



# 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—33:

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

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

## PRAYER

The following prayer was offered by Senator Montford:

Father, as we see this session to an end, please help us do what is best for Florida's children. Let that be laid on our hearts and be the foundation upon which we build policy. Lord, let us find common ground to make decisions that will benefit our children, our grandchildren, and their children. For you, Lord, recognize that children are our future. When you said in the *Book of Luke*, "Let the little children come to me and do not hinder them, for the kingdom of God belongs to such as these." So, too, does the State of Florida belong to such as these.

So, God, let us not be blinded by the many priorities created by this world, but help us to see through your eyes and legislate according to the

needs of your children. For the people of Florida are in need, Lord. Help us come together to meet these needs, as you have shown us to do. May we all remember the mercy that you have shown us and help us to return that mercy to those in need, starting with the least of these.

Lord, you know that it's not just us, as Senators, that look for your guidance and blessing, but also every person in this process. Please bless those that have spent time away from their families and long nights here working for our children's education, our communities' parks, and to preserve the beauty and nature that your hands have created. It is their hard work that help make those of us in this chamber do what is right. Lord, we thank the staff that you have blessed us with and their commitment to this great state.

Lord, you have blessed us with the friendship found in these Capitol halls. You have blessed us with the diversity needed to solve the problems that we face. Dear God, please give us the patience to hear each others' woes and the perseverance to do what is right by your word.

Thank you, dear God, for the freedom that you have granted us in this country to speak openly, bravely, and forthrightly about our own beliefs, so that we may hope to follow your word. Finally, dear God, we thank you for being an ever present help in the times of our need and for your standing beside us, preparing us for what is ahead. We ask that you hear our prayers. Amen.

## PLEDGE

Senate Pages, Harrison Edwards of Dade City, and Sarah Cibula of Riviera Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

## BILLS ON THIRD READING

Consideration of **CS for CS for SB 586** and **CS for CS for SB 764** was deferred.

**CS for CS for SB 1274**—A bill to be entitled An act relating to Citizens Property Insurance Corporation; amending s. 627.351, F.S.; postponing the date that certain major structures become ineligible for coverage by the corporation; providing that a condominium association is ineligible for commercial residential wind-only coverage under certain conditions; providing an effective date.

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

Pending further consideration of **CS for CS for SB 1274** as amended, on motion by Senator Hays, by two-thirds vote **CS for CS for HB 1089** was withdrawn from the Committees on Banking and Insurance; Community Affairs; and Rules.

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

**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.

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

On motion by Senator Hays, by two-thirds vote **CS for CS for HB 1089** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Gardiner	Simmons
Bean	Gibson	Simpson
Benacquisto	Hays	Smith
Bradley	Hukill	Sobel
Brandes	Legg	Soto
Dean	Margolis	Stargel
Detert	Montford	Thompson
Galvano	Richter	Thrasher

Nays—6

Braynon	Clemens	Flores
Bullard	Diaz de la Portilla	Garcia

Vote after roll call:

Yea—Evers, Grimsley

Nay—Altman

**CS for SB 1046**—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 read the third time by title.

Pending further consideration of **CS for SB 1046**, on motion by Senator Galvano, by two-thirds vote **CS for CS for CS for HB 865** was withdrawn from the Committees on Transportation; Governmental Oversight and Accountability; and Rules.

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

**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.

—a companion measure, was substituted for **CS for SB 1046** and read the second time by title.

On motion by Senator Galvano, by two-thirds vote **CS for CS for CS for HB 865** 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—33

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Altman, Grimsley, Latvala

Yea to Nay—Joyner

**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 third time by title.

On motion by Senator Benacquisto, **CS for CS for SB 1480** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Altman

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 into 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.

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

On motion by Senator Bean, CS for CS for SB 1212 as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Table with 3 columns: Name, Ring, Sach, Simmons, Simpson, Smith, Sobel, Soto, Stargel, Thompson

Nays—4

Table with 3 columns: Name, Joyner

Vote after roll call:

Yea—Benacquisto, Thrasher

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.

—was read the third time by title.

On motion by Senator Latvala, CS for CS for CS for HB 489 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Altman, Bean

Table with 3 columns: Name, Ring, Sach, Simmons, Simpson, Smith, Sobel, Soto, Stargel, Thompson, Thrasher

Nays—None

Vote after roll call:

Yea—Abruzzo

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.

—was read the third time by title.

On motion by Senator Hays, CS for CS for HB 413 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Montford, Richter, Ring, Sach, Simmons, Simpson, Smith, Sobel, Soto, Stargel, Thompson, Thrasher

Nays—None

Vote after roll call:

Yea—Abruzzo

**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.

—was read the third time by title.

On motion by Senator Latvala, **CS for HB 47** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	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—Abruzzo

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**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; redesignating the term "pension plan" as "retirement plan"; revising criteria governing the use of revenues from the premium tax; authorizing a retirement plan to reduce certain 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 overtime 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; 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 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.

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

On motion by Senator Bradley, **CS for SB 246** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	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	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

Vote after roll call:

Yea—Detert, Latvala

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**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.

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

On motion by Senator Simpson, **CS for CS for CS for SB 272** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	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	
Flores	Montford	

Nays—None

Vote after roll call:

Yea—Abruzzo, Detert

**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.

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

On motion by Senator Simmons, **CS for CS for HB 53** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Benacquisto, Detert

**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.

—was read the third time by title.

