearm application for a fee or compensation unless he or she has been appointed by the department to do so; providing for criminal penalties; providing an appropriation and authorizing positions; providing an effective date.

—was read the third time by title.

On motion by Senator Simpson, **CS for CS for HB 523** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Mr. President, Bradley, Detert

CS for HB 7007—A bill to be entitled An act relating to public records; amending s. 338.155, F.S., relating to the payment of tolls and associated charges; providing an exemption from public records requirements for personal identifying information; providing for retroactive application of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **CS for HB 7007** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

| | | |
|---------------------|----------|----------|
| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | |
| Evers | Margolis | |

Nays—None

Vote after roll call:

Yea—Mr. President, Thrasher

CS for SB 1140—A bill to be entitled An act relating to public records; creating s. 252.905, F.S.; creating an exemption from public records requirements for information furnished to the Division of Emergency Management by a person or business for the purpose of obtaining assistance with emergency planning; providing for retroactive application of the exemption; providing for future repeal and legislative review of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Hays, **CS for SB 1140** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------------|----------|----------|
| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | Thrasher |
| Evers | Margolis | |

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for SB 1526—A bill to be entitled An act relating to public records; amending s. 501.171, F.S.; creating an exemption from public records requirements for information received by the Department of Legal Affairs pursuant to a notice of a data breach or pursuant to certain investigations; authorizing disclosure under certain circumstances; defining the term “proprietary information”; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Thrasher, **CS for CS for SB 1526** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Mr. President, Hukill

CS for SB 414—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for personal identifying information of certain animal researchers at public research facilities, including state universities; providing for retroactive applicability of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 414**, on motion by Senator Dean, by two-thirds vote **CS for HB 993** was withdrawn from the Committees on Education; Governmental Oversight and Accountability; and Rules.

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

CS for HB 993—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for personal identifying information of certain animal researchers at public research facilities, including state universities; providing for retroactive applicability of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 414** and read the second time by title.

On motion by Senator Dean, by two-thirds vote **CS for HB 993** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Mr. President, Grimsley, Richter

CS for CS for SB 350—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for personal identifying information of participants in a yellow dot critical motorist medical information program; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Abruzzo, **CS for CS for SB 350** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------------|----------|----------|
| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | Thrasher |
| Evers | Margolis | |

Nays—None

Vote after roll call:

Yea—Mr. President

CS for HB 313—A bill to be entitled An act relating to single-gender public school programs; amending s. 1002.311, F.S.; providing requirements for a district school board when establishing a gender-specific

elementary, middle, or high school; requiring school administrative and instructional personnel to participate in professional development; providing accountability requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for HB 313** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Ring

Vote after roll call:

Yea—Mr. President

CS for HB 525—A bill to be entitled An act relating to public records; amending s. 790.0601, F.S.; providing an exemption from public records requirements for certain personal identifying information held by the tax collector when an individual applies for a license to carry a concealed weapon or firearm pursuant to s. 790.06, F.S.; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Simpson, **CS for HB 525** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Joyner

Vote after roll call:

Yea—Mr. President

CS for CS for HB 783—A bill to be entitled An act relating to motor vehicle sales; amending s. 545.01, F.S.; revising and reordering definitions; defining terms; creating s. 545.045, F.S.; prohibiting an affiliated finance company from taking specified actions relating to certain finance obligations arising from a vehicle contract that contains a third-party provider’s specified automotive related product; providing factors to determine whether an automotive related product is similar in nature, scope, and quality to an automotive related product offered for sale by an affiliated finance company or its related manufacturer or wholesale distributor; providing that a violation does not constitute a criminal offense; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for CS for HB 783** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Mr. President

HB 7177—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 893.0551, F.S., relating to an exemption from public record requirements for certain information held by the Department of Health pursuant to the prescription drug monitoring program; specifying that the Attorney General, health care regulatory boards, and law enforcement agencies may disclose confidential and exempt information in certain instances if such information is relevant to an active investigation; requiring the Attorney General, health care regulatory boards, and law enforcement agencies to take certain steps to ensure the continued confidentiality of all non-relevant confidential and exempt information before disclosing such information; authorizing the department to disclose, under certain circumstances, relevant information to a law enforcement agency, rather than requiring the department to disclose confidential and exempt information; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Bean, **HB 7177** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|-------------|---------------------|----------|
| Abruzzo | Diaz de la Portilla | Latvala |
| Altman | Evers | Lee |
| Bean | Flores | Legg |
| Benacquisto | Galvano | Margolis |
| Bradley | Garcia | Montford |
| Brandes | Gardiner | Richter |
| Braynon | Gibson | Ring |
| Bullard | Grimsley | Sachs |
| Clemens | Hays | Simmons |
| Dean | Hukill | Simpson |
| Detert | Joyner | Smith |

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| Sobel | Stargel | Thrasher |
| Soto | Thompson | |

Nays—None

Vote after roll call:

Yea—Mr. President

Consideration of **CS for SB 828** was deferred.

CS for CS for SB 1000—A bill to be entitled An act relating to labor pools; amending s. 448.24, F.S.; revising methods by which a labor pool is required to compensate day laborers; requiring a labor pool to provide certain notice before a day laborer’s first pay period; specifying requirements for a labor pool that selects to compensate a day laborer by payroll debit card; authorizing a labor pool to deliver a wage statement electronically upon request by the day laborer; providing an effective date.

—was read the third time by title.

On motion by Senator Braynon, **CS for CS for SB 1000** was passed and certified to the House. The vote on passage was:

Yeas—38

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|---------------------|----------|----------|
| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | Thrasher |
| Evers | Margolis | |

Nays—None

Vote after roll call:

Yea—Mr. President

CS for HB 1047—A bill to be entitled An act relating to the termination of pregnancies; amending s. 390.011, F.S.; defining the terms “reasonable medical judgment,” “standard medical measure,” and “viability”; amending s. 390.0111, F.S.; revising the circumstances under which a pregnancy in the third trimester may be terminated; providing the standard of medical care for the termination of a pregnancy during the third trimester; providing criminal penalties for a violation of s. 390.01112, F.S.; authorizing administrative discipline for a violation of s. 390.01112, F.S., by certain licensed professionals; creating s. 390.01112, F.S.; prohibiting the termination of a viable fetus; providing exceptions; requiring a physician to perform certain examinations to determine the viability of a fetus; providing the standard of care for the termination of a viable fetus; amending s. 797.03, F.S.; prohibiting an abortion of a viable fetus outside of a hospital; providing for severability; providing for a contingent future repeal and reversion of law; providing an effective date.

—was read the third time by title.

Senator Margolis moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (467952) (with title amendment)—Delete line 90 and insert: violation of the requirements of this section *or s. 390.01112 or willfully performs or actively participates in a vasectomy*

And the title is amended as follows:

Delete line 11 and insert: F.S.; providing criminal penalties for any person who willfully performs or actively participates in a vasectomy; authorizing administrative discipline for a

On motion by Senator Flores, **CS for HB 1047** was passed and certified to the House. The vote on passage was:

Yeas—24

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| Altman | Flores | Lee |
| Bean | Galvano | Legg |
| Benacquisto | Garcia | Negron |
| Bradley | Gardiner | Richter |
| Brandes | Grimsley | Simmons |
| Dean | Hays | Simpson |
| Diaz de la Portilla | Hukill | Stargel |
| Evers | Latvala | Thrasher |

Nays—15

| | | |
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| Abruzzo | Gibson | Sachs |
| Braynon | Joyner | Smith |
| Bullard | Margolis | Sobel |
| Clemens | Montford | Soto |
| Detert | Ring | Thompson |

Vote after roll call:

Yea—Mr. President

Consideration of **CS for CS for SB 1274** was deferred.

CS for HB 785—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; providing that oral vitamins, nutrient preparations, dietary supplements, and certain medical food are not reimbursable; amending s. 627.072, F.S.; authorizing employers to negotiate the retrospectively rated premium with insurers under certain conditions; providing an exemption; providing requirements for the filing and approval of such plans and associated forms; providing requirements for insurers engaging in the negotiation of premiums with eligible employers; providing applicability; providing construction with respect to the passage of similar legislation; amending s. 627.281, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Simpson, **CS for HB 785** was passed and certified to the House. The vote on passage was:

Yeas—38

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| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | Thrasher |
| Evers | Margolis | |

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for HB 755—A bill to be entitled An act relating to family law; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules or time-sharing arrangements as a factor in the adjustment of awards of child support; amending s. 90.204, F.S.; authorizing judges in family cases to take judicial notice of certain court records without prior notice to the parties when imminent danger to persons or property has been alleged and it is impractical to give prior notice; providing for a deferred opportunity to present evidence; requiring a notice of taking such judicial notice to be filed within a specified period; providing that the term “family cases” has the same meaning as provided in the Rules of Judicial Administration; amending ss. 741.30, 784.046, and 784.0485, F.S.; creating an exception to a prohibition against using evidence other than the verified pleading or affidavit in an ex parte hearing for a temporary injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Soto, **CS for CS for HB 755** as amended was passed and certified to the House. The vote on passage was:

Yeas—25

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| Abruzzo | Gibson | Sachs |
| Braynon | Grimsley | Simmons |
| Bullard | Joyner | Smith |
| Clemens | Latvala | Sobel |
| Dean | Lee | Soto |
| Diaz de la Portilla | Margolis | Thompson |
| Flores | Montford | Thrasher |
| Garcia | Richter | |
| Gardiner | Ring | |

Nays—12

| | | |
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| Altman | Brandes | Hays |
| Bean | Detert | Hukill |
| Benacquisto | Evers | Legg |
| Bradley | Galvano | Stargel |

Vote after roll call:

Nay—Mr. President

CS for HB 115—A bill to be entitled An act relating to public meetings; amending s. 1004.28, F.S.; providing an exemption from public meeting requirements for any portion of a meeting of the board of directors of a university direct-support organization, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed; providing for review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 115** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

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| Abruzzo | Diaz de la Portilla | Latvala |
| Altman | Evers | Lee |
| Bean | Flores | Legg |
| Benacquisto | Galvano | Margolis |
| Bradley | Garcia | Montford |
| Brandes | Gardiner | Richter |
| Braynon | Gibson | Ring |
| Bullard | Grimsley | Sachs |
| Dean | Hays | Simmons |
| Detert | Hukill | Simpson |

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| Smith | Soto | Thompson |
| Sobel | Stargel | Thrasher |

Nays—2

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| Clemens | Joyner |
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Vote after roll call:

Nay—Mr. President

CS for HB 609—A bill to be entitled An act relating to Article V constitutional conventions; creating s. 11.93, F.S.; providing a short title; creating s. 11.931, F.S.; providing for applicability; creating s. 11.932, F.S.; providing definitions; creating s. 11.933, F.S.; establishing qualifications of delegates and alternate delegates to an Article V constitutional convention; creating s. 11.9331, F.S.; providing for the appointment of delegates by the Legislature; creating s. 11.9332, F.S.; requiring majority vote approval in each chamber for the appointment of delegates; creating s. 11.9333, F.S.; authorizing the Legislature to recall a delegate and fill a vacancy; authorizing the presiding officers of the Legislature to call for a special legislative session to fill a vacancy; creating s. 11.9334, F.S.; establishing a legislative method for appointments and recalls; creating s. 11.9335, F.S.; providing for the reimbursement of delegates and alternate delegates for per diem and travel expenses; creating s. 11.9336, F.S.; requiring delegates and alternate delegates to execute a written oath of responsibilities; creating s. 11.9337, F.S.; providing for the filing of delegates’ oaths and the issuance of commissions; creating s. 11.934, F.S.; providing for instructions to delegates and alternate delegates; creating s. 11.9341, F.S.; establishing duties of alternate delegates; creating s. 11.9342, F.S.; establishing circumstances under which a convention vote is declared void; creating s. 11.9343, F.S.; providing circumstances under which a delegate or alternate delegate’s appointment is forfeited; creating s. 11.9344, F.S.; establishing circumstances under which the application to call an Article V convention ceases to be a continuing application and is deemed to have no effect; creating s. 11.9345, F.S.; providing penalties for a delegate or alternate delegate who votes or attempts to vote outside the scope of the Legislature’s instructions or the limits of the call for a constitutional convention; creating ss. 11.935, 11.9351, and 11.9352, F.S.; establishing a delegate advisory group, its membership, duties, and responsibilities; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 609** was passed and certified to the House. The vote on passage was:

Yeas—21

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| Altman | Evers | Hukill |
| Bean | Flores | Latvala |
| Benacquisto | Galvano | Lee |
| Bradley | Garcia | Richter |
| Brandes | Gardiner | Simmons |
| Dean | Grimsley | Stargel |
| Detert | Hays | Thrasher |

Nays—15

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| Abruzzo | Joyner | Sachs |
| Braynon | Legg | Smith |
| Bullard | Margolis | Sobel |
| Clemens | Montford | Soto |
| Gibson | Ring | Thompson |

Vote after roll call:

Yea—Mr. President, Diaz de la Portilla

Consideration of **CS for SB 1046** was deferred.

CS for HB 781—A bill to be entitled An act relating to legal notices; amending s. 50.0211, F.S.; requiring legal notices to be posted on a newspaper’s website on web pages with specified titles; prohibiting charging a fee or requiring registration for viewing online legal notices; establishing the period for which legal notices are required to be published on the statewide website; requiring that legal notices be archived on the statewide website for a specified period; deleting a provision relating to harmless error; amending s. 50.061, F.S.; clarifying payment provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for HB 781** was passed and certified to the House. The vote on passage was:

Yeas—38

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| Abruzzo | Flores | Montford |
| Altman | 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 | Lee | Thompson |
| Diaz de la Portilla | Legg | Thrasher |
| Evers | Margolis | |

Nays—None

Vote after roll call:

Yea—Mr. President

Consideration of **CS for CS for SB 1320** was deferred.

CS for CS for SB 1672—A bill to be entitled An act relating to property insurance; amending s. 626.621, F.S.; providing additional grounds for refusing, suspending, or revoking a license or appointment of an insurance agent, adjuster, customer representative, or managing general agent based on the acceptance of payment for certain referrals; amending s. 626.854, F.S.; prohibiting a public adjuster or public adjuster apprentice from choosing the persons or entities that will perform repair work; amending s. 627.351, F.S.; postponing the date that new construction or substantial improvement is not eligible for coverage by the corporation; deleting reference to the Residential Property and Casualty Joint Underwriting Association with respect to issuing certain residential or commercial policies; requiring the corporation to cease offering new commercial residential policies providing multiperil coverage after a certain date and continue offering commercial residential wind-only policies; authorizing the corporation to offer commercial residential policies excluding wind; providing exceptions; specifying the amount of the surcharge to be assessed against personal lines, commercial lines, and coastal accounts to cover a projected deficit; requiring the corporation’s board to contract with the Division of Administrative Hearings to hear protests of the corporation’s decisions regarding the purchase of commodities and contractual services and issue a recommended order; requiring the board to take final action in a public meeting; revising the date for submitting the annual loss-ratio report for residential coverage; amending s. 627.3518, F.S.; defining the term “surplus lines insurer”; requiring the corporation to implement procedures for diverting ineligible applicants and existing policyholders for commercial residential coverage from the corporation by a certain date; deleting the requirement that the corporation report such procedures to the Legislature; authorizing eligible surplus lines insurers to participate in the corporation’s clearinghouse program and providing criteria for such eligibility; conforming cross-references; providing that certain applicants who accept an offer from a surplus lines insurer are considered to be renewing; repealing s. 627.3519, F.S., relating to an annual report requirement for aggregate net probable maximum losses; amending s. 627.35191, F.S.; requiring the corporation to annually provide certain

estimates for the next 12-month period to the Legislature and the Financial Services Commission; amending s. 627.711, F.S.; prohibiting a mitigation inspector from offering or delivering compensation, and an insurance agency, agent, customer representative, or employee from accepting compensation for referring an owner to the inspector or inspection company; authorizing an insurer to exempt a uniform mitigation verification form from independent verification under certain circumstances; providing that the form provided to the corporation is not subject to verification and the property is not subject to reinspection under certain circumstances; amending s. 817.234, F.S.; prohibiting a contractor from paying, waiving, or rebating a property insurance deductible; providing penalties; providing effective dates.

—as amended April 24 was read the third time by title.

On motion by Senator Simmons, **CS for CS for SB 1672** as amended was passed and certified to the House. The vote on passage was:

Yeas—22

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| Bean | Gardiner | Richter |
| Benacquisto | Gibson | Simmons |
| Bradley | Grimsley | Smith |
| Brandes | Hays | Soto |
| Dean | Latvala | Stargel |
| Detert | Lee | Thrasher |
| Evers | Margolis | |
| Galvano | Montford | |

Nays—16

| | | |
|---------------------|--------|----------|
| Abruzzo | Flores | Sachs |
| Altman | Garcia | Simpson |
| Braynon | Hukill | Sobel |
| Bullard | Joyner | Thompson |
| Clemens | Legg | |
| Diaz de la Portilla | Ring | |

Vote after roll call:

Yea—Mr. President

THE PRESIDENT PRESIDING

Consideration of **CS for HB 375** was deferred.

CS for CS for SB 1320—A bill to be entitled An act relating to public records; creating s. 662.148, F.S.; providing definitions; providing an exemption from public records requirements for certain information held by the Office of Financial Regulation relating to a family trust company, licensed family trust company, or foreign licensed family trust company; providing for the authorized release of certain information by the office; authorizing the publication of certain information; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Richter, **CS for CS for SB 1320** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

| | | |
|---------------|---------------------|----------|
| Mr. President | Bullard | Garcia |
| Abruzzo | Clemens | Gibson |
| Altman | Dean | Grimsley |
| Bean | Detert | Hukill |
| Benacquisto | Diaz de la Portilla | Latvala |
| Bradley | Evers | Lee |
| Brandes | Flores | Legg |
| Braynon | Galvano | Margolis |

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| Montford | Simmons | Soto |
| Richter | Simpson | Stargel |
| Ring | Smith | Thompson |
| Sachs | Sobel | Thrasher |

Nays—1

Joyner

Vote after roll call:

Yea—Hays

MOTION TO RECONSIDER BILL

Senator Richter moved that the Senate reconsider the vote by which—

CS for CS for HB 409—A bill to be entitled An act relating to offenses against vulnerable persons; amending s. 90.803, F.S.; revising when an out of court statement by an elderly person or disabled adult is admissible in certain proceedings; amending s. 817.568, F.S.; expanding applicability of prohibition on the fraudulent use of personal identification information of specified victims without consent to include persons 60 years of age or older; amending s. 825.101, F.S.; revising and deleting definitions; amending s. 825.103, F.S.; deleting a requirement that property of an elderly person or disabled adult be obtained by deception or intimidation in order to constitute exploitation of such a person; specifying additional circumstances that constitute a breach of a fiduciary duty and specifying when an unauthorized appropriation occurs; creating a presumption that certain inter vivos transfers are a result of exploitation; providing exceptions; providing for jury instructions concerning the presumption; revising the valuation of funds, assets, or property involved for various degrees of offenses of exploitation of an elderly person or disabled adult; providing for return of property seized from a defendant to the victim before trial in certain circumstances; amending ss. 775.0844 and 921.0022, F.S.; conforming provisions to changes made by the act; reenacting s. 772.11(1), F.S., relating to a civil remedy for theft or exploitation, to incorporate the amendments made by the act to s. 825.103, F.S., in a reference thereto; providing an effective date.

—passed as amended this day. The motion was adopted.

On motion by Senator Richter, the rules were waived and **CS for CS for HB 409** as amended was retained on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote all bills on the calendar of Bills on Third Reading previously passed this day were ordered immediately certified to the House.

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 758**, **CS for CS for SB 790**, and **CS for CS for SB 1466** was deferred.

CS for SB 1666—A bill to be entitled An act relating to child welfare; amending s. 20.19, F.S.; requiring the Secretary of Children and Families to appoint an Assistant Secretary for Child Welfare; providing qualifications and responsibilities; amending s. 39.001, F.S.; revising the purposes of ch. 39, F.S.; requiring the department to provide for certain services for medically complex children; amending s. 39.01, F.S.; providing, revising, and deleting definitions; amending s. 39.013, F.S.; clarifying responsibilities of the department in dependency proceedings; amending s. 39.201, F.S.; requiring alleged incidents of juvenile sexual abuse involving specified children to be reported to the department's central abuse hotline; requiring the department to provide specified information on an investigation of child sexual abuse to the court; creating s. 39.2015, F.S.; requiring the department to conduct specified investigations using critical incident rapid response teams; providing requirements for such investigations and for team membership; authorizing team access to specified information; requiring the cooperation of

specified agencies and organizations; providing for reimbursement of team members; requiring the team to provide an investigation report; requiring the secretary to develop guidelines for investigations and provide team member training; requiring the secretary to appoint an advisory committee; requiring the committee to submit a report to the secretary; requiring the secretary to submit such report to the Governor and the Legislature by a specified date; creating s. 39.2022, F.S.; providing legislative intent; requiring the department to publish specified information on its website regarding the death of a child reported to the central abuse hotline; amending s. 39.301, F.S.; requiring the use of safety plans in child protection investigations in cases of present or impending danger; providing requirements for implementation of a safety plan; providing conditions for filing a petition for dependency; amending s. 39.303, F.S.; requiring physician involvement when a child protection team evaluates a report of medical neglect of a medically complex child; creating s. 39.3068, F.S.; providing requirements for investigating medical neglect; providing duties of the department; amending s. 39.307, F.S.; requiring the department to assist the family, child, and caregiver in receiving services upon a report alleging juvenile sexual abuse or inappropriate sexual behavior; requiring the department to maintain specified records; requiring child sexual abuse to be taken into account in placement consideration; requiring the department to monitor the occurrence of child sexual abuse and related services; amending s. 39.402, F.S.; requiring the department to make a reasonable effort to keep siblings together when they are placed in out-of-home care under certain circumstances; providing for sibling visitation under certain conditions; amending s. 39.501, F.S.; requiring compliance with a safety plan to be considered when deciding a petition for dependency; amending s. 39.504, F.S.; authorizing the court to order a person to comply with a safety plan that is implemented in an injunction; amending s. 39.5085, F.S.; revising legislative intent; authorizing placement of a child with a nonrelative caregiver and financial assistance for such nonrelative caregiver through the Relative Caregiver Program under certain circumstances; amending s. 39.604, F.S.; requiring certain children to attend a licensed early education or child care program; requiring the inclusion of attendance at a licensed early education or child care program in a child's safety plan; amending s. 39.701, F.S.; requiring the court to consider contact among siblings in judicial reviews; authorizing the court to remove specified disabilities of nonage at judicial reviews; amending s. 39.802, F.S.; removing department authorization to sign a petition for termination of parental rights; amending s. 39.806, F.S.; providing additional grounds for termination of parental rights; amending s. 63.212, F.S.; revising advertising requirements for adoption services; requiring a person who places an advertisement for adoption services to provide specified information; deleting a criminal penalty for knowingly publishing or assisting in the publication of an advertisement that violates specified provisions; amending s. 383.402, F.S.; requiring state and local review committees to review all child deaths that are reported to the department's central abuse hotline; revising the membership of the State Child Abuse Death Review Committee; revising the due date for and contents of a report; requiring the State Child Abuse Death Review Committee to provide training to local child abuse death review committees; amending s. 402.40, F.S.; requiring a third-party credentialing entity to establish an advisory committee; authorizing the department to approve certification of specializations; creating s. 402.402, F.S.; defining terms; providing preferences for education and work experience for child protection and child welfare personnel; requiring a report; providing training requirements for department attorneys; creating s. 402.403, F.S.; establishing a tuition exemption program for child protection and child welfare personnel; providing eligibility requirements; creating s. 402.404, F.S.; establishing a student loan forgiveness program for child protection and child welfare personnel; providing eligibility requirements; authorizing community-based care lead agencies to provide student loan forgiveness under certain circumstances; amending s. 409.165, F.S.; enhancing provision of care to medically complex children; amending s. 409.967, F.S.; revising standards for Medicaid managed care plan accountability with respect to services for dependent children and their parents; amending s. 409.972, F.S.; exempting certain Medicaid recipients from mandatory enrollment in managed care plans; providing a directive to the Division of Law Revision and Information; creating part V of ch. 409, F.S.; creating s. 409.986, F.S.; providing legislative findings and intent; providing child protection and child welfare outcome goals; defining terms; creating s. 409.987, F.S.; providing for department procurement of community-based care lead agencies; providing requirements for contracting as a lead agency; creating s. 409.988, F.S.; providing duties of a community-based care lead agency; providing licensure requirements for a lead

agency; specifying services provided by a lead agency; providing conditions for an agency or provider to act as a child's guardian; creating s. 409.990, F.S.; providing general funding provisions for lead agencies; providing for a matching grant program and the maximum amount of funds that may be awarded; requiring the department to develop and implement a community-based care risk pool initiative; providing requirements for the risk pool; transferring, renumbering, and amending s. 409.16713, F.S.; transferring provisions relating to the allocation of funds for community-based care lead agencies; conforming a cross-reference; creating s. 409.992, F.S.; providing requirements for community-based care lead agency expenditures; creating s. 409.993, F.S.; providing legislative findings; providing for lead agency and subcontractor liability; providing limitations on damages; transferring, renumbering, and amending s. 409.1675, F.S.; transferring provisions relating to receivership from community-based providers to lead agencies; conforming cross-references and terminology; creating s. 409.996, F.S.; providing duties of the department relating to community-based care and lead agencies; creating s. 409.997, F.S.; providing outcome goals for the department and specified entities with respect to the delivery of child welfare services; requiring the department to maintain an accountability system; requiring a report to the Governor and the Legislature; requiring the department to establish a technical advisory panel; requiring the department to make the results of the accountability system public; requiring a report to the Governor and the Legislature by a specified date; creating s. 827.10, F.S.; providing definitions; establishing the criminal offense of unlawful desertion of a child; providing criminal penalties; providing exceptions; amending s. 985.04, F.S.; conforming terminology; creating s. 1004.615, F.S.; establishing the Florida Institute for Child Welfare; providing purpose, duties, and responsibilities of the institute; requiring the institute to contract and work with specified entities; providing for the administration of the institute; requiring reports to the Governor and the Legislature by specified dates; amending s. 1009.25, F.S.; exempting specified child protective investigators and child protective investigation supervisors from certain tuition and fee requirements; repealing s. 402.401, F.S., relating to child welfare worker student loan forgiveness; repealing s. 409.1671, F.S., relating to outsourcing of foster care and related services; repealing s. 409.16715, F.S., relating to certain therapy for foster children; repealing s. 409.16745, F.S., relating to the community partnership matching grant program; repealing s. 1004.61, F.S., relating to a partnership between the Department of Children and Families and state universities; amending ss. 39.201, 39.302, 39.524, 316.613, 409.1676, 409.1677, 409.1678, 409.906, 409.912, 409.91211, 420.628, and 960.065, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

Senator Sobel moved the following amendments which were adopted:

Amendment 1 (780056)—Delete line 400 and insert:
 “Juvenile sexual abuse” means any sexual behavior by a *child* which occurs

Amendment 2 (812814)—Delete lines 840-875 and insert:
procedures. The department shall ensure that each team member receives training on the guidelines before conducting an investigation.

(11) *The secretary shall appoint an advisory committee made up of experts in child protection and child welfare, including the Statewide Medical Director for Child Protection under the Department of Health, a representative from the institute established pursuant to s. 1004.615, an expert in organizational management, and an attorney with experience in child welfare, to conduct an independent review of investigative reports from the critical incident rapid response teams and to make recommendations to improve policies and practices related to child protection and child welfare services. By October 1 of each year, the advisory committee shall submit a report to the secretary which includes findings and recommendations. The secretary shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 7. Section 39.2022, Florida Statutes, is created to read:

39.2022 *Public disclosure of reported child deaths.*—

(1) *It is the intent of the Legislature to provide prompt disclosure of the basic facts of all deaths of children from birth through 18 years of age which occur in this state and which are reported to the department's*

central abuse hotline. Disclosure shall be posted on the department's public website. This section does not limit the public access to records under any other provision of law.

(2) Notwithstanding s. 39.202, if a child death is reported to the central abuse hotline, the department shall post on its website all of the following:

- (a) The date of the child's death.
- (b) Any allegations of the cause of death or the preliminary cause of death, and the verified cause of death, if known.
- (c) The county where the child resided.
- (d) The name of the community-based care lead agency, case management agency, or out-of-home licensing agency involved with the child, family, or licensed caregiver, if applicable.
- (e) Whether the child has been the subject of any prior verified reports to the department's central abuse hotline.
- (f) Whether the child was younger than 5 years of age at the time of his or her death.

Amendment 3 (401246)—Delete lines 948-949 and insert: out-of-home plan, or a combination of both. A safety plan may include tasks or responsibilities for a parent, caregiver, or legal custodian. However, a safety plan may not rely on promissory commitments by the parent,

Amendment 4 (923422) (with title amendment)—Delete lines 2103-2107 and insert: recommendations for state and local action, including specific policy, procedural, regulatory, or statutory changes, and any other recommended preventive action.

And the title is amended as follows:

Delete line 93 and insert: for a report; requiring the State

Amendment 5 (609668) (with directory and title amendments)—Delete lines 2108-2115.

And the directory clause is amended as follows:

Delete line 2043 and insert: (2), and paragraph (c) of subsection (3) of section

And the title is amended as follows:

Delete lines 93-95 and insert: for and contents of a report; amending

Amendment 6 (643116) (with title amendment)—Delete lines 2469-2479 and insert:

4. Managed care plans serving children in the care and custody of the Department of Children and Families must maintain complete medical, dental, and behavioral health encounter information and participate in making such information available to the department or the applicable contracted community-based care lead agency for use in providing comprehensive and coordinated case management. The agency and the department shall establish an interagency agreement to provide guidance for the format, confidentiality, recipient, scope, and method of information to be made available and the deadlines for submission of the data. The scope of information available to the department shall be the data that managed care plans are required to submit to the agency. The agency shall determine the plan's compliance with standards for access to medical, dental, and behavioral health services; the use of medications; and followup on all medically necessary services recommended as a result of early and periodic screening, diagnosis, and treatment.

And the title is amended as follows:

Delete line 116 and insert: to services for dependent children; requiring the department and the Agency for Health Care Administration to establish an interagency agreement for data sharing;

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

Senator Sobel moved the following amendments which were adopted:

Amendment 7 (666702)—Delete line 3251 and insert: action to ensure contract compliance. The financial penalties shall require a lead agency to reallocate funds from administrative costs to direct care for children.

Amendment 8 (165602)—Delete line 3081 and insert: increased at the rate of 5 percent each year, or by the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, whichever is less, prorated from July

Amendment 9 (377522) (with title amendment)—Between lines 1009 and 1010 insert: Whenever a delay or disability of the child is suspected, the parent must be referred to a local child developmental screening program, such as the Child Find program of the Florida Diagnostic and Learning Resource System, for screening of the child.

And the title is amended as follows:

Between lines 39 and 40 insert: requiring a parent to be referred to a local child development screening program under certain circumstances;

Amendment 10 (924764)—Delete lines 2648-2649 and insert: lead agency, including the salaries, bonuses, and other compensation paid, by position, for the agency's chief executive officer, chief financial officer,

Amendment 11 (292200) (with title amendment)—Delete lines 2171-2262 and insert:

(1) **CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF REQUIREMENTS.**—The department is responsible for recruitment of qualified professional staff to serve as child protective investigators and child protective investigation supervisors. The department shall make every effort to recruit and hire persons qualified by their education and experience to perform social work functions. The department's efforts shall be guided by the goal that by July 1, 2019, at least half of all child protective investigators and supervisors will have a bachelor's degree or a master's degree in social work from a college or university social work program accredited by the Council on Social Work Education. The department, in collaboration with the lead agencies, subcontracted provider organizations, the Florida Institute for Child Welfare created pursuant to s. 1004.615, and other partners in the child welfare system, shall develop a protocol for screening candidates for child protective positions which reflects the preferences specified in paragraphs (a)-(f). The following persons shall be given preference in the recruitment of qualified professional staff, but the preferences serve only as guidance and do not limit the department's discretion to select the best available candidates:

(a) Individuals with baccalaureate degrees in social work and child protective investigation supervisors with master's degrees in social work from a college or university social work program accredited by the Council on Social Work Education.

(b) Individuals with baccalaureate or master's degrees in psychology, sociology, counseling, special education, education, human development, child development, family development, marriage and family therapy, and nursing.

(c) Individuals with baccalaureate degrees who have a combination of directly relevant work and volunteer experience, preferably in a public service field related to children's services, demonstrating critical thinking skills, formal assessment processes, communication skills, problem solving, and empathy; a commitment to helping children and families; a capacity to work as part of a team; an interest in continuous development of skills and knowledge; and personal strength and resilience to manage competing demands and handle workplace stresses.

(2) **SPECIALIZED TRAINING.**—All child protective investigators and child protective investigation supervisors employed by the department or a sheriff's office must complete specialized training either focused on serving a specific population, including, but not limited to, medically fragile children, sexually exploited children, children under 3 years of age, or families with a history of domestic violence, mental illness, or substance abuse, or focused on performing certain aspects of child protection practice, including, but not limited to, investigation techniques and analysis of family dynamics. The specialized training may be used to

fulfill continuing education requirements under s. 402.40(3)(e). Individuals hired before July 1, 2014, shall complete the specialized training by June 30, 2016, and individuals hired on or after July 1, 2014, shall complete the specialized training within 2 years after hire. An individual may receive specialized training in multiple areas.

(3) **REPORT.**—By each October 1, the department shall submit a report on the educational qualifications, turnover, and working conditions of the child protective investigators and supervisors to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4) **ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD WELFARE CASES.**—Attorneys hired on or after July 1, 2014, whose primary responsibility is representing the department in child welfare cases shall, within the first 6 months of employment, receive training in:

(a) The dependency court process, including the attorney's role in preparing and reviewing documents prepared for dependency court for accuracy and completeness;

(b) Preparing and presenting child welfare cases, including at least 1 week shadowing an experienced children's legal services attorney preparing and presenting cases;

(c) Safety assessment, safety decisionmaking tools, and safety plans;

(d) Developing information presented by investigators and case managers to support decisionmaking in the best interest of children; and

(e) The experiences and techniques of case managers and investigators, including shadowing an experienced child protective investigator and an experienced case manager for at least 8 hours.

Section 24. Section 402.403, Florida Statutes, is created to read:

402.403 Child Protection and Child Welfare Personnel Tuition Exemption Program.—

(1) There is established within the department the Child Protection and Child Welfare Personnel Tuition Exemption Program for the purpose of recruiting and retaining high-performing individuals who are employed as child protection and child welfare personnel. For purposes of this section, "child protection and child welfare personnel" includes child protective investigators and child protective investigation supervisors employed by the department and case managers and case manager supervisors employed by a community-based care lead agency or a subcontractor of a community-based care lead agency who do not possess a master's degree in social work.

And the title is amended as follows:

Delete lines 99-102 and insert: specializations; creating s. 402.402, F.S.; providing preferences for education and work experience for child protection and child welfare personnel; requiring specialized training for specified individuals; requiring a report; providing training

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

Senator Detert moved the following amendments which were adopted:

Amendment 12 (190974) (with title amendment)—Delete lines 3708-3714 and insert:

Section 43. Paragraph (d) of subsection (1) of section 1009.25, Florida Statutes, is amended, and paragraph (h) is added to that subsection, to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a relative or nonrelative under s. 39.5085 or who

was adopted from the Department of Children and Families Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

And the title is amended as follows:

Between lines 176 and 177 insert: conforming a provision to changes made by the act;

Amendment 13 (754686) (with title amendment)—Between lines 2418 and 2419 insert:

Section 27. Paragraphs (b), (d), (h), and (i) of subsection (6) of section 409.175, Florida Statutes, are amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(6)

(b) Upon application, the department shall conduct a licensing study based on its licensing rules; shall inspect the home or the agency and the records, including financial records, of the agency; and shall interview the applicant. The department may authorize a licensed child-placing agency to conduct the licensing study of a family foster home to be used exclusively by that agency and to verify to the department that the home meets the licensing requirements established by the department. Upon certification by a licensed child-placing agency that a family foster home meets the licensing requirements and upon receipt of a letter from a community-based care lead agency in the service area where the home will be licensed which indicates that the family foster home meets the criteria established by the lead agency, the department shall issue the license. A letter from the lead agency is not required if the lead agency where the proposed home is located is directly supervising foster homes in the same service area.

(d)1. The department may pursue other remedies provided in this section in addition to denial or revocation of a license for failure to comply with the screening requirements. The disciplinary actions determination to be made by the department and the procedure for hearing for applicants and licensees shall be in accordance with chapter 120.

2. When the department has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or summer or recreation camp, and the personnel affected, stating the specific record that which indicates non-compliance with the screening requirements.

3. Procedures established for hearing under chapter 120 shall be available to the applicant, licensee, summer day camp, or summer 24-hour camp, and affected personnel, in order to present evidence relating either to the accuracy of the basis for exclusion or to the denial of an exemption from disqualification. Such procedures may also be used to challenge a decision by a community-based care lead agency's refusal to issue a letter supporting an application for licensure. If the challenge is to the actions of the community-based care lead agency, the respondent to the challenge shall be the lead agency and the department shall be notified of the proceedings.

4. Refusal on the part of an applicant to dismiss personnel who have been found not to be in compliance with the requirements for good moral character of personnel shall result in automatic denial or revocation of license in addition to any other remedies provided in this section which may be pursued by the department.

(h) Upon determination that the applicant meets the state minimum licensing requirements and has obtained a letter from a community-based care lead agency which indicates that the family foster home meets the criteria established by the lead agency, the department shall issue a license without charge to a specific person or agency at a specific location. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any person at the home or agency has failed the required screening. The license is nontransferable. A copy of the license shall be displayed in a conspicuous place. Except as provided in paragraph (j), the license is valid for 1 year from the date of issuance, unless the license is suspended or revoked by the department or is voluntarily surrendered by the licensee. The license is the property of the department.

(i) *The issuance of a license to operate a family foster home or agency does not require a lead agency to place a child with the home or agency.* A license issued for the operation of a family foster home or agency, unless sooner suspended, revoked, or voluntarily returned, will expire automatically 1 year from the date of issuance except as provided in paragraph (j). Ninety days prior to the expiration date, an application for renewal shall be submitted to the department by a licensee who wishes to have the license renewed. A license shall be renewed upon the filing of an application on forms furnished by the department if the applicant has first met the requirements established under this section and the rules promulgated hereunder.

And the title is amended as follows:

Between lines 113 and 114 insert: amending s. 409.175, F.S.; revising licensing requirements and procedures for family foster homes, residential child-caring agencies, and child-placing agencies;

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:

Amendment 14 (414800)—Delete line 1499 and insert: *child. It is preferred that siblings be kept together in a foster home. Other reasonable efforts shall include short-term placement in*

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

Senator Lee moved the following substitute amendment:

Amendment 15 (233840)—Delete line 1499 and insert: *child. It is preferred that siblings be kept together in a foster home, if available. Other reasonable efforts shall include short-term placement in*

On motion by Senator Sobel, further consideration of **CS for SB 1666** with pending **Amendment 14 (414800)** and substitute **Amendment 15 (233840)** was deferred.

CS for CS for CS for SB 1632—A bill to be entitled An act relating to special districts; designating parts I-VIII of chapter 189, F.S., relating to special districts; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 112.312, F.S.; redefining the term “agency” as it applies to the code of ethics for public officers and employees to include special districts; creating s. 112.511, F.S.; specifying applicability of procedures regarding suspension and removal of a member of the governing body of a special district; amending s. 125.901, F.S.; revising governing body membership for independent special districts created to provide funding for children’s services; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.401, F.S.; revising a short title; transferring, renumbering, and amending s. 189.402, F.S.; revising a statement of legislative purpose and intent; making technical changes; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.403, F.S.; redefining the term “special district”; transferring, renumbering, and amending ss. 189.4031, 189.4035, 189.404, 189.40401, 189.4041, and 189.4042, F.S.; deleting provisions relating to the application of a special district to amend its charter; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.4044, F.S.; revising the circumstances under which the Department of Economic Opportunity may declare a special district inactive; requiring the department to provide notice of a declaration of inactive status to certain persons and bodies; prohibiting special districts that are declared inactive from collecting taxes, fees, or assessments; providing exceptions; providing for enforcement of the prohibition; providing for costs of litigation and reasonable attorney fees in certain proceedings; transferring and renumbering ss. 189.4045 and 189.4047, F.S.; transferring, renumbering, and amending s. 189.405, F.S.; revising requirements related to education programs for new members of special district governing bodies; amending s. 189.4051, F.S.; revising definitions; conforming provisions to changes made by the act; transferring and renumbering ss. 189.4065, 189.408, and 189.4085, F.S.; transferring, renumbering, and amending ss. 189.412 and 189.413, F.S.; renaming the Special District Information Program the Special District Accountability Program; revising duties of the Special District Accountability Program; transferring and renumbering ss. 189.415,

189.4155, and 189.4156, F.S.; transferring, renumbering, and amending ss. 189.416, 189.417, and 189.418, F.S.; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.419, F.S.; revising provisions related to the failure of a special district to file certain reports or information; conforming provisions to changes made by the act; transferring and renumbering s. 189.420, F.S.; transferring, renumbering, and amending s. 189.421, F.S.; revising notification requirements for special districts that fail to file certain reports; revising available remedies for the failure of a special district to disclose required financial reports; transferring and renumbering ss. 189.4221, 189.423, 189.425, and 189.427, F.S.; transferring, renumbering, and amending s. 189.428, F.S.; revising the oversight review process for special districts; transferring, renumbering, and amending s. 189.429, F.S.; conforming a cross-reference; repealing ss. 189.430, 189.431, 189.432, 189.433, 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440, 189.441, 189.442, 189.443, and 189.444, F.S., relating to the Community Improvement Authority Act; creating ss. 189.034 and 189.035, F.S.; providing applicability; requiring the Legislative Auditing Committee to provide notice of the failure of special districts to file certain required reports and requested information to certain persons and bodies; authorizing the Legislative Auditing Committee and the chair or equivalent of a local general-purpose government to convene a public hearing on the issue of a special district’s noncompliance and general oversight of the special district; requiring a special district to provide certain information to the Legislative Auditing Committee before a public hearing upon request; authorizing a local general-purpose government to request certain information from a special district created by local ordinance before a public hearing; requiring a local general-purpose government to report the findings of a public hearing to the department and the Legislative Auditing Committee; creating s. 189.055, F.S.; requiring special districts to be treated as municipalities for certain purposes; creating s. 189.069, F.S.; requiring special districts to establish and maintain an official website for certain information; requiring special districts to submit the web address of their respective websites to the department; requiring that the department’s online list of special districts include a link to the website of certain special districts; amending s. 200.065, F.S.; providing that certain downtown development authorities are independent special taxing districts authorized to levy an additional ad valorem tax on real and personal property in the district; limiting the amount of the levy; amending ss. 11.45, 100.011, 101.657, 112.061, 112.63, 112.665, 121.021, 121.051, 153.94, 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011, 190.046, 190.049, 191.003, 191.005, 191.013, 191.014, 191.015, 200.001, 218.31, 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32, and 1013.355, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Stargel moved the following amendment which was adopted:

Amendment 1 (694030) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Chapter 189, Florida Statutes, as amended by this act, is divided into the following parts:*

(1) *Part I, consisting of sections 189.01, 189.011, 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018, and 189.019, Florida Statutes, as created by this act, and entitled “General Provisions.”*

(2) *Part II, consisting of sections 189.02 and 189.021, Florida Statutes, as created by this act, and entitled “Dependent Special Districts.”*

(3) *Part III, consisting of sections 189.03, 189.031, 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as created by this act, and entitled “Independent Special Districts.”*

(4) *Part IV, consisting of sections 189.04, 189.041, and 189.042, Florida Statutes, as created by this act, and entitled “Elections.”*

(5) *Part V, consisting of sections 189.05, 189.051, 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as created by this act, and entitled “Finance.”*

(6) *Part VI, consisting of sections 189.06, 189.061, 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068, 189.069, and 189.0691,*

Florida Statutes, as created by this act, and entitled “Oversight and Accountability.”

(7) *Part VII, consisting of sections 189.07, 189.071, 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761, Florida Statutes, as created by this act, and entitled “Merger and Dissolution.”*

(8) *Part VIII, consisting of sections 189.08, 189.081, and 189.082, Florida Statutes, as created by this act, and entitled “Comprehensive Planning.”*

Section 2. Paragraph (b) of subsection (2) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), ~~or~~ s. 218.38, or s. 218.503(3), the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(b) In the case of a special district created by:

1. *A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district pursuant to s. 189.034(2) and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.034(3), or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3) ~~s. 189.4044 or s. 189.421.~~*

2. *A local ordinance, notify the chair or equivalent of the local general-purpose government pursuant to s. 189.035(2) and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in non-compliance after the process set forth in s. 189.034(3), or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).*

3. *Any manner other than a special act or local ordinance, notify the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067(3).*

Section 3. Subsection (2) of section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(2) “Agency” means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; ~~or~~ any public school, community college, or state university; or any special district as defined in s. 189.012.

Section 4. Section 112.511, Florida Statutes, is created to read:

112.511 *Members of special district governing bodies; suspension; removal from office.—*

(1) *A member of the governing body of a special district, as defined in s. 189.012, who exercises the powers and duties of a state or a county officer, is subject to the Governor’s power under s. 7(a), Art. IV of the State Constitution to suspend such officers.*

(2) *A member of the governing body of a special district, as defined in s. 189.012, who exercises powers and duties other than that of a state or county officer, is subject to the suspension and removal procedures under s. 112.51.*

Section 5. Subsections (1), (4), and (6) of section 125.901, Florida Statutes, are amended to read:

125.901 Children’s services; independent special district; council; powers, duties, and functions; public records exemption.—

(1) Each county may by ordinance create an independent special district, as defined in ss. ~~189.012 189.403(3)~~ and 200.001(8)(e), to provide funding for children’s services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(a) The governing ~~body board~~ of the district shall be a council on children’s services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. Such council shall consist of 10 members, including: the superintendent of schools; a local school board member; the district administrator from the appropriate district of the Department of Children and Family Services, or his or her designee who is a member of the Senior Management Service or of the Selected Exempt Service; one member of the county governing body; and the judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. If there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board. The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of the county. After soliciting recommendations from the public, the county governing body shall submit to the Governor the names of at least three persons for each vacancy occurring among the five members appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated by the county governing body. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the Governor shall have been residents of the county for the previous 24-month period. Such members shall be appointed for 4-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. The Governor may remove a member for cause or upon the written petition of the county governing body. If any of the members of the council required to be appointed by the Governor under the provisions of this subsection shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

(b) However, any county as defined in s. 125.011(1) may instead have a governing ~~body board~~ consisting of 33 members, including: the superintendent of schools; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Family Services, or the administrator’s designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director’s designee; the state attorney for the county or the state attorney’s designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge’s designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the early learning coalition, selected by that coalition; a representative of a labor organization or union active in the county; a member of a local

alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing ~~body board~~ shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

(c) This subsection does not prohibit a county from exercising such power as is provided by general or special law to provide children's services or to create a special district to provide such services.