On motion by Senator Hays, **CS for CS for HB 175** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Detert, Hays

**SB 386**—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.

—as amended April 25 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 Simmons moved the following amendment which was adopted by two-thirds vote:

**Amendment 1 (502398) (with title amendment)**—Delete lines 20-59 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 the 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 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.

(4) Any attempt to apply the law of a foreign country is void if it contravenes the strong public policy of this state or if the law is unjust or unreasonable.

(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 all 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.

The purpose of this section is to codify existing case law, and that intent should guide the interpretation of this section.

And the title is amended as follows:

Delete lines 10-16 and insert: entitled to comity; providing that the attempt to apply the law of a foreign country is void under certain circumstances; 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.

WHEREAS, the purpose of the courts of this state is to fairly and justly adjudicate disputes, and

WHEREAS, the common law and other court interpreted law of this state protects litigants from the application of unfair and unjust laws of foreign countries, and

WHEREAS, with respect to the enforceability of choice of law provisions, this act codifies the holdings of *Mintz & Fraade P.C., v. Beta Drywall Acquisition, LLC*, 59 So.3d 1173, 1176 (Fla. 4th DCA 2011); *Walls v. Quick & Reilly, Inc.*, 824 So.2d 1016, 1018 (Fla. 5th DCA); and

WHEREAS, with respect to the enforceability of forum selection clauses, this act codifies the holdings of *Manrique v. Fabbri*, 493 So.2d 437, 440 (Fla. 1986) and *Illinois Union Insurance Co. v. Co-Free, Inc.*, 128 So.3d 820 (Fla. 1st DCA 2013); and

WHEREAS, with respect to the enforceability of a judgment or order of a court of a foreign country, this act codifies the holding of *Nahar v. Nahar*, 656 So.2d 225, 229 (Fla. 3d DCA 1995); and

WHEREAS, with respect to the application of the law of a foreign state, this act codifies *McNamara v. McNamara*, 40 So.3d 78, 80 (Fla. 5th DCA 2010); and

WHEREAS, with respect to the dismissal of a case on the grounds that a satisfactory remedy may be more conveniently sought in a foreign country, this act codifies the result of Rule 1.061(a)(1), Florida Rules of Civil Procedure, NOW, THEREFORE,

On motion by Senator Hays, **SB 386** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Brandes	Flores
Altman	Dean	Galvano
Bean	Detert	Garcia
Benacquisto	Diaz de la Portilla	Gardiner
Bradley	Evers	Grimsley

Hays	Legg	Simpson
Hukill	Richter	Stargel
Lee	Simmons	Thrasher

Nays—14

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

**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 third time by title.

Pending further consideration of **SB 388**, on motion by Senator Bean, by two-thirds vote **HB 117** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

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

**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.

—a companion measure, was substituted for **SB 388** and read the second time by title.

On motion by Senator Bean, by two-thirds vote **HB 117** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher

Nays—None

Vote after roll call:

Yea—Detert, Stargel

## INTRODUCTION OF FORMER SENATORS

The President introduced former Senator and Lake County Property Appraiser Carey Baker, who was present in the chamber.

**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.

—was read the third time by title.

On motion by Senator Brandes, **CS for HB 635** 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	Grimley	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 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 third time by title.

Pending further consideration of **CS for CS for SB 700**, on motion by Senator Bradley, by two-thirds vote **CS for CS for HB 7055** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

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

**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 require-

ments 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.

—a companion measure, was substituted for **CS for CS for SB 700** and read the second time by title.

On motion by Senator Bradley, by two-thirds vote **CS for CS for HB 7055** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Montford
Abruzzo	Galvano	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

Consideration of **SB 732** and **CS for HB 697** was deferred.

## RECOGNITION OF PRESIDENT PRO TEMPORE

### REMARKS

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

**Senator Lee:** First, let me thank you, Mr. President, for the opportunity here. This is a really important time in any president's administration, and it's an opportunity to recognize both our Pro Tempore, as well as you, Sir, for the work you have done in leading our chamber. As someone who has been around here, along with Senator Thrasher and some others in a variety of different administrations, they are all different, they are all unique. They all take on the personality and the work style of the individuals that we put in charge.

When I came to the Senate two years ago, I didn't know Senator Richter. I knew he was a banker and that he had a deep interest in insurance issues. What I didn't know was that he had this extraordinary sense of humor and that he was such a delight to be around and a real gentleman. There are times, in the heat of the battle and the moments that take place here in the clash of ideas, where it's hard to be a gentleman. It's hard to maintain that sense of humor. He has done so with great distinction. I think he has been a tribute to the Senate. He has certainly been a tribute to you, Mr. President, because it is your job to make the choices, how you populate committees, and who you put in what assignments. To have a Pro Tempore who stands in such great stead as the second in command of this institution and who does so with such a grasp of policy and yet is able to maintain the levity that he does, where we take what we do seriously, but not ourselves. I know he has had a heavy lift down in the Gaming Committee, working with that industry, and has brought things down through the funnel pretty far. We are now waiting for a compact so he can finish the balance of his work. What a great leader. What a great honor it has been for me, Mr. Pro Tempore, to have an opportunity to get to know you and to get to work with you, and to be able to stand here on the floor of the Senate to have an opportunity to acknowledge your service to our state, to this admin-

istration, and to me, personally, in this Senate. I'm grateful for having had the privilege to get to know you, Sir. Thank you, Mr. President.