(4)(a) Any district created pursuant to this section may be dissolved by a special act of the Legislature, or the county governing body may by ordinance dissolve the district subject to the approval of the electorate.

(b)1.a. Notwithstanding paragraph (a), the governing body of the county shall submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate in the general election according to the following schedule:

(I) For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons as of that date . . . 2014.

(II) For a district in existence on July 1, 2010, and serving a county with a population of more than 400,000 but fewer than 2 million persons as of that date 2016.

(III) For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date . . . 2020.

b. A referendum by the electorate on or after July 1, 2010, creating a new district with taxing authority may specify that the district is not subject to reauthorization or may specify the number of years for which the initial authorization shall remain effective. If the referendum does not prescribe terms of reauthorization, the governing body of the county shall submit the question of retention or dissolution of the district to the electorate in the general election 12 years after the initial authorization.

2. The governing ~~body board~~ of the district may specify, and submit to the governing body of the county no later than 9 months before the scheduled election, that the district is not subsequently subject to reauthorization or may specify the number of years for which a reauthorization under this paragraph shall remain effective. If the governing ~~body board~~ of the district makes such specification and submission, the governing body of the county shall include that information in the question submitted to the electorate. If the governing ~~body board~~ of the district does not specify and submit such information, the governing body of the county shall resubmit the question of reauthorization to the electorate every 12 years after the year prescribed in subparagraph 1. The governing ~~body board~~ of the district may recommend to the governing body of the county language for the question submitted to the electorate.

3. Nothing in this paragraph limits the authority to dissolve a district as provided under paragraph (a).

4. Nothing in this paragraph precludes the governing ~~body board~~ of a district from requesting that the governing body of the county submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate at a date earlier than the year prescribed in subparagraph 1. If the governing body of the county accepts the request and submits the question to the electorate, the governing body satisfies the requirement of that subparagraph.

If any district is dissolved pursuant to this subsection, each county must first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution. Any district may also be dissolved pursuant to s. *part VII of chapter 189* ~~189.4042~~.

(6) Any district created pursuant to the provisions of this section shall comply with all other statutory requirements of general application which relate to the filing of any financial reports or compliance reports required under part III of chapter 218, or any other report or documentation required by law, including the requirements of ss. *189.08, 189.015, and 189.016* ~~189.415, 189.417, and 189.418~~.

Section 6. Section 189.401, Florida Statutes, is transferred, renumbered as section 189.01, Florida Statutes, and amended to read:

189.01 ~~189.401~~ Short title.—This chapter may be cited as the “Uniform Special District Accountability Act of ~~1989~~.”

Section 7. Subsections (1), (6), and (7) of section 189.402, Florida Statutes, are transferred and renumbered as subsections (1), (2), and (3), respectively, of section 189.011, Florida Statutes, and present subsection (6) of that section is amended, to read:

189.011 ~~189.402~~ Statement of legislative purpose and intent.—

(2)(~~6~~) The Legislature finds that special districts serve a necessary and useful function by providing services to residents and property in the state. The Legislature finds further that special districts operate to serve a public purpose and that this is best secured by certain minimum standards of accountability designed to inform the public and appropriate *local* general-purpose ~~local~~ governments of the status and activities of special districts. It is the intent of the Legislature that this public trust be secured by requiring each independent special district in the state to register and report its financial and other activities. The Legislature further finds that failure of an independent special district to comply with the minimum disclosure requirements set forth in this chapter may result in action against officers of such district ~~body board~~.

Section 8. Subsection (2) of section 189.402, Florida Statutes, is transferred, renumbered as section 189.06, Florida Statutes, and amended to read:

189.06 ~~189.402~~ *Legislative intent; centralized location* ~~Statement of legislative purpose and intent.~~—

(~~2~~) It is the intent of the Legislature through the adoption of this chapter to have one centralized location for all legislation governing special districts and to:

(1)(~~a~~) Improve the enforcement of statutes currently in place that help ensure the accountability of special districts to state and local governments.

(2)(~~b~~) Improve communication and coordination between state agencies with respect to required special district reporting and state monitoring.

(3)(~~c~~) Improve communication and coordination between special districts and other local entities with respect to ad valorem taxation, non-ad valorem assessment collection, special district elections, and local government comprehensive planning.

(4)(~~d~~) Move toward greater uniformity in special district elections and non-ad valorem assessment collection procedures at the local level without hampering the efficiency and effectiveness of the current procedures.

(5)(e) Clarify special district definitions and creation methods in order to ensure consistent application of those definitions and creation methods across all levels of government.

(6)(f) Specify in general law the essential components of any new type of special district.

(7)(g) Specify in general law the essential components of a charter for a new special district.

(8)(h) Encourage the creation of municipal service taxing units and municipal service benefit units for providing municipal services in unincorporated areas of each county.

Section 9. Subsections (3), (4), (5), and (8) of section 189.402, Florida Statutes, are transferred, renumbered as subsections (1), (2), (3), and (4), respectively, of section 189.03, Florida Statutes, and amended to read:

189.03 189.402 Statement of legislative purpose and intent; *independent special districts.*—

(1)(a) The Legislature finds that:

(a) There is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative for the establishment, powers, operation, and duration of independent special districts ~~to manage and finance basic capital infrastructure, facilities, and services; and that, based upon a proper and fair determination of applicable facts, an independent special district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a means of solving the state's planning, management, and financing needs for delivery of capital infrastructure, facilities, and services in order to provide for projected growth without overburdening other governments and their taxpayers.~~

(b) It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness and that the operation of such a district and the exercise by the district of its powers be consistent with applicable due process, disclosure, accountability, ethics, and government-in-the-sunshine requirements which apply both to governmental entities and to their elected and appointed officials.

~~(c) It is in the public interest that long range planning, management, and financing and long term maintenance, upkeep, and operation of basic services by independent special districts be uniform.~~

(2)(a) It is the policy of this state:

(a) That independent special districts *may be used* ~~are a legitimate alternative method available for use~~ by the private and public sectors, as authorized by state law, to manage, own, operate, construct, and finance basic capital infrastructure, facilities, and services.

(b) That the exercise by any independent special district of its powers, ~~as set forth by uniform general law~~ comply with all applicable ~~governmental comprehensive planning~~ laws, rules, and regulations.

(3)(a) It is the legislative intent ~~and purpose, based upon, and consistent with, its findings of fact and declarations of policy,~~ to authorize a uniform procedure by general law to create an independent special district, ~~as an alternative method to manage and finance basic capital infrastructure, facilities, and services. It is further the legislative intent and purpose~~ to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent special district.

(4)(a) The Legislature finds and declares that:

(a) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(b) The provision of capital infrastructure, facilities, and services for the preservation and enhancement of the quality of life of the people of this state may require the creation of multicounty and multi-jurisdictional districts.

Section 10. Section 189.403, Florida Statutes, is transferred, renumbered as section 189.012, Florida Statutes, reordered, and amended to read:

189.012 189.403 Definitions.—As used in this chapter, the term:

(1)(a) “Special district” means a ~~local~~ *local* unit of local government created for a ~~of~~ special purpose, as opposed to a ~~general purpose~~ *general purpose*, which has jurisdiction to operate ~~government~~ within a limited geographic boundary and is, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. ~~The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. For the purpose of s. 196.199(1), special districts shall be treated as municipalities.~~ The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, a municipal service taxing or benefit unit as specified in s. 125.01, or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

(2) “Dependent special district” means a special district that meets at least one of the following criteria:

(a) The membership of its governing body is identical to that of the governing body of a single county or a single municipality.

(b) All members of its governing body are appointed by the governing body of a single county or a single municipality.

(c) During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.

(d) The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

This subsection is for purposes of definition only. Nothing in this subsection confers additional authority upon local governments not otherwise authorized by the provisions of the special acts or general acts of local application creating each special district, as amended.

(3) “Independent special district” means a special district that is not a dependent special district as defined in subsection (2). A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

(1)(b) “Department” means the Department of Economic Opportunity.

(4)(a) “Local governing authority” means the governing body of a unit of local general-purpose government. However, if the special district is a political subdivision of a municipality, “local governing authority” means the municipality.

(7)(a) “Water management district” for purposes of this chapter means a special taxing district which is a regional water management district created and operated pursuant to chapter 373 or chapter 61-691, Laws of Florida, or a flood control district created and operated pursuant to chapter 25270, Laws of Florida, 1949, as modified by s. 373.149.

(5)(a) “Public facilities” means major capital improvements, including, but not limited to, transportation facilities, sanitary sewer facilities, solid waste facilities, water management and control facilities, potable water facilities, alternative water systems, educational facilities, parks and recreational facilities, health systems and facilities, and, except for spoil disposal by those ports listed in s. 311.09(1), spoil disposal sites for maintenance dredging in waters of the state.

Section 11. *Subsection (1) of section 189.4031, Florida Statutes, is transferred and renumbered as section 189.013, Florida Statutes, and the catchline of that section shall read: “Special districts; creation, dissolution, and reporting requirements.”*

Section 12. Subsection (2) of section 189.4031, Florida Statutes, is transferred, renumbered as section 189.0311, Florida Statutes, and amended to read:

~~189.0311 189.4031~~ *Independent special districts* ~~Special districts; creation, dissolution, and reporting requirements;~~ charter requirements.—

(2) Notwithstanding any general law, special act, or ordinance of a local government to the contrary, any independent special district charter enacted after *September 30, 1989*, ~~the effective date of this section~~ shall contain the information required by s. ~~189.031(3) 189.404(3)~~. Recognizing that the exclusive charter for a community development district is the statutory charter contained in ss. 190.006-190.041, community development districts established after July 1, 1980, pursuant to the provisions of chapter 190 shall be deemed in compliance with this requirement.

Section 13. Section 189.4035, Florida Statutes, is transferred and renumbered as section 189.061, Florida Statutes, and subsections (1), (5), and (6) of that section are amended, to read:

~~189.061 189.4035~~ *Preparation of Official list of special districts.*—

(1) The department of ~~Economic Opportunity~~ shall ~~maintain~~ ~~compile~~ the official list of special districts. The official list of special districts shall include all special districts in this state and shall indicate the independent or dependent status of each district. All special districts ~~on~~ ~~in~~ the list shall be sorted by county. The definitions in s. ~~189.012 189.403~~ shall be the criteria for determination of the independent or dependent status of each special district on the official list. The status of community development districts shall be independent on the official list of special districts.

(5) The official list of special districts shall be available on the department's website *and must include a link to the website of each special district that provides web-based access to the public of the information and documentation required under s. 189.069.*

(6) ~~Preparation of~~ The official list of special districts or the determination of status does not constitute final agency action pursuant to chapter 120. If the status of a special district on the official list is inconsistent with the status submitted by the district, the district may request the department to issue a declaratory statement setting forth the requirements necessary to resolve the inconsistency. If necessary, upon issuance of a declaratory statement by the department which is not appealed pursuant to chapter 120, the governing ~~body board~~ of any special district receiving such a declaratory statement shall apply to the entity which originally established the district for an amendment to its charter correcting the specified defects in its original charter. This amendment shall be for the sole purpose of resolving inconsistencies between a district charter and the status of a district as it appears on the official list. ~~Such application shall occur as follows:~~

~~(a) In the event a special district was created by a local general purpose government or state agency and applies for an amendment to its charter to confirm its independence, said application shall be granted as a matter of right. If application by an independent district is not made within 6 months of rendition of a declaratory statement, the district shall be deemed dependent and become a political subdivision of the governing body which originally established it by operation of law.~~

~~(b) If the Legislature created a special district, the district shall request, by resolution, an amendment to its charter by the Legislature. Failure to apply to the Legislature for an amendment to its charter during the next regular legislative session following rendition of a declaratory statement or failure of the Legislature to pass a special act shall render the district dependent.~~

Section 14. Section 189.404, Florida Statutes, is transferred and renumbered as section 189.031, Florida Statutes, and amended, to read:

~~189.031 189.404~~ Legislative intent for the creation of independent special districts; special act prohibitions; model elements and other requirements; *local* general-purpose ~~local~~ government/Governor and Cabinet creation authorizations.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that, after September 30, 1989, at a minimum, the requirements of subsection (3) must be satisfied when an independent special district is created.

(2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application which:

(a) Create independent special districts that do not, at a minimum, conform to the minimum requirements in subsection (3);

(b) Exempt independent special district elections from the appropriate requirements in s. ~~189.04 189.405~~;

(c) Exempt an independent special district from the requirements for bond referenda in s. ~~189.042 189.408~~;

(d) Exempt an independent special district from the reporting, notice, or public meetings requirements of s. ~~189.051, s. 189.08, s. 189.015, or s. 189.016 189.4085, s. 189.415, s. 189.417, or s. 189.418~~;

(e) Create an independent special district for which a statement has not been submitted to the Legislature that documents the following:

1. The purpose of the proposed district;
2. The authority of the proposed district;
3. An explanation of why the district is the best alternative; and
4. A resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government plans of the local governing body and that the local government has no objection to the creation of the proposed district.

(3) MINIMUM REQUIREMENTS.—General laws or special acts that create or authorize the creation of independent special districts and are enacted after September 30, 1989, must address and require the following in their charters:

(a) The purpose of the district.

(b) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements.

(c) The methods for establishing the district.

(d) The method for amending the charter of the district.

(e) The membership and organization of the governing ~~body board~~ of the district. If a district created after September 30, 1989, uses a one-acre/one-vote election principle, it shall provide for a governing ~~body board~~ consisting of five members. Three members shall constitute a quorum.

(f) The maximum compensation of a governing ~~body board~~ member.

(g) The administrative duties of the governing ~~body board~~ of the district.

(h) The applicable financial disclosure, noticing, and reporting requirements.

(i) If a district has authority to issue bonds, the procedures and requirements for issuing bonds.

(j) The procedures for conducting any district elections or referenda required and the qualifications of an elector of the district.

(k) The methods for financing the district.

(l) If an independent special district has the authority to levy ad valorem taxes, other than taxes levied for the payment of bonds and taxes levied for periods not longer than 2 years when authorized by vote of the electors of the district, the millage rate that is authorized.

(m) The method or methods for collecting non-ad valorem assessments, fees, or service charges.

- (n) Planning requirements.
- (o) Geographic boundary limitations.

(4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION AUTHORIZATIONS.—Except as otherwise authorized by general law, only the Legislature may create independent special districts.

(a) A municipality may create an independent special district which shall be established by ordinance in accordance with s. 190.005, or as otherwise authorized in general law.

(b) A county may create an independent special district which shall be adopted by a charter in accordance with s. 125.901 or s. 154.331 or chapter 155, or which shall be established by ordinance in accordance with s. 190.005, or as otherwise authorized by general law.

(c) The Governor and Cabinet may create an independent special district which shall be established by rule in accordance with s. 190.005 or as otherwise authorized in general law. The Governor and Cabinet may also approve the establishment of a charter for the creation of an independent special district which shall be in accordance with s. 373.713, or as otherwise authorized in general law.

(d)1. Any combination of two or more counties may create a regional special district which shall be established in accordance with s. 950.001, or as otherwise authorized in general law.

2. Any combination of two or more counties or municipalities may create a regional special district which shall be established in accordance with s. 373.713, or as otherwise authorized by general law.

3. Any combination of two or more counties, municipalities, or other political subdivisions may create a regional special district in accordance with s. 163.567, or as otherwise authorized in general law.

(5) STATUS STATEMENT.—After October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department’s determination or declaratory statement regarding the status of the district.

Section 15. *Section 189.40401, Florida Statutes, is transferred and renumbered as section 189.033, Florida Statutes.*

Section 16. *Section 189.4041, Florida Statutes, is transferred and renumbered as section 189.02, Florida Statutes, and paragraph (e) of subsection (4) of that section is amended, to read:*

189.02 ~~189.4041~~ Dependent special districts.—

(4) Dependent special districts created by a county or municipality shall be created by adoption of an ordinance that includes:

(e) The membership, organization, compensation, and administrative duties of the governing body ~~board~~.

Section 17. Subsection (1) of section 189.4042, Florida Statutes, is transferred, renumbered as section 189.07, Florida Statutes, and amended to read:

189.07 ~~189.4042~~ *Definitions Merger and dissolution procedures.—*

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

(1)~~(a)~~ “Component independent special district” means an independent special district that proposes to be merged into a merged independent district, or an independent special district as it existed before its merger into the merged independent district of which it is now a part.

(2)~~(b)~~ “Elector-initiated merger plan” means the merger plan of two or more independent special districts, a majority of whose qualified electors have elected to merge, which outlines the terms and agreements for the official merger of the districts and is finalized and approved by the governing bodies of the districts pursuant to this *part section*.

(3)~~(c)~~ “Governing body” means the governing body of the independent special district in which the general legislative, governmental, or public powers of the district are vested and by authority of which the official business of the district is conducted.

(4)~~(d)~~ “Initiative” means the filing of a petition containing a proposal for a referendum to be placed on the ballot for election.

(5)~~(e)~~ “Joint merger plan” means the merger plan that is adopted by resolution of the governing bodies of two or more independent special districts that outlines the terms and agreements for the official merger of the districts and that is finalized and approved by the governing bodies pursuant to this *part section*.

(6)~~(f)~~ “Merged independent district” means a single independent special district that results from a successful merger of two or more independent special districts pursuant to this *part section*.

(7)~~(g)~~ “Merger” means the combination of two or more contiguous independent special districts resulting in a newly created merged independent district that assumes jurisdiction over all of the component independent special districts.

(8)~~(h)~~ “Merger plan” means a written document that contains the terms, agreements, and information regarding the merger of two or more independent special districts.

(9)~~(i)~~ “Proposed elector-initiated merger plan” means a written document that contains the terms and information regarding the merger of two or more independent special districts and that accompanies the petition initiated by the qualified electors of the districts but that is not yet finalized and approved by the governing bodies of each component independent special district pursuant to this *part section*.

(10)~~(j)~~ “Proposed joint merger plan” means a written document that contains the terms and information regarding the merger of two or more independent special districts and that has been prepared pursuant to a resolution of the governing bodies of the districts but that is not yet finalized and approved by the governing bodies of each component independent special district pursuant to this *part section*.

(11)~~(k)~~ “Qualified elector” means an individual at least 18 years of age who is a citizen of the United States, a permanent resident of this state, and a resident of the district who registers with the supervisor of elections of a county within which the district lands are located when the registration books are open.

Section 18. Subsection (2) of section 189.4042, Florida Statutes, is transferred, renumbered as section 189.071, Florida Statutes, and amended to read:

189.071 ~~189.4042~~ *Merger or and dissolution of a dependent special district procedures.—*

~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL DISTRICT.—~~

(1)~~(a)~~ The merger or dissolution of a dependent special district may be effectuated by an ordinance of the *local* general-purpose ~~local~~ governmental entity wherein the geographical area of the district or districts is located. However, a county may not dissolve a special district that is dependent to a municipality or vice versa, or a dependent district created by special act.

(2)~~(b)~~ The merger or dissolution of a dependent special district created and operating pursuant to a special act may be effectuated only by further act of the Legislature unless otherwise provided by general law.

(3)~~(c)~~ A dependent special district that meets any criteria for being declared inactive, or that has already been declared inactive, pursuant to s. *189.062* ~~189.4044~~ may be dissolved or merged by special act without a referendum.

(4)~~(d)~~ A copy of any ordinance and of any changes to a charter affecting the status or boundaries of one or more special districts shall be filed with the Special District *Accountability Information* Program within 30 days after such activity.

Section 19. Subsection (3) of section 189.4042, Florida Statutes, is transferred, renumbered as section 189.072, Florida Statutes, and amended to read:

~~189.072 189.4042~~ *Dissolution of an independent special district Merger and dissolution procedures.*—

~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~—

~~(1)(a)~~ VOLUNTARY DISSOLUTION.—If the governing ~~body~~ *board* of an independent special district created and operating pursuant to a special act elects, by a majority vote plus one, to dissolve the district, the voluntary dissolution of an independent special district created and operating pursuant to a special act may be effectuated only by the Legislature unless otherwise provided by general law.

~~(2)(b)~~ OTHER DISSOLUTIONS.—

~~(a)1-~~ In order for the Legislature to dissolve an active independent special district created and operating pursuant to a special act, the special act dissolving the active independent special district must be approved by a majority of the resident electors of the district or, for districts in which a majority of governing ~~body~~ *board* members are elected by landowners, a majority of the landowners voting in the same manner by which the independent special district's governing body is elected. If a local general-purpose government passes an ordinance or resolution in support of the dissolution, the local general-purpose government must pay any expenses associated with the referendum required under this ~~paragraph~~ *subparagraph*.

~~(b)2-~~ If an independent special district was created by a county or municipality by referendum or any other procedure, the county or municipality that created the district may dissolve the district pursuant to a referendum or any other procedure by which the independent special district was created. However, if the independent special district has ad valorem taxation powers, the same procedure required to grant the independent special district ad valorem taxation powers is required to dissolve the district.

~~(3)(c)~~ INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An independent special district that meets any criteria for being declared inactive, or that has already been declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act without a referendum. If an inactive independent special district was created by a county or municipality through a referendum, the county or municipality that created the district may dissolve the district after publishing notice as described in s. 189.062 ~~189.4044~~.

~~(4)(d)~~ DEBTS AND ASSETS.—Financial allocations of the assets and indebtedness of a dissolved independent special district shall be pursuant to s. 189.076 ~~189.4045~~.

Section 20. Subsection (4) of section 189.4042, Florida Statutes, is transferred, renumbered as section 189.073, Florida Statutes, and amended to read:

~~189.073 189.4042~~ *Legislative merger of independent special districts Merger and dissolution procedures.*—

~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—The Legislature, by special act, may merge independent special districts created and operating pursuant to special act.

Section 21. Subsection (5) of section 189.4042, Florida Statutes, is transferred, renumbered as section 189.074, Florida Statutes, and amended to read:

~~189.074 189.4042~~ *Voluntary merger of independent special districts Merger and dissolution procedures.*—

~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two or more contiguous independent special districts created by special act which have similar functions and elected governing bodies may elect to merge into a single independent district through the act of merging the component independent special districts.

~~(1)(a)~~ INITIATION.—Merger proceedings may commence by:

~~(a)1-~~ A joint resolution of the governing bodies of each independent special district which endorses a proposed joint merger plan; or

~~(b)2-~~ A qualified elector initiative.

~~(2)(b)~~ JOINT MERGER PLAN BY RESOLUTION.—The governing bodies of two or more contiguous independent special districts may, by joint resolution, endorse a proposed joint merger plan to commence proceedings to merge the districts pursuant to this ~~section~~ *subsection*.

~~(a)1-~~ The proposed joint merger plan must specify:

1.a. The name of each component independent special district to be merged;

2.b. The name of the proposed merged independent district;

3.e. The rights, duties, and obligations of the proposed merged independent district;

4.d. The territorial boundaries of the proposed merged independent district;

5.e. The governmental organization of the proposed merged independent district insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;

6.f. A fiscal estimate of the potential cost or savings as a result of the merger;

7.g. Each component independent special district's assets, including, but not limited to, real and personal property, and the current value thereof;

8.h. Each component independent special district's liabilities and indebtedness, bonded and otherwise, and the current value thereof;

9.i. Terms for the assumption and disposition of existing assets, liabilities, and indebtedness of each component independent special district jointly, separately, or in defined proportions;

10.j. Terms for the common administration and uniform enforcement of existing laws within the proposed merged independent district;

11.k. The times and places for public hearings on the proposed joint merger plan;

12.l. The times and places for a referendum in each component independent special district on the proposed joint merger plan, along with the referendum language to be presented for approval; and

13.m. The effective date of the proposed merger.

~~(b)2-~~ The resolution endorsing the proposed joint merger plan must be approved by a majority vote of the governing bodies of each component independent special district and adopted at least 60 business days before any general or special election on the proposed joint merger plan.

~~(c)3-~~ Within 5 business days after the governing bodies approve the resolution endorsing the proposed joint merger plan, the governing bodies must:

1.a. Cause a copy of the proposed joint merger plan, along with a descriptive summary of the plan, to be displayed and be readily accessible to the public for inspection in at least three public places within the territorial limits of each component independent special district, unless a component independent special district has fewer than three public places, in which case the plan must be accessible for inspection in all public places within the component independent special district;

2.b. If applicable, cause the proposed joint merger plan, along with a descriptive summary of the plan and a reference to the public places within each component independent special district where a copy of the merger plan may be examined, to be displayed on a website maintained by each district or on a website maintained by the county or municipality in which the districts are located; and

3.e. Arrange for a descriptive summary of the proposed joint merger plan, and a reference to the public places within the district where a copy

may be examined, to be published in a newspaper of general circulation within the component independent special districts at least once each week for 4 successive weeks.

(d)4- The governing body of each component independent special district shall set a time and place for one or more public hearings on the proposed joint merger plan. Each public hearing shall be held on a weekday at least 7 business days after the day the first advertisement is published on the proposed joint merger plan. The hearing or hearings may be held jointly or separately by the governing bodies of the component independent special districts. Any interested person residing in the respective district shall be given a reasonable opportunity to be heard on any aspect of the proposed merger at the public hearing.

1.a- Notice of the public hearing addressing the resolution for the proposed joint merger plan must be published pursuant to the notice requirements in s. 189.015 ~~189.417~~ and must provide a descriptive summary of the proposed joint merger plan and a reference to the public places within the component independent special districts where a copy of the plan may be examined.

2.b- After the final public hearing, the governing bodies of each component independent special district may amend the proposed joint merger plan if the amended version complies with the notice and public hearing requirements provided in this section ~~subsection~~. Thereafter, the governing bodies may approve a final version of the joint merger plan or decline to proceed further with the merger. Approval by the governing bodies of the final version of the joint merger plan must occur within 60 business days after the final hearing.

(e)5- After the final public hearing, the governing bodies shall notify the supervisors of elections of the applicable counties in which district lands are located of the adoption of the resolution by each governing body. The supervisors of elections shall schedule a separate referendum for each component independent special district. The referenda may be held in each district on the same day, or on different days, but no more than 20 days apart.

1.a- Notice of a referendum on the merger of independent special districts must be provided pursuant to the notice requirements in s. 100.342. At a minimum, the notice must include:

- a.(4) A brief summary of the resolution and joint merger plan;
- b.(4) A statement as to where a copy of the resolution and joint merger plan may be examined;
- c.(4) The names of the component independent special districts to be merged and a description of their territory;
- d.(4) The times and places at which the referendum will be held; and
- e.(4) Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns.

2.b- The referenda must be held in accordance with the Florida Election Code and may be held pursuant to ss. 101.6101-101.6107. All costs associated with the referenda shall be borne by the respective component independent special district.

3.e- The ballot question in such referendum placed before the qualified electors of each component independent special district to be merged must be in substantially the following form:

“Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)...?”

....YES

....NO”

4.d- If the component independent special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each component independent special district must be in substantially the following form:

“Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)... if the voter-approved maximum millage rate within each independent special district will not increase absent a subsequent referendum?”

....YES

....NO”

5.e- In any referendum held pursuant to this section ~~subsection~~, the ballots shall be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the component independent special districts.

6.f- The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one of the component districts does not obtain a majority vote, the referendum fails, and merger does not take effect.

7.g- If the merger is approved by a majority of the votes cast in each component independent special district, the merged independent district is created. Upon approval, the merged independent district shall notify the Special District ~~Accountability Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local general-purpose governments in which any part of the component independent special districts is situated pursuant to s. 189.016(7) ~~189.418(7)~~.

8.h- If the referendum fails, the merger process under this ~~subsection paragraph~~ may not be initiated for the same purpose within 2 years after the date of the referendum.

(f)6- Component independent special districts merged pursuant to a joint merger plan by resolution shall continue to be governed as before the merger until the effective date specified in the adopted joint merger plan.

(3)(e) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified electors of two or more contiguous independent special districts may commence a merger proceeding by each filing a petition with the governing body of their respective independent special district proposing to be merged. The petition must contain the signatures of at least 40 percent of the qualified electors of each component independent special district and must be submitted to the appropriate component independent special district governing body no later than 1 year after the start of the qualified elector-initiated merger process.

(a)4- The petition must comply with, and be circulated in, the following form:

PETITION FOR INDEPENDENT SPECIAL DISTRICT MERGER

We, the undersigned electors and legal voters of ...(name of independent special district)..., qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors and legal voters of ...(name of independent special district or districts proposed to be merged)..., for their approval or rejection at a referendum held for that purpose, a proposal to merge ...(name of component independent special district)... and ...(name of component independent special district or districts)...

In witness thereof, we have signed our names on the date indicated next to our signatures.

| Date | Name | Home Address |
|-------------------------|-------|--------------|
| (print under signature) | | |
| | | |
| | | |

(b)2- The petition must be validated by a signed statement by a witness who is a duly qualified elector of one of the component independent special districts, a notary public, or another person authorized to take acknowledgments.

1.a- A statement that is signed by a witness who is a duly qualified elector of the respective district shall be accepted for all purposes as the equivalent of an affidavit. Such statement must be in substantially the following form:

"I, ...(name of witness)..., state that I am a duly qualified voter of ...(name of independent special district)... Each of the ...(insert number)... persons who have signed this petition sheet has signed his or her name in my presence on the dates indicated above and identified himself or herself to be the same person who signed the sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a materially false statement, shall subject me to the penalties of perjury."

Date

Signature of Witness

2.~~b~~. A statement that is signed by a notary public or another person authorized to take acknowledgments must be in substantially the following form:

"On the date indicated above before me personally came each of the ...(insert number)... electors and legal voters whose signatures appear on this petition sheet, who signed the petition in my presence and who, being by me duly sworn, each for himself or herself, identified himself or herself as the same person who signed the petition, and I declare that the foregoing information they provided was true."

Date

Signature of Witness

3.~~e~~. An alteration or correction of information appearing on a petitioner's signature line, other than an uninitialed signature and date, does not invalidate such signature. In matters of form, this ~~subsection paragraph~~ shall be liberally construed, not inconsistent with substantial compliance thereto and the prevention of fraud.

4.~~d~~. The appropriately signed petition must be filed with the governing body of each component independent special district. The petition must be submitted to the supervisors of elections of the counties in which the district lands are located. The supervisors shall, within 30 business days after receipt of the petitions, certify to the governing bodies the number of signatures of qualified electors contained on the petitions.

(~~c~~)~~3~~. Upon verification by the supervisors of elections of the counties within which component independent special district lands are located that 40 percent of the qualified electors have petitioned for merger and that all such petitions have been executed within 1 year after the date of the initiation of the qualified-elector merger process, the governing bodies of each component independent special district shall meet within 30 business days to prepare and approve by resolution a proposed elector-initiated merger plan. The proposed plan must include:

1.~~a~~. The name of each component independent special district to be merged;

2.~~b~~. The name of the proposed merged independent district;

3.~~e~~. The rights, duties, and obligations of the merged independent district;

4.~~d~~. The territorial boundaries of the proposed merged independent district;

5.~~e~~. The governmental organization of the proposed merged independent district insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;

6.~~f~~. A fiscal estimate of the potential cost or savings as a result of the merger;

7.~~g~~. Each component independent special district's assets, including, but not limited to, real and personal property, and the current value thereof;

8.~~h~~. Each component independent special district's liabilities and indebtedness, bonded and otherwise, and the current value thereof;

9.~~i~~. Terms for the assumption and disposition of existing assets, liabilities, and indebtedness of each component independent special district, jointly, separately, or in defined proportions;

10.~~j~~. Terms for the common administration and uniform enforcement of existing laws within the proposed merged independent district;

11.~~k~~. The times and places for public hearings on the proposed joint merger plan; and

12.~~l~~. The effective date of the proposed merger.

(~~d~~)~~4~~. The resolution endorsing the proposed elector-initiated merger plan must be approved by a majority vote of the governing bodies of each component independent special district and must be adopted at least 60 business days before any general or special election on the proposed elector-initiated plan.

(~~e~~)~~5~~. Within 5 business days after the governing bodies of each component independent special district approve the proposed elector-initiated merger plan, the governing bodies shall:

1.~~a~~. Cause a copy of the proposed elector-initiated merger plan, along with a descriptive summary of the plan, to be displayed and be readily accessible to the public for inspection in at least three public places within the territorial limits of each component independent special district, unless a component independent special district has fewer than three public places, in which case the plan must be accessible for inspection in all public places within the component independent special district;

2.~~b~~. If applicable, cause the proposed elector-initiated merger plan, along with a descriptive summary of the plan and a reference to the public places within each component independent special district where a copy of the merger plan may be examined, to be displayed on a website maintained by each district or otherwise on a website maintained by the county or municipality in which the districts are located; and

3.~~e~~. Arrange for a descriptive summary of the proposed elector-initiated merger plan, and a reference to the public places within the district where a copy may be examined, to be published in a newspaper of general circulation within the component independent special districts at least once each week for 4 successive weeks.

(~~f~~)~~6~~. The governing body of each component independent special district shall set a time and place for one or more public hearings on the proposed elector-initiated merger plan. Each public hearing shall be held on a weekday at least 7 business days after the day the first advertisement is published on the proposed elector-initiated merger plan. The hearing or hearings may be held jointly or separately by the governing bodies of the component independent special districts. Any interested person residing in the respective district shall be given a reasonable opportunity to be heard on any aspect of the proposed merger at the public hearing.

1.~~a~~. Notice of the public hearing on the proposed elector-initiated merger plan must be published pursuant to the notice requirements in s. 189.015 ~~189.417~~ and must provide a descriptive summary of the elector-initiated merger plan and a reference to the public places within the component independent special districts where a copy of the plan may be examined.

2.~~b~~. After the final public hearing, the governing bodies of each component independent special district may amend the proposed elector-initiated merger plan if the amended version complies with the notice and public hearing requirements provided in this ~~section subsection~~. The governing bodies must approve a final version of the merger plan within 60 business days after the final hearing.

(~~g~~)~~7~~. After the final public hearing, the governing bodies shall notify the supervisors of elections of the applicable counties in which district lands are located of the adoption of the resolution by each governing body. The supervisors of elections shall schedule a date for the separate referenda for each district. The referenda may be held in each district on the same day, or on different days, but no more than 20 days apart.

1.~~a~~. Notice of a referendum on the merger of the component independent special districts must be provided pursuant to the notice requirements in s. 100.342. At a minimum, the notice must include:

a.(~~4~~) A brief summary of the resolution and elector-initiated merger plan;

b.(~~4~~) A statement as to where a copy of the resolution and petition for merger may be examined;

~~c.(HH)~~ The names of the component independent special districts to be merged and a description of their territory;

~~d.(IV)~~ The times and places at which the referendum will be held; and

~~e.(V)~~ Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns.

~~2.b.~~ The referenda must be held in accordance with the Florida Election Code and may be held pursuant to ss. 101.6101-101.6107. All costs associated with the referenda shall be borne by the respective component independent special district.

~~3.e.~~ The ballot question in such referendum placed before the qualified electors of each component independent special district to be merged must be in substantially the following form:

“Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)...?”

...YES

...NO”

~~4.d.~~ If the component independent special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each component independent special district must be in substantially the following form:

“Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)... if the voter-approved maximum millage rate within each independent special district will not increase absent a subsequent referendum?”

...YES

...NO”

~~5.e.~~ In any referendum held pursuant to this ~~section subsection~~, the ballots shall be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the component independent special districts.

~~6.f.~~ The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one of the component independent special districts does not obtain a majority vote, the referendum fails, and merger does not take effect.

~~7.g.~~ If the merger is approved by a majority of the votes cast in each component independent special district, the merged district shall notify the Special District ~~Accountability Information~~ Program pursuant to s. ~~189.016(2) 189.418(2)~~ and the local general-purpose governments in which any part of the component independent special districts is situated pursuant to s. ~~189.016(7) 189.418(7)~~.

~~8.h.~~ If the referendum fails, the merger process under this ~~subsection paragraph~~ may not be initiated for the same purpose within 2 years after the date of the referendum.

~~(h)8.~~ Component independent special districts merged pursuant to an elector-initiated merger plan shall continue to be governed as before the merger until the effective date specified in the adopted elector-initiated merger plan.

~~(4)(d)~~ EFFECTIVE DATE.—The effective date of the merger shall be as provided in the joint merger plan or elector-initiated merger plan, as appropriate, and is not contingent upon the future act of the Legislature.

~~(a)1.~~ However, as soon as practicable, the merged independent district shall, at its own expense, submit a unified charter for the merged district to the Legislature for approval. The unified charter must make the powers of the district consistent within the merged independent district and repeal the special acts of the districts which existed before the merger.

~~(b)2.~~ Within 30 business days after the effective date of the merger, the merged independent district’s governing body, as indicated in this ~~section subsection~~, shall hold an organizational meeting to implement the provisions of the joint merger plan or elector-initiated merger plan, as appropriate.

~~(5)(e)~~ RESTRICTIONS DURING TRANSITION PERIOD.—Until the Legislature formally approves the unified charter pursuant to a special act, each component independent special district is considered a subunit of the merged independent district subject to the following restrictions:

~~(a)1.~~ During the transition period, the merged independent district is limited in its powers and financing capabilities within each subunit to those powers that existed within the boundaries of each subunit which were previously granted to the component independent special district in its existing charter before the merger. The merged independent district may not, solely by reason of the merger, increase its powers or financing capability.

~~(b)2.~~ During the transition period, the merged independent district shall exercise only the legislative authority to levy and collect revenues within the boundaries of each subunit which was previously granted to the component independent special district by its existing charter before the merger, including the authority to levy ad valorem taxes, non-ad valorem assessments, impact fees, and charges.

~~1.a.~~ The merged independent district may not, solely by reason of the merger or the legislatively approved unified charter, increase ad valorem taxes on property within the original limits of a subunit beyond the maximum millage rate approved by the electors of the component independent special district unless the electors of such subunit approve an increase at a subsequent referendum of the subunit’s electors. Each subunit may be considered a separate taxing unit.

~~2.b.~~ The merged independent district may not, solely by reason of the merger, charge non-ad valorem assessments, impact fees, or other new fees within a subunit which were not otherwise previously authorized to be charged.

~~(c)3.~~ During the transition period, each component independent special district of the merged independent district must continue to file all information and reports required under this chapter as subunits until the Legislature formally approves the unified charter pursuant to a special act.

~~(d)4.~~ The intent of this ~~part section~~ is to preserve and transfer to the merged independent district all authority that exists within each subunit and was previously granted by the Legislature and, if applicable, by referendum.

~~(6)(f)~~ EFFECT OF MERGER, GENERALLY.—On and after the effective date of the merger, the merged independent district shall be treated and considered for all purposes as one entity under the name and on the terms and conditions set forth in the joint merger plan or elector-initiated merger plan, as appropriate.

~~(a)1.~~ All rights, privileges, and franchises of each component independent special district and all assets, real and personal property, books, records, papers, seals, and equipment, as well as other things in action, belonging to each component independent special district before the merger shall be deemed as transferred to and vested in the merged independent district without further act or deed.

~~(b)2.~~ All property, rights-of-way, and other interests are as effectually the property of the merged independent district as they were of the component independent special district before the merger. The title to real estate, by deed or otherwise, under the laws of this state vested in any component independent special district before the merger may not be deemed to revert or be in any way impaired by reason of the merger.

~~(c)3.~~ The merged independent district is in all respects subject to all obligations and liabilities imposed and possesses all the rights, powers, and privileges vested by law in other similar entities.

~~(d)4.~~ Upon the effective date of the merger, the joint merger plan or elector-initiated merger plan, as appropriate, is subordinate in all respects to the contract rights of all holders of any securities or obligations

of the component independent special districts outstanding at the effective date of the merger.

(e)5. The new registration of electors is not necessary as a result of the merger, but all elector registrations of the component independent special districts shall be transferred to the proper registration books of the merged independent district, and new registrations shall be made as provided by law as if no merger had taken place.

(7)(g) GOVERNING BODY OF MERGED INDEPENDENT DISTRICT.—

(a)1. From the effective date of the merger until the next general election, the governing body of the merged independent district shall be comprised of the governing body members of each component independent special district, with such members serving until the governing body members elected at the next general election take office.

(b)2. Beginning with the next general election following the effective date of merger, the governing body of the merged independent district shall be comprised of five members. The office of each governing body member shall be designated by seat, which shall be distinguished from other body member seats by an assigned numeral: 1, 2, 3, 4, or 5. The governing body members that are elected in this initial election following the merger shall serve unequal terms of 2 and 4 years in order to create staggered membership of the governing body, with:

- 1.a. Member seats 1, 3, and 5 being designated for 4-year terms; and
- 2.b. Member seats 2 and 4 being designated for 2-year terms.

(c)3. In general elections thereafter, all governing body members shall serve 4-year terms.

(8)(h) EFFECT ON EMPLOYEES.—Except as otherwise provided by law and except for those officials and employees protected by tenure of office, civil service provisions, or a collective bargaining agreement, upon the effective date of merger, all appointive offices and positions existing in all component independent special districts involved in the merger are subject to the terms of the joint merger plan or elector-initiated merger plan, as appropriate. Such plan may provide for instances in which there are duplications of positions and for other matters such as varying lengths of employee contracts, varying pay levels or benefits, different civil service regulations in the constituent entities, and differing ranks and position classifications for similar positions. For those employees who are members of a bargaining unit certified by the Public Employees Relations Commission, the requirements of chapter 447 apply.

(9)(i) EFFECT ON DEBTS, LIABILITIES, AND OBLIGATIONS.—

(a)1. All valid and lawful debts and liabilities existing against a merged independent district, or which may arise or accrue against the merged independent district, which but for merger would be valid and lawful debts or liabilities against one or more of the component independent special districts, are debts against or liabilities of the merged independent district and accordingly shall be defrayed and answered to by the merged independent district to the same extent, and no further than, the component independent special districts would have been bound if a merger had not taken place.

(b)2. The rights of creditors and all liens upon the property of any of the component independent special districts shall be preserved unimpaired. The respective component districts shall be deemed to continue in existence to preserve such rights and liens, and all debts, liabilities, and duties of any of the component districts attach to the merged independent district.

(c)3. All bonds, contracts, and obligations of the component independent special districts which exist as legal obligations are obligations of the merged independent district, and all such obligations shall be issued or entered into by and in the name of the merged independent district.

(10)(j) EFFECT ON ACTIONS AND PROCEEDINGS.—In any action or proceeding pending on the effective date of merger to which a component independent special district is a party, the merged independent district may be substituted in its place, and the action or proceeding may be prosecuted to judgment as if merger had not taken place. Suits may be brought and maintained against a merged in-

dependent district in any state court in the same manner as against any other independent special district.

(11)(k) EFFECT ON ANNEXATION.—Chapter 171 continues to apply to all annexations by a city within the component independent special districts' boundaries after merger occurs. Any moneys owed to a component independent special district pursuant to s. 171.093, or any interlocal service boundary agreement as a result of annexation predating the merger, shall be paid to the merged independent district after merger.

(12)(l) EFFECT ON MILLAGE CALCULATIONS.—The merged independent special district is authorized to continue or conclude procedures under chapter 200 on behalf of the component independent special districts. The merged independent special district shall make the calculations required by chapter 200 for each component individual special district separately.

(13)(m) DETERMINATION OF RIGHTS.—If any right, title, interest, or claim arises out of a merger or by reason thereof which is not determinable by reference to this subsection, the joint merger plan or elector-initiated merger plan, as appropriate, or otherwise under the laws of this state, the governing body of the merged independent district may provide therefor in a manner conforming to law.

(14)(n) EXEMPTION.—This section subsection does not apply to independent special districts whose governing bodies are elected by district landowners voting the acreage owned within the district.

(15)(o) PREEMPTION.—This section subsection preempts any special act to the contrary.

Section 22. Subsection (6) of section 189.4042, Florida Statutes, is transferred, renumbered as section 189.075, Florida Statutes, and amended to read:

~~189.075 189.4042~~ *Involuntary merger of independent special districts Merger and dissolution procedures.*—

~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—~~

(1)(a) INDEPENDENT SPECIAL DISTRICTS CREATED BY SPECIAL ACT.—In order for the Legislature to merge an active independent special district or districts created and operating pursuant to a special act, the special act merging the active independent special district or districts must be approved at separate referenda of the impacted local governments by a majority of the resident electors or, for districts in which a majority of governing ~~body board~~ members are elected by landowners, a majority of the landowners voting in the same manner by which each independent special district's governing body is elected. The special act merging the districts must include a plan of merger that addresses transition issues such as the effective date of the merger, governance, administration, powers, pensions, and assumption of all assets and liabilities. If a local general-purpose government passes an ordinance or resolution in support of the merger of an active independent special district, the local general-purpose government must pay any expenses associated with the referendum required under this ~~subsection paragraph~~.

(2)(b) INDEPENDENT SPECIAL DISTRICTS CREATED BY A COUNTY OR MUNICIPALITY.—A county or municipality may merge an independent special district created by the county or municipality pursuant to a referendum or any other procedure by which the independent special district was created. However, if the independent special district has ad valorem taxation powers, the same procedure required to grant the independent special district ad valorem taxation powers is required to merge the district. The political subdivisions proposing the involuntary merger of an active independent special district must pay any expenses associated with the referendum required under this ~~subsection paragraph~~.

(3)(c) INACTIVE INDEPENDENT SPECIAL DISTRICTS.—An independent special district that meets any criteria for being declared inactive, or that has already been declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be merged by special act without a referendum.

Section 23. Subsection (7) of section 189.4042, Florida Statutes, is transferred and renumbered as section 189.0761, Florida Statutes, and amended to read:

189.0761 189.4042 Merger and dissolution procedures.—

(7) Exemptions.—This ~~part section~~ does not apply to community development districts implemented pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

Section 24. Section 189.4044, Florida Statutes, is transferred and renumbered as section 189.062, Florida Statutes, subsections (1) and (3) of that section are amended, and subsections (5) and (6) are added to that section, to read:

189.062 189.4044 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. ~~Following an inquiry from the department,~~ The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has not had a governing ~~body board~~ or a sufficient number of governing ~~body board~~ members to constitute a quorum for 2 or more years;

3. ~~or~~ The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to ~~an~~ the department's inquiry by the department within 21 days;

4. ~~3.~~ The department determines, pursuant to s. 189.067 ~~189.421~~, that the district has failed to file any of the reports listed in s. 189.066 ~~189.419~~;

5. ~~4.~~ The district has not had a registered office and agent on file with the department for 1 or more years; or

6. ~~5.~~ The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district shall be responsible for payment of any expenses associated with its dissolution. *A special district declared inactive pursuant to this subparagraph may be dissolved without a referendum; or*

(b) The department, special district, or local general-purpose government published a notice of proposed declaration of inactive status in a newspaper of general circulation in the county or municipality in which the territory of the special district is located and sent a copy of such notice by certified mail to the registered agent or chair of the *governing body board*, if any. Such notice must include the name of the special district, the law under which it was organized and operating, a general description of the territory included in the special district, and a statement that any objections must be filed pursuant to chapter 120 within 21 days after the publication date; and

(c) Twenty-one days have elapsed from the publication date of the notice of proposed declaration of inactive status and no administrative appeals were filed.

(3) In the case of a district created by special act of the Legislature, the department shall send a notice of declaration of inactive status to the Speaker of the House of Representatives and the President of the Senate, *and the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber and the Legislative Auditing Committee.* The notice of declaration of inactive status shall reference each known special act creating or amending the charter of any special district declared to be inactive under this section. The declaration of inactive status shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the Legislature to repeal any special

laws so reported. In the case of a district created by one or more local general-purpose governments, the department shall send a notice of declaration of inactive status to the chair of the governing body of each local general-purpose government that created the district. In the case of a district created by interlocal agreement, the department shall send a notice of declaration of inactive status to the chair of the governing body of each local general-purpose government which entered into the interlocal agreement.

(5) *A special district declared inactive under this section may not collect taxes, fees, or assessments unless the declaration is:*

(a) *Withdrawn or revoked by the department; or*

(b) *Invalidated in proceedings initiated by the special district within 30 days after the date written notice of the declaration was provided to the special district governing body by physical or electronic delivery, receipt confirmed. The special district governing body may initiate proceedings within the period authorized in this paragraph by:*

1. *Filing with the department a petition for an administrative hearing pursuant to s. 120.569; or*

2. *Filing an action for declaratory and injunctive relief under chapter 86 in the circuit court of the judicial circuit in which the majority of the area of the district is located.*

(c) *If a timely challenge to the declaration is not initiated by the special district governing body, or the department prevails in a proceeding initiated under paragraph (b), the department may enforce the prohibitions in this subsection by filing a petition for enforcement with the circuit court in and for Leon County. The petition may request declaratory, injunctive, or other equitable relief, including the appointment of a receiver, and any forfeiture or other remedy provided by law.*

(d) *The prevailing party shall be awarded costs of litigation and reasonable attorney fees in any proceeding brought under this subsection.*

Section 25. Section 189.4045, Florida Statutes, is transferred and renumbered as section 189.076, Florida Statutes.

Section 26. Section 189.4047, Florida Statutes, is transferred and renumbered as section 189.021, Florida Statutes.

Section 27. Subsections (1), (2), (3), (4), (6), and (7) of section 189.405, Florida Statutes, are transferred and renumbered as subsections (1) through (6) of section 189.04, Florida Statutes, respectively, and present subsection (1), paragraph (c) of present subsection (2), and present subsections (3), (4), and (7) of that section are amended, to read:

189.04 189.405 Elections; general requirements and procedures; education programs.—

(1) If a dependent special district has an elected governing ~~body board~~, elections shall be conducted by the supervisor of elections of the county wherein the district is located in accordance with the Florida Election Code, chapters 97-106.

(2)

(c) A candidate for a position on a governing ~~body board~~ of a single-county special district that has its elections conducted by the supervisor of elections shall qualify for the office with the county supervisor of elections in whose jurisdiction the district is located. Elections for governing ~~body board~~ members elected by registered electors shall be non-partisan, except when partisan elections are specified by a district's charter. Candidates shall qualify as directed by chapter 99. The qualifying fee shall be remitted to the general revenue fund of the qualifying officer to help defray the cost of the election.

(3)(a) If a multicounty special district has a popularly elected governing ~~body board~~, elections for the purpose of electing members to such governing ~~body board~~ shall conform to the Florida Election Code, chapters 97-106.

(b) With the exception of those districts conducting elections on a one-acre/one-vote basis, qualifying for multicounty special district governing ~~body board~~ positions shall be coordinated by the Department of State. Elections for governing ~~body board~~ members elected by registered

electors shall be nonpartisan, except when partisan elections are specified by a district's charter. Candidates shall qualify as directed by chapter 99. The qualifying fee shall be remitted to the Department of State.

(4) With the exception of elections of special district governing *body board* members conducted on a one-acre/one-vote basis, in any election conducted in a special district the decision made by a majority of those voting shall prevail, except as otherwise specified by law.

(6)(7) Nothing in this act requires that a special district governed by an appointed *governing body board* convert to an elected governing *body board*.

Section 28. Subsection (5) of section 189.405, Florida Statutes, is transferred, renumbered as section 189.063, Florida Statutes, and amended to read:

~~189.063 189.405~~ *Education programs for new members of district governing bodies* Elections; general requirements and procedures; education programs.—

(1)(5)(a) The department may provide, contract for, or assist in conducting education programs, as its budget permits, for all newly elected or appointed members of district *governing bodies boards*. The education programs shall include, but are not limited to, courses on the code of ethics for public officers and employees, public meetings and public records requirements, public finance, and parliamentary procedure. ~~Course content may be offered by means of the following: videotapes, live seminars, workshops, conferences, teleconferences, computer-based training, multimedia presentations, or other available instructional methods.~~

(2)(b) An individual district *governing body board*, at its discretion, may bear the costs associated with educating its members. *Governing body Board* members of districts which have qualified for a zero annual fee for the most recent invoicing period pursuant to s. 189.018 are ~~189.427 shall not be required to pay a fee for any education program the department provides, contracts for, or assists in conducting.~~

Section 29. Section 189.4051, Florida Statutes, is transferred, renumbered as section 189.041, Florida Statutes, and amended to read:

~~189.041 189.4051~~ Elections; special requirements and procedures for districts with governing *bodies boards* elected on a one-acre/one-vote basis.—

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

(a) “Qualified elector” means any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a freeholder or freeholder's spouse and resident of the district who registers with the supervisor of elections of a county within which the district lands are located when the registration books are open.

(b) “Urban area” means a contiguous developed and inhabited urban area within a district with a minimum average resident population density of at least 1.5 persons per acre as defined by the latest official census, special census, or population estimate or a minimum density of one single-family home per 2.5 acres with access to improved roads or a minimum density of one single-family home per 5 acres within a recorded plat subdivision. Urban areas shall be designated by the governing *body board* of the district with the assistance of all local general-purpose governments having jurisdiction over the area within the district.

(c) “Governing *body board* member” means any duly elected member of the governing *body board* of a special district elected pursuant to this section, provided that a ~~any board~~ member elected by popular vote shall be a qualified district elector and a ~~any board~~ member elected on a one-acre/one-vote basis shall meet the requirements of s. 298.11 for election to the *governing body board*.

(d) “Contiguous developed urban area” means any reasonably compact urban area located entirely within a special district. The separation of urban areas by a publicly owned park, right-of-way, highway, road, railroad, canal, utility, body of water, watercourse, or other minor geographical division of a similar nature shall not prevent such areas from being defined as urban areas.

(2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN AREAS.—

(a) Referendum.—

1. A referendum shall be called by the governing *body board* of a special district where the *governing body board* is elected on a one-acre/one-vote basis on the question of whether certain members of a district governing *body board* should be elected by qualified electors, provided each of the following conditions has been satisfied at least 60 days ~~before~~ ~~prior to~~ the general or special election at which the referendum is to be held:

a. The district shall have a total population, according to the latest official state census, a special census, or a population estimate, of at least 500 qualified electors.

b. A petition signed by 10 percent of the qualified electors of the district shall have been filed with the governing *body board* of the district. The petition shall be submitted to the supervisor of elections of the county or counties in which the lands are located. The supervisor shall, within 30 days after the receipt of the petitions, certify to the governing *body board* the number of signatures of qualified electors contained on the petition.

2. Upon verification by the supervisor or supervisors of elections of the county or counties within which district lands are located that 10 percent of the qualified electors of the district have petitioned the governing *body board*, a referendum election shall be called by the governing *body board* at the next regularly scheduled election of governing *body board* members occurring at least 30 days after verification of the petition or within 6 months of verification, whichever is earlier.

3. If the qualified electors approve the election procedure described in this subsection, the governing *body board* of the district shall be increased to five members and elections shall be held pursuant to the criteria described in this subsection beginning with the next regularly scheduled election of governing *body board* members or at a special election called within 6 months following the referendum and final unappealed approval of district urban area maps as provided in paragraph (b), whichever is earlier.

4. If the qualified electors of the district disapprove the election procedure described in this subsection, elections of the members of the governing *body board* shall continue as described by s. 298.12 or the enabling legislation for the district. No further referendum on the question shall be held for a minimum period of 2 years following the referendum.

(b) Designation of urban areas.—

1. Within 30 days after approval of the election process described in this subsection by qualified electors of the district, the governing *body board* shall direct the district staff to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within paragraph (1)(b).

2. Within 60 days after approval of the election process described in this subsection by qualified electors of the district, the maps describing urban areas within the district shall be presented to the governing *body board*.

3. Any district landowner or elector may contest the accuracy of the urban area maps prepared by the district staff within 30 days after submission to the governing *body board*. Upon notice of objection to the maps, the governing *body board* shall request the county engineer to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within paragraph (1)(b). Within 30 days after the governing *body board* request, the county engineer shall present the maps to the governing *body board*.

4. Upon presentation of the maps by the county engineer, the governing *body board* shall compare the maps submitted by both the district staff and the county engineer and make a determination as to which set of maps to adopt. Within 60 days after presentation of all such maps, the governing *body board* may amend and shall adopt the official maps at a regularly scheduled ~~meeting of the governing body board meeting~~.

5. Any district landowner or qualified elector may contest the accuracy of the urban area maps adopted by the *governing body board* within 30 days after adoption by petition to the circuit court with jurisdiction over the district. Accuracy shall be determined pursuant to paragraph (1)(b). Any petitions so filed shall be heard expeditiously, and the maps shall either be approved or approved with necessary amendments to render the maps accurate and shall be certified to the *governing body board*.

6. Upon adoption by the *governing body board* or certification by the court, the district urban area maps shall serve as the official maps for determination of the extent of urban area within the district and the number of governing *body board* members to be elected by qualified electors and by the one-acre/one-vote principle at the next regularly scheduled election of governing *body board* members.

7. Upon a determination of the percentage of urban area within the district as compared with total area within the district, the governing *body board* shall order elections in accordance with the percentages pursuant to paragraph (3)(a). The landowners' meeting date shall be designated by the governing *body board*.

8. The maps shall be updated and readopted every 5 years or sooner in the discretion of the governing *body board*.

(3) GOVERNING BODY BOARD.—

(a) Composition of board.—

1. Members of the governing *body board* of the district shall be elected in accordance with the following determinations of urban area:

a. If urban areas constitute 25 percent or less of the district, one governing *body board* member shall be elected by the qualified electors and four governing *body board* members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

b. If urban areas constitute 26 percent to 50 percent of the district, two governing *body board* members shall be elected by the qualified electors and three governing *body board* members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

c. If urban areas constitute 51 percent to 70 percent of the district, three governing *body board* members shall be elected by the qualified electors and two governing *body board* members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

d. If urban areas constitute 71 percent to 90 percent of the district, four governing *body board* members shall be elected by the qualified electors and one governing *body board* member shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

e. If urban areas constitute 91 percent or more of the district, all governing *body board* members shall be elected by the qualified electors.

2. All governing *body board* members elected by qualified electors shall be elected at large.

(b) Term of office.—All governing *body board* members elected by qualified electors shall have a term of 4 years except for governing *body board* members elected at the first election and the first landowners' meeting following the referendum prescribed in paragraph (2)(a). Governing *body board* members elected at the first election and the first landowners' meeting following the referendum shall serve as follows:

1. If one governing *body board* member is elected by the qualified electors and four are elected on a one-acre/one-vote basis, the governing *body board* member elected by the qualified electors shall be elected for a period of 4 years. Governing *body board* members elected on a one-acre/one-vote basis shall be elected for periods of 1, 2, 3, and 4 years, respectively, as prescribed by ss. 298.11 and 298.12.

2. If two governing *body board* members are elected by the qualified electors and three are elected on a one-acre/one-vote basis, the governing *body board* members elected by the electors shall be elected for a period

of 4 years. Governing *body board* members elected on a one-acre/one-vote basis shall be elected for periods of 1, 2, and 3 years, respectively, as prescribed by ss. 298.11 and 298.12.

3. If three governing *body board* members are elected by the qualified electors and two are elected on a one-acre/one-vote basis, two of the governing *body board* members elected by the electors shall be elected for a term of 4 years and the other governing *body board* member elected by the electors shall be elected for a term of 2 years. Governing *body board* members elected on a one-acre/one-vote basis shall be elected for terms of 1 and 2 years, respectively, as prescribed by ss. 298.11 and 298.12.

4. If four governing *body board* members are elected by the qualified electors and one is elected on a one-acre/one-vote basis, two of the governing *body board* members elected by the electors shall be elected for a term of 2 years and the other two for a term of 4 years. The governing *body board* member elected on a one-acre/one-vote basis shall be elected for a term of 1 year as prescribed by ss. 298.11 and 298.12.

5. If five governing *body board* members are elected by the qualified electors, three shall be elected for a term of 4 years and two for a term of 2 years.

6. If any vacancy occurs in a seat occupied by a governing *body board* member elected by the qualified electors, the remaining members of the governing *body board* shall, within 45 days after the vacancy occurs, appoint a person who would be eligible to hold the office to the unexpired term.

(c) Landowners' meetings.—

1. An annual landowners' meeting shall be held pursuant to s. 298.11 and at least one governing *body board* member shall be elected on a one-acre/one-vote basis pursuant to s. 298.12 for so long as 10 percent or more of the district is not contained in an urban area. In the event all district governing *body board* members are elected by qualified electors, there shall be no further landowners' meetings.

2. At any landowners' meeting called pursuant to this section, 50 percent of the district acreage shall not be required to constitute a quorum and each governing *body board* member shall be elected by a majority of the acreage represented either by owner or proxy present and voting at said meeting.

3. All landowners' meetings of districts operating pursuant to this section shall be set by the governing *body board* within the month preceding the month of the election of the governing *body board* members by the electors.

4. Vacancies on the governing *body board* shall be filled pursuant to s. 298.12 except as otherwise provided in subparagraph (b)6.

(4) QUALIFICATIONS.—Elections for governing *body board* members elected by qualified electors shall be nonpartisan. Qualifications shall be pursuant to the Florida Election Code and shall occur during the qualifying period established by s. 99.061. Qualification requirements shall only apply to those governing *body board* member candidates elected by qualified electors. Following the first election pursuant to this section, elections to the governing *body board* by qualified electors shall occur at the next regularly scheduled election closest in time to the expiration date of the term of the elected governing *body board* member. If the next regularly scheduled election is beyond the normal expiration time for the term of an elected governing *body board* member, the governing *body board* member shall hold office until the election of a successor.

(5) Those districts established as single-purpose water control districts, and which continue to act as single-purpose water control districts, pursuant to chapter 298, pursuant to a special act, pursuant to a local government ordinance, or pursuant to a judicial decree, shall be exempt from the provisions of this section. All other independent special districts with governing *bodies boards* elected on a one-acre/one-vote basis shall be subject to the provisions of this section.

(6) The provisions of this section shall not apply to community development districts established pursuant to chapter 190.

Section 30. *Section 189.4065, Florida Statutes, is transferred and renumbered as section 189.05, Florida Statutes.*

Section 31. *Section 189.408, Florida Statutes, is transferred and renumbered as section 189.042, Florida Statutes.*

Section 32. *Section 189.4085, Florida Statutes, is transferred and renumbered as section 189.051, Florida Statutes.*

Section 33. Section 189.412, Florida Statutes, is transferred and renumbered as section 189.064, Florida Statutes, and amended to read:

189.064 ~~189.412~~ Special District *Accountability Information* Program; duties and responsibilities.—The Special District *Accountability Information* Program of the department of ~~Economic Opportunity~~ is created and has the following special duties:

(1) *Electronically publishing* ~~The collection and maintenance of special district noncompliance status reports from the department of Management Services, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, the Auditor General, and the Legislative Auditing Committee, for the reporting required in ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance reports must list those special districts that did not comply with the statutory reporting requirements and be made available to the public electronically.~~

(2) *Maintaining the official list of special districts* ~~The maintenance of a master list of independent and dependent special districts which shall be available on the department's website.~~

(3) ~~The~~ Publishing and updating of a “Florida Special District Handbook” that contains, at a minimum:

(a) A section that specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections that specify current statutory provisions for special district creation, implementation, modification, dissolution, and operating procedures.

(c) A section that summarizes the reporting requirements applicable to all types of special districts as provided in ss. *189.015 and 189.016* ~~189.417 and 189.418.~~

~~(4) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.~~

~~(4)(5) Coordinating and communicating~~ ~~The facilitation of coordination and communication among state agencies regarding special districts district information.~~

~~(6) The conduct of studies relevant to special districts.~~

~~(5)(7) Providing technical advisory~~ ~~The provision of assistance related to special districts regarding the and appropriate in the performance of requirements specified in this chapter which may be performed by the department or by a qualified third-party vendor pursuant to a contract entered into in accordance with applicable bidding requirements, including assisting with an annual conference sponsored by the Florida Association of Special Districts or its successor.~~

~~(6)(8) Providing assistance to local general-purpose governments and certain state agencies in collecting delinquent reports or information.;~~

(7) Helping special districts comply with reporting requirements.;

(8) Declaring special districts inactive when appropriate, and, when directed by the Legislative Auditing Committee or required by this chapter.;

(9) Initiating enforcement *proceedings* ~~provisions~~ as provided in ss. *189.062, 189.066, and 189.067* ~~189.4044, 189.419, and 189.421.~~

Section 34. Section 189.413, Florida Statutes, is transferred and renumbered as section 189.065, Florida Statutes, and amended to read:

189.065 ~~189.413~~ Special districts; oversight of state funds use.—Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Special District *Accountability Information* Program of the department.

(2) Submitting annually a list of special districts participating in a state funding program to the Special District *Accountability Information* Program of the department. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

Section 35. *Section 189.415, Florida Statutes, is transferred and renumbered as section 189.08, Florida Statutes.*

Section 36. *Section 189.4155, Florida Statutes, is transferred and renumbered as section 189.081, Florida Statutes.*

Section 37. *Section 189.4156, Florida Statutes, is transferred and renumbered as section 189.082, Florida Statutes.*

Section 38. Section 189.416, Florida Statutes, is transferred and renumbered as section 189.014, Florida Statutes, and subsection (1) of that section is amended, to read:

189.014 ~~189.416~~ Designation of registered office and agent.—

(1) Within 30 days after the first meeting of its governing ~~body board~~, each special district in the state shall designate a registered office and a registered agent and file such information with the local governing authority or authorities and with the department. The registered agent shall be an agent of the district upon whom any process, notice, or demand required or permitted by law to be served upon the district may be served. A registered agent shall be an individual resident of this state whose business address is identical with the registered office of the district. The registered office may be, but need not be, the same as the place of business of the special district.

Section 39. Section 189.417, Florida Statutes, is transferred and renumbered as section 189.015, Florida Statutes, and subsection (1) of that section is amended, to read:

189.015 ~~189.417~~ Meetings; notice; required reports.—

(1) The governing body of each special district shall file quarterly, semiannually, or annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The schedule shall be published quarterly, semiannually, or annually in a newspaper of general paid circulation in the manner required in this subsection. The governing body of an independent special district shall advertise the day, time, place, and purpose of any meeting other than a regular meeting or any recessed and reconvened meeting of the governing body, at least 7 days ~~before~~ ~~prior to~~ such meeting, in a newspaper of general paid circulation in the county or counties in which the special district is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the *governing body board*. No approval of the annual budget shall be granted at an emergency meeting. The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the county is published fewer than 5 days a week. The newspaper selected must be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50. Any other provision of law to the contrary notwithstanding, and except in the case of emergency meetings, water management districts may provide reasonable notice of public meetings held to evaluate responses to solicitations issued by the water management district, by publication in a newspaper of general paid circulation in the county where the principal office of the water management district is located, or in the county or counties where the public work will be performed, no less than 7 days before such meeting.

Section 40. Section 189.418, Florida Statutes, is transferred and renumbered as section 189.016, Florida Statutes, and subsections (2) and (10) of that section are amended, to read:

189.016 ~~189.418~~ Reports; budgets; audits.—

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in s. 189.067 ~~189.421~~ for failure to file the information required by this subsection. However, for the purposes of this section and s. 175.101(1), the boundaries of a district shall be deemed to include an area that has been annexed until the completion of the 4-year period specified in s. 171.093(4) or other mutually agreed upon extension, or when a district is providing services pursuant to an interlocal agreement entered into pursuant to s. 171.093(3).

(10) All reports or information required to be filed with a local general-purpose government or governing authority under ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~ and subsection (8) must:

(a) If the local general-purpose government or governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) If the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) If the local general-purpose government or governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 41. Section 189.419, Florida Statutes, is transferred, renumbered as section 189.066, Florida Statutes, and amended to read:

189.066 ~~189.419~~ Effect of failure to file certain reports or information.—

(1) If an independent special district fails to file the reports or information required under s. 189.08, s. 189.014, s. 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s. 189.418(9)~~ with the local general-purpose government or governments in which it is located, the person authorized to receive and read the reports or information or the local general-purpose government shall notify the district's registered agent. If requested by the district, the local general-purpose government shall grant an extension of up to 30 days for filing the required reports or information. If the governing body of the local general-purpose government or governments determines that there has been an unjustified failure to file these reports or information, it *shall* ~~may~~ notify the department, and the department may proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

(2) If a dependent special district fails to file the reports or information required under s. 189.014, s. 189.015, or s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the local governing authority to which it is dependent, the local governing authority shall take whatever steps it deems necessary to enforce the special district's accountability. Such steps may include, as authorized, withholding funds, removing governing ~~body board~~ members at will, vetoing the special district's budget, conducting the oversight review process set forth in s. 189.068 ~~189.428~~, or amending, merging, or dissolving the special district in accordance with the provisions contained in the ordinance that created the dependent special district.

(3) If a special district fails to file the reports or information required under s. 218.38 with the appropriate state agency, the agency shall notify the department, and the department shall send a certified technical assistance letter to the special district which summarizes the requirements and *compels* ~~encourages~~ the special district to take steps to prevent the noncompliance from reoccurring.

(4) If a special district fails to file the reports or information required under s. 112.63 with the appropriate state agency, the agency shall notify the department and the department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

(5) If a special district fails to file the reports or information required under s. 218.32 or s. 218.39 with the appropriate state agency or office,

the state agency or office shall, and the Legislative Auditing Committee may, notify the department and the department shall proceed pursuant to s. 189.067 ~~189.421~~.

Section 42. Section 189.420, Florida Statutes, is transferred and renumbered as section 189.052, Florida Statutes.

Section 43. Section 189.421, Florida Statutes, is transferred, renumbered as section 189.067, Florida Statutes, and amended to read:

189.067 ~~189.421~~ Failure of district to disclose financial reports.—

(1)(a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~, (4), or (5), the department shall attempt to assist a special district in complying with its financial reporting requirements by sending a certified letter to the special district, and, if the special district is dependent, sending a copy of that letter to the chair of the local governing authority. The letter must include a description of the required report, including statutory submission deadlines, a contact telephone number for technical assistance to help the special district comply, a 60-day deadline for filing the required report with the appropriate entity, the address where the report must be filed, and an explanation of the penalties for noncompliance.

(b) A special district that is unable to meet the 60-day reporting deadline must provide written notice to the department before the expiration of the deadline stating the reason the special district is unable to comply with the deadline, the steps the special district is taking to prevent the noncompliance from reoccurring, and the estimated date that the special district will file the report with the appropriate agency. The district's written response does not constitute an extension by the department; however, the department shall forward the written response *as follows* ~~to~~:

1. If the written response refers to the reports required under s. 218.32 or s. 218.39, to the Legislative Auditing Committee for its consideration in determining whether the special district should be subject to further state action in accordance with s. 11.40(2)(b).

2. If the written response refers to the reports or information requirements listed in s. 189.066(1) ~~189.419(1)~~, to the local general-purpose government or governments for their consideration in determining whether the oversight review process set forth in s. 189.068 ~~189.428~~ should be undertaken.

3. If the written response refers to the reports or information required under s. 112.63, to the Department of Management Services for its consideration in determining whether the special district should be subject to further state action in accordance with s. 112.63(4)(d)2.

(2) Failure of a special district to comply with the actuarial and financial reporting requirements under s. 112.63, s. 218.32, or s. 218.39 after the procedures of subsection (1) are exhausted shall be deemed final action of the special district. The actuarial and financial reporting requirements are declared to be essential requirements of law. *Remedies* ~~Remedy~~ for noncompliance with ss. 218.32 and 218.39 shall be as provided in ss. 189.034 and 189.035. *Remedy for noncompliance with s. 112.63 shall be by writ of certiorari* ~~as set forth in subsection (4)~~.

(3) Pursuant to s. 11.40(2)(b), the Legislative Auditing Committee *may* ~~shall~~ notify the department of those districts that fail to file the required reports. If the procedures described in subsection (1) have not yet been initiated, the department shall initiate such procedures upon receiving the notice from the Legislative Auditing Committee. Otherwise, within 60 days after receiving such notice, or within 60 days after the expiration of the 60-day deadline provided in subsection (1), whichever occurs later, the department, notwithstanding the provisions of chapter 120, shall file a petition for *enforcement writ of certiorari* ~~writ of certiorari~~ with the circuit court. *The petition may request declaratory, injunctive, any other equitable relief, or any remedy provided by law.* Venue for all actions pursuant to this subsection is in Leon County. The court shall award the prevailing party *reasonable* attorney's fees and costs unless affirmatively waived by all parties. *A writ of certiorari shall be issued unless a respondent establishes that the notification of the Legislative Auditing Committee was issued as a result of material error. Proceedings under this subsection are otherwise governed by the Rules of Appellate Procedure.*

(4) *The department may enforce compliance with s. 112.63 by filing a petition for enforcement with the circuit court in and for Leon County. The petition may request declaratory, injunctive, or other equitable relief, including the appointment of a receiver, and any forfeiture or other remedy provided by law. Pursuant to s. 112.63(4)(d)2., the Department of Management Services may notify the department of those special districts that have failed to file the required adjustments, additional information, or report or statement after the procedures of subsection (1) have been exhausted. Within 60 days after receiving such notice or within 60 days after the 60 day deadline provided in subsection (1), whichever occurs later, the department, notwithstanding chapter 120, shall file a petition for writ of certiorari with the circuit court. Venue for all actions pursuant to this subsection is in Leon County. The court shall award the prevailing party attorney's fees and costs unless affirmatively waived by all parties. A writ of certiorari shall be issued unless a respondent establishes that the notification of the Department of Management Services was issued as a result of material error. Proceedings under this subsection are otherwise governed by the Rules of Appellate Procedure.*

Section 44. *Section 189.4221, Florida Statutes, is transferred and renumbered as section 189.053, Florida Statutes.*

Section 45. *Section 189.423, Florida Statutes, is transferred and renumbered as section 189.054, Florida Statutes.*

Section 46. *Section 189.425, Florida Statutes, is transferred and renumbered as section 189.017, Florida Statutes.*

Section 47. *Section 189.427, Florida Statutes, is transferred and renumbered as section 189.018, Florida Statutes, and amended to read:*

~~189.018~~ ~~189.427~~ *Fee schedule; Grants and Donations Trust Fund.—The department of Economic Opportunity, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed \$175 per district per year. The fees collected under this section shall be deposited in the Grants and Donations Trust Fund, which shall be administered by the department of Economic Opportunity. Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Financial Services. The department may assess fines of not more than \$25, with an aggregate total not to exceed \$50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.*

Section 48. *Section 189.428, Florida Statutes, is transferred and renumbered as section 189.068, Florida Statutes, and amended, to read:*

~~189.068~~ ~~189.428~~ *Special districts; authority for oversight; general oversight review process.—*

(1) *The Legislature finds it to be in the public interest to establish an oversight review process for special districts wherein each special district in the state may be reviewed by the appropriate oversight entity as provided in this part local general purpose government in which the district exists. The Legislature further finds and determines that such law fulfills an important state interest. It is the intent of the Legislature that the oversight review process shall contribute to informed decision-making. These decisions may involve the continuing existence or dissolution of a district, the appropriate future role and focus of a district, improvements in the functioning or delivery of services by a district, and the need for any transition, adjustment, or special implementation periods or provisions. Any final recommendations from the oversight review process which that are adopted and implemented by the appropriate level of government may shall not be implemented in a manner that would impair the obligation of contracts.*

(2) *Special districts may be reviewed for general oversight purposes under this section as follows: It is the intent of the Legislature that any oversight review process be conducted in conjunction with special district public facilities reporting and the local government evaluation and appraisal report process described in s. 189.415(2).*

(3) *The order in which Special districts may be subject to oversight review shall be determined by the reviewer and shall occur as follows:*

(a) *All special districts created by special act may be reviewed by the Legislature using the public hearing process provided in s. 189.034.*

(b) *All special districts created by local ordinance or resolution may be reviewed by the local general-purpose government that enacted the ordinance or resolution using the public hearing process provided in s. 189.035.*

(c) *All dependent special districts may be reviewed by the local general-purpose local government to which they are dependent.*

(d) *All special districts created or established by rule of the Governor and Cabinet may be reviewed as directed by the Governor and Cabinet.*

(e) *Except as provided in paragraphs (a)-(d), all other special districts may be reviewed as directed by the President of the Senate and the Speaker of the House of Representatives.*

~~(b) All single county independent special districts may be reviewed by a county or municipality in which they are located or the government that created the district. Any single county independent district that serves an area greater than the boundaries of one general purpose local government may only be reviewed by the county on the county's own initiative or upon receipt of a request from any municipality served by the special district.~~

~~(c) All multicounty independent special districts may be reviewed by the government that created the district. Any general purpose local governments within the boundaries of a multicounty district may prepare a preliminary review of a multicounty special district for possible reference or inclusion in the full review report.~~

~~(d) Upon request by the reviewer, any special district within all or a portion of the same county as the special district being reviewed may prepare a preliminary review of the district for possible reference or inclusion in the full oversight review report.~~

(3)(4) *All special districts, governmental entities, and state agencies shall cooperate with the Legislature and with any local general-purpose local government seeking information or assistance with the oversight review process and with the preparation of an oversight review report.*

(4)(5) *Those conducting the oversight review process shall, at a minimum, consider the listed criteria for evaluating the special district, but may also consider any additional factors relating to the district and its performance. If any of the listed criteria does not apply to the special district being reviewed, it need not be considered. The criteria to be considered by the reviewer include:*

(a) *The degree to which the service or services offered by the special district are essential or contribute to the well-being of the community.*

(b) *The extent of continuing need for the service or services currently provided by the special district.*

(c) *The extent of municipal annexation or incorporation activity occurring or likely to occur within the boundaries of the special district and its impact on the delivery of services by the special district.*

(d) *Whether there is a less costly alternative method of delivering the service or services that would adequately provide the district residents with the services provided by the district.*

(e) *Whether transfer of the responsibility for delivery of the service or services to an entity other than the special district being reviewed could be accomplished without jeopardizing the district's existing contracts, bonds, or outstanding indebtedness.*

(f) *Whether the Auditor General has notified the Legislative Auditing Committee that the special district's audit report, reviewed pursuant to s. 11.45(7), indicates that the district has met any of the conditions specified in s. 218.503(1) or that a deteriorating financial condition exists that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such condition.*

(g) *Whether the district is inactive according to the official list of special districts, and whether the district is meeting and discharging its responsibilities as required by its charter, as well as projected increases or decreases in district activity.*

(h) Whether the special district has failed to comply with any of the reporting requirements in this chapter, including preparation of the public facilities report.

(i) Whether the special district has designated a registered office and agent as required by s. 189.014 ~~189.416~~, and has complied with all open public records and meeting requirements.

~~(5)(6)~~ Any special district may at any time provide the Legislature and the local general-purpose local government conducting the review or making decisions based upon the final oversight review report with written responses to any questions, concerns, preliminary reports, draft reports, or final reports relating to the district.

~~(7)~~ The final report of a reviewing government shall be filed with the government that created the district and shall serve as the basis for any modification to the district charter or dissolution or merger of the district.

~~(8)~~ If legislative dissolution or merger of a district is proposed in the final report, the reviewing government shall also propose a plan for the merger or dissolution, and the plan shall address the following factors in evaluating the proposed merger or dissolution:

~~(a)~~ Whether, in light of independent fiscal analysis, level of service implications, and other public policy considerations, the proposed merger or dissolution is the best alternative for delivering services and facilities to the affected area.

~~(b)~~ Whether the services and facilities to be provided pursuant to the merger or dissolution will be compatible with the capacity and uses of existing local services and facilities.

~~(c)~~ Whether the merger or dissolution is consistent with applicable provisions of the state comprehensive plan, the strategic regional policy plan, and the local government comprehensive plans of the affected area.

~~(d)~~ Whether the proposed merger adequately provides for the assumption of all indebtedness.

The reviewing government shall consider the report in a public hearing held within the jurisdiction of the district. If adopted by the governing board of the reviewing government, the request for legislative merger or dissolution of the district may proceed. The adopted plan shall be filed as an attachment to the economic impact statement regarding the proposed special act or general act of local application dissolving a district.

~~(6)(9)~~ This section does not apply to a deepwater port listed in s. 311.09(1) which is in compliance with a port master plan adopted pursuant to s. 163.3178(2)(k), or to an airport authority operating in compliance with an airport master plan approved by the Federal Aviation Administration, or to any special district organized to operate health systems and facilities licensed under chapter 395, chapter 400, or chapter 429.

Section 49. Section 189.429, Florida Statutes, is transferred and renumbered as section 189.019, Florida Statutes, and subsection (1) of that section is amended, to read:

~~189.019 189.429~~ Codification.—

(1) Each district, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the department pursuant to s. 189.016(2) ~~189.418(2)~~.

Section 50. Sections 189.430, 189.431, 189.432, 189.433, 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440, 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are repealed.

Section 51. Section 189.034, Florida Statutes, is created to read:

189.034 Oversight of special districts created by special act of the Legislature.—

(1) This section applies to any special district created by special act of the Legislature.

(2) If a special district fails to file required reports or requested information under ss. 11.45(7), 218.32, 218.39, or 218.503(3), with the appropriate state agency or office, the Legislative Auditing Committee or its designee shall provide written notice of the district's noncompliance to the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, and the legislators who represent a portion of the geographical jurisdiction of the special district.

(3) The Legislative Auditing Committee may convene a public hearing on the issue of noncompliance, as well as general oversight of the special district as provided in s. 189.068, at the direction of the President of the Senate and the Speaker of the House of Representatives.

(4) Before the public hearing as provided in subsection (3), the special district shall provide the following information at the request of the Legislative Auditing Committee:

(a) The district's annual financial report for the prior fiscal year.

(b) The district's audit report for the previous fiscal year.

(c) An annual report for the previous fiscal year providing a detailed review of the performance of the special district, including the following information:

1. The purpose of the special district.

2. The sources of funding for the special district.

3. A description of the major activities, programs, and initiatives the special district undertook in the most recently completed fiscal year and the benchmarks or criteria under which the success or failure of the district was determined by its governing body.

4. Any challenges or obstacles faced by the special district in fulfilling its purpose and related responsibilities.

5. Ways the special district believes it could better fulfill its purpose and related responsibilities and a description of the actions that it intends to take during the ensuing fiscal year.

6. Proposed changes to the special act that established the special district and justification for such changes.

7. Any other information reasonably required to provide the Legislative Auditing Committee with an accurate understanding of the purpose for which the special district exists and how it is fulfilling its responsibilities to accomplish that purpose.

8. Any reasons for the district's noncompliance.

9. Whether the district is currently in compliance.

10. Plans to correct any recurring issues of noncompliance.

11. Efforts to promote transparency, including maintenance of the district's website in accordance with s. 189.069.

Section 52. Section 189.035, Florida Statutes, is created to read:

189.035 Oversight of special districts created by local ordinance or resolution.—

(1) This section applies to any special district created by local ordinance or resolution.

(2) If a special district fails to file required reports or requested information under s. 11.45(7), s. 218.32, s. 218.39, or s. 218.503(3) with the appropriate state agency or office, the Legislative Auditing Committee or its designee shall provide written notice of the district's noncompliance to the chair or equivalent of the local general-purpose government.

(3) The chair or equivalent of the local general-purpose government may convene a public hearing on the issue of noncompliance, as well as general oversight of the special district as provided in s. 189.068, within 3

months after receipt of notice of noncompliance from the Legislative Auditing Committee. Within 30 days after receiving written notice of noncompliance, the local general-purpose government shall notify the Legislative Auditing Committee as to whether a hearing under this section will be held and, if so, provide the date, time, and place of the hearing.

(4) Before the public hearing as provided in subsection (3), the special district shall provide the following information at the request of the local general-purpose government:

- (a) The district's annual financial report for the previous fiscal year.
- (b) The district's audit report for the previous fiscal year.
- (c) An annual report for the previous fiscal year, which must provide a detailed review of the performance of the special district and include the following information:
 1. The purpose of the special district.
 2. The sources of funding for the special district.
 3. A description of the major activities, programs, and initiatives the special district undertook in the most recently completed fiscal year and the benchmarks or criteria under which the success or failure of the district was determined by its governing body.
 4. Any challenges or obstacles faced by the special district in fulfilling its purpose and related responsibilities.
 5. Ways in which the special district believes that it could better fulfill its purpose and related responsibilities and a description of the actions that it intends to take during the ensuing fiscal year.
 6. Proposed changes to the ordinance or resolution that established the special district and justification for such changes.
 7. Any other information reasonably required to provide the reviewing entity with an accurate understanding of the purpose for which the special district exists and how it is fulfilling its responsibilities to accomplish that purpose.
 8. Any reasons for the district's noncompliance.
 9. Whether the district is currently in compliance.
 10. Plans to correct any recurring issues of noncompliance.
 11. Efforts to promote transparency, including maintenance of the district's website in accordance with s. 189.069.

(5) If the local general-purpose government convenes a public hearing under this section, it shall provide the department and the Legislative Auditing Committee with a report containing its findings and conclusions within 60 days after completion of the public hearing.

Section 53. Section 189.055, Florida Statutes, is created to read:

189.055 *Treatment of special districts.*—For the purpose of s. 196.199(1), special districts shall be treated as municipalities.

Section 54. Section 189.069, Florida Statutes, is created to read:

189.069 *Special districts; required reporting of information; web-based public access.*—

(1) Beginning on October 1, 2015, or by the end of the first full fiscal year after its creation, each special district shall maintain an official Internet website containing the information required by this section in accordance with s. 189.016. Special districts shall submit their official Internet website addresses to the department.

(a) Independent special districts shall maintain a separate Internet website.

(b) Dependent special districts shall be preeminently displayed on the home page of the Internet website of the local general-purpose government that created the special district with a hyperlink to such webpages as are necessary to provide the information required by this section. Dependent

special districts may maintain a separate Internet website providing the information required by this section.

(2)(a) A special district shall post the following information, at a minimum, on the district's official website:

1. The full legal name of the special district.
 2. The public purpose of the special district.
 3. The name, address, e-mail address, and, if applicable, the term and appointing authority for each member of the governing body of the special district.
 4. The fiscal year of the special district.
 5. The full text of the special district's charter, the date of establishment, the establishing entity, and the statute or statutes under which the special district operates, if different from the statute or statutes under which the special district was established. Community development districts may reference chapter 190, as the uniform charter, but must include information relating to any grant of special powers.
 6. The mailing address, e-mail address, telephone number, and Internet website uniform resource locator of the special district.
 7. A description of the boundaries or service area of, and the services provided by, the special district.
 8. A listing of all taxes, fees, assessments, or charges imposed and collected by the special district, including the rates or amounts for the fiscal year and the statutory authority for the levy of the tax, fee, assessment, or charge. For purposes of this subparagraph, charges do not include patient charges by a hospital or other health care provider.
 9. The primary contact information for the special district for purposes of communication from the department.
 10. A code of ethics adopted by the special district, if applicable, and a hyperlink to generally applicable ethics provisions.
 11. The budget of each special district, in addition to amendments in accordance with s. 189.418.
 12. The final, complete audit report for the most recent completed fiscal year, and audit reports required by law or authorized by the governing body of the special district.
- (b) The department's Internet website list of special districts in the state required under s. 189.061 shall include a link for each special district that provides web-based access to the public for all information and documentation required for submission to the department pursuant to subsection (1).

Section 55. Paragraph (e) of subsection (1) and paragraph (c) of subsection (7) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

(e) "Local governmental entity" means a county agency, municipality, or special district as defined in s. 189.012 ~~189.403~~, but does not include any housing authority established under chapter 421.

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(c) The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Accountability Information Program of the Department of Economic Opportunity.

Section 56. Paragraph (c) of subsection (4) of section 100.011, Florida Statutes, is amended to read:

100.011 Opening and closing of polls, all elections; expenses.—

(4)

(c) The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections, with the exception of community development district elections, shall be conducted in accordance with the requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

Section 57. Paragraph (f) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)

(f) Notwithstanding the requirements of s. 189.04 ~~189.405~~, special districts may provide early voting in any district election not held in conjunction with county or state elections. If a special district provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

Section 58. Paragraph (a) of subsection (14) of section 112.061, Florida Statutes, is amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.—

(a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:

1. The governing body of a county by the enactment of an ordinance or resolution;
2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;
3. The governing body of a district school board by the adoption of rules;
4. The governing body of a special district, as defined in s. 189.012 ~~189.403(1)~~, except those special districts that are subject to s. 166.021(9), by the enactment of a resolution; or
5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

Section 59. Paragraph (d) of subsection (4) of section 112.63, Florida Statutes, is amended to read:

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

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis.

(d) In the case of an affected special district, the Department of Management Services shall also notify the Department of Economic Opportunity. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.067 ~~189.421~~.

1. Failure of a special district to provide a required report or statement, to make appropriate adjustments, or to provide additional material information after the procedures specified in s. 189.067(1) ~~189.421(4)~~ are exhausted shall be deemed final action by the special district.

2. The Department of Management Services may notify the Department of Economic Opportunity of those special districts that failed to

come into compliance. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

Section 60. Subsection (1) of section 112.665, Florida Statutes, is amended to read:

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

(a) Gather, catalog, and maintain complete, computerized data information on all public employee retirement systems or plans in the state based upon a review of audits, reports, and other data pertaining to the systems or plans;

(b) Receive and comment upon all actuarial reviews of retirement systems or plans maintained by units of local government;

(c) Cooperate with local retirement systems or plans on matters of mutual concern and provide technical assistance to units of local government in the assessment and revision of retirement systems or plans;

(d) Annually issue, by January 1, a report to the President of the Senate and the Speaker of the House of Representatives, which details division activities, findings, and recommendations concerning all governmental retirement systems. The report may include legislation proposed to carry out such recommendations;

(e) Provide a fact sheet for each participating local government defined benefit pension plan which summarizes the plan's actuarial status. The fact sheet should provide a summary of the plan's most current actuarial data, minimum funding requirements as a percentage of pay, and a 5-year history of funded ratios. The fact sheet must include a brief explanation of each element in order to maximize the transparency of the local government plans. The fact sheet must also contain the information specified in s. 112.664(1). These documents shall be posted on the department's website. Plan sponsors that have websites must provide a link to the department's website;

(f) Annually issue, by January 1, a report to the Special District Accountability Information Program of the Department of Economic Opportunity which includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions specified in part I of chapter 121; and

(g) Adopt reasonable rules to administer this part.

Section 61. Subsection (9) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(9) "Special district" means an independent special district as defined in s. 189.012 ~~189.403(3)~~.

Section 62. Paragraph (b) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(b)1. The governing body of any municipality, metropolitan planning organization, or special district in the state may elect to participate in the Florida Retirement System upon proper application to the administrator and may cover all of its units as approved by the Secretary of Health and Human Services and the administrator. The department shall adopt rules establishing procedures for the submission of documents necessary for such application. Before being approved for participation in the system, the governing body of a municipality, metropolitan planning organization, or special district that has a local retirement system must submit to the administrator a certified financial statement showing the condition of the local retirement system within 3 months before the proposed effective date of membership in the Florida Retirement System. The statement must be certified by a recognized

accounting firm that is independent of the local retirement system. All required documents necessary for extending Florida Retirement System coverage must be received by the department for consideration at least 15 days before the proposed effective date of coverage. If the municipality, metropolitan planning organization, or special district does not comply with this requirement, the department may require that the effective date of coverage be changed.

2. A municipality, metropolitan planning organization, or special district that has an existing retirement system covering the employees in the units that are to be brought under the Florida Retirement System may participate only after holding a referendum in which all employees in the affected units have the right to participate. Only those employees electing coverage under the Florida Retirement System by affirmative vote in the referendum are eligible for coverage under this chapter, and those not participating or electing not to be covered by the Florida Retirement System shall remain in their present systems and are not eligible for coverage under this chapter. After the referendum is held, all future employees are compulsory members of the Florida Retirement System.

3. At the time of joining the Florida Retirement System, the governing body of a municipality, metropolitan planning organization, or special district complying with subparagraph 1. may elect to provide, or not provide, benefits based on past service of officers and employees as described in s. 121.081(1). However, if such employer elects to provide past service benefits, such benefits must be provided for all officers and employees of its covered group.

4. Once this election is made and approved it may not be revoked, except pursuant to subparagraphs 5. and 6., and all present officers and employees electing coverage and all future officers and employees are compulsory members of the Florida Retirement System.

5. Subject to subparagraph 6., the governing body of a hospital licensed under chapter 395 which is governed by the *governing body board* of a special district as defined in s. 189.012 ~~189.403~~ or by the board of trustees of a public health trust created under s. 154.07, hereinafter referred to as "hospital district," and which participates in the Florida Retirement System, may elect to cease participation in the system with regard to future employees in accordance with the following:

a. No more than 30 days and at least 7 days before adopting a resolution to partially withdraw from the system and establish an alternative retirement plan for future employees, a public hearing must be held on the proposed withdrawal and proposed alternative plan.

b. From 7 to 15 days before such hearing, notice of intent to withdraw, specifying the time and place of the hearing, must be provided in writing to employees of the hospital district proposing partial withdrawal and must be published in a newspaper of general circulation in the area affected, as provided by ss. 50.011-50.031. Proof of publication must be submitted to the Department of Management Services.

c. The governing body of a hospital district seeking to partially withdraw from the system must, before such hearing, have an actuarial report prepared and certified by an enrolled actuary, as defined in s. 112.625, illustrating the cost to the hospital district of providing, through the retirement plan that the hospital district is to adopt, benefits for new employees comparable to those provided under the system.

d. Upon meeting all applicable requirements of this subparagraph, and subject to subparagraph 6., partial withdrawal from the system and adoption of the alternative retirement plan may be accomplished by resolution duly adopted by the hospital district board. The hospital district board must provide written notice of such withdrawal to the division by mailing a copy of the resolution to the division, postmarked by December 15, 1995. The withdrawal shall take effect January 1, 1996.