**Senator Gardiner:** Thank you, Mr. President. I had the opportunity of nominating Senator Richter for the role as our President Pro Tempore. At the time, I talked about his service, not only to this great state, but to our country and everything that he has sacrificed for his family and for his friends. At the time, we talked a lot about loyalty in the importance of the President Pro Tempore; they are your partner, they are your top lieutenant. They don't ask questions sometimes about, "Do I take the bullet?" The question is, "Yes sir, when do I need to take the bullet for the team?" Senator Richter is that individual. We have had the opportunity to serve in the House together. We've traveled this great state, we've traveled outside this state, and we have always enjoyed the opportunity for our families to get together.

As Senator Lee mentioned, Senator Richter is a banker. He is a leader, and when our President asked Senator Richter to take on the job of the Gaming Committee, it was, "Yes sir, I'm going to take the hill." In twelve months, maybe a little bit more, I think it's safe to say he could be one of the experts now on gaming. Senator Lee also talked about his personality and his style. I have enjoyed the battles, but I've enjoyed the laughs. Gaming is a perfect example. We've all had bills that changed over time or maybe got a little heavy or didn't make it to that final destination yet—no pun intended. But he always did it with a smile. He always did it with confidence. He's always done it in the best interests of this great state and this Senate.

Mr. President, you could not have had a better partner in this process. His advice and his guidance are exactly what a President needs on this journey. Senator Richter, I look forward to our journey together. We are going to have a lot of laughs but we're also going to have the opportunity to address some of the issues that you have been a leader on. It's an honor. It was an honor to nominate you, and it's been an honor to work with you in this process. Thank you for your service as our President Pro Tempore.

**Senator Joyner:** It has been an honor for me to have had the opportunity to work with Senator Richter for the past six years, long before he became the Pro Tempore. He is the loving husband to Diana; the proud father of Melissa, Elizabeth, and Robert; and the doting grandfather to Ian, Leah, Santiago, and Ignacio. I hope they are all watching today.

Senator Richter is a consummate gentleman in every sense of the word. A gentleman, who in the words of my father, "walks like he has somewhere to go." It has been quite a walk. For those of you who might not know Senator Richter, he came from humble beginnings. It was fortuitous that our paths crossed here in this Florida Senate where we have developed a close, collegial bond. One of the things that we share is that we both had wise fathers. My father always told me to look like I was wealthy and to walk like I had somewhere to go. Senator Richter is wealthy and always has somewhere to go. As a young man, he worked in a bank. He told us the story that he was a janitor, but his wise father said, "You have to dress for what you want to be." So the janitor packed his janitorial clothes in his briefcase and boarded a bus every morning with all of the executives of the bank. Of course, they all assumed that this young man was also a rising star in the world of finance. Only he and his father knew that he was dressing for what he wanted to be. When he got to work, he would go into the basement and change into his janitor's uniform. I tell you what, the lesson that his father taught him certainly worked for his professional pursuits.

He's a native of Pittsburgh. He moved to Florida in 1987 after graduating from the University of Pittsburgh and the Graduate School of Banking in Madison, Wisconsin. Before the path of academics, before treading along the hallowed halls of higher learning, Senator Richter first answered the call to serve his country. In 1969, at the height of the Vietnam War, Senator Richter joined the United States Army and won both the Vietnam Bronze Star as well as the Combat Infantry Badge. He continued his service with the U. S. Armed Forces from 1979 until 1981. He has been tried and tested from the battlefield to the boardroom.

In his distinguished banking career, including helping to establish the First National Bank of Florida and the First National Bank of the Gulf Coast, and along his route to the Florida Senate, patience has certainly been one of his virtues. Three children and four grandchildren are a testament to that. I cannot, in the six years that I have known him,

recall any time that he has lost his composure no matter what pressures were brought upon him. President Gaetz made a very wise decision in appointing our friend, Senator Richter, to this important leadership position, which he has held with style and class.

You know, when he first embarked on his life's journey, he might not have actually known where he was headed, but he most certainly has arrived. He's a Senator and a banker. When you put those two together, it spells success every day.

To quote Ralph Waldo Emerson, "Patience and fortitude conquer all things." Senator Richter, your sense of honor and duty have never wavered, and you have served this Senate well. If not for the dreams you dreamed, if not for the experiences in life, if not for the paths you chose, if not for the providence of the Almighty, we likely would not be here recognizing you today.

As we know, the Senator prides himself on being a poet. He's often heard saying:

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

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

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

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

And that's our Senator Richter, President Pro Tempore of the Florida Senate.

**Senator Smith:** Mr. President, my script says I'm supposed to say something nice about Garrett Richter. The best thing I can say is he truly out-kicked his coverage in marrying Diana and getting her to stay with him all these years. If you can convince such a beautiful, intelligent, regal woman to first marry and then stay with you for many years, you've got to have something on the ball.

Senator Richter, as mentioned by Senator Gardiner, was what was known as a tunnel rat. He would go in with a pistol and climb through the tunnels during the war and look for problems and solve those problems. He's done that for a couple years in the Florida Senate. He is still doing that job. He is still taking his orders with pride and he is going to do his job, to do his duty. Mr. President, you've given him some orders and he's done his duty.