6. Following the adoption of a resolution under sub-subparagraph 5.d., all employees of the withdrawing hospital district who were members of the system before January 1, 1996, shall remain as members of the system for as long as they are employees of the hospital district, and all rights, duties, and obligations between the hospital district, the system, and the employees remain in full force and effect. Any employee who is hired or appointed on or after January 1, 1996, may not participate in the system, and the withdrawing hospital district has no obligation to the system with respect to such employees.

Section 63. Subsection (1) of section 153.94, Florida Statutes, is amended to read:

153.94 Applicability of other laws.—Except as expressly provided in this act:

(1) With respect to any wastewater facility privatization contract entered into under this act, a public entity is subject to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125 but is not subject to the requirements of chapter 287.

Section 64. Paragraph (a) of subsection (2) of section 163.08, Florida Statutes, is amended to read:

163.08 Supplemental authority for improvements to real property.—

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

(a) "Local government" means a county, a municipality, a dependent special district as defined in s. 189.012 ~~189.403~~, or a separate legal entity created pursuant to s. 163.01(7).

Section 65. Subsection (7) of section 165.031, Florida Statutes, is amended to read:

165.031 Definitions.—The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(7) "Special district" means a local unit of special government, as defined in s. 189.012 ~~189.403(1)~~. This term includes dependent special districts, as defined in s. 189.012 ~~189.403(2)~~, and independent special districts, as defined in s. 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e) shall be considered provisions of this chapter.

Section 66. Paragraph (b) of subsection (1) and subsections (8) and (16) of section 165.0615, Florida Statutes, are amended to read:

165.0615 Municipal conversion of independent special districts upon elector-initiated and approved referendum.—

(1) The qualified electors of an independent special district may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district proposed to be converted if the district meets all of the following criteria:

(b) It is designated as an improvement district and created pursuant to chapter 298 or is designated as a stewardship district and created pursuant to s. 189.031 ~~189.404~~.

(8) Notice of the final public hearing on the proposed elector-initiated combined municipal incorporation plan must be published pursuant to the notice requirements in s. 189.015 ~~189.417~~ and must provide a descriptive summary of the elector-initiated municipal incorporation plan and a reference to the public places within the independent special district where a copy of the plan may be examined.

(16) If the incorporation plan is approved by a majority of the votes cast in the independent special district, the district shall notify the special district *accountability information* program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local general-purpose governments in which any part of the independent special district is situated pursuant to s. 189.016(7) ~~189.418(7)~~.

Section 67. Subsection (3) of section 171.202, Florida Statutes, is amended to read:

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

(3) "Independent special district" means an independent special district, as defined in s. 189.012 ~~189.403~~, which provides fire, emergency medical, water, wastewater, or stormwater services.

Section 68. Subsection (16) of section 175.032, Florida Statutes, is amended to read:

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control

district, or local law plan under this chapter, the following words and phrases have the following meanings:

(16) “Special fire control district” means a special district, as defined in s. ~~189.012 189.403(1)~~, established for the purposes of extinguishing fires, protecting life, and protecting property within the incorporated or unincorporated portions of any county or combination of counties, or within any combination of incorporated and unincorporated portions of any county or combination of counties. The term does not include any dependent or independent special district, as defined in s. ~~189.012 189.403(2) and (3)~~, respectively, the employees of which are members of the Florida Retirement System pursuant to s. 121.051(1) or (2).

Section 69. Subsection (6) of section 190.011, Florida Statutes, is amended to read:

190.011 General powers.—The district shall have, and the *body board* may exercise, the following powers:

(6) To maintain an office at such place or places as it may designate within a county in which the district is located or within the boundaries of a development of regional impact or a Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, which includes the district, which office must be reasonably accessible to the landowners. Meetings pursuant to s. ~~189.015(3) 189.417(3)~~ of a district within the boundaries of a development of regional impact or Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, may be held at such office.

Section 70. Subsection (8) of section 190.046, Florida Statutes, is amended to read:

190.046 Termination, contraction, or expansion of district.—

(8) In the event the district has become inactive pursuant to s. ~~189.062 189.4044~~, the respective board of county commissioners or city commission shall be informed and it shall take appropriate action.

Section 71. Section 190.049, Florida Statutes, is amended to read:

190.049 Special acts prohibited.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall be no special law or general law of local application creating an independent special district which has the powers enumerated in two or more of the paragraphs contained in s. 190.012, unless such district is created pursuant to the provisions of s. ~~189.031 189.404~~.

Section 72. Subsection (5) of section 191.003, Florida Statutes, is amended to read:

191.003 Definitions.—As used in this act:

(5) “Independent special fire control district” means an independent special district as defined in s. ~~189.012 189.403~~, created by special law or general law of local application, providing fire suppression and related activities within the jurisdictional boundaries of the district. The term does not include a municipality, a county, a dependent special district as defined in s. ~~189.012 189.403~~, a district providing primarily emergency medical services, a community development district established under chapter 190, or any other multiple-power district performing fire suppression and related services in addition to other services.

Section 73. Paragraph (a) of subsection (1) and subsection (8) of section 191.005, Florida Statutes, are amended to read:

191.005 District boards of commissioners; membership, officers, meetings.—

(1)(a) With the exception of districts whose governing boards are appointed collectively by the Governor, the county commission, and any cooperating city within the county, the business affairs of each district shall be conducted and administered by a five-member board. All three-member boards existing on the effective date of this act shall be converted to five-member boards, except those permitted to continue as a three-member board by special act adopted in 1997 or thereafter. The board shall be elected in nonpartisan elections by the electors of the district. Except as provided in this act, such elections shall be held at the time and in the manner prescribed by law for holding general elections

in accordance with s. ~~189.04(2)(a) 189.405(2)(a)~~ and (3), and each member shall be elected for a term of 4 years and serve until the member’s successor assumes office. Candidates for the board of a district shall qualify as directed by chapter 99.

(8) All meetings of the board shall be open to the public consistent with chapter 286, s. ~~189.015 189.417~~, and other applicable general laws.

Section 74. Subsection (2) of section 191.013, Florida Statutes, is amended to read:

191.013 Intergovernmental coordination.—

(2) Each independent special fire control district shall adopt a 5-year plan to identify the facilities, equipment, personnel, and revenue needed by the district during that 5-year period. The plan shall be updated in accordance with s. ~~189.08 189.415~~ and shall satisfy the requirement for a public facilities report required by s. ~~189.08(2) 189.415(2)~~.

Section 75. Subsection (1) of section 191.014, Florida Statutes, is amended to read:

191.014 District creation and expansion.—

(1) New districts may be created only by the Legislature under s. ~~189.031 189.404~~.

Section 76. Section 191.015, Florida Statutes, is amended to read:

191.015 Codification.—Each fire control district existing on the effective date of this section, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the Department of Economic Opportunity pursuant to s. ~~189.016(2) 189.418(2)~~.

Section 77. Paragraphs (c), (d), and (e) of subsection (8) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.—

(8)

(c) “Special district” means a special district as defined in s. ~~189.012 189.403(1)~~.

(d) “Dependent special district” means a dependent special district as defined in s. ~~189.012 189.403(2)~~. Dependent special district millage, when added to the millage of the governing body to which it is dependent, shall not exceed the maximum millage applicable to such governing body.

(e) “Independent special district” means an independent special district as defined in s. ~~189.012 189.403(3)~~, with the exception of a downtown development authority established prior to the effective date of the 1968 State Constitution as an independent body, either appointed or elected, regardless of whether or not the budget is approved by the local governing body, if the district levies a millage authorized as of the effective date of the 1968 State Constitution. Independent special district millage shall not be levied in excess of a millage amount authorized by general law and approved by vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution, except for those independent special districts levying millage for water management purposes as provided in that section and municipal service taxing units as specified in s. 125.01(1)(q) and (r). However, independent special district millage authorized as of the date the 1968 State Constitution became effective need not be so approved, pursuant to s. 2, Art. XII of the State Constitution.

Section 78. Subsections (1), (5), (6), and (7) of section 218.31, Florida Statutes, are amended to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(1) “Local governmental entity” means a county agency, a municipality, or a special district as defined in s. 189.012 ~~189.403~~. For purposes of s. 218.32, the term also includes a housing authority created under chapter 421.

(5) “Special district” means a special district as defined in s. 189.012 ~~189.403(1)~~.

(6) “Dependent special district” means a dependent special district as defined in s. 189.012 ~~189.403(2)~~.

(7) “Independent special district” means an independent special district as defined in s. 189.012 ~~189.403(3)~~.

Section 79. Paragraphs (a) and (f) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)(a) Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.012 ~~189.403~~, shall submit to the department a copy of its annual financial report for the previous fiscal year in a format prescribed by the department. The annual financial report must include a list of each local governmental entity included in the report and each local governmental entity that failed to provide financial information as required by paragraph (b). The chair of the governing body and the chief financial officer of each local governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report. The county annual financial report must be a single document that covers each county agency.

(f) If the department does not receive a completed annual financial report from a local governmental entity within the required period, it shall notify the Legislative Auditing Committee and the Special District *Accountability Information* Program of the Department of Economic Opportunity of the entity’s failure to comply with the reporting requirements.

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District *Accountability Information* Program of the Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term “long-term debt” means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 80. Paragraph (g) of subsection (1) of section 218.37, Florida Statutes, is amended to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the State Board of Administration, with respect to both general obligation bonds and revenue bonds, shall:

(g) By January 1 each year, provide the Special District *Accountability Information* Program of the Department of Economic Opportunity with a list of special districts that are not in compliance with the requirements in s. 218.38.

Section 81. Paragraph (j) of subsection (1) of section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$75,000. As used in this section, the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(j) A county, municipality, special district as defined in s. 189.012 ~~189.403~~, or any other political subdivision of the state that owns or operates a public-use airport as defined in s. 332.004 is exempt from this section when performing repairs or maintenance on the airport’s buildings, structures, or public construction works using the local government’s own services, employees, and equipment.

Section 82. Subsection (4) of section 298.225, Florida Statutes, is amended to read:

298.225 Water control plan; plan development and amendment.—

(4) Information contained within a district’s facilities plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any of the provisions of subsection (3) may be used as part of the district water control plan.

Section 83. Subsection (7) of section 343.922, Florida Statutes, is amended to read:

343.922 Powers and duties.—

(7) The authority shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss. 189.015, 189.016, 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418~~.

Section 84. Subsection (5) of section 348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers.—

(5) Any authority formed pursuant to this act shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss. 189.015, 189.016, 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418~~.

Section 85. Section 373.711, Florida Statutes, is amended to read:

373.711 Technical assistance to local governments.—The water management districts shall assist local governments in the development and future revision of local government comprehensive plan elements or public facilities report as required by s. 189.08 ~~189.415~~, related to water resource issues.

Section 86. Paragraph (b) of subsection (3) of section 403.0891, Florida Statutes, is amended to read:

403.0891 State, regional, and local stormwater management plans and programs.—The department, the water management districts, and local governments shall have the responsibility for the development of mutually compatible stormwater management programs.

(3)

(b) Local governments are encouraged to consult with the water management districts, the Department of Transportation, and the department before adopting or updating their local government comprehensive plan or public facilities report as required by s. 189.08 ~~189.415~~, whichever is applicable.

Section 87. Subsection (1) of section 582.32, Florida Statutes, is amended to read:

582.32 Effect of dissolution.—

(1) Upon issuance of a certificate of dissolution, s. 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in effect within such districts are void.

Section 88. Paragraph (a) of subsection (3) of section 1013.355, Florida Statutes, is amended to read:

1013.355 Educational facilities benefit districts.—

(3)(a) An educational facilities benefit district may be created pursuant to this act and chapters 125, 163, 166, and 189. An educational facilities benefit district charter may be created by a county or municipality by entering into an interlocal agreement, as authorized by s. 163.01, with the district school board and any local *general-purpose* ~~general purpose~~ government within whose jurisdiction a portion of the district is located and adoption of an ordinance that includes all provisions contained within s. 189.02 ~~189.4041~~. The creating entity shall be the local general purpose government within whose boundaries a majority of the educational facilities benefit district's lands are located.

Section 89. This act shall take effect July 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 special districts; designating parts I-VIII of chapter 189, F.S., relating to special districts; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 112.312, F.S.; redefining the term “agency” as it applies to the code of ethics for public officers and employees to include special districts; creating s. 112.511, F.S.; specifying applicability of procedures regarding suspension and removal of a member of the governing body of a special district; amending s. 125.901, F.S.; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.401, F.S.; revising a short title; transferring, renumbering, and amending s. 189.402, F.S.; revising a statement of legislative purpose and intent; making technical changes; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 189.403, F.S.; redefining the term “special district”; transferring, renumbering, and amending ss. 189.4031, 189.4035, 189.404, 189.40401, 189.4041, and 189.4042, F.S.; deleting provisions relating to the application of a special district to amend its charter; conforming provisions and cross-references; transferring, renumbering, and amending s. 189.4044, F.S.; revising the circumstances under which the Department of Economic Opportunity may declare a special district inactive; requiring the department to provide notice of a declaration of inactive status to certain persons and bodies; prohibiting special districts that are declared inactive from collecting taxes, fees, or assessments; providing exceptions; providing for enforcement of the prohibition; providing for costs of litigation and reasonable attorney fees under certain conditions; transferring and renumbering ss. 189.4045 and 189.4047, F.S.; transferring, renumbering, and amending s. 189.405, F.S.; revising requirements related to education programs for new members of special district governing bodies; amending s. 189.4051, F.S.; revising definitions; conforming provisions; transferring and renumbering ss. 189.4065, 189.408, and 189.4085, F.S.; transferring, renumbering, and amending ss. 189.412 and 189.413, F.S.; renaming the Special District Information Program the Special District Accountability Program; revising duties of the Special District Accountability Program; transferring and renumbering ss. 189.415, 189.4155, and 189.4156, F.S.; transferring, renumbering, and amending ss. 189.416, 189.417, and 189.418, F.S.; conforming provisions and cross-references; transferring, renumbering, and amending s. 189.419, F.S.; revising provisions related to the failure of a special district to file certain reports or information; conforming cross-references; transferring and renumbering s. 189.420, F.S.; transferring, renumbering, and amending s. 189.421, F.S.; revising notification requirements; authorizing the department to petition for the enforcement of compliance; de-

leting provisions related to available remedies for the failure of a special district to disclose required financial reports; transferring and renumbering ss. 189.4221, 189.423, and 189.425, F.S.; transferring, renumbering, and amending s. 189.427, F.S.; making editorial changes; transferring, renumbering, and amending s. 189.428, F.S.; revising the oversight review process for special districts; transferring and renumbering s. 189.429, F.S.; repealing ss. 189.430, 189.431, 189.432, 189.433, 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440, 189.441, 189.442, 189.443, and 189.444, F.S., relating to the Community Improvement Authority Act; creating ss. 189.034 and 189.035, F.S.; requiring the Legislative Auditing Committee to provide notice of the failure of special districts to file certain required reports to certain persons and bodies; authorizing the Legislative Auditing Committee or reviewing entity to convene a public hearing; requiring certain reviewing entities to notify the Legislative Auditing Committee of a public hearing; requiring a special district to provide certain information before the public hearing at the request of the Legislative Auditing Committee or the reviewing entity; providing reporting requirements for certain public hearings; creating s. 189.055, F.S.; requiring special districts to be treated as municipalities for certain purposes; creating s. 189.069, F.S.; requiring special districts to maintain an official Internet website for certain purposes; requiring special districts to annually update and maintain certain information on the website; requiring special districts to submit the web address of their respective websites to the department; requiring that the department's online list of special districts include a link to the website of certain special districts; amending ss. 11.45, 100.011, 101.657, 112.061, 112.63, 112.665, 121.021, 121.051, 153.94, 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011, 190.046, 190.049, 191.003, 191.005, 191.013, 191.014, 191.015, 200.001, 218.31, 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32, and 1013.355, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

On motions by Senator Stargel, by two-thirds vote **CS for CS for CS for SB 1632** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Galvano

On motion by Senator Benacquisto—

CS for CS for SB 1480—A bill to be entitled An act relating to microfinance; creating Part XIV of ch. 288, F.S., consisting of ss. 288.993-288.9937, F.S., relating to microfinance programs; creating s. 288.993, F.S.; providing a short title; creating s. 288.9931, F.S.; providing legislative findings and intent; creating s. 288.9932, F.S.; defining terms; creating s. 288.9933, F.S.; authorizing the Department of Economic Opportunity to adopt rules to implement this part; creating s. 288.9934, F.S.; establishing the Microfinance Loan Program; providing a purpose; defining the term “loan administrator”; requiring the Department of Economic Opportunity to contract with at least one entity to administer the program; requiring the loan administrator to contract with the department to receive an award of funds; providing other terms and conditions to receiving funds; specifying fees authorized to be charged by the

department and the loan administrator; requiring the loan administrator to remit the microloan principal collected from all microloans made with state funds received by the loan administrator; providing for contract termination; providing for auditing and reporting; requiring applicants for funds from the Microfinance Loan Program to meet certain qualifications; requiring the department to be guided by the 5-year statewide strategic plan and to advertise and promote the loan program; requiring the department to perform a study on methods and best practices to increase the availability of and access to credit in this state; prohibiting the pledging of the credit of the state; authorizing the department to adopt rules; creating s. 288.9935, F.S.; establishing the Microfinance Guarantee Program; defining the term "lender"; requiring the department to contract with Enterprise Florida, Inc., to administer the program; prohibiting Enterprise Florida, Inc., from guaranteeing certain loans; requiring borrowers to meet certain conditions before receiving a loan guarantee; requiring Enterprise Florida, Inc., to submit an annual report to the department; prohibiting the pledging of the credit of the state or Enterprise Florida, Inc.; creating s. 288.9936, F.S.; requiring the department to report annually on the Microfinance Loan Program; requiring the Office of Program Policy Analysis and Government Accountability to report on the effectiveness of the State Small Business Credit Initiative; creating s. 288.9937, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to evaluate and report on the Microfinance Loan Program and the Microfinance Guarantee Program by a specified date; authorizing the executive director of the Department of Economic Opportunity to adopt emergency rules; providing an appropriation to the Department of Economic Opportunity; authorizing the Department of Economic Opportunity and Enterprise Florida, Inc., to spend a specified amount for marketing and promotional purposes; authorizing and providing an appropriation for one full-time equivalent position; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1480** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1396** was deferred.

On motion by Senator Bean—

CS for CS for SB 1212—A bill to be entitled An act relating to behavior analysts; amending s. 20.43, F.S.; establishing the Board of Applied Behavior Analysis within the Division of Medical Quality Assurance; amending s. 456.001, F.S.; including licensed behavior analysts and licensed assistant behavior analysts in the definition of "health care practitioner"; amending s. 456.0135, F.S.; requiring an applicant for licensure under chapter 470, F.S., to submit to certain fingerprinting requirements; creating chapter 470, F.S.; entitling the chapter; creating s. 470.40, F.S.; providing a purpose; creating s. 470.41, F.S.; defining terms; creating s. 470.415, F.S.; creating the Board of Applied Behavior Analysis; providing for membership and terms of members; creating s. 470.42, F.S.; creating rulemaking authority for the board and the department; creating s. 470.43, F.S.; providing requirements for licensure as a behavior analyst or assistant behavior analyst; creating s. 470.44, F.S.; providing requirements for renewal of license; creating s. 470.45, F.S.; establishing maximum fees for applications, initial licenses, and license renewals; requiring fees collected by the department to be deposited in to a specified trust fund; creating s. 470.46, F.S.; providing grounds for denial of license or disciplinary action; creating s. 470.47, F.S.; providing penalties for practicing applied behavior analysis without a license or wrongfully identifying oneself as a licensed behavior analyst or licensed assistant behavior analyst; creating s. 470.48, F.S.; providing exceptions to applicability of the chapter; providing appropriations and authorizing positions; providing an effective date.

—was read the second time by title.

Senator Bean moved the following amendment which was adopted:

Amendment 1 (785444)—Delete lines 406-483 and insert:

(1) *A person may not engage in the practice of applied behavior analysis, assist in the practice of applied behavior analysis, render services designated as applied behavior analysis, or represent himself or herself as a practitioner of applied behavior analysis in this state unless*

he or she holds an active license as a behavior analyst or assistant behavior analyst pursuant to this chapter or meets an exception under s. 470.48. A person who violates this subsection commits a felony of the third degree, punishable as provided under s. 775.082, s. 775.083, or s. 775.084.

(2) *A person may not use the following titles or any combination thereof, unless he or she holds an active license as a behavior analyst or assistant behavior analyst pursuant to this chapter:*

(a) *"Licensed behavior analyst."*

(b) *"Licensed assistant behavior analyst."*

(3) *A person who violates subsection (2) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 14. Section 470.48, Florida Statutes, is created to read:

470.48 *Exceptions to applicability.—This chapter does not prohibit or restrict the practice of the following:*

(1) *An individual licensed pursuant to chapter 458 or chapter 459.*

(2) *An individual licensed pursuant to part III of chapter 468 if the occupational therapist does not represent himself or herself as a behavior analyst.*

(3) *An individual licensed under chapter 490 to practice psychology.*

(4) *An individual licensed pursuant to chapter 491 as a clinical social worker, marriage and family therapist, or mental health counselor.*

(5) *A certified teacher authorized to practice in this state; or a teaching assistant, other than a teaching assistant engaged in pupil personnel services, or student support professional who provides applied behavior analysis services under the supervision of a certified teacher. The services provided by or under the supervision of a certified teacher must be within his or her authorized scope of practice and within the scope of his or her education, training, and experience and must be provided in the course of his or her employment in a program approved by the Department of Education.*

(6) *A behavior analyst who practices with nonhuman clients, including, but not limited to, applied animal behaviorists and animal trainers.*

(7) *An individual who teaches applied behavior analysis or who conducts behavior analytic research if such teaching or research does not involve the delivery of applied behavior analysis.*

(8) *A matriculated college or university student or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, or intensive practicum if his or her practice under this subsection is directly supervised by a licensed behavior analyst or an instructor of course sequence approved by the Behavior Analyst Certification Board (BACB). A student or intern may not represent himself or herself as a professional behavior analyst but may use a title indicating his or her trainee status, such as "behavior analyst student," "behavior analyst intern," or "behavior analyst trainee."*

(9) *An unlicensed individual pursuing supervised experiential training to meet eligibility requirements for BACB certification if such training is supervised by a licensed behavior analyst or a licensed assistant behavior analyst who meets BACB supervisor requirements and if the supervised experience is conducted in accordance with other BACB standards and requirements.*

(10) *A family member of a recipient of applied behavior analysis services who implements certain procedures with the recipient. Such a family member may not represent himself or herself as a licensed behavior analyst or a licensed assistant behavior analyst.*

(11) *A behavior analyst who*

Pursuant to Rule 4.19, **CS for CS for SB 1212** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1032—A bill to be entitled An act relating to subsurface rights; creating s. 689.29, F.S.; requiring a seller to provide a prospective purchaser with a subsurface rights disclosure summary when selling residential property; providing a form for the disclosure summary; requiring the disclosure summary to be included in the contract for sale or incorporated by reference into the contract for sale; defining the terms “seller” and “subsurface rights”; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1032**, on motion by Senator Latvala, by two-thirds vote **CS for CS for CS for HB 489** was withdrawn from the Committees on Criminal Justice; and Appropriations.

On motion by Senator Latvala—

CS for CS for CS for HB 489—A bill to be entitled An act relating to subsurface rights; creating s. 689.29, F.S.; requiring a seller to provide a prospective purchaser with a subsurface rights disclosure summary when selling residential property; providing a form for the disclosure summary; requiring the disclosure summary to be included in the contract for sale or incorporated by reference into the contract for sale; defining the terms “subsurface rights” and “seller”; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1032** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 489** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1012—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; revising the definition of “related interest”; creating s. 655.017, F.S.; preempting to the state the regulation of certain financial or lending activities of entities subject to the jurisdiction of the office or other regulatory agencies; providing that counties and municipalities may engage in investigations and proceedings against financial institutions that are not preempted; requiring a financial institution to notify the office if such local action is commenced; providing for the office’s sole and exclusive jurisdiction in certain cases; providing applicability; amending s. 655.0322, F.S.; revising provisions relating to prohibited acts and practices by a financial institution; applying certain provisions to affiliates; amending s. 655.034, F.S.; authorizing the circuit court to issue an injunction in order to protect the interests of the depositors, members, creditors, or stockholders of a financial institution and the public’s interest in the safety and soundness of the financial institution system; defining “formal enforcement action”; amending s. 655.037, F.S.; conforming a cross-reference; amending s. 655.0385, F.S.; prohibiting a director or executive officer from concurrently serving as a director or officer in a financial institution or affiliate in the same geographical area or the same major business market area unless waived by the Office of Financial Regulation; amending s. 655.041, F.S.; revising provisions relating to administrative fines; clarifying that the office may initiate administrative proceedings for violations of rules; providing that fines for violations begin accruing immediately upon the service of a complaint; applying certain provisions to affiliates; revising the applications for imposing a fine; amending s. 655.045, F.S.; requiring the office to conduct an examination of a financial institution within a specified period; amending s. 655.057, F.S.; conforming a cross-reference; providing that specified records are not considered a waiver of privileges or legal rights in certain proceedings; clarifying who has a right to copy member or shareholder records; creating s. 655.0591, F.S.; providing notice requirements and procedures that allow a financial institution to protect trade secrets included in documents submitted to the office; amending s. 655.50, F.S.; revising provisions relating to the control of money laundering to also include terrorist financing; adding and revising definitions; requiring a financial institution to have a BSA/AML compliance officer; revising records requirements; updating cross-references; amending s. 655.85, F.S.; clarifying that an institution may impose a fee for the settlement of a check under certain circumstances; providing legislative intent; amending s. 655.921, F.S.; revising provisions relating to business transactions by an out-of-state financial institution; providing that such institution may file suit to collect a security interest in collateral; amending s. 655.922, F.S.; revising provisions relating to the name of a financial institution; pro-

hibiting certain financial institutions from using a name that may mislead consumers; authorizing the office to seek court orders to annul or dissolve a business entity for certain violations and to issue emergency cease and desist orders; amending s. 655.948, F.S.; requiring a financial institution to notify the office of any investigations or proceedings initiated by a county or municipality against the institution within a specified timeframe; creating s. 655.955, F.S.; providing that a financial institution is not civilly liable solely by virtue of extending credit to a person; amending s. 657.008, F.S.; requiring certain credit unions seeking to establish a branch office to submit an application to the office for examination and approval; providing the criteria for the examination; amending s. 657.028, F.S.; revising provisions relating to prohibited activities of directors, officers, committee members, employees, and agents of credit unions; requiring the name and address of the credit manager to be submitted to the office; amending s. 657.041, F.S.; authorizing a credit union to pay health and accident insurance premiums and to fund employee benefit plans under certain circumstances; amending s. 658.12, F.S.; revising the definition of “trust business”; amending ss. 658.21 and 658.235, F.S.; conforming cross-references; repealing s. 658.49, F.S., relating to requirements for bank loans up to \$50,000; amending ss. 663.02 and 663.09, F.S.; conforming provisions to changes made by the act; amending s. 663.12, F.S.; deleting an annual assessment imposed on certain international offices; amending s. 663.306, F.S.; conforming provisions to changes made by the act; amending ss. 665.013, 665.033, 665.034, 667.003, 667.006, and 667.008, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title. On motions by Senator Richter, by two-thirds vote **CS for CS for SB 1012** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Brandes, Galvano

CS for SB 1006—A bill to be entitled An act relating to consumer collection practices; amending s. 559.55, F.S.; defining terms; amending s. 559.553, F.S.; removing provisions relating to the revocation or suspension of a professional license which allow the Office of Financial Regulation to reject an applicant for registration; conforming a cross-reference to changes made by the act; creating s. 559.554, F.S.; providing for the powers and duties of the Financial Services Commission and the Office of Financial Regulation; creating s. 559.5541, F.S.; authorizing the office to conduct examinations and investigations; amending s. 559.555, F.S.; revising requirements for registration as a consumer collection agency; specifying a registration fee; creating s. 559.5551, F.S.; requiring registrants to report, within a specified time period, a conviction of, or plea of nolo contendere to, a crime or an administrative enforcement action; requiring registrants to report, within a specified time period, a change in a control person or the form of the organization, or any other change in the information supplied in the initial application; amending s. 559.565, F.S.; conforming a cross-reference to changes made by the act; amending s. 559.730, F.S.; revising the administrative remedies and penalties available to the office; requiring the commission to adopt guidelines to impose administrative penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1006**, on motion by Senator Hays, by two-thirds vote **CS for CS for HB 413** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; and Appropriations.

CS for CS for HB 413—A bill to be entitled An act relating to consumer collection practices; amending s. 559.55, F.S.; reordering and revising definitions; amending s. 559.553, F.S.; deleting a provision entitling prospective consumer collection agency registrants to registration when specified conditions are met; creating s. 559.554, F.S.; providing powers and duties of the Office of Financial Regulation and the Financial Services Commission; authorizing the commission to adopt rules; requiring fees, charges, and fines to be deposited in a specified trust fund; creating s. 559.5541, F.S.; authorizing the office to make investigations or examinations to determine violations of specified provisions; amending s. 559.555, F.S.; revising registration procedures and application requirements for consumer collection agencies; requiring applicants and certain registrants to submit fingerprints; providing that registrations are not transferable or assignable; requiring consumer collection agencies to report changes in specified information within a specified period; providing registration renewal and fingerprint retention fees; providing for applicability to registration renewals for registrants initially registered before a specified date; creating s. 559.5551, F.S.; providing notification requirements for consumer collection agencies; authorizing the office to bring an administrative action under certain circumstances; amending s. 559.565, F.S.; conforming a cross-reference; amending s. 559.730, F.S.; providing grounds for disciplinary action; providing penalties; providing grounds for an immediate suspension of a consumer collection agency registration; providing grounds to deny a request to terminate a registration and to withdraw a registration application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1006** and read the second time by title.

On motion by Senator Hays, further consideration of **CS for CS for HB 413** was deferred.

CS for SB 194—A bill to be entitled An act relating to spiny lobster; amending s. 379.407, F.S.; providing penalties for certain violations relating to possession of spiny lobster; amending s. 379.401, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 194**, on motion by Senator Latvala, by two-thirds vote **CS for HB 47** was withdrawn from the Committees on Agriculture; Environmental Preservation and Conservation; and Criminal Justice.

On motion by Senator Latvala—

CS for HB 47—A bill to be entitled An act relating to spiny lobster; amending s. 379.407, F.S.; providing penalties for certain violations relating to possession of spiny lobster; amending s. 379.401, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 194** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 47** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

CS for SB 246—A bill to be entitled An act relating to local government pension reform; amending s. 175.021, F.S.; revising the legislative declaration to require that all firefighter pension plans meet the requirements of ch. 175, F.S., in order to receive insurance premium tax revenues; amending s. 175.032, F.S.; revising definitions to conform to changes made by the act and providing new definitions; amending s. 175.071, F.S.; conforming a cross-reference; amending s. 175.091, F.S.; revising the method of creating and maintaining a firefighters' pension trust fund; amending s. 175.162, F.S.; deleting a provision basing the availability of additional benefits in a firefighter pension plan upon state funding; revising the calculation of monthly retirement income for a full-

time firefighter; providing that certain firefighter pension plans must maintain a certain minimum percentage of average final compensation by a specified date; amending s. 175.351, F.S., relating to municipalities and special fire control districts that have their own pension plans and want to participate in the distribution of a tax fund; revising criteria governing the use of revenues from the premium tax; authorizing a pension plan to reduce excess benefits if the plan continues to meet certain minimum benefits and standards; providing that the use of premium tax revenues may deviate from the requirements of ch. 175, F.S., under certain circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to ch. 175, F.S., for a limited time; amending s. 185.01, F.S.; revising the legislative declaration to require that all police officer pension plans meet the requirements of ch. 185, F.S., in order to receive insurance premium tax revenues; amending s. 185.02, F.S.; revising definitions to conform to changes made by the act and adding new definitions; revising applicability of the limitation on the amount of over-time payments that may be used for retirement benefit calculations; amending s. 185.06, F.S.; conforming a cross-reference; amending s. 185.07, F.S.; revising the method of creating and maintaining a police officers' retirement trust fund; amending s. 185.16, F.S.; deleting a provision basing the availability of additional benefits in a police officer pension plan upon state funding; revising the calculation of monthly retirement income for a police officer; providing that certain police officer pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 185.35, F.S., relating to municipalities that have their own pension plans for police officers and want to participate in the distribution of a tax fund; conforming a cross-reference; revising criteria governing the use of revenues from the premium tax; authorizing a plan to reduce excess benefits if the plan continues to meet certain minimum benefits and minimum standards; providing that the use of premium tax revenues may deviate from the requirements of ch. 185, F.S., under specified circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to ch. 185, F.S., for a limited time; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

SENATOR RICHTER PRESIDING

Senator Ring moved the following amendment which was adopted:

Amendment 1 (159300) (with title amendment)—Delete lines 90-635 and insert:

Section 2. Section 175.032, Florida Statutes, is amended to read:

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

(1) “Additional premium tax revenues” means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed base premium tax revenues.

(2)(1)(a) “Average final compensation” for:

(a) A full-time firefighter means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service before ~~prior to~~ retirement, termination, or death, or the career average as a full-time firefighter since July 1, 1953, whichever is greater. A year ~~shall be~~ 12 consecutive months or such other consecutive period of time as is used and consistently applied.

(b) “Average final compensation” for A volunteer firefighter means the average salary of the 5 best years of the last 10 best contributing years before ~~prior to~~ change in status to a permanent full-time firefighter or retirement as a volunteer firefighter or the career average of a volunteer firefighter, since July 1, 1953, whichever is greater.

(3) “Base premium tax revenues” means:

(a) For a local law plan in effect on October 1, 1998, the revenues received by a municipality or special fire control district pursuant to s. 175.121 for calendar year 1997.

(b) For a local law plan created between October 1, 1998, and March 1, 2014, inclusive, the revenues received by a municipality or special fire control district pursuant to s. 175.121 based upon the tax collections during the second calendar year of participation.

(4)(2) "Chapter plan" means a separate defined benefit pension plan for firefighters which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality or special district. Except as ~~may be~~ specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 175.021-175.341 and ss. 175.361-175.401. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 175.261(1).

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

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

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

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

(6)(4) "Creditable service" or "credited service" means the aggregate number of years of service, and fractional parts of years of service, of any firefighter, omitting intervening years and fractional parts of years when such firefighter may not have been employed by the municipality or special fire control district, subject to the following conditions:

(a) A ~~No~~ firefighter ~~may not will~~ receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the firefighter repays into the fund the amount he or she has withdrawn, plus interest determined by the board. The member shall have at least 90 days after his or her reemployment to make repayment.

(b) A firefighter may voluntarily leave his or her contributions in the fund for a ~~period of~~ 5 years after leaving the employ of the fire department, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a

firefighter. If the firefighter is not reemployed as a firefighter, with the same department, within 5 years, his or her contributions shall be returned without interest.

(c) Credited service under this chapter shall be provided only for service as a firefighter, ~~as defined in subsection (8),~~ or for military service and does not include credit for any other type of service. A municipality ~~may~~, by local ordinance, or a special fire control district ~~may~~, by resolution, ~~may~~ provide for the purchase of credit for military service prior to employment as well as for prior service as a firefighter for some other employer as long as a firefighter is not entitled to receive a benefit for such prior service ~~as a firefighter~~. For purposes of determining credit for prior service as a firefighter, in addition to service as a firefighter in this state, credit may be given for federal, other state, or county service if the prior service is recognized by the Division of State Fire Marshal as provided ~~in under~~ chapter 633, or the firefighter provides proof to the board of trustees that his or her service is equivalent to the service required to meet the definition of a firefighter under subsection (11) ~~(9)~~.

(d) In determining the creditable service of any firefighter, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service if:

1. The firefighter is in the active employ of an employer immediately prior to such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The firefighter is entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act.

3. The firefighter returns to his or her employment as a firefighter of the municipality or special fire control district within 1 year from the date of release from such active service.

(7)(5) "Deferred Retirement Option Plan" or "DROP" means a local law plan retirement option in which a firefighter may elect to participate. A firefighter may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a firefighter who enters the DROP and who is otherwise eligible to participate ~~may shall~~ not ~~thereby~~ be precluded from participation or continued participation ~~participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, ~~March 12, 1999~~ ~~the effective date of this act.~~

(8) "Defined contribution plan" means the component of a local law plan, as provided in s. 175.351(1), to which deposits, if any, are made to provide benefits for firefighters, or for firefighters and police officers if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit component that meets the minimum benefits and minimum standards of this chapter. The retirement benefits, if any, of the defined contribution plan shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

(9)(6) "Division" means the Division of Retirement of the Department of Management Services.

(10)(7) "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(11)(8)(a) "Firefighter" means a person employed solely by a constituted fire department of any municipality or special fire control district who is certified as a firefighter as a condition of employment in accordance with s. 633.408 and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters. However, for purposes of this chapter only, the term also includes public safety officers who are responsible for performing both

police and fire services, who are certified as police officers or firefighters, and who are certified by their employers to the Chief Financial Officer as participating in this chapter before October 1, 1979. Effective October 1, 1979, public safety officers who have not been certified as participating in this chapter are considered police officers for retirement purposes and are eligible to participate in chapter 185. Any plan may provide that the fire chief has an option to participate, ~~or not,~~ in that plan.

(b) “Volunteer firefighter” means any person whose name is carried on the active membership roll of a constituted volunteer fire department or a combination of a paid and volunteer fire department of any municipality or special fire control district and whose duty it is to extinguish fires, to protect life, and to protect property. Compensation for services rendered by a volunteer firefighter ~~does shall~~ not disqualify him or her as a volunteer. A person ~~may shall~~ not be disqualified as a volunteer firefighter solely because he or she has other gainful employment. Any person who volunteers assistance at a fire but is not an active member of a department described herein is not a volunteer firefighter within the meaning of this paragraph.

(12)(9) “Firefighters’ Pension Trust Fund” means a trust fund, by whatever name known, as provided under s. 175.041, for the purpose of assisting municipalities and special fire control districts in establishing and maintaining a retirement plan for firefighters.

(13)(10) “Local law municipality” is any municipality in which ~~there exists~~ a local law plan *exists*.

(14)(11) “Local law plan” means a ~~retirement defined benefit pension plan, that includes both a defined benefit plan component and a defined contribution plan component, for firefighters, or for firefighters and or~~ police officers if both are ~~where~~ included, as described in s. 175.351, established by municipal ordinance, special district resolution, or special act of the Legislature, which ~~enactment~~ sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter if ~~the, provided that required~~ minimum benefits and minimum standards of this chapter are met. However, any such variance ~~must shall~~ provide a greater benefit for firefighters. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 175.261(2).

(15)(12) “Local law special fire control district” ~~means is~~ any special fire control district in which ~~there exists~~ a local law plan *exists*.

(16) “Minimum benefits” means the benefits set forth in ss. 175.021-175.341 and ss. 175.361-175.401.

(17) “Minimum standards” means the standards set forth in ss. 175.021-175.401.

(18)(13) “Property insurance” means property insurance as defined in s. 624.604 and covers real and personal property within the corporate limits of a ~~any~~ municipality, or within the boundaries of a ~~any~~ special fire control district, within the state. The term “multiple peril” means a combination or package policy that includes both property and casualty coverage for a single premium.

(19)(14) “Retiree” or “retired firefighter” means a firefighter who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a firefighter who enters the DROP ~~is shall be~~ considered a retiree for all purposes of the plan. However, a firefighter who enters the DROP and who is otherwise eligible to participate ~~may shall~~ not ~~thereby~~ be precluded from participation or continued participation ~~participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, March 12, 1999 ~~the effective date of this act~~.

(20)(15) “Retirement” means a firefighter’s separation from ~~municipal city~~ or fire district employment as a firefighter with immediate eligibility for ~~receipt of~~ benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), “retirement” means the date a firefighter enters the DROP.

(21) “Special act plan” means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

(22) “Special benefits” means benefits provided in a defined contribution plan for firefighters.

(23)(16) “Special fire control district” means a special district, as defined in s. 189.403(1), established for the purposes of extinguishing fires, protecting life, and protecting property within the incorporated or unincorporated portions of a ~~any~~ county or combination of counties, or within any combination of incorporated and unincorporated portions of a ~~any~~ county or combination of counties. The term does not include any dependent or independent special district, as those terms are defined in s. 189.403, whose s. 189.403(2) and (3), respectively, the employees of ~~which~~ are members of the Florida Retirement System pursuant to s. 121.051(1) or (2).

(24)(17) “Supplemental plan” means a plan to which deposits are made to provide ~~special extra~~ benefits for firefighters, or for firefighters and police officers if both are ~~where~~ included under this chapter. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit ~~component plan~~ that meets the minimum benefits and minimum standards of this chapter. Any supplemental plan in existence on March 1, 2014, shall be deemed to be a defined contribution plan in compliance with s. 175.351(6).

(25)(18) “Supplemental plan municipality” means a ~~any~~ local law municipality in which ~~any there existed a~~ supplemental plan ~~existed, of any type or nature,~~ as of December 1, 2000.

Section 3. Subsection (7) of section 175.071, Florida Statutes, is amended to read:

175.071 General powers and duties of board of trustees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(7) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

- (a) Employ independent legal counsel at the pension fund’s expense.
- (b) Employ an independent *enrolled* actuary, as defined in s. 175.032(7), at the pension fund’s expense.
- (c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund’s expense.

If the board chooses to use the municipality’s or special district’s legal counsel or actuary, or chooses to use any of the municipality’s or special district’s other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 4. Paragraph (d) of subsection (1) of section 175.091, Florida Statutes, is amended to read:

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

(1) The firefighters’ pension trust fund in each municipality and in each special fire control district shall be created and maintained in the following manner:

(d) By mandatory payment by the municipality or special fire control district of a sum equal to the normal cost of and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under ~~as provided in~~ part VII of chapter 112 after taking into account the amounts described in paragraphs (b), (c), (e), (f), and (g) and the tax proceeds described in paragraph (a) which are used to fund defined benefit plan benefits.

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

Section 5. Paragraph (a) of subsection (2) of section 175.162, Florida Statutes, is amended to read:

175.162 Requirements for retirement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, any firefighter who completes 10 or more years of creditable service as a

firefighter and attains age 55, or completes 25 years of creditable service as a firefighter and attains age 52, and who for such minimum period has been a member of the firefighters' pension trust fund operating under a chapter plan or local law plan, is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the municipality or special fire control district on or after the normal retirement date. In such event, payment of retirement income will be governed by the following provisions of this section:

(2)(a)1. The amount of monthly retirement income payable to a full-time firefighter who retires on or after his or her normal retirement date shall be an amount equal to the number of his or her years of credited service multiplied by 2.75 ~~2~~ percent of his or her average final compensation as a full-time firefighter. ~~However, if current state contributions pursuant to this chapter are not adequate to fund the additional benefits to meet the minimum requirements in this chapter, only such incremental increases shall be required as state moneys are adequate to provide. Such increments shall be provided as state moneys become available.~~

2. Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service, as provided in subparagraph 1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2014, and is not required to increase the benefit to 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service.

3. Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service, as provided in subparagraph 1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, and which changes the percentage amount or maximum benefit limitation to 2.75 percent, or greater, of the average final compensation of a full-time firefighter for all years of credited service, as provided in subparagraph 1., may not thereafter decrease the percentage amount or maximum benefit limitation to less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service, as provided in subparagraph 1.

Section 6. Section 175.351, Florida Statutes, is amended to read:

175.351 Municipalities and special fire control districts ~~that have their own retirement pension plans for firefighters.—For any municipality, special fire control district, local law municipality, local law special fire control district, or local law plan under this chapter, In order for a municipality or municipalities and special fire control district that has its districts with their own retirement plan pension plans for firefighters, or for firefighters and police officers if both are included, to participate in the distribution of the tax fund established under pursuant to s. 175.101, a local law plan plans must meet the minimum benefits and minimum standards set forth in this chapter, except as provided in the mutual consent provisions in paragraph (1)(g) with respect to the minimum benefits not met as of October 1, 2012.~~

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

~~(a) place the income from the premium tax in s. 175.101 in such pension plan for the sole and exclusive use of its firefighters, or for firefighters and police officers if both are included, where it shall become an integral part of that pension plan and shall be used to fund benefits as provided herein. Effective October 1, 2014, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2014:~~

~~(a) The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district.~~

~~(b) Of the additional premium tax revenues received which are in excess of the amount received for the 2012 calendar year, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district, and 50 percent must be placed in a defined contribution plan to fund special benefits.~~

~~(c) Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits. If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).~~

~~(d) Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits, and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan; provided that any amount of accumulations in excess of the amount required to fund the unfunded actuarial liabilities must be used to fund special benefits to pay extra benefits to the firefighters included in that pension plan; or~~

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

~~(e) For a plan created after March 1, 2014, 50 percent of the insurance premium tax revenues must be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.~~

~~(f) If a plan offers benefits in excess of the minimum benefits, such benefits, excluding supplemental plan benefits in effect as of September 30, 2013, may be reduced if the plan continues to meet the minimum benefits and the minimum standards set forth in this chapter. The amount of insurance premium tax revenues previously used to fund benefits in excess of minimum benefits, excluding the amount of any additional premium tax revenues distributed to a supplemental plan for calendar year 2012, before the reduction must be used as provided in paragraph (b). However, benefits in excess of the minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent, or greater, of the average final compensation of a full-time firefighter, as provided in s. 175.162(2)(a)1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, as described in s. 175.162(2)(a)2.~~

~~(g) Notwithstanding paragraphs (a)-(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if none, by majority consent of the firefighter members of the fund, and by consent of the municipality or special fire control district, provided that the plan continues to meet the minimum benefits and minimum standards of this chapter; however, a plan that operates pursuant to this paragraph which does not meet the minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level as was provided as of October 1, 2012, and all other benefit levels must continue to meet the minimum benefits. Such mutually agreed deviation shall continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative or, if none, by a majority of the firefighter members of the fund, and the municipality or special fire control district. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2014, to be a deviation for which mutual consent has been granted.~~

~~(2) The premium tax provided by this chapter shall in all cases be used in its entirety to provide retirement extra benefits to firefighters, or to firefighters and police officers if both are included. However, local law plans in effect on October 1, 1998, must comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). If a plan is in compliance with such minimum benefit provisions, as subsequent additional premium tax revenues become available, they must be used to provide~~

~~extra benefits.~~ Local law plans created by special act before May 27, 1939, are deemed to comply with this chapter. ~~For the purpose of this chapter, the term:~~

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

(b) ~~“Extra benefits” means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for firefighters on March 12, 1999.~~

(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality, special fire control district, or, where *required permitted*, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing *on the proposal is held thereon*. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

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

(a) A local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

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

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

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

(6) *In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2014, for noncollectively bargained service, upon entering into a collective bargaining agreement on or after July 1, 2014, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution component may or may not receive any funding.*

(7) *Notwithstanding any other provision of this chapter, a municipality or special fire control district that has implemented or proposed changes to a local law plan based on the municipality's or district's reliance on an interpretation of this chapter by the Department of Management Services on or after August 14, 2012, and before March 4, 2014, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality or district and the Department of Management Services which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality or district dated before March 4, 2014. Changes to the local law plan which are otherwise contrary to the minimum benefits and minimum standards in this chapter may continue in effect until the earlier of October 1, 2017, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.*

And the title is amended as follows:

Delete lines 23-25 and insert: fund; redesignating the term “pension plan” as “retirement plan”; revising criteria governing the use of ven-

ues from the premium tax; authorizing a retirement plan to reduce certain excess benefits if the plan continues to meet

Senator Ring moved the following amendment:

Amendment 2 (435678) (with title amendment)—Delete lines 654-1156 and insert:

Section 8. Section 185.02, Florida Statutes, is amended to read:

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

(1) *“Additional premium tax revenues” means revenues received by a municipality pursuant to s. 185.10 which exceed base premium tax revenues.*

~~(2)(1)~~ *“Average final compensation” means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service prior to retirement, termination, or death.*

(3) *“Base premium tax revenues” means:*

(a) *For a local plan in effect on October 1, 1998, the revenues received by a municipality pursuant to s. 185.10 for the calendar year 1997.*

(b) *For a local law plan created between October 1, 1998, and March 1, 2014, inclusive, the revenues received by a municipality pursuant to s. 185.10 based upon the tax collections during the second calendar year of participation.*

~~(4)(2)~~ *“Casualty insurance” means automobile public liability and property damage insurance to be applied at the place of residence of the owner, or if the subject is a commercial vehicle, to be applied at the place of business of the owner; automobile collision insurance; fidelity bonds; burglary and theft insurance; and plate glass insurance. The term “multiple peril” means a combination or package policy that includes both property coverage and casualty coverage for a single premium.*

~~(5)(3)~~ *“Chapter plan” means a separate defined benefit pension plan for police officers which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality as provided in s. 185.08. Except as ~~may be~~ specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 185.01-185.341 and ss. 185.37-185.39. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 185.221(1)(b).*

~~(6)(4)~~ *“Compensation” or “salary” means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the total cash remuneration including “overtime” paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer. Overtime may be limited prior to July 1, 2011, in a local law plan by the plan provisions. ~~A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; however, such overtime limit may not be less than 300 hours per officer per calendar year.~~ For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.*

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

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

program and shall be treated as compensation for retirement purposes under this chapter.

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

(7)(5) "Creditable service" or "credited service" means the aggregate number of years of service and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years when such police officer may not have been employed by the municipality subject to the following conditions:

(a) A ~~no~~ police officer ~~may not will~~ receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the police officer repays into the fund the amount he or she has withdrawn, plus interest as determined by the board. The member ~~has shall have~~ at least 90 days after his or her reemployment to make repayment.

(b) A police officer may voluntarily leave his or her contributions in the fund for ~~a period of~~ 5 years after leaving the employ of the police department, pending the possibility of his or her being rehired by the same department, without losing credit for the time he or she has participated actively as a police officer. If he or she is not reemployed as a police officer with the same department within 5 years, his or her contributions shall be returned ~~to him or her~~ without interest.

(c) Credited service under this chapter shall be provided only for service as a police officer, ~~as defined in subsection (11),~~ or for military service and may not include credit for any other type of service. A municipality ~~may~~, by local ordinance, ~~may~~ provide for the purchase of credit for military service occurring before employment as well as prior service as a police officer for some other employer as long as the police officer is not entitled to receive a benefit for such ~~other~~ prior service ~~as a police officer~~. For purposes of determining credit for prior service, in addition to service as a police officer in this state, credit may be given for federal, other state, or county service as long as such service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement as provided ~~in under~~ chapter 943 or the police officer provides proof to the board of trustees that such service is equivalent to the service required to meet the definition of a police officer under subsection (16) (11).

(d) In determining the creditable service of ~~a any~~ police officer, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service, if:

1. The police officer is in the active employ of the municipality ~~before~~ prior to such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The police officer is entitled to reemployment under ~~the provisions of~~ the Uniformed Services Employment and Reemployment Rights Act.

3. The police officer returns to his or her employment as a police officer of the municipality within 1 year ~~after from~~ the date of his or her release from such active service.

(8)(6) "Deferred Retirement Option Plan" or "DROP" means a local law plan retirement option in which a police officer may elect to participate. A police officer may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a police officer who

enters ~~the~~ DROP and who is otherwise eligible to participate ~~may shall~~ not ~~thereby~~ be precluded from ~~participation or continued participation participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, ~~March 12, 1999 the effective date of this act.~~

(9) "Defined contribution plan" means the component of a local law plan, as provided in s. 185.35(1), to which deposits, if any, are made to provide benefits for police officers, or for police officers and firefighters if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit component that meets the minimum benefits and minimum standards of this chapter. The retirement benefits, if any, of the defined contribution plan shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

(10)(7) "Division" means the Division of Retirement of the Department of Management Services.

(11)(8) "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(12)(9) "Local law municipality" means ~~is~~ any municipality in which ~~there exists~~ a local law plan exists.

(13)(10) "Local law plan" means a ~~retirement defined benefit pension plan, that includes both a defined benefit plan component and a defined contribution plan component,~~ for police officers, or for police officers and firefighters if both are, ~~where~~ included, as described in s. 185.35, established by municipal ordinance or special act of the Legislature, which ~~enactment~~ sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter ~~if the, provided that required~~ minimum benefits and minimum standards of this chapter are met. However, any such variance ~~must shall~~ provide a greater benefit for police officers. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 185.221(2)(b).

(14) "Minimum benefits" means the benefits set forth in ss. 185.01-185.341 and ss. 185.37-185.50.

(15) "Minimum standards" means the standards set forth in ss. 185.01-185.50.

(16)(11) "Police officer" means any person who is elected, appointed, or employed full time by ~~a any~~ municipality, who is certified or required to be certified as a law enforcement officer in compliance with s. 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. ~~The term This definition~~ includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers ~~as those terms the same are defined in s. 943.10(6) and (8), respectively.~~ For the purposes of this chapter only, ~~the term also includes "police officer" also shall include~~ a public safety officer who is responsible for performing both police and fire services. Any plan may provide that the police chief shall have an option to participate, ~~or not,~~ in that plan.

(17)(12) "Police Officers' Retirement Trust Fund" means a trust fund, by whatever name known, as provided under s. 185.03 for the purpose of assisting municipalities in establishing and maintaining a retirement plan for police officers.

(18)(13) "Retiree" or "retired police officer" means a police officer who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a police officer who enters ~~the~~ DROP ~~is shall be~~ considered a retiree for all purposes of the plan. However, a police officer who enters ~~the~~ DROP and who is otherwise eligible to participate ~~may shall~~ not ~~thereby~~ be precluded from partici-

pating, or continuing to participate, in a supplemental plan in existence on, or created after, *March 12, 1999* ~~the effective date of this act.~~

(19)(14) “Retirement” means a police officer’s separation from *municipal city* employment as a police officer with immediate eligibility for ~~receipt of~~ benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), “retirement” means the date a police officer enters ~~the~~ DROP.

(20) “Special act plan” means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

(21) “Special benefits” means benefits provided in a defined contribution plan for police officers.

(22)(15) “Supplemental plan” means a plan to which deposits of the premium tax moneys as provided in s. 185.08 are made to provide *special extra* benefits to police officers, or police officers and firefighters if both are where included, ~~under this chapter~~. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit component ~~plan~~ that meets the minimum benefits and minimum standards of this chapter. Any supplemental plan in existence on *March 1, 2014*, shall be deemed to be a defined contribution plan in compliance with s. 185.35(6).

(23)(16) “Supplemental plan municipality” means a ~~any~~ local law municipality in which ~~there existed~~ a supplemental plan existed as of December 1, 2000.

Section 9. Subsection (6) of section 185.06, Florida Statutes, is amended to read:

185.06 General powers and duties of board of trustees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(6) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

- (a) Employ independent legal counsel at the pension fund’s expense.
- (b) Employ an independent *enrolled* actuary, as defined in s. 185.02(9), at the pension fund’s expense.
- (c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund’s expense.

If the board chooses to use the municipality’s or special district’s legal counsel or actuary, or chooses to use any of the municipality’s other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 10. Paragraph (d) of subsection (1) of section 185.07, Florida Statutes, is amended to read:

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

(1) The municipal police officers’ retirement trust fund in each municipality described in s. 185.03 shall be created and maintained in the following manner:

(d) By payment by the municipality or other sources of a sum equal to the normal cost and the amount required to fund any actuarial deficiency shown by an actuarial valuation *conducted under as provided in* part VII of chapter 112 *after taking into account the amounts described in paragraphs (b), (c), (e), (f), and (g) and the tax proceeds described in paragraph (a) which are used to fund defined benefit plan benefits.*

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

Section 11. Subsection (2) of section 185.16, Florida Statutes, is amended to read:

185.16 Requirements for retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, any police officer who completes 10 or more years of creditable service as a police officer and attains age 55, or completes 25 years of creditable service as a police officer and attains age 52, and for such period has been a member of the retirement fund is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the city on or after the normal retirement date. In such event, for chapter plans and local law plans, payment of retirement income will be governed by the following provisions of this section:

(2)(a) The amount of the monthly retirement income payable to a police officer who retires on or after his or her normal retirement date shall be an amount equal to the number of the police officer’s years of credited service multiplied by 2.75 ~~2~~ percent of his or her average final compensation. ~~However, if current state contributions pursuant to this chapter are not adequate to fund the additional benefits to meet the minimum requirements in this chapter, only increment increases shall be required as state moneys are adequate to provide. Such increments shall be provided as state moneys become available.~~

(b) Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a), or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2014, and is not required to increase the benefit to 2.75 percent of the average final compensation of a police officer for all years of credited service.

(c) Effective July 1, 2014, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a), or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, and which changes the percentage amount or maximum benefit limitation to 2.75 percent, or greater, of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a), may not thereafter decrease the percentage amount or the maximum benefit limitation to less than 2.75 percent of the average final compensation of a police officer for all years of credited service, as provided in paragraph (a).

Section 12. Section 185.35, Florida Statutes, is amended to read:

185.35 Municipalities ~~that have having~~ their own retirement ~~pension~~ plans for police officers.—~~For any municipality, chapter plan, local law municipality, or local law plan under this chapter, In order for a municipality that has its municipalities with their own retirement plan pension plans for police officers, or for police officers and firefighters if both are included, to participate in the distribution of the tax fund established under pursuant to s. 185.08, a local law plan plans must meet the minimum benefits and minimum standards set forth in this chapter, except as provided in the mutual consent provisions in paragraph (1)(g) with respect to the minimum benefits not met as of October 1, 2012.:~~

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

(a) place the income from the premium tax in s. 185.08 in such ~~pension~~ plan for the sole and exclusive use of its police officers, or its police officers and firefighters if both are included, where it shall become an integral part of that ~~pension~~ plan and shall be used to fund benefits as provided herein. Effective October 1, 2014, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2014:

(a) The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality.

(b) Of the additional premium tax revenues received which are in excess of the amount received for the 2012 calendar year, 50 percent must

be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality, and 50 percent must be placed in a defined contribution plan to fund special benefits.

(c) Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits. If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).

(d) Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan; provided that any amount of accumulations in excess of the amount required to fund the unfunded actuarial liabilities must be used to fund special benefits ~~pay extra benefits to the police officers included in that pension plan; or~~

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

(e) For a plan created after March 1, 2014, 50 percent of the insurance premium tax revenues shall be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.

(f) If a plan offers benefits in excess of the minimum benefits, such benefits, excluding supplemental plan benefits in effect as of September 30, 2013, may be reduced if the plan continues to meet the minimum benefits and the minimum standards set forth in this chapter. The amount of insurance premium tax revenues previously used to fund benefits in excess of the minimum benefits, excluding the amount of any additional premium tax revenues distributed to a supplemental plan for calendar year 2012, before the reduction must be used as provided in paragraph (b). However, benefits in excess of the minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent, or greater, of the average final compensation of a police officer, as provided in s. 185.16(2)(a), or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation, as described in s. 185.16(2)(b).

(g) Notwithstanding paragraphs (a)-(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if none, by majority consent of the police office members of the fund, and by consent of the municipality, provided that the plan continues to meet the minimum benefits and minimum standards of this chapter; however, a plan that operates pursuant to this paragraph which does not meet the minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level as was provided as of October 1, 2012, and all other benefits must continue to meet the minimum benefits. Such mutually agreed deviation shall continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative or, if none, by a majority of the police office members of the fund, and the municipality. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2014, to be a deviation for which mutual consent has been granted.

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

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

~~(b) "Extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for police officers on March 12, 1999.~~

(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality or, where ~~required~~ permitted, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held ~~thereon~~. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

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

(a) Section 185.02(6)(a) ~~185.02(4)(a)~~ does not apply, and a local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) A local law plan and a supplemental plan must continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

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

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

(6) In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2014, for noncollectively bargained service, upon entering into a collective bargaining agreement on or after July 1, 2014, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution component may or may not receive any funding.

(7) Notwithstanding any other provision of this chapter, a municipality that has implemented or proposed changes to a local law plan based on the municipality's reliance on an interpretation of this chapter by the Department of Management Services on or after August 14, 2012, and before March 4, 2014, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality and the Department of Management Services which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality dated before March 4, 2014. Changes to the local law plan which are otherwise contrary to the minimum benefits and minimum standards of this chapter may continue in effect until the earlier of October 1, 2017, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

And the title is amended as follows:

Delete lines 56-58 and insert: fund; conforming a cross-reference; redesignating the term "pension plan" as "retirement plan"; revising criteria governing the use of revenues from the premium tax; authorizing a plan to reduce certain excess benefits if the

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

Senator Ring moved the following amendments to **Amendment 2 (435678)** which were adopted:

Amendment 2A (443698)—Delete line 437 and insert:
other benefit levels must continue to meet the minimum benefits. Such

Amendment 2B (604600)—Delete line 20 and insert:

(a) *For a local law plan in effect on October 1, 1998, the*

Amendment 2C (453100)—Delete line 441 and insert:
police officer members of the fund, and the municipality. An

Amendment 2D (604272)—Delete line 430 and insert:
the police officer members of the fund, and by consent of the

Amendment 2 (435678) as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 246** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Simpson—

CS for CS for CS for SB 272—A bill to be entitled An act relating to water utilities; creating s. 367.072, F.S.; providing legislative findings; defining the term “customer”; authorizing the Florida Public Service Commission to revoke a certificate of authorization upon receipt of a petition; providing criteria for such petition; authorizing the commission to adopt rules; creating s. 367.0812, F.S.; requiring the commission to consider the quality of water service when fixing rates; providing criteria that the commission must consider in making its determination; requiring the utility to meet with its customers to discuss the costs and benefits of plausible solutions if the commission finds that the utility has failed to meet certain quality of water standards; prohibiting a customer from petitioning the commission to revoke the certificate of authorization of a utility under certain circumstances; authorizing the commission to prescribe penalties for certain failures of the utility; requiring the commission to adopt rules; providing an appropriation; 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 Simpson moved the following amendment which was adopted:

Amendment 1 (839890)—Delete lines 39-76 and insert:

(1)(a) *If the commission receives a letter from the customers of a utility stating their intent to file a petition pursuant to this section, the commission staff, within 10 days after receipt of the letter, shall notify the utility of the customers’ intent to file a petition.*

(b) *Commission staff shall send to the customers instructions regarding the information required on the petition and the subsequent process the commission will follow. The petition must be filed within 90 days after the receipt of the instructions. Commission staff shall review the petition and notify the customers within 10 days after receipt of the petition that the petition is sufficient for the commission to act or that additional information is necessary. The customers must file a cured petition within 30 days after receipt of the notice to cure and provide a copy of the petition to the utility. If the customers fail to file or refile a petition within the allotted time, the commission shall dismiss the petition with prejudice, and the customers may not file another petition for 1 year after the dismissal.*

(2) *A petition must:*

(a) *State with specificity each issue that customers have with the quality of water service, each time the issue was reported to the utility, and how long each issue has existed; and*

(b) *Be signed by at least 65 percent of the customers of the service area covered under the certificate of authorization. A person whose name appears on the bill for a master meter may sign a petition if at least 65 percent of the customers, tenants, or unit owners served by the master*

meter support the petition, in which case documentation of such support must be included with the petition.

(3) *If the petition is in compliance with this section and the issues identified within the petition support a reasonable likelihood that the utility is failing to provide quality of water service, the utility shall thereafter be prohibited from filing a rate case until the commission has issued a final order addressing the issues identified in the petition. The utility shall use*

Pursuant to Rule 4.19, **CS for CS for CS for SB 272** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 274—A bill to be entitled An act relating to inmate reentry; amending s. 322.051, F.S.; waiving the fee for identification cards issued to certain inmates; amending s. 322.17, F.S.; waiving the fee for replacement driver licenses issued to certain inmates; amending s. 382.0255, F.S.; requiring a waiver of fees for certain inmates receiving a copy of a birth certificate; amending s. 944.605, F.S.; requiring the Department of Corrections to work with other agencies in acquiring necessary documents for certain inmates to acquire an identification card before release; providing exceptions; requiring the department to provide an inmate with a replacement identification card or replacement driver license under certain circumstances; requiring the Department of Highway Safety and Motor Vehicles to issue a temporary permit under certain circumstances; requiring the Department of Corrections to provide specified assistance to inmates born outside this state; requiring a report; amending s. 944.803, F.S.; authorizing the department to operate male and female faith- and character-based institutions; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 274**, on motion by Senator Simmons, by two-thirds vote **CS for CS for HB 53** was withdrawn from the Committees on Criminal Justice; Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Simmons—

CS for CS for HB 53—A bill to be entitled An act relating to inmate reentry; amending s. 322.051, F.S.; waiving the fee for identification cards issued to certain inmates; authorizing issuance of temporary permits in certain circumstances; amending s. 322.17, F.S.; waiving the fee for replacement driver licenses for certain inmates; amending s. 382.0255, F.S.; requiring a waiver of fees for certain inmates receiving a copy of a birth certificate; amending s. 944.605, F.S.; requiring the Department of Corrections to work with other agencies in acquiring necessary documents for certain inmates to acquire an identification card or driver license before release; providing exceptions; requiring the department to provide specified assistance to inmates born outside this state; requiring a report; amending s. 944.803, F.S.; authorizing the department to operate male and female faith- and character-based institutions; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 274** 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 Simmons moved the following amendment which was adopted:

Amendment 1 (974650) (with title amendment)—Delete lines 135-157 and insert:

Section 6. (1) *For fiscal year 2014-2015, the sums of \$221,276 in recurring funds and \$243,782 in nonrecurring funds are appropriated from the Highway Safety Operating Trust Fund to the Department of Highway Safety and Motor Vehicles for purchasing, equipping, and operating mobile licensing vehicles whose primary responsibility shall be to issue identification and licensing credentials to inmates before their release from the custody of the Department of Corrections.*

(2) *The Department of Health and the Department of Highway*

And the title is amended as follows:

Delete line 19 and insert: institutions; providing an appropriation; providing an

Pursuant to Rule 4.19, **CS for CS for HB 53** as amended was placed on the calendar of Bills on Third Reading.

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

CS for CS for HB 413—A bill to be entitled An act relating to consumer collection practices; amending s. 559.55, F.S.; reordering and revising definitions; amending s. 559.553, F.S.; deleting a provision entitling prospective consumer collection agency registrants to registration when specified conditions are met; creating s. 559.554, F.S.; providing powers and duties of the Office of Financial Regulation and the Financial Services Commission; authorizing the commission to adopt rules; requiring fees, charges, and fines to be deposited in a specified trust fund; creating s. 559.5541, F.S.; authorizing the office to make investigations or examinations to determine violations of specified provisions; amending s. 559.555, F.S.; revising registration procedures and application requirements for consumer collection agencies; requiring applicants and certain registrants to submit fingerprints; providing that registrations are not transferable or assignable; requiring consumer collection agencies to report changes in specified information within a specified period; providing registration renewal and fingerprint retention fees; providing for applicability to registration renewals for registrants initially registered before a specified date; creating s. 559.5551, F.S.; providing notification requirements for consumer collection agencies; authorizing the office to bring an administrative action under certain circumstances; amending s. 559.565, F.S.; conforming a cross-reference; amending s. 559.730, F.S.; providing grounds for disciplinary action; providing penalties; providing grounds for an immediate suspension of a consumer collection agency registration; providing grounds to deny a request to terminate a registration and to withdraw a registration application; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for CS for HB 413** was placed on the calendar of Bills on Third Reading.

CS for SB 294—A bill to be entitled An act relating to emergency communication systems; 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 imposition of 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; amending s. 401.465, F.S.; conforming a cross-reference; providing appropriations; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 294**, on motion by Senator Hays, by two-thirds vote **CS for CS for HB 175** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Hays—

CS for CS for HB 175—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; directing the Department of Revenue to administer, collect, and enforce the fee pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax under specified provisions; providing applicability with respect to specified provisions of chapter 212, F.S.; 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; amending s. 401.465, F.S.; conforming a cross-reference; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for SB 294** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 175** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 386** was deferred.

On motion by Senator Bean—

SB 388—A bill to be entitled An act relating to public retirement plans; amending ss. 185.03 and 185.08, F.S.; specifying the 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; including certain consolidated governments under provisions authorizing imposition of a state excise tax on casualty insurance premiums covering certain property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 388** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 592** was deferred.

CS for CS for CS for SB 634—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; redefining the term “audit”; amending s. 744.3135, F.S.; revising the requirements and authorizations of the court to require specified guardians to submit to a credit history investigation and background screening; authorizing the court to waive a credit history investigation, background screening, or both under certain circumstances; authorizing a nonprofessional guardian to petition the court for reimbursement for the credit history investigation and background screening; amending s. 744.368, F.S.; authorizing a clerk of the court to obtain and review records and documents relating to guardianship assets and to issue subpoenas to nonparties upon application to the court; providing requirements for affidavits, notice, and subpoenas; providing for objection to a subpoena; amending s. 744.3685, F.S.; authorizing the court to require the production of records and documents by a guardian who fails to submit them during an audit; amending s. 744.474, F.S.; providing for the removal of a guardian for a bad faith failure to submit records during an audit; amending ss. 943.0585 and 943.059, F.S.; providing that a person seeking an appointment as guardian may not lawfully deny or fail to acknowledge the arrests covered by an expunged or sealed record; reenacting s. 943.0585(4)(c), F.S., relating to court-ordered expunction of criminal history records, to incorporate the amendments made to s. 943.0585, F.S., in a reference thereto; reenacting s. 943.059(4)(c), F.S., relating to court-ordered sealing of criminal history records, to incorporate the amendments made to s. 943.059, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 634**, on motion by Senator Brandes, by two-thirds vote **CS for HB 635** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Appropriations.

On motion by Senator Brandes—

CS for HB 635—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; redefining the term “audit”; amending s. 744.3135, F.S.; revising provisions relating to the requirements for and court authority concerning requirements for specified guardians to submit to a credit history investigation and background screening; authorizing a nonprofessional guardian to petition the court for reimbursement for the costs of a credit history investigation and background screening; amending s. 744.368, F.S.; authorizing a clerk of the court to obtain and review records impacting guardianship assets and to issue subpoenas to nonparties upon application to the court; providing requirements for affidavits, notice, and subpoenas; providing for objection to a subpoena; amending s. 744.3685, F.S.; authorizing the court to require the production of records and documents by a guardian who fails to submit them during an audit; amending s. 744.474, F.S.; providing for the removal of a guardian for a bad faith failure to submit guardianship records during an audit; amending ss. 943.0585 and 943.059, F.S.; providing that a person seeking an appointment as guardian may not lawfully deny or fail to acknowledge the arrests covered by an expunged or sealed record; reenacting s. 943.0585(4)(c), F.S., relating to court-ordered expunction of criminal history records, to incorporate the amendments made to s. 943.0585, F.S., in a reference thereto; reenacting s. 943.059(4)(c), F.S., relating to court-ordered sealing of criminal history records, to incorporate the amendments made to s. 943.059, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 634** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 635** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 700** was deferred.

On motion by Senator Galvano—

SB 732—A bill to be entitled An act relating to the Stanley G. Tate Florida Prepaid College Program; amending s. 1009.98, F.S.; redefining

the term “tuition differential”; revising the purchase date of an advance payment contract as it relates to the amount paid by the Florida Prepaid College Board to a state university on behalf of a qualified beneficiary; prohibiting the amount of the aggregate sum of registration fees, the tuition differential fee, and local fees paid by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for the aggregate sum of those fees; prohibiting the amount of the dormitory fees paid for by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for those fees; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 732** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 780** was deferred.

On motion by Senator Bean—

CS for CS for SB 976—A bill to be entitled An act relating to home health care; amending s. 400.471, F.S.; exempting certain home health agencies from specified licensure application requirements; amending s. 400.506, F.S.; requiring a licensed nurse registry to ensure that each certified nursing assistant and home health aide referred by the registry present certain credentials; providing that registered nurses, licensed practical nurses, certified nursing assistants, companions or homemakers, and home health aides are independent contractors and not employees of the nurse registries that referred them; requiring a nurse registry to inform the patient, the patient’s family, or a person acting on behalf of the patient that the a referred caregiver is an independent contractor and that the nurse registry is not required to monitor, supervise, manage, or train a registered nurse, licensed practical nurse, certified nursing assistant, companion or homemaker, or home health aide referred by the nurse registry; providing the duties of the nurse registry for a violation of certain laws by an individual referred by the nurse registry; requiring that certain records be kept in accordance with rules set by the Agency for Health Care Administration; providing that a nurse registry does not have an obligation to review and act upon such records except under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 976** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

CS for CS for SB 700—A bill to be entitled An act relating to juvenile justice; amending ss. 985.01 and 985.02, F.S.; revising legislative purposes and intent; amending s. 985.03, F.S.; revising definitions; amending s. 985.0301, F.S.; clarifying jurisdictional age restrictions for children in the juvenile justice system; restricting when cases may be transferred to a different jurisdiction; amending s. 985.037, F.S.; providing for the placement of a child in a secure detention facility for contempt of court; providing due process to a child accused of direct contempt; revising the procedure for reviewing a child’s placement in secure detention for contempt of court; amending ss. 985.039, 985.045, and 985.101, F.S.; conforming provisions; repealing s. 985.105, F.S., relating to the creation, duties, and qualifications of the youth custody officers in the Department of Juvenile Justice; amending s. 985.11, F.S.; revising when fingerprints must be submitted to the Department of Law Enforcement; amending s. 985.14, F.S.; revising the intake process; amending s. 985.145, F.S.; substituting “Department of Juvenile Justice” for references to “juvenile probation officer”; creating s. 985.17, F.S.; providing legislative intent; requiring the department to provide specialized services to minimize the likelihood that youth will enter the juvenile justice system; providing for the department to promote the Invest in Children license plate to help fund prevention programs and services; providing for the department to monitor state-funded programs, grants, contracts, appropriations, and activities designed to prevent juvenile crime and report annually on these measures; limiting

expenditure of funds to those prevention services that are consistent with the law and maximize public accountability; amending s. 985.24, F.S.; revising factors to determine if the use of detention care is appropriate; authorizing the department to establish nonsecure, non-residential evening reporting centers; conforming provisions; amending s. 985.245, F.S.; conforming provisions; amending s. 985.25, F.S.; requiring a child to be held in secure detention under certain circumstances; clarifying procedures for releasing a child before the child's detention hearing; conforming provisions; amending s. 985.255, F.S.; providing that a child shall be given a detention hearing within 24 hours after being taken into custody; clarifying when a court may order continued detention care; revising specified factors for ordering continued detention care; clarifying when a child charged with domestic violence can be held in secure detention; revising written findings required to retain a child charged with domestic violence in secure detention; deleting obsolete provisions; amending s. 985.26, F.S.; conforming terminology; amending s. 985.265, F.S.; revising procedures for transferring a child to another detention status; providing new notification requirements for when a child is released or transferred from secure detention; revising the frequency of physical observation checks for children detained in jail facilities; amending s. 985.27, F.S.; requiring a child to be held in secure detention pending placement in a high-risk or maximum-risk residential program; conforming provisions; amending s. 985.275, F.S.; requiring the department to notify specified parties when a child absconds from a commitment program; requiring the department to make every reasonable effort to locate the absconded child; amending s. 985.433, F.S.; revising the content of a predisposition report; conforming terminology; amending s. 985.435, F.S.; authorizing a probation program to include an alternative consequence component that may be used to address noncompliance with the technical conditions of probation; requiring the department to identify a child's risk of reoffending if the child is being placed on probation or postcommitment probation; amending s. 985.439, F.S.; authorizing the department to establish alternative sanctions for violations of probation or postcommitment probation; conforming terminology; amending s. 985.441, F.S.; providing that a child on probation for certain offenses may not be committed for a probation violation that is technical in nature; conforming terminology; amending s. 985.46, F.S.; revising the definition of the term "conditional release"; revising terminology; amending s. 985.461, F.S.; expanding the opportunity for transition-to-adulthood services to all children; revising provisions that the department may use to support participation in transition-to-adulthood services; conforming terminology; amending ss. 985.481 and 985.4815, F.S.; deleting obsolete provisions; amending s. 985.514, F.S.; conforming provisions; amending s. 985.601, F.S.; requiring the department's programs to include trauma-informed care, family engagement resources and programs, and gender-specific programming; authorizing the department to pay the expenses of programs and activities that address the needs and well-being of children in its care or under its supervision; conforming terminology; repealing ss. 985.605, 985.606, and 985.61, F.S., relating to prevention services programs and providers and early delinquency intervention programs; amending s. 985.632, F.S.; providing for the establishment of a performance accountability system for contract providers; revising definitions; providing for the development of a Comprehensive Accountability Report; requiring the department to prepare and submit the report annually to the Governor and Legislature; specifying content that must be included in the report; revising provisions relating to the cost-effectiveness model and quality improvement; amending s. 985.644, F.S.; clarifying an exemption for specified certified law enforcement, correctional, and correctional probation officers relating to a requirement to submit to level 2 background screenings; creating s. 985.6441, F.S.; providing definitions; limiting the amount that the department may pay a hospital or health care provider for health care services based on a percentage of the Medicare allowable rate; providing applicability; amending s. 985.66, F.S.; revising specified juvenile justice staff development and training procedures; expanding application of training requirements to contract providers who care for children in the department's custody; amending s. 985.664, F.S.; deleting obsolete provisions relating to the initial selection of the juvenile justice circuit advisory board chairs; revising procedures for appointing juvenile justice circuit advisory board chairs; providing that chairs serve at the pleasure of the secretary; amending s. 985.672, F.S.; clarifying language concerning expenditures of the direct-support organization's funds; authorizing the direct-support organization to use department personnel services; defining the term "personnel services"; amending s. 985.682, F.S.; deleting obsolete provisions regarding a comprehensive study relating to the siting of facilities; amending s. 985.69, F.S.; providing for the use of specified funds for repair and

maintenance; repealing s. 985.694, F.S., relating to the Juvenile Care and Maintenance Trust Fund; amending s. 985.701, F.S.; defining the term "juvenile offender" for purposes of prohibiting sexual misconduct with juvenile offenders; creating s. 985.702, F.S.; providing an effective date; providing definitions; providing for the imposition of criminal penalties against specified employees who inflict neglect upon juvenile offenders; providing enhanced penalties for such treatment that results in great bodily harm, permanent disability, or permanent disfigurement to a juvenile offender; specifying that such conduct constitutes sufficient cause for an employee's dismissal from employment; prohibiting such employee from future employment with the juvenile justice system; providing incident reporting requirements; prohibiting an employee who witnesses such an incident from knowingly or willfully failing to report such incident; prohibiting false reporting, preventing another from reporting, or coercing another to alter testimony or reports; providing criminal penalties; amending s. 985.721, F.S.; correcting a cross-reference; amending s. 943.0582, F.S.; clarifying that minors are not eligible for expunction if they have been charged by a state attorney for other crimes; repealing s. 945.75, F.S., relating to tours of state correctional facilities for juveniles; amending ss. 121.0515, 316.635, and 318.143, F.S.; conforming provisions and correcting cross-references; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 700** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Thrasher, the Senate recessed at 12:58 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Richter at 1:30 p.m. A quorum present—34:

| | | |
|---------------------|----------|----------|
| Abruzzo | Gardiner | Ring |
| Altman | Gibson | Sachs |
| Bean | Grimsley | Simmons |
| Benacquist | Hays | Simpson |
| Bradley | Hukill | Smith |
| Brandes | Joyner | Sobel |
| Braynon | Latvala | Soto |
| Bullard | Lee | Stargel |
| Clemens | Legg | Thompson |
| Dean | Margolis | Thrasher |
| Diaz de la Portilla | Montford | |
| Evers | Richter | |

SPECIAL ORDER CALENDAR

On motion by Senator Bean—

HB 7145—A bill to be entitled An act relating to ratification of rules of the Department of Health; ratifying specified rules requiring certain trauma centers to maintain participation in a specified trauma quality improvement program, 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.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 7145** was placed on the calendar of Bills on Third Reading.

On motion by Senator Evers—

HB 7163—A bill to be entitled An act relating to ratification of rules of the Department of Juvenile Justice; ratifying specified rules relating to the provision of health services to youth in facilities or programs, 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.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 7163** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 926** was deferred.

On motion by Senator Hays—

SB 386—A bill to be entitled An act relating to the application of foreign law in certain cases; creating s. 45.022, F.S.; providing legislative intent; defining the term “foreign law, legal code, or system”; providing for applicability; specifying the public policy of this state on the application of a foreign law, legal code, or system in proceedings brought under or relating to chapter 61 or chapter 88, F.S., which relate to dissolution of marriage, support, time-sharing, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Interstate Family Support Act; providing that certain decisions rendered under such laws, codes, or systems are void; providing that certain contracts and contract provisions are void; providing for the construction of a waiver by a natural person of the person’s fundamental liberties, rights, and privileges guaranteed by the State Constitution or the United States Constitution; providing that claims of forum non conveniens or related claims must be denied under certain circumstances; providing that the act may not be construed to require or authorize any court to adjudicate, or prohibit any religious organization from adjudicating, ecclesiastical matters in violation of specified constitutional provisions or to conflict with any federal treaty or other international agreement to which the United States is a party to a specified extent; providing for severability; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Senator Simmons moved the following amendment:

Amendment 1 (759664) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 61.040, Florida Statutes, is created to read:

61.040 Application of the law of a foreign country in courts relating to matters arising out of or relating to chapters 61 and 88.—

(1) As used in this section, the term “strong public policy” means public policy of sufficient importance to outweigh the policy of protecting freedom of contract.

(2) A court may not enforce:

(a) A choice of law provision in a contract selecting the law of a foreign country which contravenes strong public policy of this state or that is unjust or unreasonable.

(b) A forum selection clause in a contract that selects a forum in a foreign country if the clause is shown to be unreasonable or unjust or if strong public policy would prohibit the enforceability of the clause under the specific facts of the case.

(3) Before enforcing a judgment or order of a court of a foreign country, a court must review the judgment or order to ensure that it complies with the rule of comity. A judgment or order of a court of a foreign country is not entitled to comity if the parties were not given adequate notice and the opportunity to be heard, the foreign court did not have original jurisdiction, or the judgment or order of the foreign court offends the public policy of this state.

(4) A contract that seeks to apply the law of a foreign country is void as against the public policy of this state if it is injurious to the interest of the public or contravenes some established interest in society.

(5) A trial court may not dismiss an action on the grounds that a satisfactory remedy may be more conveniently sought in a foreign country unless the trial court finds in accordance with the applicable rules of civil procedure and this section, that an adequate alternate forum exists.

(6) This section applies only to matters governed by or relating to chapter 61 or chapter 88.

Section 2. This act shall take effect on October 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 the application of foreign law in courts; creating s. 61.040, F.S.; defining the term “strong public policy”; prohibiting a court from enforcing certain choice of law or forum selection contractual provisions; requiring a court to review judgments and orders of foreign courts for comity before enforcing such orders or judgments; specifying judgments and orders of foreign courts that are not entitled to comity; providing that certain contracts are void as against the public policy of this state; prohibiting a trial court from dismissing an action on the grounds that a satisfactory remedy may be more conveniently sought in a foreign country; providing an exception; providing applicability; providing an effective date.

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 to **Amendment 1 (759664)** which was adopted:

Amendment 1A (775456)—Delete lines 27-29 and insert: *opportunity to be heard, the foreign court did not have jurisdiction, or the judgment or order of the foreign court offends the public policy of this state. As used in this subsection, a “foreign court” or “court of a foreign country” includes any court or tribunal that has jurisdiction under the laws of that nation over the subject of matters governed by chapter 61 or chapter 88.*

Amendment 1 (759664) as amended was adopted.

Pursuant to Rule 4.19, **SB 386** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

BILLS ON THIRD READING

CS for HB 375—A bill to be entitled An act relating to insurance; amending s. 624.425, F.S.; providing that the absence of a counter-signature does not affect the validity of a policy or contract; amending s. 627.94072, F.S.; authorizing the offer of a nonforfeiture benefit in the form of a return of premium under specified circumstances; providing an effective date.

—as amended April 24 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Smith, the Senate reconsidered the vote by which engrossed **Amendment 1 (153228)** was adopted.

Senator Smith moved the following amendment:

Amendment 1 (153228) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (b) and (c) of subsection (9) of section 440.49, Florida Statutes, are amended to read:

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

(9) SPECIAL DISABILITY TRUST FUND.—

(b) ~~The~~ The Special Disability Trust Fund shall be maintained by annual assessments upon ~~the~~ insurance companies writing compensation insurance in ~~this~~ the state, ~~the~~ commercial self-insurers under ss. 624.462 and 624.4621, ~~the~~ assessable mutuals as defined in s. 628.6011, and ~~the~~ self-insurers under this chapter, which assessments shall be-

come due and *must* be paid quarterly at the same time and in addition to the assessments provided ~~under~~ *in* s. 440.51.

1. Pursuant to this paragraph, the department shall ~~estimate~~ annually ~~estimate~~ in advance the amount necessary for the administration of this subsection and the maintenance of ~~the~~ this fund ~~and shall make such assessment in the manner hereinafter provided.~~ By July 1 of each year, the department shall calculate the assessment rate, which must be based on the net premiums written by carriers and self-insurers, the amount of premiums calculated by the department for self-insured employers, the sum of the anticipated disbursements and expenses of the fund for the next calendar year, and the expected fund balance for the next calendar year. Such assessment rate shall take effect January 1 of the next calendar year. Such amount shall be prorated among insurance companies writing workers' compensation insurance in the state, self-insurers, and self-insured employers.

2. A reimbursement request that has been approved but remains unpaid as of June 30, 2014, must be paid by October 31, 2014. ~~The annual assessment shall be calculated to produce during the next calendar year an amount which, when combined with that part of the balance anticipated to be in the fund on December 31 of the current calendar year which is in excess of \$100,000, is equal to the average of:~~

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

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

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

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers.

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

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

(c) Notwithstanding the ~~Special Disability Trust~~ fund assessment rate calculated pursuant to ~~paragraph (b) this section,~~ the rate assessed may ~~shall~~ not exceed 2.5 ~~4-52~~ percent.

Section 2. Subsection (1) of section 624.425, Florida Statutes, is amended to read:

624.425 Agent countersignature required, property, casualty, surety insurance.—

(1) Except as stated in s. 624.426, no authorized property, casualty, or surety insurer shall assume direct liability as to a subject of insurance resident, located, or to be performed in this state unless the policy or contract of insurance is issued by or through, and is countersigned by, an agent who is regularly commissioned and licensed currently as an agent and appointed as an agent for the insurer under this code. *However, the absence of a countersignature does not affect the validity of the policy or contract.* If two or more authorized insurers issue a single policy of insurance against legal liability for loss or damage to person or property caused by ~~a~~ the nuclear energy hazard, or a single policy insuring

against loss or damage to property by radioactive contamination, whether or not also insuring against one or more other perils *that may be insured proper to insure* against in this state, such policy if otherwise lawful may be countersigned on behalf of all of the insurers by a licensed and appointed agent of ~~the~~ any insurer appearing thereon. The producing agent shall receive on each policy or contract the full and usual commission allowed and paid by the insurer to its agents on business written or transacted by them for the insurer.

Section 3. Subsection (2) of section 627.902, Florida Statutes, is amended to read:

627.902 Premium financing by an insurer or subsidiary.—

(2) ~~Nothing in~~ This part or ~~in~~ part XV of this chapter does not disallow ~~disallows~~ or otherwise apply ~~applies~~ to:

(a) *Installment payment arrangements offered by an insurer if such arrangements do not involve the advancement of funds which would constitute financing and do not exceed the service charges provided under s. 627.901; or*

(b) A discount for an ~~any~~ insured who pays the entire premium for the entire policy term at the inception of the term if the discount is found to be actuarially justified by the office and approved by the office pursuant to ~~the provisions of part 1 of this chapter.~~ Such actuarially justified and approved discount ~~may~~ shall not be deemed a component of or related to premium financing.

Section 4. Subsection (2) of section 627.94072, Florida Statutes, is amended to read:

627.94072 Mandatory offers.—

(2) An insurer that offers a long-term care insurance policy, certificate, or rider in this state ~~shall~~ must offer a nonforfeiture protection provision providing reduced paid-up insurance, extended term, shortened benefit period, or ~~any~~ other ~~benefit~~ benefits approved by the office if all or part of a premium is not paid. *A nonforfeiture provision may also be offered in the form of a return of premium on the death of the insured, or on the complete surrender or cancellation of the policy or contract.* Nonforfeiture benefits and any additional premium for such benefits must be computed in an actuarially sound manner, using a methodology that has been filed with and approved by the office.

Section 5. Section 629.271, Florida Statutes, is amended to read:

629.271 Distribution of savings.—

(1) A reciprocal insurer may ~~from time to time~~ return to its subscribers any unused premiums, savings, or credits accruing to their accounts. ~~Any~~ Such distribution may ~~shall~~ not unfairly discriminate between classes of risks, or policies, or between subscribers, but ~~such distribution~~ may vary as to classes of subscribers based ~~on~~ upon the experience of such classes.

(2) *In addition to the option provided in subsection (1), a domestic reciprocal insurer may, upon the prior written approval of the office, pay to its subscribers a portion of unassigned funds of up to 10 percent of surplus with distribution limited to 50 percent of net income from the previous calendar year. Such distribution may not unfairly discriminate between classes of risks, or policies, or between subscribers, but may vary as to classes of subscribers based on the experience of such classes.*

Section 6. Subsections (2) through (9) of section 631.54, Florida Statutes, are renumbered as subsections (3) through (10), respectively, and a new subsection (2) is added to that section to read:

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

(2) *"Assessment year" means the 12-month period, which may begin on the first day of any calendar quarter, whether January 1, April 1, July 1, or October 1, as specified in an order issued by the office directing insurers to pay an assessment to the association. Upon entry of the order, insurers may begin collecting assessments from policyholders for the assessment year.*

Section 7. Subsections (3) and (4) of section 631.57, Florida Statutes, are amended to read:

631.57 Powers and duties of the association.—

(3)(a) To the extent necessary to secure the funds for the respective accounts for the payment of covered claims, to pay the reasonable costs to administer such accounts the same, and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(b) or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy assessments *initially estimated* in the proportion that each insurer's net direct written premiums in this state in the classes protected by the account bears to the total of said net direct written premiums received in this state by all such insurers for the preceding calendar year for the kinds of insurance included within such account. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan and paragraph (f). Each insurer so assessed shall have at least 30 days' written notice as to the date the *initial* assessment payment is due and payable. Every assessment shall be made as a uniform percentage applicable to the net direct written premiums of each insurer in the kinds of insurance included within the account in which the assessment is made. The assessments levied against any insurer may ~~shall~~ not exceed in any one year more than 2 percent of that insurer's net direct written premiums in this state for the kinds of insurance included within such account during the calendar year next preceding the date of such assessments.

(b) If sufficient funds from such assessments, together with funds previously raised, are not available in any one year in the respective account to make all the payments or reimbursements then owing to insurers, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available.

(c) The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by the office, including assessments levied pursuant to paragraph (a) and emergency assessments levied pursuant to paragraph (e), constitute advances of funds from the insurer to the association. An insurer may fully recoup such advances by applying the uniform assessment percentage levied by the office to all a separate recoupment factor to the premium of policies of the same kind or line as were considered by the office in determining the assessment liability of the insurer or insurer group as set forth in paragraph (f).

1. Assessments levied under subparagraph (f)1. are paid before policy surcharges are collected and result in a receivable for policy surcharges collected in the future. This amount, to the extent it is likely that it will be realized, meets the definition of an admissible asset as specified in the National Association of Insurance Commissioners' Statement of Statutory Accounting Principles No. 4. The asset shall be established and recorded separately from the liability regardless of whether it is based on a retrospective or prospective premium-based assessment. If an insurer is unable to fully recoup the amount of the assessment because of a reduction in writings or withdrawal from the market, the amount recorded as an asset shall be reduced to the amount reasonably expected to be recouped.

2. Assessments levied under subparagraph (f)2. are paid after policy surcharges are collected so that the recognition of assets is based on actual premium written offset by the obligation to the association.

(d) No State funds may not of any kind shall be allocated or paid to the said association or any of its accounts.

(e)1.a. In addition to assessments otherwise authorized in paragraph (a), and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(b) for the direct payment of covered claims of insurers rendered insolvent by the effects of a hurricane and to pay the reasonable costs to administer such claims, or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy emergency assessments upon insurers holding a certificate of authority. The emergency assessments payable under this paragraph by any insurer may ~~shall~~ not exceed in any single year more

than 2 percent of that insurer's direct written premiums, net of refunds, in this state during the preceding calendar year for the kinds of insurance within the account specified in s. 631.55(2)(b).