I first started working with Senator Richter closely on the Insurance Committee. To put him as the head of the insurance committee and to put Senator Fasano there beside him was an adventure. He performed those duties with dignity and performed well as the Insurance chair. I

guess he did so well you put him in charge of Gaming and he still did a great job.

One thing about Senator Richter, he's always been a personable Senator. We are giving speeches like he's leaving but I'm glad he's sticking around. In this chamber, when there's turmoil and we start arguing and things get a little testy, especially when issues come up and we have disagreements, you can always count on Senator Richter coming over, shaking your hand and giving some advice on how to better deal with the situation whether he is involved in it or not. He has always performed his duty, sitting in that seat, watching what goes on on this floor, and always giving sage advice in calming the situation down. As the Pro Tempore, I think that's the epitome of what you should do.

The President is controlling the chamber and you are here controlling the floor and making sure that we all conduct ourselves in a professional manner. You've done that in a tremendous way and I look forward to you in the next two years, without the title, still doing that because you've done it masterfully and with pride. I've had so much fun with you. I look forward to two more years of fun and two more years of learning from you to always be professional in what we do on this floor. Thank you.

**Senator Abruzzo:** Mr. President, I just want to speak to one specific instance that I learned about your character that helped me to be a better legislator. Mr. President, when you graciously allowed me to come on the Gaming Committee late, you confirmed with Senator Richter and you called me in your office for a meeting. You didn't know where I was on Gaming legislation; you didn't know where my positioning was, so sure enough, being a member of the minority party, an opposite party, I thought I was going to go in and discuss my point-of-view on where I saw gaming.

When you brought me into your office, you explained your philosophy of where you believed that the state should head. You never asked my position at all. At the end of the meeting you said to me, "I am not going to ask your position, you vote how you want, I want you to do what you feel is best for your district." Members, I don't know where that happens in any legislative body, federal or state, throughout our nation that a chairman of a different party would bring in a minority member on a bill that could truly shift billions of dollars in policy for decades to come in our state. He didn't even want to know where I was on that position, he just wanted me to do what I felt was best for my district. I learned a lot from you that day, Mr. President, and it is a pleasure to serve with you and be a part of your committee.

**Senator Benacquisto:** All day, I've been running around giggling because I knew this was going to happen and the President Pro Tempore really didn't know the extent to which we would honor him this morning. My job is to give the gift. First, I'll take a moment to share what a gift you have been to us. To this body, we think the word that truly describes you is "honor." It is honor that drives your service to our country, your commitment to your family and your community as well as to the President and to each of us. Every time you go to the Senate Page Office and sit with those young, very impressionable kids, you speak to them about what it means to serve as a Senator. You stress the importance of honoring your family and your community for allowing you to be here. Your focus is based on that one word, "honor."

In you, we all have a friend. There isn't a person on this floor that couldn't recite a story about when you came to their aid, sometimes with a bottle of "something." It brought a smile but it built a friendship in a legacy that you feel on this floor today; for your commitment to us, for your commitment to this process, and for your commitment to the President.

He couldn't have picked a better person than you to have this journey with. You have honored him with your service, you have honored him with your tenacity, and you have honored him helping make sure we all do the right thing.

When you pick a gift for someone who has everything, what do you pick? You have a great family, your wife is amazing, your kids are great, your grandkids are just spectacular. Sometimes when we are in a long committee meeting, and no offense to anyone, but we pass the time looking at Senator Richter's grandkids. He is so proud. What do you get someone who has absolutely everything?

It is a measure of how fun you are and how much we love you that, when we present you with these gifts, you will know that we always want you to think of your time as the President Pro Tempore, with great reflection on how much fun you've had and how much fun you've brought to our lives. We love you.

### SPECIAL PRESENTATION

Senators Benacquisto and Smith presented Senator Richter with a golf bag and personalized mirror in appreciation of his service as President Pro Tempore.

### INTRODUCTION OF FORMER SENATORS

The President recognized former Senators, Steve Oelrich and Van Poole; former Senate President and Chief Financial Officer, Jeff Atwater; and former Senate President Mike Haridopolos and his wife, Dr. Stephanie Haridopolos, who were present in the chamber.

### SPECIAL GUESTS

The President recognized former Speakers of the House of Representatives, Larry Cretul and Dean Cannon, who were present in the chamber.

**President Gaetz:** Senator Richter, my wife told me that I overcooked the fish when you and Diana came up to our beach house at Seaside. I was supplying you with bottles of Heineken and blandishments of other kinds to try to convince you to become the President Pro Tempore and to leave not just a comfort zone, where you were Chairman of Banking and Insurance Committee—that wasn't a comfort zone, that was a combat zone—to leave it and enter a different kind of place in the Senate where you would share with me responsibility for all of our mistakes and any victories we might win. My wife said I overcooked the fish, and I did. And I pride myself on being pretty good at cooking fish. The reason I did was because I was so focused on hoping that you would say yes. So will you and Diana please come back. I promise you I won't ask you to take on any combat missions, and I will try to cook the fish better. But we did make up for it with extra Heinekens.

When you think of the banker in your home town—I grew up in a small town—you think of somebody who is distinguished and upright. But you also really think of someone you trust. When you grow up in a family like mine, where money was dear, when we had it we put it in the bank, and we trusted Mr. Linkstead with our money. When my dad had to borrow money, because he was a rancher and he had to borrow it often, he had to go to Mr. Linkstead. He had to trust him because he had to lay out in front of him and bare his soul about what kind of business we expected, how the herd was doing, what the prices were like, how things were going. My father's banker was a man of great discretion, but he was also a flinty-eyed business person who always made sure that the money was safe, his money, and when we had any, our money. Trust. I trust Garrett Richter. I would leave my car keys, my bank book, and the key to my house with Garrett Richter any time.

This is a process where it is hard to function on written agreements. Garrett's bank has, as its logo, shaking hands. Just a handshake, that is its logo. In this process that is the stock and trade, that is the currency of the realm of the Florida Senate, a handshake. We don't ask people to write it down and sign every time we say, "Can I count on you on this?" "Will you help me understand this issue better?" "Will you be with me when I am up against the wall?" It is a handshake. I trust Garrett Richter's handshake. That is loyalty. Loyalty isn't some kind of blind faith that if you ask somebody to do something stupid or wrong that they will do it anyway just because you gave them a title. Loyalty is an interactive process where you ask somebody to do something, and at the same time, express and imply a question. "Do you think it is right?" "Do you think it will work?" "Do you think it will be fair?" That is the kind of relationship that Senator Richter and I have with each other. We are loyal to each other, loyal enough to say, as he has said to me many times, "I would crawl in off that window ledge, Mr. President, it is a long drop." "Let me help you."

You also want somebody who has solutions. My dad's banker had solutions. My dad would come in and have his story as good as he could polish it up, which often wasn't very good because the agriculture business and ranching business was always sort of a whiff. It was the business driven by the winds and the weather and the prices in Chicago. My dad's banker had solutions. He would say, "Well, Jerry, have you thought of this?" "What if you did that?" "What if you took on a partner?" "What if you didn't expand here, or what if you did expand there?" Garrett Richter has solutions. I have never gone to him while serving with him all of these years with a problem and he has just answered by saying, "Nope, can't do that." He has always said, "Have you thought of this?" "Is there another way?" "Would you reconsider part of your plan?" "Would you re-examine your assumptions, I think we can get there." He is a person who will always help us find our way. I guess when you are a tunnel rat as he was in Vietnam, a Ranger, you had to find your way. You had to find solutions; otherwise, you wouldn't come back. His wit and his grace mask a steely determination to do exactly what he says to you he will do. His thoughtfulness and his friendship are great treasures that all of us in this chamber will take when we leave this Senate.

My friend, the President Pro Tempore, Garrett Richter.

### ADDRESS BY PRESIDENT PRO TEMPORE

#### SENATOR RICHTER PRESIDING

**Senator Richter:** Mr. President, today is supposed to be about you and your family. It's wonderful to see Vicky and Erin and Matt. I had no expectations when I walked in for a pre-session meeting, and Senator Benacquisto looked at me and she had a grin on her face like the Cheshire cat. I said, "What are you grinning at?" She just grinned back and so I thought, "Something's up." When I looked at the script of remarks in my office, it didn't have the first few pages. It only had from this point on where we start recognizing you, Mr. President. So when I came here and the script was placed on my desk, I figured I had already looked at it. It was a few moments before this all began; I looked down at the script again to see where we were and realized that people were going to talk about me. I want to thank each and every one of those who certainly stood up and elevated me to heights that I don't deserve and can't reach, and never will. Thank you for your kind, beautiful, complimentary comments. We all know in this process, I frequently say, "We just have to go home to get the disrespect we deserve." It's been a wonderful ride, and I thank you Senator Joyner, and I loved the way you told the story my father told me. Members, I don't want to go too long because we really want to celebrate and unveil our wonderful, wonderful President. But I did find it interesting and certainly a pinch emotional, hearing a lot of my lessons about people in my life who have made a difference. First was my father, who gave me comments and advice throughout the years. Second most influential was the Army. We've talked about my time in the military service. The third most inspirational person that was also mentioned is my wife and we begin our 41st year of marriage here in a few months. Diana, I love you. Forty years, 41 including the year we dated, and the advice and guidance she has given me was the greatest gift of my life and my family, was watching how Diana has guided the greatest treasures in our lives and that's our children. You've all had the opportunity to meet them a couple of years ago. Melissa, Elizabeth, and Robert, our grandchildren, and they've inherited her gift, her talent, her wonderful gift to listen.

You have five fingers at the end of your arm. We go through life, we travel through life, we go through many intersections, and we've made friends, lots of friends. Certainly, in this public arena, we've made hundreds and hundreds of friends. So you've got five fingers at the end of your hand, and you know they're always within your reach. We end up with "finger friends" I call it. We all know the type of friend I'm referring to. The friend that's at the end of your arm, at the end of your hand. There's not hundreds of them, there is only a few of them. President Gaetz, I consider you a "finger friend," somebody that has always been there, that is so generous with your praise of me, but also generous with your time for me. Thank you, thank you, thank you. It has been great working with you.

We think about things in military terms: When we would run a mission in Vietnam, we would go in line, and the two key people in the line are the point person and the person at six o'clock. The six o'clock person had to make sure nobody came up behind you, and the point person had to be your eyes in moving forward. As a leader, you have not only walked

point for the Florida Senate, and at the same time, you've watched behind us, too. You've taken us down the trail; you've taken us to the objective. We have followed you, your leadership, the manner, style, and dignity that you have led should be emulated by anybody and everybody that ever wants to move into a role of leadership. Everybody has said this session, and last year, have just been phenomenal. It's the changes, it's the leadership, it's the sifting through, and eliminating the awkward of politics, if you will, in search of meaningful policy. Thank you for your wonderful leadership.