2.b. Any Emergency assessments authorized under this paragraph shall be levied by the office upon insurers referred to in subparagraph 1. sub-subparagraph a., upon certification as to the need for such assessments by the board of directors. ~~If In the event~~ the board of directors participates in the issuance of bonds in accordance with s. 631.695, emergency assessments shall be levied in each year that bonds issued under s. 631.695 and secured by such emergency assessments are outstanding, in such amounts up to such 2 percent 2-percent limit as required in order to provide for the full and timely payment of the principal of, redemption premium, if any, and interest on, and related costs of issuance of, such bonds. The emergency assessments provided for in this paragraph are assigned and pledged to the municipality, county, or legal entity issuing bonds under s. 631.695 for the benefit of the holders of such bonds; in order to enable such municipality, county, or legal entity to provide for the payment of the principal of, redemption premium, if any, and interest on such bonds, the cost of issuance of such bonds, and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, without the necessity of any further action by the association, the office, or any other party. ~~If To the extent~~ bonds are issued under s. 631.695 and the association determines to secure such bonds by a pledge of revenues received from the emergency assessments, such bonds, upon such pledge of revenues, shall be secured by and payable from the proceeds of such emergency assessments, and the proceeds of emergency assessments levied under this paragraph shall be remitted directly to and administered by the trustee or custodian appointed for such bonds.

3.e. Emergency assessments used to defease bonds issued under this part paragraph may be payable in a single payment or, at the option of the association, may be payable in 12 monthly installments with the first installment being due and payable at the end of the month after an emergency assessment is levied and subsequent installments being due by not later than the end of each succeeding month.

4.d. If emergency assessments are imposed, the report required by s. 631.695(7) must ~~shall~~ include an analysis of the revenues generated from the emergency assessments imposed under this paragraph.

5.e. If emergency assessments are imposed, the references in subparagraph (1)(a)3.b. and s. 631.695(2) and (7) to assessments levied under paragraph (a) must ~~shall~~ include emergency assessments imposed under this paragraph.

6.2. If the board of directors participates in the issuance of bonds in accordance with s. 631.695, an annual assessment under this paragraph shall continue while the bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund bonds issued pursuant to s. 631.695, unless adequate provision has been made for the payment of the bonds in the documents authorizing the issuance of such bonds.

7.3. Emergency assessments under this paragraph are not premium and are not subject to the premium tax, to any fees, or to any commissions. An insurer is liable for all emergency assessments that the insurer collects and shall treat the failure of an insured to pay an emergency assessment as a failure to pay the premium. An insurer is not liable for uncollectible emergency assessments.

(f) The recoupment factor applied to policies in accordance with paragraph (e) shall be selected by the insurer or insurer group so as to provide for the probable recoupment of both assessments levied pursuant to paragraph (a) and emergency assessments over a period of 12 months, unless the insurer or insurer group, at its option, elects to recoup the assessment over a longer period. The recoupment factor shall apply to all policies of the same kind or line as were considered by the office in determining the assessment liability of the insurer or insurer group issued or renewed during a 12 month period. If the insurer or insurer group does not collect the full amount of the assessment during one 12 month period, the insurer or insurer group may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12 month periods. If, at the end of a 12 month period, the insurer or insurer group has collected from the combined kinds or lines of policies subject to assessment more than the total amount of the

assessment paid by the insurer or insurer group, the excess amount shall be disbursed as follows:

1. The association, office, and insurers remitting assessments pursuant to paragraph (a) or paragraph (e) must comply with the following:

a. In the order levying an assessment, the office shall specify the actual percentage amount to be collected uniformly from all the policyholders of insurers subject to the assessment and the date on which the assessment year begins, which may not begin until 90 days after the association board certifies such an assessment.

b. Insurers shall make an initial payment to the association before the beginning of the assessment year on or before the date specified in the order of the office.

c. Insurers that have written insurance in the calendar year before the year in which the assessment is certified by the board shall make an initial payment based on the net direct written premium amount from the prior calendar year as set forth in the insurers' annual statements, multiplied by the uniform percentage of premium specified in the order issued by the office. Insurers that have not written insurance in the prior calendar year in any of the lines under the account which are being assessed, but that are writing insurance as of, or after, the date the board certifies the assessment to the office, shall pay an amount based on a good faith estimate of the amount of net direct written premium anticipated to be written in the subject lines of business for the assessment year, multiplied by the uniform percentage of premium specified in the order issued by the office.

d. Insurers shall file a reconciliation report with the association within 45 days after the end of the assessment year which indicates the amount of the initial payment to the association before the assessment year, whether such amount was based on net direct written premium contained in a prior calendar year annual statement or a good faith projection, the amount actually collected during the assessment year, and such other information contained on a form adopted by the association and provided to the insurers in advance. If the insurer collected from policyholders more than the amount initially paid, the insurer shall pay the excess amount to the association. If the insurer collected from policyholders an amount which is less than the amount initially paid to the association, the association shall credit the insurer that amount against future assessments. Such payment reconciliation report, and any payment of excess amounts collected from policyholders, shall be completed and remitted to the association within 90 days after the end of the assessment year. The association shall send a final reconciliation report on all insurers to the office within 120 days after each assessment year.

e. Insurers remitting reconciliation reports to the association under this paragraph are subject to s. 626.9541(1)(e). ~~If the excess amount does not exceed 15 percent of the total assessment paid by the insurer or insurer group, the excess amount shall be remitted to the association within 60 days after the end of the 12-month period in which the excess recoupment charges were collected.~~

2. The association may use a monthly installment method instead of the method described in sub-subparagraphs 1.b. and c. or in combination thereof based on the association's projected cash flow. If the association projects that it has cash on hand for the payment of anticipated claims in the applicable account for at least 6 months, the board may make an estimate of the assessment needed and may recommend to the office the assessment percentage that may be collected as a monthly assessment. The office may, in the order levying the assessment on insurers, specify that the assessment is due and payable monthly as the funds are collected from insureds throughout the assessment year, in which case the assessment shall be a uniform percentage of premium collected during the assessment year and shall be collected from all policyholders with policies in the classes protected by the account. All insurers shall collect the assessment without regard to whether the insurers reported premium in the year preceding the assessment. Insurers are not required to advance funds if the association and the office elect to use the monthly installment option. All funds collected shall be retained by the association for the payment of current or future claims. This subparagraph does not alter the obligation of an insurer to remit assessments levied pursuant to this subsection to the association. ~~If the excess amount exceeds 15 percent of the total assessment paid by the insurer or insurer group, the excess amount shall be returned to the insurer's or insurer group's current policyholders by~~

refunds or premium credits. The association shall use any remitted excess recoupment amounts to reduce future assessments.

(g) Amounts recouped pursuant to this subsection for assessments levied under paragraph (a) due to insolvencies on or after July 1, 2010, are considered premium solely for premium tax purposes and are not subject to fees or commissions. However, insurers shall treat the failure of an insured to pay a recoupment charge as a failure to pay the premium.

~~(h) At least 15 days before applying the recoupment factor to any policies, the insurer or insurer group shall file with the office a statement for informational purposes only setting forth the amount of the recoupment factor and an explanation of how the recoupment factor will be applied. Such statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the recoupment factor. The insurer or insurer group may use the recoupment factor at any time after the expiration of the 15-day period. The insurer or insurer group need submit only one informational statement for all lines of business using the same recoupment factor.~~

~~(i) No later than 90 days after the insurer or insurer group has completed the recoupment process, the insurer or insurer group shall file with the office, for information purposes only, a final accounting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year. The insurer or insurer group need submit only one report for all lines of business using the same recoupment factor.~~

~~(h) Assessments levied under this subsection are levied upon insurers. This subsection does not create a cause of action by a policyholder with respect to the levying of, or a policyholder's duty to pay, such assessments.~~

(4) The office ~~department~~ may exempt or temporarily defer any insurer from any regular or emergency assessment if the office finds that the insurer is impaired or insolvent or if an assessment would result in such insurer's financial statement reflecting an amount of capital or surplus less than the sum of the minimum amount required by any jurisdiction in which the insurer is authorized to transact insurance.

Section 8. Section 631.64, Florida Statutes, is amended to read:

631.64 Recognition of assessments ~~in rates.~~—Charges or recoupments shall be separately displayed on premium statements to enable policyholders to determine the amount charged for association assessments but may not be included in rates filed and approved by the office. The rates and premiums charged for insurance policies to which this part applies may include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association, and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

Section 9. Subsection (5) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(5) Any person having a claim against an insolvent insurer as defined in s. 631.54(6) under the provisions of this section shall present such claim for payment to the Florida Insurance Guaranty Association only. In the event of a payment to a ~~any~~ person in settlement of a claim arising under the provisions of this section, the association is not subrogated or entitled to ~~any~~ recovery against the claimant's insurer. The association, however, has the rights of recovery as set forth in chapter 631 in the proceeds recoverable from the assets of the insolvent insurer.

Section 10. Subsection (1) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(1) There is created a nonprofit corporation to be known as the "Florida Insurance Guaranty Association, Incorporated." All insurers defined as member insurers in s. 631.54(7) shall be members of the association as a condition of their authority to transact insurance in this

state, and, further, as a condition of such authority, an insurer *must* ~~shall~~ agree to reimburse the association for all claim payments the association makes on ~~the said~~ insurer's behalf if such insurer is subsequently rehabilitated. The association shall perform its functions under a plan of operation established and approved under s. 631.58 and shall exercise its powers through a board of directors established under s. 631.56. The corporation shall have all those powers granted or permitted nonprofit corporations, as provided in chapter 617.

Section 11. This act shall take effect July 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 insurance; amending s. 440.49, F.S.; revising the methodology for calculating the assessment rate against specified insurers for funding the Special Disability Trust Fund; reducing the upper limit on the rate; amending s. 624.425, F.S.; providing that the absence of a countersignature does not affect the validity of a policy or contract; amending s. 627.902, F.S.; providing that premium financing does not apply to installment payment arrangements that do not involve the advancement of funds; amending s. 627.94072, F.S.; providing an alternative form of a nonforfeiture provision for long-term care insurance; amending s. 629.271, F.S.; authorizing reciprocal insurers to return a portion of unassigned funds to their subscribers; amending s. 631.54, F.S.; defining the term "assessment year"; amending s. 631.57, F.S.; revising provisions relating to the levy of assessments on insurers by the Florida Insurance Guaranty Association; specifying the conditions under which such assessments are paid; revising procedures and timeframes for the levying of the assessments; deleting the requirement that insurers file a final accounting report documenting the recoupment; revising an exemption for assessments; amending s. 631.64, F.S.; requiring charges or recoupments to be displayed separately on premium statements to policyholders and prohibiting their inclusion in rates; amending ss. 627.727 and 631.55, F.S.; conforming cross-references; providing an effective date.

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

Senator Smith moved the following amendment to **Amendment 1 (153228)** which was adopted by two-thirds vote:

Amendment 1A (675498) (with title amendment)—Between lines 4 and 5 insert:

Section 1. Section 400.996, Florida Statutes, is created to read:

400.996 Enforcement contracts.—The agency may contract with counties to enforce the Health Care Clinic Act and rules adopted thereunder for clinics that are required to be licensed under this part and that receive reimbursement for services under the Florida Motor Vehicle No-Fault Law. A contracting county must directly enforce the state law and not through enforcement of applicable locally adopted ordinances. A contracting county shall report alleged violations of the act or part II of chapter 408 to the agency with supporting documentation. The agency shall review the allegations and documentation and determine whether such violations have occurred for the purposes of s. 400.995 and chapter 120. The agency shall provide the county with the results of its initial review and its intended action within 10 business days after receiving the report. Thereafter, the agency shall provide notice to the county of any agency action regarding the alleged violations within 5 business days after such action.

And the title is amended as follows:

Delete line 510 and insert: An act relating to insurance; creating s. 400.996, F.S.; authorizing the Agency for Health Care Administration to contract with counties to directly enforce the Health Care Clinic Act; requiring alleged violations of the act to be reported to the agency for review; requiring the agency to report the results of its review and any actions to the county within a specified time; amending s. 440.49,

Amendment 1 (153228) as amended was adopted by two-thirds vote.

On motions by Senator Smith, **CS for HB 375** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Mr. President, Hukill

Vote preference:

April 28, 2014: Yea—Galvano

SPECIAL ORDER CALENDAR

CS for SB 780—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding to the list of Schedule I controlled substances specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances, or any of their salts, isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation; reenacting and amending s. 893.13(1)-(6), F.S., relating to prohibited acts and penalties involving controlled substances, to incorporate the amendment made to s. 893.03, F.S., in a reference thereto; providing reduced penalties for possession of 3 grams or less of specified controlled substances; amending s. 893.135, F.S.; providing that a person who knowingly sells, purchases, manufactures, delivers, or brings into this state specified quantities of 3,4-Methylenedioxyamphetamine, 3,4-Methylenedioxypropylamphetamine (MDPPV), or Methylmethcathinone, or who is knowingly in actual or constructive possession of specified quantities of 3,4-Methylenedioxyamphetamine, 3,4-Methylenedioxypropylamphetamine (MDPPV), or Methylmethcathinone, commits the offense of trafficking in Phenethylamines, a felony of the first degree; providing that a person who knowingly sells, purchases, manufactures, delivers, or brings into this state specified quantities of 3,4-Methylenedioxyamphetamine, 3,4-Methylenedioxypropylamphetamine (MDPPV), or Methylmethcathinone, or who is knowingly in actual or constructive possession of specified quantities of 3,4-Methylenedioxyamphetamine, 3,4-Methylenedioxypropylamphetamine (MDPPV), or Methylmethcathinone, commits the offense of capital manufacture or importation of Phenethylamines, a capital felony; providing criminal penalties; reenacting s. 921.0022(3)(b), (c), (e), and (g)-(i), F.S., relating to the Criminal Punishment Code, to incorporate the amendment made to ss. 893.03 and 893.135, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 780**, on motion by Senator Bradley, by two-thirds vote **CS for HB 697** was withdrawn from the Committees on Criminal Justice; and Appropriations.

On motion by Senator Bradley—

CS for HB 697—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding to the list of Schedule I controlled substances specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances, or any of their salts, isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation; reenacting and amending s. 893.13(1)-(6), F.S., relating to prohibited acts and penalties involving controlled substances, to incorporate the amendment made to s. 893.03, F.S., in a reference thereto; providing reduced penalties for possession of 3 grams or less of specified controlled substances; amending s. 893.135, F.S.; providing that a person

who knowingly sells, purchases, manufactures, delivers, or brings into this state specified quantities of 3,4-Methylenedioxyamphetaminone, 3,4-Methylenedioxypropylamphetamine, or Methylmethcathinone, or who is knowingly in actual or constructive possession of specified quantities of 3,4-Methylenedioxyamphetaminone, 3,4-Methylenedioxypropylamphetamine, or Methylmethcathinone, commits the offense of trafficking in Phenethylamines, a felony of the first degree; providing that a person who knowingly sells, purchases, manufactures, delivers, or brings into this state specified quantities of 3,4-Methylenedioxyamphetaminone, 3,4-Methylenedioxypropylamphetamine, or Methylmethcathinone, or who is knowingly in actual or constructive possession of specified quantities of 3,4-Methylenedioxyamphetaminone, 3,4-Methylenedioxypropylamphetamine, or Methylmethcathinone, commits the offense of capital manufacture or importation of Phenethylamines, a capital felony; providing criminal penalties; reenacting s. 921.0022(3)(b), (c), (e), and (g)-(i), F.S., relating to the Criminal Punishment Code, to incorporate the amendment made to ss. 893.03 and 893.135, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 780** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 697** was placed on the calendar of Bills on Third Reading.

BILLS ON THIRD READING

CS for SB 828—A bill to be entitled An act relating to the court system; repealing s. 25.151, F.S., relating to a prohibition on the practice of law by a retired justice of the Supreme Court; repealing ss. 25.191 and 25.231, F.S., relating to the appointment and duties of a Clerk of the Supreme Court; amending s. 25.241, F.S.; deleting a requirement regarding the salary of the Clerk of the Supreme Court, to conform; repealing s. 25.281, F.S., relating to compensation of the Marshal of the Supreme Court; repealing s. 25.351, F.S., relating to the acquisition of books by the Supreme Court; repealing s. 26.01, F.S., relating to the number of judicial circuits; amending s. 26.021, F.S.; specifying the number of judicial circuits; repealing certain residency requirements for circuit judges; repealing s. 26.51, F.S., relating to payment of the salaries of circuit judges; amending s. 26.55, F.S.; excluding retired judges practicing law from the Conference of Circuit Judges of Florida; removing a requirement that circuit court judges attend and participate in such conference; requiring that the conference operate according to the Rules of Judicial Administration; revising requirements for such conferences; repealing s. 27.55, F.S., relating to compensation and certain expenditures of public defenders; creating s. 29.23, F.S.; providing for certain judicial branch salaries; repealing ss. 35.12, 35.13, 35.19, and 35.21, F.S., relating to the chief judge, quorum, compensation of judges, and clerk, respectively, of the district courts of appeal; amending s. 35.22, F.S.; deleting a requirement for the appointment and salary of a clerk for each district court of appeal; repealing ss. 35.25 and 35.27, F.S., relating to duties of the clerk and compensation of the marshal, respectively, of the district courts of appeal; repealing s. 38.13, F.S., relating to replacement of disqualified judges of the district courts of appeal; amending s. 43.20, F.S.; revising the number of members of the Judicial Qualifications Commission to conform to requirements of the State Constitution; repealing s. 57.101, F.S., relating to the charging of costs against the losing party for certain copies of records in the Supreme Court; repealing s. 92.15, F.S., relating to an evidentiary rule regarding evidence of title to land passing from the United States; providing an effective date.

—as amended April 24 was read the third time by title.

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

Senator Bradley moved the following amendment:

Amendment 1 (254464) (with title amendment)—Between lines 244 and 245 insert:

Section 17. Subsections (1) and (5), paragraph (b) of subsection (6), and subsection (9) of section 56.29, Florida Statutes, are amended to read:

56.29 Proceedings supplementary.—

(1) When any person or entity holds an unsatisfied judgment or judgment lien obtained under chapter 55, the judgment holder or judgment lienholder may file a *motion and an affidavit* so stating, identifying, if applicable, the issuing court, the case number, and the unsatisfied amount of the judgment or judgment lien, including accrued costs and interest, and stating that the execution is valid and outstanding, and thereupon the judgment holder or judgment lienholder is entitled to these proceedings supplementary to execution.

(5) The ~~court judge~~ may order any property of the judgment debtor, not exempt from execution, in the hands of any person, or *any property, debt, or other obligation* due to the judgment debtor, to be applied toward the satisfaction of the judgment debt. *The court may entertain claims concerning the judgment debtor's assets brought under chapter 726 and enter any order or judgment, including a money judgment against any initial or subsequent transferee, in connection therewith, irrespective of whether the transferee has retained the property. Claims under chapter 726 are subject to the provisions of chapter 726 and applicable rules of civil procedure.*

(6)

(b) When any gift, transfer, assignment or other conveyance of personal property has been made or contrived by ~~the judgment debtor defendant~~ to delay, hinder or defraud creditors, the court shall order the gift, transfer, assignment or other conveyance to be void and direct the sheriff to take the property to satisfy the execution. This does not authorize seizure of property exempted from levy and sale under execution or property which has passed to a bona fide purchaser for value and without notice. Any person aggrieved by the levy may proceed under ss. 56.16-56.20.

(9) The court may enter any orders, *judgments, or writs* required to carry out the purpose of this section, *including those orders necessary or proper* to subject property or property rights of any ~~judgment debtor defendant~~ to execution, *and including entry of money judgments against any impleaded defendant irrespective of whether such defendant has retained the property, subject to ss. 56.18 and 56.19 and applicable principles of equity, and in accordance with chapters 76 and 77 and applicable rules of civil procedure.*

Section 18. *The amendments made by this act to s. 56.29, Florida Statutes, are remedial in nature, are intended to clarify existing law, and shall be applied retroactively to the full extent permitted by law.*

Section 19. Paragraph (a) of subsection (7) of section 726.109, Florida Statutes, is amended to read:

726.109 Defenses, liability, and protection of transferee.—

(7)(a) The transfer of a charitable contribution that is received in good faith by a qualified religious or charitable entity or organization is not a fraudulent transfer under s. 726.105(1)(b) or s. 726.106(1).

And the title is amended as follows:

Delete line 41 and insert: of the State Constitution; amending s. 56.29, F.S.; authorizing the court to order any property, debt, or other obligation due the judgment debtor to be applied toward the satisfaction of the judgment debt; authorizing the court to entertain specified claims concerning the judgment debtor's assets and enter any order or judgment, including a money judgment; authorizing the court to enter a money judgment against an impleaded defendant under certain circumstances; providing applicability of specified laws and procedures; providing for retroactivity; amending s. 726.109, F.S.; providing that certain transfers of charitable contributions to charitable or religious organizations are exempt from s. 726.106(1), F.S.; repealing s. 57.101, F.S.,

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

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

Amendment 2 (787398) (with title amendment)—Between lines 244 and 245 insert:

Section 17. Subsections (1) and (5), paragraph (b) of subsection (6), and subsection (9) of section 56.29, Florida Statutes, are amended to read:

56.29 Proceedings supplementary.—

(1) When any person or entity holds an unsatisfied judgment or judgment lien obtained under chapter 55, the judgment holder or judgment lienholder may file a *motion and* an affidavit so stating, identifying, if applicable, the issuing court, the case number, and the unsatisfied amount of the judgment or judgment lien, including accrued costs and interest, and stating that the execution is valid and outstanding, and thereupon the judgment holder or judgment lienholder is entitled to these proceedings supplementary to execution.

(5) The ~~court judge~~ may order any property of the judgment debtor, not exempt from execution, in the hands of any person, or *any property, debt, or other obligation* due to the judgment debtor, to be applied toward the satisfaction of the judgment debt. *The court may entertain claims concerning the judgment debtor's assets brought under chapter 726 and enter any order or judgment, including a money judgment against any initial or subsequent transferee, in connection therewith, irrespective of whether the transferee has retained the property. Claims under chapter 726 are subject to the provisions of chapter 726 and applicable rules of civil procedure.*

(6)

(b) When any gift, transfer, assignment or other conveyance of personal property has been made or contrived by the ~~judgment debtor defendant~~ to delay, hinder or defraud creditors, the court shall order the gift, transfer, assignment or other conveyance to be void and direct the sheriff to take the property to satisfy the execution. This does not authorize seizure of property exempted from levy and sale under execution or property which has passed to a bona fide purchaser for value and without notice. Any person aggrieved by the levy may proceed under ss. 56.16-56.20.

(9) The court may enter any orders, *judgments, or writs* required to carry out the purpose of this section, *including those orders necessary or proper* to subject property or property rights of any ~~judgment debtor defendant~~ to execution, *and including entry of money judgments against any impleaded defendant irrespective of whether such defendant has retained the property, subject to ss. 56.18 and 56.19 and applicable principles of equity, and in accordance with chapters 76 and 77 and applicable rules of civil procedure.*

Section 18. *The amendments made by this act to s. 56.29, Florida Statutes, are remedial in nature, are intended to clarify existing law, and shall be applied retroactively to the full extent permitted by law.*

And the title is amended as follows:

Delete line 41 and insert: of the State Constitution; amending s. 56.29, F.S.; authorizing the court to order any property, debt, or other obligation due the judgment debtor to be applied toward the satisfaction of the judgment debt; authorizing the court to entertain specified claims concerning the judgment debtor's assets and enter any order or judgment, including a money judgment; authorizing the court to enter a money judgment against an impleaded defendant under certain circumstances; providing applicability of specified laws and procedures; providing for retroactivity; repealing s. 57.101, F.S.,

On motions by Senator Bradley, **CS for SB 828** as amended was passed, ordered engrossed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

| | | |
|---------------|---------------------|----------|
| Mr. President | Bullard | Gibson |
| Abruzzo | Clemens | Grimsley |
| Altman | Dean | Hays |
| Bean | Detert | Hukill |
| Benaquisto | Diaz de la Portilla | Joyner |
| Bradley | Evers | Latvala |
| Brandes | Garcia | Lee |
| Braynon | Gardiner | Legg |

| | | |
|----------|---------|----------|
| Margolis | Sachs | Soto |
| Montford | Simmons | Stargel |
| Richter | Simpson | Thompson |
| Ring | Sobel | Thrasher |

Nays—None

Vote preference:

April 28, 2014: Yea—Galvano

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for SB 828**, someone might argue (without any basis), provides a special private gain or loss to a principal by whom I or my spouse, parent, or child is retained or employed. The nature of the interest and the persons or entities involved are specified below:

My firm has a client who will be treated as anyone else will be treated by the amendment to the language of section 56.29, Florida Statutes. The person involved is Gary Singer, who is involved in litigation, has obtained a judgment in his favor, and desires to rely, and is relying on section 56.29, Florida Statutes. I have reviewed this matter and determined that this provides no special benefit or gain to me.

As permitted by Senate Rule, I may vote on this matter.

Senator David Simmons, 10th District

SPECIAL ORDER CALENDAR

THE PRESIDENT PRESIDING

The Senate resumed consideration of—

CS for SB 1666—A bill to be entitled An act relating to child welfare; amending s. 20.19, F.S.; requiring the Secretary of Children and Families to appoint an Assistant Secretary for Child Welfare; providing qualifications and responsibilities; amending s. 39.001, F.S.; revising the purposes of ch. 39, F.S.; requiring the department to provide for certain services for medically complex children; amending s. 39.01, F.S.; providing, revising, and deleting definitions; amending s. 39.013, F.S.; clarifying responsibilities of the department in dependency proceedings; amending s. 39.201, F.S.; requiring alleged incidents of juvenile sexual abuse involving specified children to be reported to the department's central abuse hotline; requiring the department to provide specified information on an investigation of child sexual abuse to the court; creating s. 39.2015, F.S.; requiring the department to conduct specified investigations using critical incident rapid response teams; providing requirements for such investigations and for team membership; authorizing team access to specified information; requiring the cooperation of specified agencies and organizations; providing for reimbursement of team members; requiring the team to provide an investigation report; requiring the secretary to develop guidelines for investigations and provide team member training; requiring the secretary to appoint an advisory committee; requiring the committee to submit a report to the secretary; requiring the secretary to submit such report to the Governor and the Legislature by a specified date; creating s. 39.2022, F.S.; providing legislative intent; requiring the department to publish specified information on its website regarding the death of a child reported to the central abuse hotline; amending s. 39.301, F.S.; requiring the use of safety plans in child protection investigations in cases of present or impending danger; providing requirements for implementation of a safety plan; providing conditions for filing a petition for dependency; amending s. 39.303, F.S.; requiring physician involvement when a child protection team evaluates a report of medical neglect of a medically complex child; creating s. 39.3068, F.S.; providing requirements for investigating medical neglect; providing duties of the department; amending s. 39.307, F.S.; requiring the department to assist the family, child, and caregiver in receiving services upon a report alleging juvenile sexual abuse or inappropriate sexual behavior; requiring the department to maintain specified records; requiring child sexual abuse to be taken into account in placement consideration; requiring the department to monitor the occurrence of child sexual abuse and related services; amending s. 39.402, F.S.; requiring the department to make a reason-

able effort to keep siblings together when they are placed in out-of-home care under certain circumstances; providing for sibling visitation under certain conditions; amending s. 39.501, F.S.; requiring compliance with a safety plan to be considered when deciding a petition for dependency; amending s. 39.504, F.S.; authorizing the court to order a person to comply with a safety plan that is implemented in an injunction; amending s. 39.5085, F.S.; revising legislative intent; authorizing placement of a child with a nonrelative caregiver and financial assistance for such nonrelative caregiver through the Relative Caregiver Program under certain circumstances; amending s. 39.604, F.S.; requiring certain children to attend a licensed early education or child care program; requiring the inclusion of attendance at a licensed early education or child care program in a child's safety plan; amending s. 39.701, F.S.; requiring the court to consider contact among siblings in judicial reviews; authorizing the court to remove specified disabilities of nonage at judicial reviews; amending s. 39.802, F.S.; removing department authorization to sign a petition for termination of parental rights; amending s. 39.806, F.S.; providing additional grounds for termination of parental rights; amending s. 63.212, F.S.; revising advertising requirements for adoption services; requiring a person who places an advertisement for adoption services to provide specified information; deleting a criminal penalty for knowingly publishing or assisting in the publication of an advertisement that violates specified provisions; amending s. 383.402, F.S.; requiring state and local review committees to review all child deaths that are reported to the department's central abuse hotline; revising the membership of the State Child Abuse Death Review Committee; revising the due date for and contents of a report; requiring the State Child Abuse Death Review Committee to provide training to local child abuse death review committees; amending s. 402.40, F.S.; requiring a third-party credentialing entity to establish an advisory committee; authorizing the department to approve certification of specializations; creating s. 402.402, F.S.; defining terms; providing preferences for education and work experience for child protection and child welfare personnel; requiring a report; providing training requirements for department attorneys; creating s. 402.403, F.S.; establishing a tuition exemption program for child protection and child welfare personnel; providing eligibility requirements; creating s. 402.404, F.S.; establishing a student loan forgiveness program for child protection and child welfare personnel; providing eligibility requirements; authorizing community-based care lead agencies to provide student loan forgiveness under certain circumstances; amending s. 409.165, F.S.; enhancing provision of care to medically complex children; amending s. 409.967, F.S.; revising standards for Medicaid managed care plan accountability with respect to services for dependent children and their parents; amending s. 409.972, F.S.; exempting certain Medicaid recipients from mandatory enrollment in managed care plans; providing a directive to the Division of Law Revision and Information; creating part V of ch. 409, F.S.; creating s. 409.986, F.S.; providing legislative findings and intent; providing child protection and child welfare outcome goals; defining terms; creating s. 409.987, F.S.; providing for department procurement of community-based care lead agencies; providing requirements for contracting as a lead agency; creating s. 409.988, F.S.; providing duties of a community-based care lead agency; providing licensure requirements for a lead agency; specifying services provided by a lead agency; providing conditions for an agency or provider to act as a child's guardian; creating s. 409.990, F.S.; providing general funding provisions for lead agencies; providing for a matching grant program and the maximum amount of funds that may be awarded; requiring the department to develop and implement a community-based care risk pool initiative; providing requirements for the risk pool; transferring, renumbering, and amending s. 409.16713, F.S.; transferring provisions relating to the allocation of funds for community-based care lead agencies; conforming a cross-reference; creating s. 409.992, F.S.; providing requirements for community-based care lead agency expenditures; creating s. 409.993, F.S.; providing legislative findings; providing for lead agency and subcontractor liability; providing limitations on damages; transferring, renumbering, and amending s. 409.1675, F.S.; transferring provisions relating to receivership from community-based providers to lead agencies; conforming cross-references and terminology; creating s. 409.996, F.S.; providing duties of the department relating to community-based care and lead agencies; creating s. 409.997, F.S.; providing outcome goals for the department and specified entities with respect to the delivery of child welfare services; requiring the department to maintain an accountability system; requiring a report to the Governor and the Legislature; requiring the department to establish a technical advisory panel; requiring the department to make the results of the accountability system public; requiring a report to the Governor and the Legislature by a specified date;

creating s. 827.10, F.S.; providing definitions; establishing the criminal offense of unlawful desertion of a child; providing criminal penalties; providing exceptions; amending s. 985.04, F.S.; conforming terminology; creating s. 1004.615, F.S.; establishing the Florida Institute for Child Welfare; providing purpose, duties, and responsibilities of the institute; requiring the institute to contract and work with specified entities; providing for the administration of the institute; requiring reports to the Governor and the Legislature by specified dates; amending s. 1009.25, F.S.; exempting specified child protective investigators and child protective investigation supervisors from certain tuition and fee requirements; repealing s. 402.401, F.S., relating to child welfare worker student loan forgiveness; repealing s. 409.1671, F.S., relating to outsourcing of foster care and related services; repealing s. 409.16715, F.S., relating to certain therapy for foster children; repealing s. 409.16745, F.S., relating to the community partnership matching grant program; repealing s. 1004.61, F.S., relating to a partnership between the Department of Children and Families and state universities; amending ss. 39.201, 39.302, 39.524, 316.613, 409.1676, 409.1677, 409.1678, 409.906, 409.912, 409.91211, 420.628, and 960.065, F.S.; conforming cross-references; providing effective dates.

—which was previously considered and amended this day with pending **Amendment 14 (414800)** by Senator Detert and substitute **Amendment 15 (233840)** by Senator Lee. Substitute **Amendment 15** was adopted.

RECONSIDERATION OF AMENDMENTS

On motion by Senator Sobel, the Senate reconsidered the vote by which **Amendment 5 (609668)** was adopted. **Amendment 5** was withdrawn.

On motion by Senator Sobel, the Senate reconsidered the vote by which **Amendment 8 (165602)** was adopted. **Amendment 8** was withdrawn.

On motions by Senator Sobel, by two-thirds vote **CS for SB 1666** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote preference:

April 28, 2014: Yea—Galvano

MOMENT OF SILENCE

At the request of Senator Bullard, the Senate observed a moment of silence honoring the 850,000 American soldiers who lost their lives in the American Civil War (1861-1865).

MOTIONS

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 Monday, April 28, 2014.

On motion by Senator Thrasher, the rules were waived and the bills remaining on the Special Order Calendar this day, except for **CS for CS for SB 1396**, were retained on the Special Order Calendar.

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 Friday, April 25, 2014: CS for SB 194, CS for SB 246, CS for CS for CS for SB 272, CS for CS for SB 274, SB 294, SB 386, SB 388, SB 592, CS for CS for SB 634, CS for SB 700, SB 732, CS for SB 780, CS for CS for SB 976, CS for SB 1006, CS for SB 1012, CS for SB 1032, CS for SB 1212, CS for CS for SB 1396, CS for CS for SB 1474, CS for CS for SB 1480, CS for CS for SB 1632, SB 1666, HB 7145, HB 7163.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

The Committee on Appropriations recommends the following pass: CS for SB 470

The bill was referred to the Committee on Rules under the original reference.

The Committee on Appropriations recommends the following pass: SB 640; CS for SB 698; CS for SB 742; CS for SB 744; CS for SB 1292; HB 5601 with 1 amendment

The bills were placed on the Calendar.

The Committee on Appropriations recommends a committee substitute for the following: CS for CS for SB 948

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

The Committee on Appropriations recommends committee substitutes for the following: SB 444; CS for SB 662; CS for CS for SB 768; CS for CS for SB 956; CS for CS for SB 972; CS for SB 1114; CS for CS for SB 1254; CS for SB 1260; CS for SB 1272; CS for SB 1512; CS for CS for SB 1576; CS for SB 1634; SB 1702

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Appropriations; and Senator Galvano—

CS for SB 444—A bill to be entitled An act relating to workers' compensation; amending s. 440.107, F.S.; revising powers of the Department of Financial Services relating to compliance with and enforcement of workers' compensation coverage requirements; providing for stop-work order information to be available on the Division of Workers' Compensation website; revising requirements for the release of stop-work orders; revising penalties; amending ss. 440.15 and 440.16, F.S.; revising rate formulas related to the determination of compensation for disability and death; amending s. 440.49, F.S.; revising provisions relating to the assessment rate of the Special Disability Trust Fund; reducing the assessment rate limitation; providing an effective date.

By the Committees on Appropriations; Regulated Industries; and Health Policy—

CS for CS for SB 662—A bill to be entitled An act relating to non-resident sterile compounding permits; amending s. 465.003, F.S.; defining the terms "compounding," "outsourcing facility," and "compounded

sterile product"; amending s. 465.0156, F.S.; conforming provisions to changes made by the act; expanding penalties to apply to injury to a nonhuman animal; deleting a requirement that the Board of Pharmacy refer regulatory issues affecting a nonresident pharmacy to the state where the pharmacy is located; providing that a nonresident pharmacy is subject to certain health care fraud provisions; creating s. 465.0158, F.S.; requiring registered nonresident pharmacies and outsourcing facilities to obtain a permit in order to ship, mail, deliver, or dispense compounded sterile products into this state; requiring submission of an application and a nonrefundable fee; providing application requirements; authorizing the board to deny, revoke, or suspend a permit, or impose a fine or reprimand for certain actions; providing dates by which certain nonresident pharmacies must obtain a permit; authorizing the board to adopt rules; amending s. 465.017, F.S.; authorizing the department to inspect nonresident pharmacies and nonresident sterile compounding permittees; requiring such pharmacies and permittees to pay for the costs of such inspections; providing an effective date.

By the Committees on Appropriations; Judiciary; and Criminal Justice; and Senators Braynon and Joyner—

CS for CS for CS for SB 768—A bill to be entitled An act relating to human trafficking; amending s. 92.56, F.S.; authorizing a defendant who has been charged with specified human trafficking offenses to apply for an order of disclosure of confidential and exempt information; authorizing the court to use a pseudonym, instead of a victim's name, to designate the victim of specified human trafficking offenses; providing that trial testimony for specified human trafficking offenses may be published or broadcast under certain circumstances; amending s. 450.021, F.S.; prohibiting the employment of minors in adult theaters; amending s. 450.045, F.S.; requiring adult theaters to verify the ages of employees and independent contractors and maintain specified documentation; amending s. 775.082, F.S.; providing a life sentence for a specified felony; amending s. 775.15, F.S.; eliminating the statute of limitations for prosecutions under a specified human trafficking provision; providing applicability; amending s. 787.06, F.S.; revising and providing penalties for various human trafficking offenses against minors and adults; creating s. 796.001, F.S.; providing legislative intent concerning prosecutions of adults for certain offenses involving minors; repealing ss. 796.03, 796.035, and 796.036, F.S., relating to procuring a person under the age of 18 for prostitution, selling or buying of minors into prostitution, and reclassification of certain violations involving minors, respectively; amending ss. 796.05 and 796.07, F.S.; revising and providing penalties for various prostitution offenses; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; amending s. 943.0583, F.S.; providing for expunction of criminal history records of certain criminal charges against victims of human trafficking that did not result in convictions; requiring destruction of investigative records related to such expunged records; amending s. 960.065, F.S.; providing an exception to ineligibility for victim assistance awards to specified victims of human trafficking; amending s. 960.199, F.S.; authorizing the Department of Legal Affairs to provide relocation assistance to a victim of specified human trafficking offenses; requiring the human trafficking offense to be reported to the proper authorities and certified by the state attorney or statewide prosecutor; requiring the state attorney's or statewide prosecutor's approval of a rape crisis center's or a certified domestic violence center's certification that a victim is cooperating with law enforcement officials; providing that the act of human trafficking must occur under certain circumstances for the victim to be eligible for relocation assistance; amending ss. 39.01, 90.404, 772.102, 775.0877, 775.21, 787.01, 787.02, 794.056, 856.022, 895.02, 938.085, 938.10, 943.0435, 943.0585, 943.059, 944.606, 944.607, 948.013, and 948.32, F.S.; conforming cross-references; providing an effective date.

By the Committees on Appropriations; Banking and Insurance; and Governmental Oversight and Accountability; and Senator Ring—

CS for CS for CS for SB 948—A bill to be entitled An act relating to foreign investments; amending s. 215.47, F.S.; revising the percentage of investments that the State Board of Administration may invest in foreign securities; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the

divestment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring a domestic insurer to provide a list of investments that it has in companies on the State Board of Administration's lists of scrutinized companies with activities in Sudan or in Iran's petroleum energy sector; providing for severability; providing an effective date.

By the Committees on Appropriations; Community Affairs; and Environmental Preservation and Conservation; and Senator Bean—

CS for CS for CS for SB 956—A bill to be entitled An act relating to environmental regulation; extending and renewing building permits and certain permits issued by the Department of Environmental Protection or a water management district, including any local government-issued development order or building permit issued pursuant thereto; limiting certain permit extensions to a specified period of time; extending commencement and completion dates for required mitigation associated with a phased construction project; requiring the holder of an extended permit or authorization to provide notice to the authorizing agency; providing exceptions to the extension and renewal of such permits; providing that extended permits are governed by certain rules; providing applicability; amending s. 161.053, F.S.; authorizing the Department of Environmental Protection to grant areawide permits for certain structures; requiring the department to adopt rules; amending s. 258.007, F.S., prohibiting certain new concession agreements in state parks with limited shorelines; exempting existing accommodations; creating s. 258.435, F.S., requiring the department to promote the public use of aquatic preserves and their associated uplands; authorizing the department to receive gifts and donations for certain purposes; authorizing the department to grant privileges or concessions for the accommodation of visitors in and use of aquatic preserves and their associated uplands provided certain conditions are met; prohibiting a grantee from assigning or transferring such privileges or concessions without the department's consent; requiring information on proposed concession agreements to be posted on the department's website upon submittal and 60 days before execution; providing effective dates.

By the Committees on Appropriations; Judiciary; and Children, Families, and Elder Affairs; and Senators Galvano and Bradley—

CS for CS for CS for SB 972—A bill to be entitled An act relating to attorneys for dependent children with special needs; providing legislative findings and intent; creating s. 39.01305, F.S.; requiring appointment of an attorney to represent a dependent child who meets one or more specified criteria; requiring that, if one is available, an attorney who is willing to represent a child without additional compensation be appointed; requiring that the appointment be in writing; requiring that the appointment continue in effect until the attorney is allowed to withdraw or is discharged by the court or until the case is dismissed; requiring that an attorney not acting in a pro bono capacity be adequately compensated for his or her services and have access to funding for certain costs; providing for financial oversight by the Justice Administrative Commission; providing a limit on attorney fees; requiring the Department of Children and Families to develop procedures to identify dependent children who qualify for an attorney; authorizing the department to adopt rules; providing applicability; providing an effective date.

By the Committees on Appropriations; Governmental Oversight and Accountability; and Community Affairs—

CS for CS for SB 1114—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; revising the definition of "vested" or "vesting" to provide that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after completing 10 years of creditable service; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for certain members of the Elected Officers' Class initially enrolled after a certain date; amending s. 121.052, F.S.; differentiating between cabinet members and judicial members of the Elected Officers' Class; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.053, F.S.; authorizing renewed membership in the retirement system for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances; amending s.

121.055, F.S.; limiting the options of elected officers employed after a certain date to enroll in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; providing that certain members are entitled to a monthly disability benefit; revising provisions to conform to changes made by the act; amending s. 121.122, F.S.; requiring that certain retirees who are employed on or after a specified date be renewed members in the investment plan; providing exceptions; providing that creditable service does not accrue for a reemployed retiree during a specified period; prohibiting certain funds from being paid into a renewed member's investment plan account for a specified period of employment; requiring the renewed member to satisfy vesting requirements; prohibiting a renewed member from receiving disability benefits; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions to the member's investment plan account; providing for the administration of the employer and employee contributions; prohibiting the purchase of past service in the investment plan during certain dates; authorizing a renewed member to receive additional credit toward the health insurance subsidy under certain circumstances; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State University System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State Community College System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program for certain dates; amending s. 121.35, F.S.; providing that certain participants in the optional retirement program for the State University System have a choice between the optional retirement program and the Florida Retirement System Investment Plan; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; revising the definition of the terms "eligible employee" and "member" or "employee"; revising a provision relating to acknowledgment of an employee's election to participate in the investment plan; placing certain employees in the pension plan from their respective dates of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; authorizing certain employees to elect to participate in the pension plan, rather than the default investment plan, within a specified time; specifying that a retiree who has returned to covered employment before a specified date may continue membership in his or her selected retirement plan; conforming a provision to changes made by the act; providing for the transfer of certain contributions; revising the education component; deleting the obligation of system employers to communicate the existence of both retirement plans; conforming provisions and cross-references to changes made by the act; amending s. 121.591, F.S.; revising provisions relating to disability retirement benefits; amending ss. 238.072 and 413.051, F.S.; conforming cross-references; requiring the State Board of Administration and Department of Management Services to request a determination letter from the Internal Revenue Service as to whether any provision under the act will cause the Florida Retirement System to be disqualified for tax purposes and, if so, to notify the Legislature; requiring the board and department to also seek guidance regarding the consequences of differing tax contributions; providing that the act fulfills an important state interest; providing an effective date.

By the Committees on Appropriations; Rules; and Health Policy; and Senator Grimsley—

CS for CS for CS for SB 1254—A bill to be entitled An act relating to health care services; amending ss. 390.012, 400.021, 400.0712, 400.23, 400.487, 400.497, 400.506, 400.509, 400.6095, 400.914, 400.935, 400.962, 400.967, 400.980, 409.912, 429.255, 429.73, 440.102, 483.245, 765.541, and 765.544, F.S.; removing certain rulemaking authority relating to the disposal of fetal remains by abortion clinics, nursing home equipment and furnishings, license applications for nursing home facilities, evaluation of nursing home facilities, home health agencies and cardiopulmonary resuscitation, home health agency standards, nurse registry emergency management plans, registration of certain service providers, hospice and cardiopulmonary resuscitation, standards for prescribed

pediatric extended care facilities, minimum standards relating to home medical equipment providers, standards for intermediate care facilities for the developmentally disabled, rules and the classification of deficiencies for intermediate care facilities for the developmentally disabled, the registration of health care service pools, participation in a Medicaid provider lock-in program, assisted living facilities and cardiopulmonary resuscitation, adult family-care homes and cardiopulmonary resuscitation, guidelines for drug-free workplace laboratories, penalties for rebates, standards for organ procurement organizations; administrative penalties for violations of the organ and tissue donor education and procurement program; amending s. 395.003, F.S.; revising provisions relating to the provision of cardiovascular services by a hospital; amending s. 400.471, F.S.; exempting a home health agency that is not Medicare or Medicaid certified and does not provide skilled nursing care from having to provide documentation of accreditation; amending s. 400.474, F.S.; revising the report requirements for home health agencies; creating s. 400.9141, F.S.; limiting services at PPEC centers; amending s. 400.934, F.S., relating to home medical equipment providers; requiring that the emergency management plan include criteria relating to the maintenance of patient equipment and supply lists; amending s. 409.972, F.S.; exempting certain people from the requirement to enroll in Medicaid managed care; providing an effective date.

By the Committees on Appropriations; and Banking and Insurance; and Senators Brandes and Soto—

CS for CS for SB 1260—A bill to be entitled An act relating to insurance; amending s. 624.4625, F.S.; revising requirements for corporations not for profit to qualify to form a self-insurance fund; amending s. 624.501, F.S.; revising original appointment and renewal fees related to certain insurance representatives; amending s. 626.015, F.S.; defining the term “unaffiliated insurance agent”; amending s. 626.0428, F.S.; requiring a branch place of business to have an agent in charge; authorizing an agent to be in charge of more than one branch office under certain circumstances; providing requirements relating to the designation of an agent in charge; prohibiting an insurance agency from conducting insurance business at a location without a designated agent in charge; providing that the agent in charge is accountable for misconduct and violations committed by the licensee and any person under his or her supervision; amending s. 626.112, F.S.; prohibiting limited customer representative licenses from being issued after a specified date; providing licensure exemptions that allow specified individuals or entities to conduct insurance business at specified locations under certain circumstances; revising licensure requirements and penalties with respect to registered insurance agencies; providing that the registration of an approved registered insurance agency automatically converts to an insurance agency license on a specified date; amending s. 626.172, F.S.; revising requirements relating to applications for insurance agency licenses; conforming provisions to changes made by the act; amending s. 626.311, F.S.; limiting the types of business that may be transacted by certain agents; amending s. 626.321, F.S.; providing that a limited license to offer motor vehicle rental insurance issued to a business that rents or leases motor vehicles encompasses the employees of such business; amending s. 626.382, F.S.; providing that an insurance agency license continues in force until canceled, suspended, revoked, terminated, or expired; amending s. 626.601, F.S.; revising terminology relating to investigations conducted by the Department of Financial Services and the Office of Insurance Regulation with respect to individuals and entities involved in the insurance industry; revising a confidentiality provision; amending s. 626.621, F.S.; providing an additional ground for disciplinary action against the license or appointment of certain insurance-related personnel for accepting compensation for referring the owner of a property to an inspector or inspection company; repealing s. 626.747, F.S., relating to branch agencies, agents in charge, and the payment of additional county tax under certain circumstances; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.854, F.S.; deleting the requirement that a 48 hours’ notice be provided before scheduling an onsite inspection of insured property; conforming a cross-reference; amending s. 626.8805, F.S.; revising insurance administrator application requirements; amending s. 626.8817, F.S.; authorizing an insurer’s designee to provide certain coverage information to an insurance administrator; authorizing an insurer to subcontract the review of an insurance administrator; amending s. 626.882, F.S.; prohibiting a person from acting as an insurance administrator without a specific written agreement; amending s. 626.883, F.S.; requiring an insurance administrator to furnish fiduciary account re-

ports to an insurer; requiring administrator withdrawals from a fiduciary account to be made according to a specific written agreement; providing that an insurer’s designee may authorize payment of claims; amending s. 626.884, F.S.; revising an insurer’s right of access to certain administrator records; amending s. 626.89, F.S.; revising the deadline for filing certain financial statements; deleting provisions allowing an extension for administrator to submit certain financial statements; amending s. 626.931, F.S.; deleting provisions requiring a surplus lines agent to file a quarterly affidavit with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; revising the due date of surplus lines tax; amending ss. 626.935 and 626.936, F.S.; conforming provisions to changes made by the act; amending s. 626.9541, F.S.; revising provisions for unfair methods of competition and unfair or deceptive acts relating to conducting certain insurance transactions through credit card facilities; amending s. 627.062, F.S.; authorizing the Office of Insurance Regulation to use a straight average of model results or output ranges to estimate hurricane losses when determining whether the rates in a rate filing are excessive, inadequate, or unfairly discriminatory; amending s. 627.0628, F.S.; increasing the length of time during which an insurer must adhere to certain findings made by the Commission on Hurricane Loss Projection Methodology with respect to certain methods, principles, standards, models, or output ranges used in a rate filing; providing that the requirement to adhere to such findings does not limit an insurer from using straight averages of model results or output ranges under specified circumstances; amending s. 627.0651, F.S.; revising provisions for making and use of rates for motor vehicle insurance; amending s. 627.0653, F.S.; authorizing the office to approve motor vehicle premium discounts for vehicles equipped with electronic crash avoidance technology; amending s. 627.072, F.S.; authorizing retrospective rating plans relating to workers’ compensation and employer’s liability insurance to allow negotiations between certain employers and insurers with respect to rating factors used to calculate premiums; amending s. 627.281, F.S.; conforming a cross-reference; amending s. 627.311, F.S.; providing that certain dividends may be retained by the joint underwriting plan for future use; amending s. 627.3518, F.S.; conforming a cross-reference; repealing s. 627.3519, F.S., relating to an annual report on the aggregate report of maximum losses of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.409, F.S.; providing that a claim for residential property insurance may not be denied based on certain credit information; amending s. 627.4133, F.S.; extending the period for prior notice required with respect to the nonrenewal, cancellation, or termination of certain insurance policies; deleting certain provisions that require extended periods of prior notice with respect to the nonrenewal, cancellation, or termination of certain insurance policies; prohibiting the cancellation of certain policies that have been in effect for a specified amount of time, except under certain circumstances; prohibiting the cancellation of a policy or contract that has been in effect for a specified amount of time based on certain credit information; amending s. 627.4137, F.S.; adding licensed company adjusters to the list of persons who may respond to a claimant’s written request for information relating to liability insurance coverage; amending s. 627.421, F.S.; authorizing a policyholder of personal lines insurance to affirmatively elect delivery of policy documents by electronic means; amending s. 627.43141, F.S.; authorizing a notice of change in policy terms to be sent in a separate mailing to an insured under certain circumstances; requiring an insurer to provide such notice to the insured’s insurance agent; creating s. 627.4553, F.S.; providing requirements for the recommendation to surrender an annuity or life insurance policy; amending s. 627.7015, F.S.; revising the rulemaking authority of the department with respect to qualifications and specified types of penalties covered under the property insurance mediation program; creating s. 627.70151, F.S.; providing criteria for an insurer or policyholder to challenge the impartiality of a loss appraisal umpire for purposes of disqualifying such umpire; amending s. 627.706, F.S.; revising the definition of the term “neutral evaluator”; amending s. 627.7074, F.S.; revising notification requirements for participation in the neutral evaluation program; providing grounds for the department to deny an application, or suspend or revoke certification, of a neutral evaluator; requiring the department to adopt rules relating to certification of neutral evaluators; amending s. 627.711, F.S.; revising verification requirements for uniform mitigation verification forms; amending s. 627.7283, F.S.; providing for the electronic transfer of unearned premiums returned when a policy is canceled; amending s. 627.736, F.S.; revising the time period for applicability of certain Medicare fee schedules or payment limitations; amending s. 627.744, F.S.; revising pre-insurance inspection requirements for private passenger motor vehicles; amending s. 627.745, F.S.; revising qualifications for approval as a

mediator by the department; providing grounds for the department to deny an application, or suspend or revoke approval of a mediator or certification of a neutral evaluator; authorizing the department to adopt rules; amending s. 627.782, F.S.; revising the date by which title insurance agencies and certain insurers must annually submit specified information to the Office of Insurance Regulation; amending s. 628.461, F.S.; revising filing requirements relating to the acquisition of controlling stock; 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; prohibiting persons acquiring a certain percentage of voting securities from acquiring certain securities; providing that a presumption of control may be rebutted by filing a disclaimer of control; deleting a definition; amending ss. 631.717 and 631.734, F.S.; transferring a provision relating to the obligations of the Florida Life and Health Insurance Guaranty Association; amending s. 634.406, F.S.; revising criteria authorizing premiums of certain service warranty associations to exceed their specified net assets limitations; revising requirements relating to contractual liability policies that insure warranty associations; providing effective dates.

By the Committees on Appropriations; and Transportation; and Senator Brandes—

CS for CS for SB 1272—A bill to be entitled An act relating to transportation and motor vehicles; amending s. 20.23, F.S.; requiring the Florida Transportation Commission to monitor the Mid-Bay Bridge Authority; repealing the Florida Statewide Passenger Rail Commission; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver license of a child support obligor; requiring delinquent child support obligors to provide certain documentation within a specified period in order to prevent the suspension of a driver license; amending s. 110.205, F.S.; conforming cross-references; creating s. 316.0778, F.S.; defining the term “automated license plate recognition system”; requiring the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system; creating s. 316.0817, F.S.; prohibiting a bus from stopping to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic under certain circumstances; amending s. 316.1975, F.S.; authorizing an operator of a vehicle that is started by remote control to let the vehicle stand unattended under certain circumstances; amending s. 316.2952, F.S.; revising a provision exempting a global position system device or similar satellite receiver device from the prohibition of attachments on windshields; amending s. 316.86, F.S.; revising provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes; authorizing research organizations associated with accredited educational institutions to operate such vehicles; authorizing the testing of such vehicles on certain roadways designated by the Department of Transportation and the applicable local government or authority; deleting an obsolete provision; amending s. 320.02, F.S.; requiring, rather than authorizing, the Department of Highway Safety and Motor Vehicles to withhold the renewal of registration or replacement registration of a motor vehicle identified in a notice submitted by a lienor for failure to surrender the vehicle if the applicant’s name is on the list of persons who may not be issued a license plate or revalidation sticker; revising the conditions under which a revalidation sticker or replacement license plate may be issued; amending s. 320.08056, F.S.; defining the terms “administrative costs” and “administrative expenses” for purposes of the section and s. 320.08058, F.S.; amending s. 320.08062, F.S.; revising provisions relating to audit and attestation requirements for annual use fee proceeds; requiring the Department of Highway Safety and Motor Vehicles to discontinue the distribution of revenues to an organization that does not meet specified requirements; authorizing the department to resume the distribution of revenue under certain conditions; requiring a report to the Legislature; requiring the discontinuance of a specialty plate under certain circumstances; amending chapter 2008-176, Laws of Florida, as amended; extending the prohibition on the issuance of new specialty license plates; amending s. 320.083, F.S.; revising the requirements for a special license plate; amending s. 320.1316, F.S.; prohibiting the department from issuing a license plate, revalidation sticker, or replacement license plate for a vehicle or vessel identified in a notice from a lienor; requiring that a notice to surrender a vehicle or vessel be signed under oath by the lienor; authorizing a registered owner of a vehicle to bring a civil action, rather than to notify the department

and present certain proof, to dispute a notice to surrender a vehicle or vessel or his or her inclusion on the list of persons who may not be issued a license plate or revalidation sticker; providing a procedure for such a civil action; providing for the award of attorney fees and costs; creating s. 322.032, F.S.; requiring the Department of Highway Safety and Motor Vehicles to begin to review and prepare for the development of a system for issuing an optional digital proof of driver license; authorizing the Department of Highway Safety and Motor Vehicles to contract with private entities to develop the system; providing requirements for digital proof of driver license; providing criminal penalties for manufacturing or possessing a false digital proof of driver license; amending s. 322.055, F.S.; reducing the mandatory period of revocation or suspension of, or delay in eligibility for, a driver license for persons convicted of certain drug offenses; requiring the court to make a determination as to whether a restricted license would be appropriate for persons convicted of certain drug offenses; amending s. 322.058, F.S.; requiring the Department of Highway Safety and Motor Vehicles to reinstate the driving privilege and allow registration of a motor vehicle of a child support obligor upon receipt of an affidavit containing specified information; amending s. 322.059, F.S.; requiring the Department of Highway Safety and Motor Vehicles to invalidate the digital proof of driver license for a person whose license or registration has been suspended; amending s. 322.12, F.S.; requiring that certain test fees incurred by certain applicants for a driver license be retained by the tax collector; amending s. 322.141, F.S.; revising requirements for special markings on driver licenses and state identification cards for persons designated as sexual predators or subject to registration as sexual offenders to include persons so designated or subject to registration under the laws of another jurisdiction; amending s. 322.15, F.S.; authorizing a digital proof of driver license to be accepted in lieu of a physical driver license; amending s. 322.21, F.S.; authorizing certain tax collectors to retain a replacement driver license or identification card fee under certain circumstances; exempting certain individuals who are homeless or whose annual income is at or below a certain percentage of the federal poverty level from paying a fee for an original, renewal, or replacement identification card; amending s. 337.25, F.S.; authorizing the Department of Transportation to use auction services in the conveyance of certain property or leasehold interests; revising certain inventory requirements; revising provisions relating to, and providing criteria for, the disposition of certain excess property by the Department of Transportation; providing criteria for the disposition of donated property, property used for a public purpose, or property acquired to provide replacement housing for certain displaced persons; providing value offsets for property that requires significant maintenance costs or exposes the Department of Transportation to significant liability; providing procedures for the sale of property to abutting property owners; deleting provisions to conform to changes made by the act; providing monetary restrictions and criteria for the conveyance of certain leasehold interests; providing exceptions to restrictions for leases entered into for a public purpose; providing criteria for the preparation of estimates of value prepared by the Department of Transportation; providing that the requirements of s. 73.013, F.S., relating to eminent domain are not modified; amending s. 337.251, F.S.; revising criteria for leasing certain Department of Transportation property; increasing the time for the Department of Transportation to accept proposals for lease after a notice is published; directing the Department of Transportation to establish an application fee by rule; providing criteria for the fee; providing criteria for a proposed lease; requiring the Department of Transportation to provide an independent analysis of a proposed lease; amending s. 339.175, F.S.; increasing the maximum number of apportioned members that may compose the voting membership of a metropolitan planning organization (M.P.O.); providing that the governing board of a multicounty M.P.O. may be made up of any combination of county commissioners from the counties constituting the M.P.O.; providing that a voting member of an M.P.O. may represent a group of general-purpose local governments through an entity created by the M.P.O.; requiring each M.P.O. to review and reapportion its membership as necessary in conjunction with the decennial census, the agreement of the affected units of the M.P.O., and the agreement of the Governor; removing provisions requiring the Governor to apportion, review, and reapportion the composition of an M.P.O. membership; revising a provision regarding bylaws to allow the M.P.O. governing board to establish bylaws; amending s. 339.2821, F.S.; authorizing Enterprise Florida, Inc., to be a consultant to the Department of Transportation for consideration of expenditures associated with and contracts for transportation projects; revising the requirements for economic development transportation project contracts between the Department of Transportation and a governmental entity; amending s. 526.141, F.S.; requiring full-service

gasoline stations offering self-service at a lesser cost to display an additional decal; requiring the decal to contain certain information; requiring the Department of Agriculture and Consumer Services to adopt rules to implement and enforce this requirement; providing an exception for certain county or municipal regulations pertaining to fueling assistance for certain motor vehicle operators; amending s. 562.11, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a restricted driver license to certain persons; amending s. 812.0155, F.S.; deleting a provision requiring the suspension of the driver license of a person adjudicated guilty of certain offenses; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a restricted driver license to certain persons; amending s. 832.09, F.S.; providing that the suspension of a driver license of a person being prosecuted for passing a worthless check is discretionary; amending chapter 85-364, Laws of Florida, as amended; providing that maintenance costs are eligible for payment from certain toll revenues as specified; removing references to certain completed projects; directing the Department of Highway Safety and Motor Vehicles to develop a plan that addresses certain vehicle registration holds; providing an appropriation; providing an effective date.

By the Committees on Appropriations; and Education; and Senators Stargel, Thrasher, Gardiner, and Galvano—

CS for CS for SB 1512—A bill to be entitled An act relating to education; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the accounts and records of nonprofit scholarship-funding organizations; creating s. 1002.385, F.S.; establishing the Florida Personal Learning Scholarship Accounts; defining terms; specifying criteria for students who are eligible to participate in the program; identifying certain students who are not eligible to participate in the program; authorizing the use of awarded funds for specific purposes; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; specifying the terms of the program; providing that the school district retains all duties, authority, and responsibilities specified in the Florida K-20 Education Code; specifying the duties of the Department of Education relating to the program; providing that the Commissioner of Education retains all current duties, authority, and responsibilities as specified in the Florida K-20 Education Code; requiring the Agency for Persons with Disabilities to deny, suspend, or revoke participation in the program or use of program funds under certain circumstances; providing additional factors under which the agency may deny, suspend, or revoke a participation in the program or program funds; requiring a parent to sign an agreement with the Agency for Persons with Disabilities to enroll his or her child in the program which specifies the responsibilities of a parent or student for using funds in a personal learning scholarship account and for submitting a compliance statement to the agency; providing that a parent who fails to comply with the responsibilities of the agreement forfeits the personal learning scholarship account; providing eligibility requirements and obligations for private schools under the program; specifying agency obligations under the program; authorizing the agency to contract for services; providing for funding and payment; providing the Auditor General's obligations under the program; providing that the state is not liable for the use of awarded funds; providing for the scope of authority; requiring the agency to adopt rules; providing for implementation of the program in a specified school year; providing an appropriation; amending s. 1002.395, F.S.; revising purpose; revising definitions; revising eligibility requirements for the Florida Tax Credit Scholarship Program; requiring the Department of Education and Department of Revenue to publish the tax credit cap on their websites when it is increased; requiring the Department of Revenue to provide a copy of a letter approving a taxpayer for a specified tax credit to the eligible nonprofit scholarship-funding organization; authorizing certain entities to convey, transfer, or assign certain tax credits; providing for the calculation of underpayment of estimated corporate income taxes and tax installation payments for taxes on insurance premiums and assessments and the determination of whether penalties or interest shall be imposed on the underpayment; revising the disqualifying offenses for nonprofit scholarship-funding organization owners and operators; revising priority for new applicants; allowing a student in foster care or out-of-home care to apply for a scholarship at any time; prohibiting use of eligible contributions from being used for lobbying or political activity or related expenses; requiring application fees to be expended for student scholarships in any year a nonprofit scholarship-funding organization uses eligible contributions for administrative expenses; requiring amounts

carried forward to be specifically reserved for particular students and schools for audit purposes; revising audit and report requirements for nonprofit scholarship-funding organizations and Auditor General review of all reports; requiring nonprofit scholarship-funding organizations to maintain a surety bond or letter of credit and to adjust the bond or letter of credit quarterly based upon a statement from a certified public accountant; providing exceptions; requiring the nonprofit scholarship-funding organization to provide the Auditor General any information or documentation requested in connection with an operational audit; requiring a private school to provide agreed upon transportation and make arrangements for taking statewide assessments at the school district testing site and in accordance with the district's testing schedule if the student chooses to take the statewide assessment; requiring parental authorization for access to income eligibility information; specifying that the independent research organization is the Learning System Institute at the Florida State University; identifying grant terms and payments; revising statewide and individual school report requirements; revising limitations on annual scholarship amounts; providing initial and renewal application requirements and an approval process for a charitable organization that seeks to be a nonprofit scholarship-funding organization; requiring the State Board of Education to adopt rules; providing a registration notice requirement for public and private universities to be nonprofit scholarship-funding organizations; requiring the State Board of Education to adopt rules; allowing existing nonprofit scholarship-funding organizations to provide the required bond at a specified date; amending s. 1003.4282, F.S.; providing standard high school diploma requirements for certain students with disabilities; requiring the State Board of Education to adopt rules; authorizing a student with a disability to defer the receipt of a standard high school diploma if certain conditions are met; authorizing certain students with disabilities to continue to receive certain instructions and services; requiring an independent review and a parent's approval to waive statewide, standardized assessment requirements by the individual education plan (IEP) team; repealing s. 1003.438, F.S., relating to special high school graduation requirements for certain exceptional students; creating s. 1003.5716, F.S.; providing that certain students with disabilities have a right to free, appropriate public education; requiring an IEP team to begin the process of, and to develop an IEP for, identifying transition services needs for a student with a disability before the student attains a specified age; providing requirements for the process; requiring certain statements to be included and annually updated in the IEP; providing that changes in the goals specified in an IEP are subject to independent review and parental approval; requiring the school district to reconvene the IEP team to identify alternative strategies to meet transition objectives if a participating agency fails to provide transition services specified in the IEP; providing that the agency's failure does not relieve the agency of the responsibility to provide or pay for the transition services that the agency otherwise would have provided; amending s. 1003.572, F.S.; prohibiting a school district from imposing additional requirements on private instructional personnel or charging fees; creating s. 1008.2121, F.S.; requiring the Commissioner of Education to permanently exempt certain students with disabilities from taking statewide, standardized assessments; requiring the State Board of Education to adopt rules; amending s. 1008.25, F.S.; requiring written notification relating to portfolios to a parent of a student with a substantial reading deficiency; requiring a student promoted to a certain grade with a good cause exemption to receive intensive reading instruction and intervention; requiring a school district to assist schools and teachers with the implementation of reading strategies; revising good cause exemptions; amending ss. 120.81, 409.1451, and 1007.263, F.S.; conforming cross-references; providing effective dates.

By the Committees on Appropriations; Agriculture; and Environmental Preservation and Conservation; and Senators Dean, Montford, Soto, Simmons, Hays, Altman, and Abruzzo—

CS for CS for CS for SB 1576—A bill to be entitled An act relating to springs; amending s. 373.042, F.S.; requiring the Department of Environmental Protection or the governing board of a water management district to establish the minimum flow and water level for an Outstanding Florida Spring; specifying minimum flows and water levels for an Outstanding Florida Spring; amending s. 373.0421, F.S.; conforming a cross-reference; creating part VIII of chapter 373, F.S., entitled "Florida Springs and Aquifer Protection Act"; creating s. 373.801, F.S.; providing legislative findings and intent; creating s. 373.802, F.S.; defining terms; creating s. 373.803, F.S.; requiring the Department of

Environmental Protection to delineate a spring protection and management zone for each Outstanding Florida Spring; requiring the department to adopt by rule maps that depict the delineation of each spring protection and management zone for each Outstanding Florida Spring; providing a deadline; creating s. 373.805, F.S.; requiring the water management districts to adopt minimum flows and levels for Outstanding Florida Springs; requiring a water management district to implement a recovery or prevention strategy under certain circumstances; providing minimum criteria; providing deadlines; creating s. 373.807, F.S.; requiring assessments for Outstanding Florida Springs; requiring the Department of Environmental Protection to develop basin management action plans, providing minimum criteria, providing deadlines; requiring local governments to adopt an urban fertilizer ordinance; requiring local governments to develop onsite sewage treatment and disposal system remediation plans; creating s. 373.809, F.S.; requiring the department to adopt rules to fund pilot projects; providing minimum ranking criteria; creating s. 373.811, F.S.; specifying prohibited activities within a spring protection and management zone of an Outstanding Florida Spring; creating s. 373.813, F.S.; providing rule-making authority; creating s. 373.815, F.S.; requiring the Department of Environmental Protection to submit annual reports; providing funding in the General Appropriations Act for fiscal year 2014-2015; providing effective dates.

By the Committees on Appropriations; Military and Veterans Affairs, Space, and Domestic Security; and Commerce and Tourism—

CS for CS for SB 1634—A bill to be entitled An act relating to the Department of Economic Opportunity; amending s. 163.3202, F.S.; requiring each county and municipality to adopt and enforce land development regulations in accordance with the submitted comprehensive plan; amending s. 288.0001, F.S.; requiring an analysis of the New Markets Development Program in the Economic Development Programs Evaluation; amending s. 288.005, F.S.; defining terms; creating s. 288.006, F.S.; providing requirements for loan programs relating to accountability and proper stewardship of funds; authorizing the Auditor General to conduct audits for a specified purpose; authorizing the department to adopt rules; amending s. 288.8013, F.S.; clarifying that the Auditor General's annual audit of the Recovery Fund and Triumph Gulf Coast, Inc., is a performance audit; amending s. 288.8014, F.S.; providing that terms of the initial appointments to the board of directors of Triumph Gulf Coast, Inc., begin after the Legislature appropriates funds to the Recovery Fund; providing initial appointment term limits; providing that the audit by the retained independent certified public accountant is annual; amending s. 288.987, F.S.; increasing the amount of funds that may be spent on staffing and administrative expenses of the Florida Defense Support Task Force; amending s. 290.0411, F.S.; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; requiring the Department of Economic Opportunity to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; revising the criteria for the award of grants; amending s. 290.046, F.S.; revising limits on the number of grants that an applicant may apply for and receive; revising the requirement that the department conduct a site visit before awarding a grant; requiring the department to rank applications according to criteria established by rule and to distribute funds according to the rankings; revising scoring factors to consider in ranking applications; revising requirements for public hearings; providing that the creation of a citizen advisory task force is discretionary, rather than required; deleting a requirement that a local government obtain consent from the department for an alternative citizen participation plan; amending s. 290.047, F.S.; revising the maximum amount and percentage of block grant funds that may be spent on certain costs and expenses; amending s. 290.0475, F.S.; conforming provisions to changes made by the act; amending s. 290.048, F.S.; deleting a provision authorizing the department to adopt and enforce strict requirements concerning an applicant's written description of a service area; amending s. 331.3051, F.S.; requiring Space Florida to consult with the Florida Tourism Industry Marketing Corporation, rather than with Enterprise Florida, Inc., in developing a space tourism marketing plan; authorizing Space Florida to enter into an agreement with the corporation, rather than with Enterprise Florida, Inc., for a specified purpose; revising the research and development duties of Space Florida; repealing s. 443.036(26), F.S., relating to the definition of the term "initial skills review"; amending s. 443.091, F.S.; deleting the requirement that an unemployed individual

take an initial skill review before he or she is eligible to receive re-employment assistance benefits; requiring the department to make available for such individual a voluntary online assessment that identifies an individual's skills, abilities, and career aptitude; requiring information from such assessment to be made available to certain groups; revising the requirement that the department offer certain training opportunities; amending s. 443.1116, F.S.; defining the term "employer sponsored training"; revising the requirements for a short-term compensation plan to be approved by the department; revising the treatment of fringe benefits in such plan; requiring an employer to describe the manner in which the employer will implement the plan; requiring the director to approve the plan if it is consistent with employer obligations under law; prohibiting the department from denying short-time compensation benefits to certain individuals; amending s. 443.141, F.S.; providing an employer payment schedule for specified years' contributions to the Unemployment Compensation Trust Fund; providing applicability; amending s. 443.151, F.S.; requiring the department to provide an alternate means for filing claims when the approved electronic method is unavailable; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.018, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; amending ss. 215.425 and 443.1216, F.S.; conforming cross-references to changes made by the act; providing an effective date.

By the Committees on Appropriations; and Education—

CS for SB 1702—A bill to be entitled An act relating to education; providing a directive to the Division of Law Revision and Information; changing the term "family day care home" to "family child care home" and the term "family day care" to "family child care"; amending ss. 125.0109 and 166.0445, F.S.; including large family child care homes in local zoning regulation requirements; amending s. 402.302, F.S.; revising the definition of the term "substantial compliance"; requiring the Department of Children and Families to adopt rules for compliance by certain programs not licensed by the department; amending s. 402.3025, F.S.; providing requirements for nonpublic schools delivering certain voluntary prekindergarten education programs and school readiness programs; amending s. 402.305, F.S.; revising certain minimum standards for child care facilities; amending s. 402.311, F.S.; providing for the inspection of programs regulated by the department; amending s. 402.3115, F.S.; providing for abbreviated inspections of specified child care homes; requiring rulemaking; amending s. 402.313, F.S.; revising provisions for licensure, registration, and operation of family day care homes; amending s. 402.3131, F.S.; revising requirements for large family child care homes; amending s. 402.316, F.S., relating to exemptions from child care facility licensing standards; requiring a child care facility operating as a provider of certain voluntary prekindergarten education programs or child care programs to comply with minimum standards; providing penalties for failure to disclose or for use of certain information; requiring the department to establish a fee for inspection and compliance activities; amending s. 627.70161, F.S.; revising restrictions on residential property insurance coverage to include coverage for large family child care homes; amending s. 1001.213, F.S.; providing additional duties of the Office of Early Learning; amending s. 1002.53, F.S.; revising requirements for application and determination of eligibility to enroll in the Voluntary Prekindergarten (VPK) Education Program; amending s. 1002.55, F.S.; revising requirements for a school-year prekindergarten program delivered by a private prekindergarten provider, including requirements for providers, instructors, and child care personnel; providing requirements in the case of provider violations; amending s. 1002.59, F.S.; correcting a cross-reference; amending ss. 1002.61 and 1002.63, F.S.; revising employment requirements and educational credentials of certain instructional personnel; amending s. 1002.71, F.S.; revising information that must be reported to parents; amending s. 1002.75, F.S.; revising provisions included in the standard statewide VPK program provider contract; amending s. 1002.77, F.S.; revising the purpose and meetings of the Florida Early Learning Advisory Council; amending s. 1002.81, F.S.; revising certain program definitions; amending s. 1002.82, F.S.; revising the powers and duties of the Office of Early Learning; revising provisions included in the standard statewide school readiness provider contract; amending s. 1002.84, F.S.; revising the powers and duties of early learning coalitions; conforming provisions to changes made by the act; amending s. 1002.87, F.S.; revising student eligibility and enrollment requirements for the

school readiness program; amending s. 1002.88, F.S.; revising eligibility requirements for program providers that want to deliver the school readiness program; providing conditions for denial of initial eligibility; providing child care personnel requirements; amending s. 1002.89, F.S.; revising the use of funds for the school readiness program; amending s. 1002.91, F.S.; prohibiting an early learning coalition from contracting with specified persons; amending s. 1002.94, F.S.; revising establishment of a community child care task force by an early learning coalition; providing an appropriation; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Appropriations; Banking and Insurance; and Governmental Oversight and Accountability; and Senator Ring—

CS for CS for CS for SB 948—A bill to be entitled An act relating to foreign investments; amending s. 215.47, F.S.; revising the percentage of investments that the State Board of Administration may invest in foreign securities; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the divestment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring a domestic insurer to provide a list of investments that it has in companies on the State Board of Administration's lists of scrutinized companies with activities in Sudan or in Iran's petroleum energy sector; providing for severability; providing an effective date.

—was placed on the Calendar.

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 HB 117, CS for HB 227, CS for CS for CS for HB 487, CS for HB 515, HB 605, HB 683, CS for CS for HB 797, HB 799, HB 809, HB 817, CS for HB 863, HB 885, CS for HB 911, HB 915, HB 919, CS for HB 929, HB 931, CS for HB 949, CS for HB 951, CS for HB 1025, CS for CS for HB 1053, CS for CS for HB 1131, CS for HB 1143, CS for HB 1145, CS for CS for HB 1179, HB 1199, HB 1297, HB 1335, CS for HB 1337, CS for CS for HB 1363, HB 1367, CS for CS for HB 1373, HB 1399, HB 1401, CS for HB 1441, CS for CS for HB 1443, CS for CS for HB 1445, HB 3519, HB 3529, CS for HB 3531, CS for CS for HB 7055, CS for HB 7157; has passed as amended CS for HB 323, CS for CS for HB 343, CS for CS for CS for HB 573, CS for CS for CS for HB 807, CS for CS for HB 811, CS for CS for CS for HB 819, CS for HB 1023, CS for HB 1065, CS for CS for HB 1089, CS for CS for HB 7037, CS for CS for HB 7051, CS for HB 7095, CS for HB 7105, CS for CS for HB 7113, CS for HB 7147, HB 7171, HB 7181; has passed by the required constitutional two-thirds vote of the members voting CS for CS for CS for HB 865; has adopted HM 607 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative(s) Ray, Davis, Fullwood, Jones, M., McBurney—

HB 117—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; including certain consolidated governments under provisions authorizing imposition of a state excise tax on casualty insurance premiums covering certain property; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Criminal Justice Subcommittee and Representative(s) Kerner, Campbell, Fullwood, Gibbons, Rogers, Watson, C., Williams, A.—

CS for HB 227—A bill to be entitled An act relating to victims of wrongful incarceration; creating s. 961.055, F.S.; providing that a wrongfully incarcerated person who was convicted and sentenced to death on or before December 31, 1979, is exempt from certain application procedures for compensation if a special prosecutor issues a nolle prosequi after reviewing the defendant's conviction; creating s. 961.056, F.S.; providing alternative procedures for applying for compensation; requiring the claimant to file an application with the Department of Legal Affairs within a specified time; requiring the application to include certain information and documents; providing that the claimant is entitled to compensation if all requirements are met; prohibiting compensation from being used for specified attorney fees, lobbyist fees, and costs; providing criminal penalties; providing that the section is repealed on a specified date; amending s. 961.06, F.S.; requiring the Chief Financial Officer to issue payment to an insurance company or other financial institution authorized to issue annuity contracts to purchase an annuity or annuities selected by the wrongfully incarcerated person; requiring the Chief Financial Officer to execute all necessary agreements to implement compensation and to maximize the benefit to the wrongfully incarcerated person; requiring the wrongfully incarcerated person to sign a waiver before the department's approval of the application; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Appropriations; and Rules.

By Appropriations Committee, Agriculture & Natural Resources Subcommittee, Higher Education & Workforce Subcommittee and Representative(s) Raburn, Albritton, Artiles, Raulerson, Santiago, Van Zant—

CS for CS for CS for HB 487—A bill to be entitled An act relating to agricultural industry certifications; amending s. 570.07, F.S.; requiring the Department of Agriculture and Consumer Services to annually provide to the State Board of Education and the Department of Education information and industry certifications for farm occupations to be considered for placement on industry certification funding lists; amending s. 1003.492, F.S.; defining industry certification as part of career education programs; requiring the state board to adopt rules for implementing an industry certification process for farm occupations; amending s. 1003.4935, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education; Agriculture; and Appropriations.

By Appropriations Committee and Representative(s) Smith, Van Zant—

CS for HB 515—A bill to be entitled An act relating to public assistance fraud; amending s. 414.39, F.S.; providing enhanced criminal penalties if the value of public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value exceeding specified amounts; providing for a reward for a report of original information relating to a violation of the state's public assistance fraud laws if the information and report meet specified requirements; amending s. 414.095, F.S.; limiting to a specified period the use of temporary cash assistance benefits out of state; requiring rulemaking; requiring that a parent or caretaker relative who has been disqualified due to fraud have a protective payee designated to receive temporary cash assistance benefits for eligible children; providing requirements for protective payees; providing appropriations and authorizing positions; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative(s) O'Toole—

HB 605—A bill to be entitled An act relating to alcoholic beverage licenses, Lake and Sumter Counties; amending chapter 2002-334, Laws of Florida; revising criteria for special alcoholic beverage licenses for certain entities operating within the Town of Lady Lake and certain entities operating within Sumter County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Young, Ahern—

HB 683—A bill to be entitled An act relating to Hillsborough County; amending chapter 2000-445, Laws of Florida, relating to the Civil Service Act; providing an agency or authority with the ability to opt out of or opt into provisions of the act that regulate personnel functions; authorizing an agency or authority that has elected to opt out of certain personnel functions to contract with the Civil Service Board to provide the same personnel functions in a nonregulatory capacity; providing for an appropriation to the Civil Service Board to carry out the purposes of the act; requiring the commission to consider the level of services provided by the Civil Service Board to the participating agencies or authorities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Finance & Tax Subcommittee, Civil Justice Subcommittee and Representative(s) Pilon—

CS for CS for HB 797—A bill to be entitled An act relating to clerks of court; amending s. 40.32, F.S.; authorizing jurors and witnesses to be paid by check; amending s. 77.27, F.S.; conforming a provision to changes made by the act; amending s. 77.28, F.S.; requiring a party applying for garnishment to pay a deposit to the garnishee, rather than in the registry of the court; deleting a provision that requires the clerk to collect a specified fee; amending s. 197.432, F.S.; providing requirements for the sale of tax certificates; amending s. 197.472, F.S.; revising requirements for the redemption of tax certificates; amending s. 197.502, F.S.; requiring the certificateholder to pay costs of resale within a specified number of days under certain circumstances; providing circumstances under which land shall be placed on a specified list; deleting a provision relating to a notification procedure; amending s. 197.542, F.S.; requiring the certificateholder to pay a specified amount of the assessed value of the homestead under certain circumstances; providing circumstances under which land shall be placed on a specified list; amending s. 197.582, F.S.; clarifying notice requirements; providing for excess proceeds relating to unclaimed property; requiring the clerk to ensure that excess funds are paid according to specified priorities; providing for interpleader actions and the award of reasonable fees and costs; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Representative(s) Magar—

HB 799—A bill to be entitled An act relating to transitional living facilities; creating part XI of chapter 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring

the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of chapter 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; providing effective dates.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Policy; and Appropriations.

By Representative(s) Boyd—

HB 809—A bill to be entitled An act relating to Manatee County; repealing chapters 30957 (1955), 61-2455, 63-1581, 69-1283, 72-615, 79-506, 80-535, 91-395, and 96-511, Laws of Florida, relating to the Manatee County Law Library, certain license and court fees collected for use by the library, the Manatee County Law Library Committee, and the law librarian; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Workman—

HB 817—A bill to be entitled An act relating to the City of Cocoa, Brevard County; providing for the municipal annexation of the Pinecrest Cemetery and Evergreen Memorial Park; providing boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Transportation & Highway Safety Subcommittee and Representative(s) Kerner, Campbell, McBurney—

CS for HB 863—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.066, F.S.; specifying that the required statement must be completed and sworn to for each confidential crash report requested; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By Representative(s) Steube—

HB 885—A bill to be entitled An act relating to Manatee County; repealing chapter 30961 (1955), Laws of Florida, relating to mandatory nonprofit use conditions in leases and conveyances; 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) Patronis—

CS for HB 911—A bill to be entitled An act relating to the City of Panama City, Bay County; designating boundaries of entertainment districts within the downtown area of the city; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to make special allowances for existing bona fide licensees operating within such entertainment districts for the sale of certain alcoholic beverages for consumption off the premises at outdoor events on public rights-of-way and public park property; requiring that such events be declared by the city commission; providing that special allowances are in addition to certain other authorized temporary permits; requiring the bona fide licensees to comply with all other statutory requirements; providing an exemption from general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Patronis—

HB 915—A bill to be entitled An act relating to the Board of Trustees of Bay Medical Center, Bay County; amending chapter 2005-343, Laws of Florida; providing for the removal of a certain board member; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Patronis—

HB 919—A bill to be entitled An act relating to the Bay County Tourist Development Council, Bay 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) Robertson, K.—

CS for HB 929—A bill to be entitled An act relating to Little Gasparilla Island, Charlotte County; providing an exception to general law; authorizing future modifications to certain single-family docks, multislip docks, and multifamily docks under certain circumstances; providing that applications filed pursuant to the requirements of the act are full and final settlement of specified claims; limiting the state's liability if a court makes certain determinations relating to such docks; authorizing the Department of Environmental Protection to take enforcement action against docks or owners of riparian parcels or upland interests associated with docks that do not meet specified criteria after a specified date; 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) Kerner—

HB 931—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; extending the period in which funds received under chapter 175, F.S., shall be used to reduce employee contributions to the West Palm Beach Firefighters Pension Fund; clarifying that such funds are not refundable as employee contributions; authorizing vested members to request refund of contributions in lieu of a benefit; requiring payment of certain benefits to a designated beneficiary; clarifying requirement for certain members to take a lump sum distribution of their entire lump sum accumulated sick leave and vacation leave within a specified time after their termination of employment in certain circumstances; reducing actuarial assumed rate of return; 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) Hudson—

CS for HB 949—A bill to be entitled An act relating to the East Naples Fire Control and Rescue District, Collier County; amending chapter 2000-444, Laws of Florida, as amended; revising boundaries of the district for purposes of annexing the Isles of Capri Fire and Rescue District into the district; requiring a referendum; providing an effective date.

—was referred to the Committee on Rules.

By Local & Federal Affairs Committee and Representative(s) Hudson—

CS for HB 951—A bill to be entitled An act relating to Collier County; merging the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District to create a new district; creating and establishing an independent special fire control district to be known as the Greater Naples Fire Rescue District; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, F.S., and other general laws; providing a district charter; providing boundaries; providing for a district board; providing an exception to general law; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing for salaries of board members; providing for removal of board members; providing a savings clause for the existing district authority to levy up to 1.5 mills; providing for bonds; providing for raising of revenue; providing for taxation; providing findings; providing for impact fees; providing for collection and disbursement of such fees; providing for deposit of taxes, assessments, and fees and authority to disburse funds; providing for immunity from tort liability; providing for liberal construction; providing for severability; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for the determination of millage; repealing chapters 2000-392, 2012-231, 2004-433, and 2000-444, Laws of Florida, relating to the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District; transferring all assets and liabilities of the existing districts to the Greater Naples Fire Rescue District; requiring a referendum; providing an effective date.

—was referred to the Committee on Rules.

By State Affairs Committee and Representative(s) Murphy—

CS for HB 1025—A bill to be entitled An act relating to Pasco County; amending chapter 99-166, Laws of Florida; authorizing the Department of Environmental Protection to grant an exception from requirements prohibiting sewage treatment facility discharges into certain waters of the state for an applicant's limited wet weather surface water discharge serving to rehydrate a surface water body; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Education Committee, Higher Education & Workforce Subcommittee and Representative(s) Castor Dentel, Bracy, Fullwood, Saunders—

CS for CS for HB 1053—A bill to be entitled An act relating to teacher education; amending s. 1009.60, F.S.; revising eligibility criteria for receipt of a minority teacher education scholarship; amending s. 1009.605, F.S.; requiring the Florida Fund for Minority Teachers, Inc., to submit an annual report to the Legislature relating to scholarship funds and recipients; revising funding for administration and the training program carried out by the board of directors of the Florida Fund for Minority Teachers, Inc.; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Health & Human Services Committee, Health Quality Subcommittee and Representative(s) Hudson, Boyd, Cummings, Pigman, Renuart, Young—

CS for CS for HB 1131—A bill to be entitled An act relating to emergency allergy treatment; amending s. 381.88, F.S.; defining terms; expanding provisions to apply to all emergency allergy reactions, rather than to insect bites only; creating s. 381.885, F.S.; authorizing certain health care practitioners to prescribe epinephrine auto-injectors to an authorized entity; authorizing such entities to maintain a supply of epinephrine auto-injectors; authorizing certified individuals to use epinephrine auto-injectors; authorizing uncertified individuals to use epinephrine auto-injectors under certain circumstances; providing immunity from liability; providing an effective date.

—was referred to the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Local & Federal Affairs Committee and Representative(s) Pafford—

CS for HB 1143—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; amending chapter 2012-256, Laws of Florida; clarifying boundaries; 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) Kerner—

CS for HB 1145—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended, relating to the West Palm Beach Police Pension Fund; revising funding of share accounts, member contributions, and refunds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Health & Human Services Committee, Health Innovation Subcommittee and Representative(s) Stone—

CS for CS for HB 1179—A bill to be entitled An act relating to home health care; amending s. 400.471, F.S.; exempting certain home health agencies from specified licensure application requirements; amending s. 400.506, F.S.; requiring a licensed nurse registry to ensure that each certified nursing assistant and home health aide referred by the registry present certain credentials; providing that registered nurses, licensed practical nurses, certified nursing assistants, companions or homemakers, and home health aides are independent contractors and not employees of the nurse registries that referred them; requiring a nurse registry to inform the patient, the patient's family, or a person acting on behalf of the patient that the referred caregiver is an independent contractor and that the nurse registry is not required to monitor, supervise, manage, or train the referred caregiver; providing the duties of the nurse

registry for a violation of certain laws by an individual referred by the nurse registry; requiring that certain records be kept in accordance with rules set by the Agency for Health Care Administration; providing that a nurse registry does not have an obligation to review or act upon such records except under certain circumstances; providing an effective date.

—was referred to the Committees on Health Policy; Judiciary; and Rules.

By Representative(s) Antone—

HB 1199—A bill to be entitled An act relating to the Orange County Civic Facilities Authority, Orange County; repealing chapter 2005-324, Laws of Florida; 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 Representative(s) Peters—

HB 1297—A bill to be entitled An act relating to the Lealman Special Fire Control District, Pinellas County; amending chapter 2000-426, Laws of Florida, as amended; providing for future annexation of certain unincorporated territory; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Pafford—

HB 1335—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws of Florida, as amended; providing for the dedication of road right-of-way easements to the public; providing requirements for such dedication; providing for prima facie evidence of such public road right-of-way easements; exempting certain property of an electric utility; assigning continuing traffic control jurisdiction on all public roads within the district to the Town of Loxahatchee Groves; 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) Pafford—

CS for HB 1337—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws of Florida, as amended; providing for the dedication of canal maintenance easements to the district; providing requirements for such dedication; providing for prima facie evidence of such maintenance easements; providing for the use of maintenance easements for recreational trail purposes by the public through district permits issued to the Town of Loxahatchee Groves; providing that any permit issued by the district to the town for perpetual use by the public for recreational trail purposes shall satisfy property control requirements for state grant purposes; providing applicability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By State Affairs Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Van Zant—

CS for CS for HB 1363—A bill to be entitled An act relating to vessel safety; amending s. 327.44, F.S.; defining terms; authorizing the Fish and Wildlife Conservation Commission and certain law enforcement agencies or officers to relocate or remove vessels that unreasonably or

unnecessarily constitute a navigational hazard or interfere with another vessel; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; providing that the commission or a law enforcement agency may recover from the vessel owner its costs for the relocation or removal of such a vessel; requiring the Department of Legal Affairs to represent the commission in actions to recover such costs; amending ss. 376.15 and 823.11, F.S.; defining terms; authorizing the commission and certain law enforcement agencies and officers to relocate or remove a derelict vessel from public waters; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; expanding costs recoverable by the commission or a law enforcement agency against the owner of a derelict vessel for the relocation or removal thereof; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; abrogating the power of the commission to remove certain abandoned vessels and recover its costs therefor; conforming a cross-reference; amending ss. 376.11 and 705.101, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Criminal Justice; and Appropriations.

By Representative(s) Mayfield—

HB 1367—A bill to be entitled An act relating to the City of Vero Beach, Indian River County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way and public park property in the downtown area of Vero Beach; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By State Affairs Committee, Local & Federal Affairs Committee and Representative(s) Rodrigues, R.—

CS for CS for HB 1373—A bill to be entitled An act relating to Lee County; creating the Village of Estero; providing a charter; providing legislative intent; providing for a council-manager form of government; providing boundaries; providing municipal powers; providing for a village council and composition thereof; providing for eligibility, terms, duties, compensation, and reimbursement of expenses of council members; providing for a mayor and vice mayor; providing scheduling requirements of council meetings; prohibiting interference with village employees; providing for filling of vacancies and forfeiture of office; providing that the council is the sole judge of qualifications of its members; authorizing the council to investigate affairs relating to the village and the conduct of any village department, office, or agency; providing criminal penalties; providing for the appointment of a village manager, village attorney, and village clerk and the qualifications, removal, powers, and duties thereof; providing for the establishment of village departments, agencies, personnel, and boards; defining terms; providing for the adoption of ordinances and resolutions; providing for the adoption of an annual budget and appropriations; providing for supplemental and emergency appropriations and the reduction and transfer of appropriations; providing for the establishment of a 5-year capital program; providing for an annual independent audit; providing that the state is not liable for financial shortfalls of the village; providing for nonpartisan elections and matters relating thereto; providing for seven village council districts; providing for the recall of council members; providing for initiative and referenda; providing for a code of ethics; providing for future amendments to the charter; providing for severability; providing a village transition schedule and procedures for the first election; providing for first-year expenses; providing for adoption of

transitional ordinances and resolutions, comprehensive plans, and land development regulations; providing for accelerated entitlement to state-shared revenues; providing for entitlement to all local revenue sources allowed by general law; providing for the sharing of communications services tax revenues; providing for receipt and distribution of local option gas tax revenues; providing for waiver of specified eligibility provisions; requiring a referendum; providing effective dates.

—was referred to the Committee on Rules.