#### SPECIAL GUESTS

Senator Richter recognized Lieutenant Governor Carlos Lopez-Cantera; and Speaker of the House of Representatives Will Weatherford and his wife, Courtney Weatherford, who were present in the chamber.

### RECOGNITION OF PRESIDENT

#### SPECIAL GUESTS

Senator Richter introduced President Gaetz's wife, Vicky Gaetz, their son, Representative Matt Gaetz, and daughter, Erin Gaetz, who were present in the chamber. Senator Richter also welcomed friends and family of the Gaetz family who were present in the gallery.

#### VIDEO PRESENTATION

A video tribute was played honoring President Gaetz.

#### RETIRING OF PORTRAIT

**Senator Richter:** Senate President Charles Edgar Davis was a Democrat from Madison. At the age of 42, he served as the Senate's 34th President during the 1915 Legislative Session. President Davis was born in Jefferson County in 1873 and graduated from the University of Florida in Lake City. He received his law degree from Washington and Lee University before being elected to the Florida House in 1909. In 1911, he was elected to represent Senate District 10 until 1917.

In 1929, Senator Davis was appointed as one of three Supreme Court Commissioners and served until 1932. Senator Davis passed in 1958 at the age of 85.

Senator Davis was the father of two children, daughter Florina and son W. Turner Davis, who also entered public service. His son represented Senate District 10 for 20 years and served as Senate President in 1955. They are the only father and son in the state's history to have served as Senate President.

#### SPECIAL GUESTS

Senator Richter introduced former Senator Charles Edgar Davis' family who was present in the gallery: daughter, Florina; grandson, Bob McClure, Jr., and his wife, Rae; grandson Charlie McClure and his son, Charlie McClure, Jr.; great grandchildren Mary Ann McClure Robinson with husband David, Leila McClure, and Bob McClure III; nieces Missy Davis Whiddon and Kathy Davis Dilworth with her husband Schuyler; and their mother June Davis.

**Senator Sachs:** I think it's significant that President Davis, whose painting we are retiring at this time, was a Democrat. As you look around at all the various presidents, you have to go pretty far before you find another Democrat. I honor today President Don Gaetz, as someone who knows him in battle, knows him to be a great campaigner. I speak as someone who recognizes a man whose true metal is found not in how he treats his friends, not when the ease and comfort is there, but when the battle lines are drawn. I can say, as someone in this chamber, that Don Gaetz was tough on the battlefield of politics. Let's now talk about policy, because when I came into this chamber last year, I had just come from a tough battle. Don Gaetz and I sat down and we had a little discussion, and after we walked away with a big hug, I knew that Don Gaetz had become President Gaetz. For that, I have tremendous respect for you, President Gaetz.

You know, it was a great Republican president, who after the Civil War said that we will lead our nation forward with malice towards none, and mercy towards all. President Gaetz, that is what you reminded me of last year at the end of one campaign and the beginning of your presidency. I've come to you many, many times. Many of us Democrats have come to you and your door has always been open. You have always been very accepting and very motivational to have all of us think great things.

I know you have a tremendous admiration for Winston Churchill, and I respect that because I find he was a man, like you Mr. President, whose true metal was found in the wages of war, in battles that he lost but still rose up and became a great leader. One of his quotes that I have reminds me of you when he said, "There is no time for ease and comfort. It is the time to dare and endure."

You have allowed us, as Democrats, to go with you to think great things that we can do in this Senate and for this state, as Senators; not as Republicans and Democrats. That is a true metal of a man.

You have put it down, not just with your leadership, but you have had the tremendous partnership with Vicky Gaetz. Because it's one thing to be a wife, it's a wonderful thing and I am a proud wife of a very successful man, but it is something else to be a partner. Vicky Gaetz is your partner, Mr. President. Along with your children, Erin and Matthew. When you think great things for the Senate and for the people of Florida, the first family stands with you. That is very rare. For that, I congratulate you and I honor you and Vicky. I know that as a leader, you have been a leader to all of us. So even though we retire as Democrats, there aren't too many of us left, we put your portrait up. Not as a political leader, but as a true President leader of lots of Senators. Hopefully, later on in your career, as a leader for the people of Florida. Thank you, it has been an honor serving with you, Sir. Thank you.

**Senator Negron:** Late last night in the Senate President's Office we had a budget exercise based on our negotiations with the House during conference. We had to reduce the water allocation in the Senate budget by about 7 million dollars. So the President and I were there to begin that process and the President turned to me and said, "I want the first project cut to be my project, if I have one in the budget, and then I want the projects from Northwest Florida cut and then we will get to the rest of the members." As the Appropriations Chair I turned to him, because I work for him, and I protested pretty vehemently that this is not the way that things should work. The President said, "Leaders sleep on the grounds with their troops." We reduced Northwest Florida and we reduced the President's projects.

The second thing that I want to briefly mention is last summer, due to discharges from Lake Okeechobee, there was serious environmental damage to the Treasure Coast which I represent and also to Southwest Florida which Senator Richter and Senator Benacquisto represent. I called the President to at least begin the discussion about what we could possibly do. The President said, "When we had the oil spill in Northwest Florida, you and everyone else came to Northwest Florida to assist our community. I want you to know that the entire resources of the Senate will be there to serve your community." You didn't just say that in words. You followed up with a Select Committee that met in Martin County on August 22nd and you have supported, every step of the way, the efforts of Southwest Florida and Southeast Florida to responsibly address this issue. So on behalf of the constituents of District 32, thank you, Sir.