By Representative(s) Raulerson—

HB 1399—A bill to be entitled An act relating to the Hillsborough County Aviation Authority, Hillsborough County; amending chapter 2012-234, Laws of Florida; increasing the threshold for the award of contracts by the governing body of the authority which are exempt from certain competitive procurement requirements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Murphy—

HB 1401—A bill to be entitled An act relating to the Town of St. Leo, Pasco County; excluding specified municipal lands within the corporate limits of the Town of St. Leo; providing that the county is responsible for the excluded territory; providing applicability with respect to existing contracts; 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) Raschein—

CS for HB 1441—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; providing that the district is authorized to prescribe, fix, and establish a special lower rate, fee, rental, or other charge on the residential account of any person who is 60 years of age or older or a disabled American veteran meeting low income standards; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Regulatory Affairs Committee, Local & Federal Affairs Committee and Representative(s) Stone—

CS for CS for HB 1443—A bill to be entitled An act relating to the City of Ocala, Marion County; defining the term "Ocala Downtown Area"; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue to a bona fide nonprofit civic organization a specified number of additional temporary permits to sell alcoholic beverages for consumption on the premises at certain events in the Ocala Downtown Area; providing requirements to obtain the temporary permit; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Health & Human Services Committee, Local & Federal Affairs Committee and Representative(s) Smith—

CS for CS for HB 1445—A bill to be entitled An act relating to the Citrus County Hospital Board, Citrus County; amending chapter 2011-256, Laws of Florida; authorizing the board to create an irrevocable community foundation or trust to manage the proceeds of a lease of the hospital and its facilities to a private for-profit entity; authorizing the board to create and staff an irrevocable community foundation or trust to

manage the proceeds of certain leases; providing that proceeds of certain leases may only be used for medically related needs of citizens and residents of Citrus County; providing for certain members of the governing body of the irrevocable community trust or foundation; requiring the Supervisor of Elections to conduct elections to select such members upon the request of the board; requiring the irrevocable community trust or foundation to comply with certain rules and laws applicable to governmental entities and their elected and appointed officials; providing that an irrevocable community trust or foundation created by the board is subject to the audit authority of the clerk of the court; authorizing the board to enter into leases or contracts with any Florida corporation, rather than only a Florida nonprofit corporation, for the purpose of operating or managing the hospital and its facilities; providing applicability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative(s) Santiago—

HB 3519—A bill to be entitled An act for the relief of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta, surviving children of Nhora Acosta, by Miami-Dade County; providing for an appropriation to compensate them for the wrongful death of their mother, Nhora Acosta, due to injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Judiciary; Community Affairs; and Rules.

By Representative(s) Raburn—

HB 3529—A bill to be entitled An act for the relief of Carl Abbott by the Palm Beach County School Board; providing for an appropriation to compensate Carl Abbott for injuries sustained as a result of the negligence of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Judiciary; Community Affairs; and Rules.

By Civil Justice Subcommittee and Representative(s) Gibbons—

CS for HB 3531—A bill to be entitled An act for the relief of Ronald Miller by the City of Hollywood; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of an employee of the City of Hollywood; providing a limitation on the payment of fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Judiciary; Community Affairs; and Rules.

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee and Representative(s) Pilon, Baxley, Brodeur, Campbell, Combee, Harrell, Kerner, Perry, Pritchett, Raschein, Rodrigues, R., Rooney, Spano, Van Zant—

CS for CS for HB 7055—A bill to be entitled An act relating to juvenile justice; amending ss. 985.01 and 985.02, F.S.; revising legislative purposes and intent; amending s. 985.03, F.S.; revising definitions; amending s. 985.0301, F.S.; clarifying jurisdictional age restrictions for children in the juvenile justice system; restricting when cases may be transferred to a different jurisdiction; amending s. 985.037, F.S.; providing for the placement of a child in a secure detention facility for contempt of court; providing due process to a child accused of direct contempt; revising the procedure for reviewing a child's placement in secure detention for contempt of court; amending ss. 985.039, 985.045,

and 985.101, F.S.; conforming provisions; repealing s. 985.105, F.S., relating to the creation, duties, and qualifications of the youth custody officers in the Department of Juvenile Justice; amending s. 985.11, F.S.; revising when fingerprints must be submitted to the Department of Law Enforcement; amending s. 985.14, F.S.; revising the intake process; amending s. 985.145, F.S.; substituting "Department of Juvenile Justice" for references to "juvenile probation officer"; creating s. 985.17, F.S.; providing legislative intent; requiring the department to provide specialized services to minimize the likelihood that youth will enter the juvenile justice system; providing for the department to promote the Invest in Children license plate to help fund prevention programs and services; providing for the department to monitor state-funded programs, grants, contracts, appropriations, and activities designed to prevent juvenile crime and report annually on these measures; limiting expenditure of funds to those prevention services that are consistent with the law and maximize public accountability; amending s. 985.24, F.S.; revising factors to determine if the use of detention care is appropriate; authorizing the department to establish nonsecure, non-residential evening reporting centers; conforming provisions; amending s. 985.245, F.S.; conforming provisions; amending s. 985.25, F.S.; requiring a child to be held in secure detention under certain circumstances; clarifying procedures for releasing a child before the child's detention hearing; conforming provisions; amending s. 985.255, F.S.; providing that a child shall be given a detention hearing within 24 hours after being taken into custody; clarifying when a court may order continued detention care; revising specified factors for ordering continued detention care; clarifying when a child charged with domestic violence can be held in secure detention; revising written findings required to retain a child charged with domestic violence in secure detention; deleting obsolete provisions; amending s. 985.26, F.S.; conforming terminology; amending s. 985.265, F.S.; revising procedures for transferring a child to another detention status; providing new notification requirements for when a child is released or transferred from secure detention; revising the frequency of physical observation checks for children detained in jail facilities; amending s. 985.27, F.S.; requiring a child to be held in secure detention pending placement in a high-risk or maximum-risk residential program; conforming provisions; amending s. 985.275, F.S.; requiring the department to notify specified parties when a child absconds from a commitment program; requiring the department to make every reasonable effort to locate the absconded child; amending s. 985.433, F.S.; revising the content of a predisposition report; conforming terminology; amending s. 985.435, F.S.; authorizing a probation program to include an alternative consequence component that may be used to address noncompliance with the technical conditions of probation; requiring the department to identify a child's risk of reoffending if the child is being placed on probation or postcommitment probation; amending s. 985.439, F.S.; authorizing the department to establish alternative sanctions for violations of probation or postcommitment probation; conforming terminology; amending s. 985.441, F.S.; providing that a child on probation for certain offenses may not be committed for a probation violation that is technical in nature; conforming terminology; amending s. 985.46, F.S.; revising the definition of the term "conditional release"; revising terminology; amending s. 985.461, F.S.; expanding the opportunity for transition-to-adulthood services to all children; revising provisions that the department may use to support participation in transition-to-adulthood services; conforming terminology; amending ss. 985.481 and 985.4815, F.S.; deleting obsolete provisions; amending s. 985.514, F.S.; conforming provisions; amending s. 985.601, F.S.; requiring the department's programs to include trauma-informed care, family engagement resources and programs, and gender-specific programming; authorizing the department to pay the expenses of programs and activities that address the needs and well-being of children in its care or under its supervision; conforming terminology; repealing ss. 985.605, 985.606, and 985.61, F.S.; deleting provisions relating to prevention services programs and providers and early delinquency intervention programs; amending s. 985.632, F.S.; providing for the establishment of a performance accountability system for contract providers; revising definitions; providing for the development of a Comprehensive Accountability Report; requiring the department to prepare and submit the report annually to the Governor and Legislature; specifying content that must be included in the report; revising provisions relating to the cost-effectiveness model and quality improvement; amending s. 985.644, F.S.; clarifying an exemption for specified certified law enforcement, correctional, and correctional probation officers relating to a requirement to submit to level 2 background screenings; creating s. 985.6441, F.S.; providing definitions; limiting the amount that the department may pay a hospital or health care provider for health care services based

on a percentage of the Medicare allowable rate; providing applicability; amending s. 985.66, F.S.; revising specified juvenile justice staff development and training procedures; expanding application of training requirements to contract providers who care for children in the department's custody; amending s. 985.664, F.S.; deleting obsolete provisions relating to the initial selection of the juvenile justice circuit advisory board chairs; revising procedures for appointing juvenile justice circuit advisory board chairs; providing that chairs serve at the pleasure of the secretary; amending s. 985.672, F.S.; clarifying language concerning expenditures of the direct-support organization's funds; authorizing the direct-support organization to use department personnel services; defining the term "personnel services"; amending s. 985.682, F.S.; deleting obsolete provisions regarding a comprehensive study relating to the siting of facilities; amending s. 985.69, F.S.; providing for the use of specified funds for repair and maintenance; repealing s. 985.694, F.S.; deleting a provision relating to the Juvenile Care and Maintenance Trust Fund; amending s. 985.701, F.S.; defining the term "juvenile offender" for purposes of prohibiting sexual misconduct with juvenile offenders; creating s. 985.702, F.S.; providing definitions; providing for the imposition of criminal penalties against specified employees who inflict neglect upon juvenile offenders; providing enhanced penalties for such treatment that results in great bodily harm, permanent disability, or permanent disfigurement to a juvenile offender; specifying that such conduct constitutes sufficient cause for an employee's dismissal from employment; prohibiting such employee from future employment with the juvenile justice system; providing incident reporting requirements; prohibiting an employee who witnesses such an incident from knowingly or willfully failing to report such incident; prohibiting false reporting, preventing another from reporting, or coercing another to alter testimony or reports; providing criminal penalties; amending s. 985.721, F.S.; correcting a cross-reference; amending s. 943.0582, F.S.; clarifying that minors are not eligible for expunction if they have been charged by a state attorney for other crimes; repealing s. 945.75, F.S.; deleting a requirement that the Department of Corrections and counties develop programs under which a judge may order juveniles who have committed delinquent acts to tour correctional facilities; amending ss. 121.0515, 316.635, and 318.143, F.S.; conforming provisions and correcting cross-references; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

By Appropriations Committee, Health & Human Services Committee and Representative(s) Brodeur—

CS for HB 7157—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising applicability of certain definitions; defining the term "plan year"; authorizing the program to include additional benefits; authorizing an employee to use a certain portion of the state's contribution to purchase additional program benefits and supplemental benefits under specified circumstances; providing for the program to offer health plans in specified benefit levels; providing for the Department of Management Services to develop a plan for implementation of the benefit levels; providing reporting requirements; providing for expiration of the implementation plan; creating s. 110.12303, F.S.; authorizing additional benefits to be included in the program; providing that the department shall contract with at least one entity that provides comprehensive pricing and inclusive services for surgery and other medical procedures; providing contract requirements; providing reporting requirements; providing for the department to establish a 3-year price transparency pilot project in certain areas of the state; providing project requirements; providing reporting requirements; creating s. 110.12304, F.S.; directing the department to contract with an independent benefits consultant; providing qualifications and duties of the independent benefits consultant; providing reporting requirements; amending s. 110.12315, F.S., relating to the state employees' prescription drug program; deleting a requirement that the department base its decision as to whether to implement a certain 90-day supply limit on a determination that it would be in the best financial interest of the state; revising the pharmacy dispensing fee; authorizing a retail pharmacy to fill a 90-day supply of certain drugs; repealing s. 54(1) of chapter 2013-41, Laws of Florida; abrogating the scheduled reversion of provisions relating to the state employees' prescription drug program; directing the department to provide premium alternatives to the Governor and Legislature by a specified date; pro-

viding criteria for calculating premium alternatives; providing that the General Appropriations Act shall establish premiums for enrollees that reflect the differences in benefit design and value among the health maintenance organization plan options and the preferred provider organization plan options; providing an appropriation and authorizing positions; providing effective dates.

—was referred to the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Health & Human Services Committee and Representative(s) La Rosa, Campbell, Coley—

CS for HB 323—A bill to be entitled An act relating to pharmacy; amending s. 456.42, F.S.; requiring written prescriptions for specified controlled substances to be dated in a specified format; amending s. 465.003, F.S.; revising the definition of the term "prescription"; amending s. 465.014, F.S.; providing the number of registered pharmacy technicians a licensed pharmacist may supervise if approved by the Board of Pharmacy after considering certain factors; requiring the board to authorize a licensed pharmacist to supervise more than three pharmacy technicians if a licensee is employed by certain entities; requiring a licensee to provide the board with notice of employment status under certain circumstances; amending s. 465.189, F.S.; authorizing pharmacists to administer meningococcal and shingles vaccines under certain circumstances; providing an effective date.

—was referred to the Committees on Health Policy; Regulated Industries; and Rules.

By Economic Affairs Committee, Transportation & Highway Safety Subcommittee and Representative(s) Nuñez, Stewart—

CS for CS for HB 343—A bill to be entitled An act relating to the rental car surcharge; amending s. 212.0606, F.S.; providing an alternative surcharge for use of a motor vehicle pursuant to an agreement with a car-sharing service for less than a specified number of consecutive hours; defining the term "car-sharing service"; providing applicability; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Health & Human Services Committee, Health Care Appropriations Subcommittee, Health Innovation Subcommittee and Representative(s) Ahern, Campbell, Perry—

CS for CS for CS for HB 573—A bill to be entitled An act relating to health of residents; amending s. 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility within a specified period after the resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified period; requiring the responsible entity to ensure that there is adequate and consistent monitoring and implementation of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of nursing home residents; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement;

amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 409.212, F.S.; increasing the cap on additional supplementation a person may receive under certain conditions; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; requiring that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other agency inspections; authorizing the agency to waive the required yearly monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending s. 429.075, F.S.; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; providing for classification of the scope of a violation based upon number of residents affected and number of staff involved; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.27, F.S.; revising the amount of cash for which a facility may provide safekeeping for a resident; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; requiring the agency to adopt rules to determine compliance with facility standards and resident's rights; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving the relevant service; amending s. 429.52, F.S.; requiring each newly hired

employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and administrator to sign a statement that the employee completed the orientation and keep the signed statement in the employee's personnel record; requiring additional hours of training for assistance with medication; conforming a cross-reference; creating s. 429.55, F.S.; directing the agency to create a consumer information website that publishes specified information regarding assisted living facilities; providing criteria for webpage content; providing for inclusion of all content in the agency's possession by a specified date; authorizing the agency to adopt rules; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; providing appropriations and authorizing positions; amending s. 395.001, F.S.; providing legislative intent regarding recovery care centers; amending s. 395.002, F.S.; revising and providing definitions; amending s. 395.003, F.S.; including recovery care centers as facilities licensed under chapter 395, F.S.; creating s. 395.0171, F.S.; providing admission criteria for a recovery care center; requiring emergency care, transfer, and discharge protocols; authorizing the agency to adopt rules; amending s. 395.1055, F.S.; authorizing the agency to establish separate standards for the care and treatment of patients in recovery care centers; amending s. 395.10973, F.S.; directing the agency to enforce special-occupancy provisions of the Florida Building Code applicable to recovery care centers; amending s. 395.301, F.S.; providing for format and content of a patient bill from a recovery care center; amending s. 408.802, F.S.; providing applicability of the Health Care Licensing Procedures Act to recovery care centers; amending s. 408.820, F.S.; exempting recovery care centers from specified minimum licensure requirements; amending ss. 394.4787, 409.97, and 409.975, F.S.; conforming cross-references; creating part XI of chapter 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health,

the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of chapter 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; requiring a preliminary hearing; providing for the payment of attorney fees and costs by a petitioner who fails to make a prima facie showing of harm; authorizing grandparent visitation upon specific court findings; providing factors for court consideration; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the consolidation of certain concurrent actions; providing for modification of an order awarding grandparent visitation; limiting the frequency of actions seeking visitation; limiting application to a minor child placed for adoption; providing for venue; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; amending s. 752.015, F.S.; conforming provisions and cross-references to changes made by the act; repealing s. 752.01, F.S., relating to actions by a grandparent for visitation rights; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation rights; amending s. 400.474, F.S.; revising the report requirements for home health agencies; providing effective dates.

—was referred to the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Judiciary Committee, Business & Professional Regulation Subcommittee, Civil Justice Subcommittee and Representative(s) Moraitis—

CS for CS for CS for HB 807—A bill to be entitled An act relating to residential properties; amending s. 509.013, F.S.; revising the definition of the term "public lodging establishment"; amending s. 509.032, F.S.; providing that timeshare projects are not subject to annual inspection requirements; amending s. 509.221, F.S.; providing nonapplicability of certain public lodging establishment requirements to timeshare projects; amending s. 509.241, F.S.; providing that a condominium association that does not own any units classified as timeshare projects is not required to apply for or receive a public lodging establishment license; amending s. 509.242, F.S.; revising the definition of the term "public lodging establishment" to include a "timeshare project"; deleting reference to the term "timeshare plan" in the definition of "vacation rental"; defining the term "timeshare project"; amending s. 509.251, F.S.; providing that timeshare projects within separate buildings or at separate locations but managed by one licensed agent may be combined in a single license application; amending s. 712.05, F.S.; clarifying existing law relating to notification for purposes of preserving marketable title; amending s. 718.111, F.S.; authorizing an association to inspect and repair abandoned condominium units; providing conditions to determine if a unit is abandoned; providing a mechanism for an association to recover costs associated with maintaining an abandoned unit; providing that in the absence of an insurable event, the association or unit owners are responsible for repairs; providing that an owner may consent in writing to the disclosure of certain contact information; requiring an outgoing condominium association board or committee member to relinquish all official records and property of the association within a specified time; providing a civil penalty for failing to relinquish such records and property; amending s. 718.112, F.S.; providing that a board or committee member's participation in a meeting via real-time videoconferencing, Internet-enabled videoconferencing, or similar electronic or video communication counts toward a quorum and that such member may vote as if physically present; prohibiting the board from voting via e-mail; amending s. 718.116, F.S.; defining the term "previous owner" for purposes of provisions relating to the liability of condominium unit owners for assessments; limiting the present owner's liability for unpaid assessments under specified circumstances; amending s. 718.117, F.S.; prohibiting a new attempt to terminate a condominium from being proposed for a specified period if a plan of termination fails to receive the required approval; repealing s. 718.50151, F.S., relating to the Com-

munity Association Living Study Council and membership functions; amending s. 718.707, F.S.; extending the date by which a condominium parcel must be acquired in order for a person to be classified as a bulk assignee or bulk buyer; amending s. 719.104, F.S.; providing that an owner may consent in writing to the disclosure of certain contact information; requiring an outgoing cooperative association board or committee member to relinquish all official records and property of the association within a specified time; providing a civil penalty for failing to relinquish such records and property; providing dates by which financial reports for an association must be completed; specifying that members must receive copies of financial reports; requiring specific types of financial statements for associations of varying sizes; providing exceptions; providing a mechanism for waiving or increasing financial reporting requirements; amending s. 719.106, F.S.; providing for suspension from office of a director or officer who is charged with one or more of certain felony offenses; providing procedures for filling such vacancy or reinstating such member under specific circumstances; providing a mechanism for a person who is convicted of a felony to be eligible for board membership; creating s. 719.128, F.S.; providing emergency powers of a cooperative association; amending s. 720.303, F.S.; requiring a board meeting to be held at a location accessible to physically handicapped persons upon request of certain authorized persons; providing that an owner may consent in writing to the disclosure of certain contact information; amending s. 720.306, F.S.; requiring a meeting of the members to be held at a location accessible to physically handicapped persons upon request of certain authorized persons; providing for specified notice to members in lieu of copies of an amendment; creating s. 720.316, F.S.; providing emergency powers of a homeowners' association; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Appropriations.

By Appropriations Committee, Government Operations Subcommittee and Representative(s) Hager—

CS for CS for HB 811—A bill to be entitled An act relating to foreign investments; amending s. 215.47, F.S.; revising the percentage of investments that the State Board of Administration may invest in foreign securities; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the divestment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring a domestic insurer to provide a list of investments that it has in companies on the State Board of Administration's lists of scrutinized companies with activities in Sudan or in Iran's petroleum energy sector; providing for severability; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Banking and Insurance; Appropriations; and Rules.

By Health & Human Services Committee, Health Care Appropriations Subcommittee, Health Quality Subcommittee and Representative(s) Pigman, Campbell—

CS for CS for CS for HB 819—A bill to be entitled An act relating to the Department of Health; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide reproductions of specified records to the Department of Health under certain circumstances; amending s. 381.004, F.S.; revising and providing definitions; specifying the notification and consent procedures for performing an HIV test in a health care setting and a nonhealth care setting; amending s. 382.011, F.S.; providing that a member of the public may not be charged for certain examinations, investigations, or autopsies; authorizing a county to charge a medical examiner approval fee; amending s. 395.3025, F.S.; clarifying duties of the department to maintain the confidentiality of patient records that it obtains under subpoena pursuant to an investigation; authorizing licensees under investigation to inspect or receive copies of patient records connected with the investigation, subject to certain conditions; amending s. 456.013, F.S.; deleting requirements for the physical size of licenses issued for various health professions; amending s. 456.025, F.S.; deleting fee for issuance of wall certificates for various health profession licenses; authorizing the boards or the department to adopt rules waiving certain fees for a specified period in certain circumstances; amending s. 456.032,

F.S.; conforming a cross-reference; amending s. 458.319, F.S.; providing continuing medical education requirements for Board of Medicine licensees; authorizing the board to adopt rules; amending s. 458.3485, F.S.; deleting a provision authorizing medical assistants to be certified by certain entities; amending s. 464.203, F.S.; revising certified nursing assistant inservice training requirements; repealing s. 464.2085, F.S., relating to the creation, membership, and duties of the Council on Certified Nursing Assistants; amending s. 466.032, F.S.; deleting a requirement that the department provide certain notice to a dental laboratory operator who fails to renew her or his registration; amending s. 467.009, F.S.; revising the organization that must accredit certain midwifery programs; amending s. 468.1665, F.S.; revising membership of the Board of Nursing Home Administrators; amending s. 468.1695, F.S.; revising an educational requirement for an applicant to be eligible to take the nursing home administrator licensure examination; repealing s. 468.1735, F.S., relating to provisional licenses for nursing home administrators; amending ss. 468.503 and 468.505, F.S.; revising the organization with whom an individual must be registered to be a registered dietitian; revising a definition; amending ss. 480.033 and 480.041, F.S.; deleting provisions relating to massage therapy apprentices and apprenticeship programs; deleting a definition and revising licensure requirements for massage therapists, to conform; amending s. 480.042, F.S.; revising requirements for conducting massage therapist licensing examinations and maintaining examination records; amending s. 480.044, F.S.; deleting fee for massage therapy apprentices; amending s. 766.1115, F.S.; requiring a health care provider to continue to be an agent for a specified period after determination of ineligibility; amending s. 823.05, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Health Policy; Transportation; and Appropriations.

By Economic Affairs Committee and Representative(s) Goodson—

CS for HB 1023—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; providing legislative intent; codifying, amending, repealing, and reenacting special acts relating to the district; providing severability; providing purpose and construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Health Quality Subcommittee and Representative(s) Kerner, Peters, Watson, C., Zimmermann—

CS for HB 1065—A bill to be entitled An act relating to licensed massage therapists; amending s. 456.0135, F.S.; requiring an applicant for licensure under chapter 480, F.S., to submit to certain fingerprinting requirements; requiring fingerprints to be enrolled in the national retained print arrest notification program and the Care Provider Background Screening Clearinghouse; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a massage therapist or establishment for certain offenses; amending s. 480.041, F.S.; requiring an applicant for a massage therapist license to submit to certain background screening requirements; requiring a massage therapist who was issued a license before a specified date to submit to certain background screening requirements by a specified date; requiring the Board of Massage Therapy to deny an application for a new or renewal massage therapy license for certain offenses; amending s. 480.043, F.S.; requiring a person with a specified interest in an establishment to submit to certain background screening requirements; authorizing the department to adopt rules related to corporate assets; requiring the department to deny an application for a new or renewal massage establishment license for certain offenses; requiring a person with a specified interest in a massage establishment that was issued a license before a specified date to submit to certain background screening requirements by a specified date; providing an exemption for certain licensed physicians; conforming a cross-reference; amending s. 480.0465, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Health Policy; and Appropriations.

By Regulatory Affairs Committee, Insurance & Banking Subcommittee and Representative(s) Raschein—

CS for CS for HB 1089—A bill to be entitled An act relating to Citizens Property Insurance Corporation; amending s. 627.351, F.S.; extending the date after which certain structures cease to be eligible for coverage by the corporation; providing that a condominium is deemed ineligible for commercial residential wind-only coverage under certain conditions; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; and Rules.

By Judiciary Committee, Business & Professional Regulation Subcommittee, Civil Justice Subcommittee and Representative(s) Spano, Campbell, Combee, Passidomo—

CS for CS for HB 7037—A bill to be entitled An act relating to residential communities; amending s. 468.431, F.S.; revising the term "community association management"; creating s. 468.4334, F.S.; providing powers and duties of community association managers and community association management firms; authorizing the indemnification of a community association manager or community association management firm under certain conditions; amending s. 718.116, F.S.; requiring a release of lien to be in a specific form; requiring a pre-foreclosure notice to be in a specific form; amending s. 718.121, F.S.; requiring a pre-lien notice to be in a specific form; amending s. 719.108, F.S.; deleting a provision providing for the expiration of certain liens; revising notice requirements; requiring a pre-lien notice to be in a specific form; providing for execution and effect of lien; providing for the content of a recording notice; requiring a release of lien to be in a specific form; amending s. 720.3085, F.S.; requiring a release of lien to be in a specific form; requiring a pre-lien notice to be in a specific form; requiring a pre-foreclosure notice to be in a specific form; providing requirements for the execution of a claim of lien; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Regulatory Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee, Business & Professional Regulation Subcommittee and Representative(s) La Rosa—

CS for CS for HB 7051—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 472.027, F.S.; directing the Board of Professional Surveyors and Mappers to adopt rules establishing specified standards of practice; amending s. 493.6108, F.S.; revising conditions relating to the examination of fingerprint records for private investigative, security, and repossession service licenses; amending s. 493.6113, F.S.; providing conditions for renewal of certain firearm licenses; amending s. 493.6115, F.S.; authorizing certain firearms licensees to carry specified handguns; amending s. 493.6305, F.S.; providing conditions under which certain licensees are authorized to carry concealed firearms; amending s. 501.016, F.S.; providing for consumer claims against certain bonds posted by health studios; amending s. 501.059, F.S.; prohibiting telephone solicitation of certain donors; repealing s. 501.143, F.S., relating to the Dance Studio Act; amending s. 501.603, F.S.; defining the term "novelty payment"; amending s. 501.611, F.S.; providing for consumer claims against certain bonds posted by commercial telephone sellers; amending s. 501.616, F.S.; prohibiting commercial telephone sellers from accepting specified payments; amending s. 501.913, F.S.; providing for expiration of antifreeze registration certificates; amending s. 525.16, F.S.; revising administrative fine provisions for gasoline and oil proprietors; creating s. 526.015, F.S.; prohibiting the sale and distribution of certain lubricating oil; amending s. 526.50, F.S.; deleting the definition of the term "permit year"; amending s. 526.51, F.S.; revising provisions for issuance and renewal of permits to sell brake fluid; amending s. 539.001, F.S.; providing for consumer claims against certain bonds posted by pawnbroking licensees; revising administrative fine and civil penalty provisions for pawnbroker licensees; amending s. 559.929, F.S.; providing for consumer claims against certain bonds posted by sellers of travel; amending s. 943.059, F.S.; requiring the subject of a sealed criminal history record to provide such information when applying for a concealed weapon or concealed firearm permit; providing applicability;

amending ss. 205.1969, 472.025, 501.015, 627.7842, and 718.104, F.S.; conforming provisions to changes made by the act; providing an appropriation; providing effective dates.

—was referred to the Committees on Commerce and Tourism; and Appropriations.

By Appropriations Committee, Economic Affairs Committee and Representative(s) Patronis, Campbell, Taylor—

CS for HB 7095—A bill to be entitled An act relating to the professional sports facilities incentive application process; amending s. 212.20, F.S.; providing for the distribution of a specified amount of tax proceeds to certain applicants of the professional sports facility incentive program; prohibiting the Department of Revenue from distributing more than a specified amount to program applicants; amending s. 218.64, F.S.; authorizing municipalities and counties to use local government half-cent sales tax distributions to reimburse the state for funding received under the professional sports facility incentive program; amending s. 288.0001, F.S.; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide a detailed analysis of the professional sports facility incentive program; creating s. 288.11625, F.S.; creating the professional sports facility incentive program; providing definitions; requiring certain professional sports franchises to meet additional requirements to be a beneficiary; providing application requirements and procedures; providing procedures and criteria for the evaluation of applications and the recommendation of applications for a distribution of state funds; providing that an applicant must receive legislative approval of its application in order to receive state funding; requiring an applicant whose application is approved by the Legislature to enter into a contract with the Department of Economic Opportunity containing specified terms in order to become certified; providing for the duration of certain certifications; providing for the distribution of state funds to certified applicants; requiring certified applicants to submit an annual analysis including specified information; restricting the amount of state funds that may be provided to certified applicants in a specified period; restricting the use of state funds received by a certified applicant to specified purposes; providing for the repayment of distributions under certain circumstances; requiring the department to submit an annual report containing specified information to the Governor and Legislature; requiring the Auditor General to conduct an audit of the program; authorizing the Department of Revenue to recover improperly expended distributions at the request of the Auditor General; providing for the halting of distributions; authorizing the Department of Economic Opportunity to adopt rules; amending s. 288.1166, F.S.; requiring a local government to issue an emergency declaration in order to designate a professional sports facility constructed with financial assistance from the state as a shelter site for the homeless; providing an effective date.

—was referred to the Committees on Commerce and Tourism; and Appropriations.

By Health & Human Services Committee, Rulemaking Oversight & Repeal Subcommittee and Representative(s) Hutson—

CS for HB 7105—A bill to be entitled An act relating to health care services rulemaking; amending s. 390.012, F.S.; revising rulemaking authority relating to the operation of certain abortion clinics; amending s. 400.021, F.S.; revising the definition of the term "nursing home bed" to remove rulemaking authority for determining minimum space requirements for nursing home beds; amending s. 400.0712, F.S.; removing rulemaking authority relating to inactive nursing home facility licenses; amending s. 400.23, F.S.; revising general rulemaking authority relating to nursing homes and certain health care providers; amending s. 400.471, F.S.; exempting certain home health agencies from requirements relating to documentation of accreditation; amending s. 400.474, F.S.; revising reporting requirements to be submitted to the Agency for Health Care Administration by home health agencies; revising entities that are not required to submit the report; amending s. 400.487, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to home health agency personnel; amending s. 400.497, F.S.; revising rulemaking authority relating to the Home Health Services Act; amending s. 400.506, F.S.; removing rulemaking authority relating to the licensure of nurse registries and the establishment of certain emergency management plans; amending s. 400.509, F.S.; removing

rulemaking authority relating to registration of certain companion services and homemaker services; amending s. 400.6095, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to a hospice care team; amending s. 400.914, F.S.; revising rulemaking authority relating to standards for prescribed pediatric extended care (PPEC) centers; removing rulemaking authority relating to certain limitations on PPEC centers; creating s. 400.9141, F.S.; providing limitations on PPEC centers; amending s. 400.934, F.S.; revising rulemaking authority relating to the preparation of emergency management plans by home medical equipment providers; amending s. 400.935, F.S.; revising rulemaking authority relating to minimum standards for home medical equipment providers; amending s. 400.962, F.S.; removing rulemaking authority relating to certain standards for active treatment by intermediate care facilities for the developmentally disabled; amending s. 400.967, F.S.; revising rulemaking authority relating to the construction of, the preparation of emergency management plans by, and the classification of deficiencies of intermediate care facilities for the developmentally disabled; amending s. 400.980, F.S.; removing rulemaking authority relating to the registration of health care services pools; amending s. 409.912, F.S.; removing rulemaking authority relating to Medicaid provider lock-in programs; amending s. 409.972, F.S.; revising Medicaid-eligible persons exempt from mandatory managed care enrollment; amending s. 429.255, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to assisted living facility staff and the use of automated external defibrillators; amending s. 429.73, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to adult family-care home providers; amending s. 440.102, F.S.; removing rulemaking authority relating to certain guidelines for drug-free workplace laboratories; amending s. 483.245, F.S.; revising rulemaking authority relating to the imposition of certain administrative penalties against clinical laboratories; amending s. 765.541, F.S.; revising rulemaking authority relating to standards and guidelines for certain organ donation programs; revising provisions relating to organ procurement programs; amending s. 765.544, F.S.; removing rulemaking authority relating to administrative penalties for violations with respect to organ and tissue donations; providing an effective date.

—was referred to the Committees on Health Policy; Rules; and Appropriations.

By Health & Human Services Committee, Health Care Appropriations Subcommittee, Health Innovation Subcommittee and Representative(s) Brodeur, Steube, Campbell, Cummings, Pigman—

CS for CS for HB 7113—A bill to be entitled An act relating to health care; amending s. 395.1051, F.S.; requiring a hospital to notify obstetrical physicians before the hospital closes its obstetrical department or ceases to provide obstetrical services; permitting a hospital that has operated as a Level I, Level II, or pediatric trauma center for a specified period to continue operating at that trauma center level under certain conditions, notwithstanding any other provision of law; making a hospital that complies with such requirements eligible for renewal of its 7-year approval period under s. 395.4025(6); permitting a hospital that has operated as a Level I, Level II, or pediatric trauma center for a specified period and is verified by the Department of Health on or before a certain date to continue operating at that trauma center level under certain conditions, notwithstanding any other provision of law; making a hospital that complies with such requirements eligible for renewal of its 7-year approval period under s. 395.4025(6); amending s. 395.401, F.S.; restricting trauma service fees to \$15,000 until July 1, 2015; amending s. 395.402, F.S.; deleting factors to be considered by the department in conducting an assessment of the trauma system; assigning Collier County to trauma service area 15 rather than area 17; amending s. 395.4025, F.S.; permitting a trauma center or hospital located in the same trauma service area to protest a decision by the department to approve another trauma center; establishing a moratorium on the approval of additional trauma centers until the earlier of July 1, 2015, or upon the effective date a rule adopted by the department allocating the number of trauma centers needed for each trauma service area; requiring a trauma center to post its trauma activation fee in the trauma center and on its website; creating s. 456.47, F.S.; defining terms; providing for certain practice standards for telehealth providers; providing for the maintenance and confidentiality of medical records; requiring the registration of health care professionals not licensed in this state to use telehealth to deliver health care services; providing registration re-

quirements; prohibiting registrants from opening an office or providing in-person health care services in this state; requiring a registrant to notify the appropriate board or the department of certain actions against the registrant's professional license; prohibiting a health care professional with a revoked license from being registered as a telehealth provider; providing exemptions to the registration requirement; providing rulemaking authority; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for the relocation of a specified percentage of acute care hospital beds from a licensed hospital to another location; requiring certain information to be included in a request for exemption; amending s. 381.026, F.S.; including independent nurse practitioners within the definition of "health care provider"; amending s. 382.008, F.S.; authorizing independent nurse practitioners to certify causes of death and to sign, correct, and file death certificates; amending s. 394.463, F.S.; authorizing an independent nurse practitioner to execute a certificate to require, under the Baker Act, an involuntary examination of a person; authorizing a qualified independent nurse practitioner to examine a person at a receiving facility and approve the release of a person at the receiving facility under the Baker Act; amending s. 456.048, F.S.; requiring independent nurse practitioners to maintain medical malpractice insurance or provide proof of financial responsibility; exempting independent nurse practitioners from such requirements under certain circumstances; amending s. 456.44, F.S.; providing certain requirements for independent nurse practitioners who prescribe controlled substances for the treatment of chronic non-malignant pain; amending s. 464.003, F.S.; revising the definition of the term "advanced or specialized nursing practice" to require a joint committee to establish an exclusionary formulary of controlled substances; defining the term "independent nurse practitioner"; amending s. 464.012, F.S.; authorizing advanced registered nurse practitioners to perform certain acts as they relate to controlled substances; providing limitations; amending s. 464.0125, F.S., providing for the registration of qualified advanced registered nurse practitioners as independent nurse practitioners; authorizing registered independent nurse practitioners to perform certain acts; requiring advanced registered nurse practitioners registered as independent nurse practitioners to include their registered status on their practitioner profiles; requiring independent nurse practitioners to complete a certain amount of continuing education in pharmacology for biennial renewal of registration; aligning the biennial renewal cycle period for registration for independent nurse practitioners with the advanced registered nurse practitioner licensure renewal cycle; authorizing the Board of Nursing to establish fees by rule; providing the board with rulemaking authority; amending s. 464.015, F.S.; providing title protection for independent nurse practitioners; creating s. 464.0155, F.S., requiring independent nurse practitioners to report adverse incidents to the Board of Nursing in a certain manner; defining the term "adverse incident"; providing for board review of the adverse incident; authorizing the board to take disciplinary action for adverse incidents; amending s. 464.018, F.S.; adding certain acts to an existing list of acts for which nurses may be administratively disciplined; amending s. 893.02, F.S.; redefining the term "practitioner" to include independent nurse practitioners; amending s. 960.28, F.S.; conforming a cross-reference; amending s. 288.901, F.S.; requiring Enterprise Florida, Inc., to collaborate with the Department of Economic Opportunity to market this state as a health care destination; amending s. 288.923, F.S.; directing the Division of Tourism Marketing to include the promotion of medical tourism in its marketing plan; creating s. 288.924, F.S.; requiring the medical tourism plan to promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers in this state and to include an initiative to showcase qualified health care providers; requiring a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation to be allocated for the medical tourism marketing plan; requiring the Florida Tourism Industry Marketing Corporation to create a matching grant program; specifying criteria for the grant program; requiring that a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation be allocated for the grant program; amending s. 456.072, F.S.; providing additional grounds for discipline of a licensee of the department by a regulatory board; requiring the suspension and fining of an independent nurse practitioner for prescribing or dispensing a controlled substance in a certain manner; amending s. 893.055, F.S.; revising definitions; revising provisions relating to the database of controlled substance dispensing information; revising program funding requirements; requiring a prescriber to access and view certain patient information in the database before initially prescribing a controlled substance; providing requirements related to the release of identifying information; providing requirements for the

release of information shared with a state attorney in response to a discovery demand; providing procedures for the release of information to a law enforcement agency during an active investigation; requiring the department to enter into a user agreement with a law enforcement agency requesting the release of information; providing requirements for the user agreement; requiring a law enforcement agency under a user agreement to conduct annual audits; providing for the restriction, suspension, or termination of a user agreement; revising information retention requirements; revising provisions required in a contract with a direct-support organization; requiring the state to use certain properties and funds to support the program; providing for the adoption of specific rules by the department; amending s. 893.0551, F.S.; conforming references; amending s. 154.11, F.S.; authorizing a public health trust to execute contracts and other instruments with certain organizations without prior approval by the governing body of the county; amending s. 458.3485, F.S.; deleting a provision specifying entities authorized to certify medical assistants; amending s. 456.42, F.S.; requiring written prescriptions for specified controlled substances to be dated in a specified format; amending s. 465.014, F.S.; providing the number of registered pharmacy technicians a licensed pharmacist may supervise if approved by the Board of Pharmacy after considering certain factors; requiring the board to authorize a licensed pharmacist to supervise more than three pharmacy technicians if a licensee is employed by certain entities; requiring a licensee to provide the board with notice of employment status under certain circumstances; providing an appropriation to the Department of Health to fund the administration of the prescription drug monitoring program; amending s. 400.141, F.S.; revising provisions for administration and management of nursing home facilities; amending s. 465.189, F.S.; authorizing pharmacists to administer meningococcal and shingles vaccines under certain circumstances; amending ss. 458.347 and 459.022, F.S.; increasing the number of licensed physician assistants that a physician may supervise at any one time; providing an exception; revising circumstances under which a physician assistant is authorized to prescribe or dispense medication; revising requirements for medications prescribed or dispensed by physician assistants; revising application requirements for licensure as a physician assistant and license renewal; amending ss. 458.348 and 459.025, F.S.; defining the term "nonablative aesthetic skin care services"; authorizing a physician assistant who has completed specified education and clinical training requirements, or who has specified work or clinical experience, to perform nonablative aesthetic skin care services under the supervision of a physician; providing that a physician must complete a specified number of education and clinical training hours to be qualified to supervise physician assistants performing certain services; amending s. 400.9905, F.S.; providing an exemption from licensure under part X of chapter 400, F.S., in certain circumstances; providing effective dates.

—was referred to the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Regulatory Affairs Committee, Energy & Utilities Subcommittee and Representative(s) Diaz, J.—

CS for HB 7147—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 377.6015, F.S.; removing a provision relating to the department's duty to represent the state in the Southern States Energy Compact; amending s. 377.703, F.S.; requiring the department's annual report to include recommendations for energy efficiency; revising provisions relating to the promotion of the development and use of renewable energy resources; directing the department to cooperate with the Florida Energy Systems Consortium in the development and use of renewable energy resources; amending s. 377.712, F.S.; authorizing the Commissioner of Agriculture to serve on or appoint a representative to the Southern States Energy Board; re-directing authority to approve proposed activities relating to the Southern States Energy Compact from the Department of Health to a specified member of the board; amending s. 377.801, F.S.; conforming a cross-reference; amending ss. 377.802 and 377.803, F.S.; conforming provisions to changes made by the act; creating s. 377.815, F.S.; authorizing the department to post on its website information relating to alternative fueling stations and electric vehicle charging stations; defining the term "alternative fuel"; authorizing the owner or operator of an alternative fueling station or an electric vehicle charging station to report certain information; amending s. 553.74, F.S.; providing for the appointment of a department representative to the Florida Building Commission; deleting obsolete provisions; repealing ss. 377.806 and

377.807, F.S., relating to the Solar Energy System Incentives Program and the energy-efficient appliance rebate program, respectively; providing definitions; directing the Office of Energy within the Department of Agriculture and Consumer Services to establish a program for allocating or reallocating a federal qualified energy conservation bond volume limitation; providing program requirements; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Agriculture; and Appropriations.

By State Affairs Committee and Representative(s) Brodeur, Porter—

HB 7171—A bill to be entitled An act relating to establishing minimum water flows and levels for water bodies; exempting specified rules from legislative ratification under s. 120.541(3), F.S.; requiring the Department of Environmental Protection to publish a certain notice; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and Rules.

By State Affairs Committee and Representative(s) Boyd, Caldwell—

HB 7181—A bill to be entitled An act relating to public retirement plans; amending s. 121.021, F.S.; revising the definition of "vested" or "vesting"; providing that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after 10 years of creditable service; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for employees in the Elected Officers' Class or the Senior Management Service Class initially enrolled after a specified date; amending s. 121.052, F.S.; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.053, F.S.; authorizing renewed membership in the retirement system for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances; amending s. 121.055, F.S.; authorizing renewed membership in the retirement system for retirees of the Senior Management Service Optional Annuity Program who are reemployed on or after a specified date; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Service Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; increasing the service time required to qualify for disability benefits to 10 years for members enrolled in the pension plan on or after a specified date; revising provisions to conform to changes made by the act; amending s. 121.122, F.S.; requiring that certain retirees who are employed on or after a specified date be renewed members in the investment plan; providing exceptions; providing that creditable service does not accrue for a reemployed retiree during a specified period; prohibiting certain funds from being paid into a renewed member's investment plan account for a specified period of employment; requiring the renewed member to satisfy vesting requirements; prohibiting a renewed member from receiving disability benefits; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions to the member's investment plan account; providing for the administration of the employer and employee contributions; prohibiting the purchase of past service in the investment plan during certain dates; authorizing a renewed member to receive additional credit toward the health insurance subsidy under certain circumstances; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State University System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State Community College System Optional Retirement Program is a renewed member of that program;

specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; revising the definition of "member" or "employee"; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; enrolling certain employees in the pension plan from their date of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; providing certain members with a specified time to choose participation in the pension plan or the investment plan; specifying that a retiree who has returned to covered employment before a specified date may continue membership in his or her selected retirement plan; conforming a provision to changes made by the act; providing for the transfer of certain contributions; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; revising the education component; conforming provisions and cross-references to changes made by the act; amending s. 121.591, F.S.; increasing the service time required to qualify for disability benefits to 10 years for members enrolled in the investment plan on or after a specified date; amending s. 175.021, F.S.; revising the legislative declaration to require that all firefighter pension plans meet the requirements of chapter 175, F.S., in order to receive insurance premium tax revenues; amending s. 175.032, F.S.; revising definitions to conform to changes made by the act and providing new definitions; amending s. 175.071, F.S.; conforming a cross-reference; amending s. 175.091, F.S.; revising the method of creating and maintaining a firefighters' pension trust fund; amending s. 175.162, F.S.; deleting a provision basing the availability of additional benefits in a firefighter pension plan upon state funding; revising the calculation of monthly retirement income for a full-time firefighter; providing that certain firefighter pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 175.351, F.S., relating to municipalities and special fire control districts that have their own pension plans and want to participate in the distribution of a tax fund; revising criteria governing the use of revenues from the premium tax; authorizing a pension plan to reduce excess benefits if the plan continues to meet certain minimum benefits and standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 175, F.S., under certain circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 175, F.S., for a limited time; amending s. 185.01, F.S.; revising the legislative declaration to require that all police officer pension plans meet the requirements of chapter 185, F.S., in order to receive insurance premium tax revenues; amending s. 185.02, F.S.; revising definitions to conform to changes made by the act and adding new definitions; revising applicability of the limitation on the amount of overtime payments which may be used for retirement benefit calculations; amending s. 185.06, F.S.; conforming a cross-reference; amending s. 185.07, F.S.; revising the method of creating and maintaining a police officers' retirement trust fund; amending s. 185.16, F.S.; deleting a provision basing the availability of additional benefits in a police officer pension plan upon state funding; revising the calculation of monthly retirement income for a police officer; providing that certain police officer pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 185.35, F.S., relating to municipalities that have their own pension plans for police officers and want to participate in the distribution of a tax fund; conforming a cross-reference; revising criteria governing the use of revenues from the premium tax; authorizing a plan to reduce excess benefits if the plan continues to meet certain minimum benefits and minimum standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 185, F.S., under specified circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 185, F.S., for a limited time; amending ss. 238.072 and 413.051, F.S.; conforming cross-refer-

ences; providing that the act fulfills an important state interest; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Appropriations.

By Economic Affairs Committee, Government Operations Subcommittee, Transportation & Highway Safety Subcommittee and Representative(s) Kerner, Campbell, Rooney—

CS for CS for CS for HB 865—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public records requirements for certain personal contact information contained in motor vehicle crash reports; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Rules.

By Representative(s) Harrell, Edwards, Fitzenhagen, Gibbons, Lee, Magar, Mayfield, Moraitis, Raschein—

HM 607—A memorial to the Congress of the United States, urging Congress to enact before adjournment a Water Resources Development Act authorizing the next phase of Everglades restoration that includes the Biscayne Bay Coastal Wetlands, the C-111 Spreader Canal, the Broward County Water Preserve Area, the Caloosahatchee River C-43 West Basin Storage Reservoir, and the Central Everglades Planning Project.

—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 506, CS for SB 646, CS for SB 648, CS for SB 650, CS for SB 656, CS for SB 858, SB 996, SB 1108 and SB 1678.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-INTRODUCERS

Senator Sobel—CS for SB 1142

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 2:26 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, April 28 or upon call of the President.