**Senator Ring:** There are three of us left from the class of 2006; Senator Joyner, myself, and President Gaetz. Senator Oelrich over there, he was also a member of probably one of the smallest classes I think that has come into the Florida Senate. We have had the chance to spend about eight years together, and we got our little two bonus years. We have been together since the beginning, and I have had a chance to meet the family and spend time together. I definitely think Erin chose the best career path. There is no question about that. She was the smartest one in the family in that regard.

Just a couple of quick things, a few years ago when President Gaetz was going to be designated as President, he called me up and asked me if I could say a few words. Unfortunately, that was when I got sick. Right after he was designated, he came and he visited me. It was really nice that he came down all the way from Pensacola and he spent some time. We went for breakfast. We spent a couple of hours together. I was in pretty bad shape, but he did come and visit me at that point, and I could certainly never forget that.

We were fortunate, and I think President Gaetz and Senator Joyner would agree, that for our first years in office we had President Ken Pruitt. I think we were very fortunate about that because what he did is he led from the bottom up. I remember him saying to us, "I want everyone in this chamber to succeed." President Gaetz has really taken that to a different level as well. He does want everyone in this chamber to succeed, and I know his success because out of every member in this body he is the least popular with the lobbyist corp. He is not afraid to say, "no" to the lobbyist. He certainly believes that Democrat or Republican we are all elected as Senators. It is not partisan, yes we have our 26 - 14 votes, but this is not about partisanship. This is about the fact that there is an equality in here. When you have a leader that says, "You know what, every member in this chamber is a lot more important than any single person that is standing between these two chambers right now." You know we are very, very fortunate with that, because the lobbying community did not control the 2013-2014 Florida Senate. We knew that President Gaetz, from the bottom up, controlled that. I think to me that is the great lesson that I have taken from President Gaetz. It is about the members; Democrat or Republican, it doesn't really matter. It is not about the lobbying community. It is not about who is giving the most money. It is about the ideas that each person here has. If President Gaetz likes that idea, it doesn't matter where you are from or what political party you are; he is going to try to drive home that idea for you. I always say a lot of what we do here we can take to the five yard line and it is up to leadership to take it through the end zone for us. I know for me he has done that multiple times because he has not just been a leader for these two years, he has been a leader for Senator Joyner and me for the last eight years. I congratulate you and Vicky and Matt and Erin and thank you so much for allowing me to serve with you for these last eight years. Thank you.

**Senator Detert:** Thank you, Mr. President. It's a real honor to be able to stand up and say great things about Don Gaetz because I am a true believer, and have been for a long time. What Senator Negron said is right: what your leadership has demonstrated to us, in fact, is we are state Senators, we care about the whole state, we're not regional Senators, and you've always made that clear. Along with Senator Montford, I knew you back in your education days. You came and spoke to my commerce committee when I chaired it in the House. I had heard about the man with the plan from the Panhandle and what a great thing you did. It was always a problem in education if you told parents their kid wasn't college-bound. They thought you wrote their kid off. Don Gaetz went out to his community and discovered what jobs are out there, showed the plan to the kids, got them to buy in, explained to them that there are good jobs, trained them, and almost offered a money-back guarantee to his graduates. So thanks to Don Gaetz, Florida students' diplomas mean more than in any other state as far as I'm concerned. People love to beat up on us, but when you look at the numbers, we're doing a great job in education and a lot of that is thanks to all the work Don Gaetz has done as a school superintendent, as a Senator, as a President.

We share a love for Teddy Roosevelt quotes and it's been mentioned before, the quote I like that I think most applies to you is, "The most practical kind of politics is the politics of decency." I think no one would disagree with the fact that you've demonstrated the policy of decency throughout your whole career and here in the Senate. Vicky, what a great honor it was to get to know you and what a great partner you are, and all the late hours he puts in, you put in, too. We've all seen it, and it's hard. If you both didn't have great passion and love for our state, you wouldn't do it as heartily as you do it. Your effort has been duly noted, really.

So I just want to end by saying that if it wasn't for Don Gaetz, foster care kids would still be put out on the streets on their 18th birthday. Thanks to you, they're not. Thanks to you, a lot of great things happened in this state. Thanks to you, I think you have helped to make us one of the greatest states. I always knew you'd be terrific. Lobbyists were concerned about you and I said, "Hey! I don't care. He's my guy. I think he's going to be great!" You have exceeded my expectations, and my expectations were high. I think what you have done absolutely broke the mold and demonstrated what good government should look like, and it's wonderful. Hopefully, we will keep going in the direction you started us on. I would like to end by saying, the folks in the gallery probably know you truly are the man from Niceville. You've been wonderful; it's been an honor to serve under you and thank you so much.

**Senator Montford:** Thank you, Mr. President. Just as a point of clarification, Senator Negron, when y'all were talking last night about cutting water projects, it was Northwest Florida's District 1 and 2, not 3, so we don't want you to forget that. Let me take just a moment to thank the President. Everything we heard about you, Mr. President, when you were on the board as the Superintendent were all good things, just wonderful, believe me.

I want to thank you for the compliments that you have paid me, and I don't even think you knew it. One was when you asked me to be part of the nominating process. That meant a tremendous amount to me, and it touched me that you would reach out and ask me to do that. Second, before I was even sworn in, after I got elected, I called the President's Office, President Haridopolos' Office. The chief of staff said, "Are you in the building?" I said, "No, I'm down in another office." "Well why don't you come up? The President is here." I had never met President Haridopolos. I walked into the office and President Haridopolos and President Gaetz were there. We had a very open and frank discussion getting to know each other, President Haridopolos and I. President Gaetz said something that I remember today. He looked over at President Haridopolos and said, "Mr. President, he's just different. He's just different, but he's a good man." Where I grew up in Blountstown, that is the best compliment that someone can say about someone else: he's a good man. I say that because in my upbringing, there were tough times. I look back on it and there were times when people were paid, not in currency, but they were paid with produce and meat and so on. The one thing that always resonated with me and my parents was when I heard my parents say, "He's a good man." You can't beat that as a compliment.

So, Mr. President, you are a good man. That means a great deal to me personally, and it means a great deal to the people of Florida. I believe that most people know that when they say that someone is a good man, that means that he cares for those who are sometimes underrepresented and those who are in need. Most importantly, when they say, "He is a good man," that means he's a man of integrity, honesty, and trust. A good man is a man whose word is his bond, and you're a good man, Mr. President. I've enjoyed working with you and you've done more for those in education, the young people, than anybody that I've ever worked with. It's been an honor and a pleasure.

**Senator Lee:** Well thank you, Mr. President. I know we are going on here a little bit. The Legislature is steeped in tradition and so is this Senate. Among those traditions, this is probably one of the most important. I remember having a conversation with the President's son, Matt, outside the Capitol one day. It's been a pleasure getting to know him. He said, "Who we select to run this place is probably the most important decision we make." He's right. I remember as if it was yesterday, this moment during my time as Senate President. It was very emotional for me. I was here with my two kids. They were the most important things to me in my life, at the time, and I made sure they were a part of that portrait that hangs in the chamber. I was never able to talk about my kids much publicly. I do remember saying at the time that I couldn't believe that my colleagues had selected me to lead this chamber. I looked around, and they all kind of looked like they were agreeing with me. They couldn't believe it either, which just goes to show you humility and self-deprecating humor isn't always rewarded in Tallahassee. But on that day, I too was joined by people in both galleries from my community. They had lifted me up, Sir, just like they have lifted you up. They sent you here to represent them in the purest form and the purest representation of our representative democracy. They asked you to serve them in the Senate. This is their victory today. This is the culmination of a lot of years of hard work on your part. It's a tribute to the folks from the Panhandle that sent you here. You rose to a position to lead this chamber, to be able to represent them with distinction and honor. I know how proud you are to represent them. I hope they are half as proud to have you as a representative as you are to be their Senator.

I also know that your family has made an extraordinary sacrifice. I have always said it is the families and friends who pay the price for our ambition. This is an extraordinary tribute to them this morning as we unveil your portrait for all that they have sacrificed, Vicky and the children, and those who are close to you. I know the sacrifices of public service, and there is none more demanding than being President of the Senate. I am happy for you, Mr. President.

I am proud to have had your support when I ran for the Senate again. I appreciate and respect you so much. I have told this to the Governor and I have said it to you, "Our best Senate Presidents are people who find

their way to that office behind the chamber, and they enter it without it having been the most difficult and challenging position they have ever faced in life." We are always at our best when we have a leader who has had to make the tough decisions that you have had to make under the pressure cooker that you have had to operate in. People who have a great deal of wisdom and experience in dealing with public policy, in your case health care and public education. Folks who have lived as fathers, as husbands, as business people, and have a vast array of experience in life. There are no two people who personify that more than our Governor and you, Mr. President. For all that you have done here in public life, it pales in comparison to what you have done in your private life. While I am sure you are much more proud of the things you have done on behalf of the people in the State of Florida than anything you have accomplished personally, it is those experiences that prepared you so well to do this job, and why I believe you have done so well.

I will close with just one solemn reminder because this isn't entirely positive this morning. I know that this applies to Speaker Weatherford, it applies to Courtney's father, Allan Bense, and to someone who resides on the facade of this Senate, and it certainly applies to me. Your portrait hanging there Mr. President, will be a constant reminder of the effects of gravity upon the human body as you move around the chamber. Sir, it is an honor to serve with you, and it is an honor to be able to stand and acknowledge the support you have had from the people in your community, and the people that you call your family. We are grateful for your services, your contributions, and your sacrifices to the Florida Senate. Thank you.

**Senator Hays:** Thank you, Mr. President. I want to point out to the members that your generosity on water projects was not a spur of the moment thing just yesterday. You came to me two weeks ago when you knew that our budget was not what we hoped it would be. You said, "Alan, cut it, cut it, cut it." Folks, this gentleman is a leader, a man for whom I have great respect. The words that Senator Montford used to describe you—honesty, integrity, a man of your word, a good man—I echo those sentiments. I appreciate your friendship. Vicky, what a queen you are. Jeanne just loves you. The friendship you've extended to her, we are just so grateful for it. Mr. President, you and I don't agree on everything, but one of the things that I appreciate so much is the perpetual respect that we have for each other. We can disagree without being disagreeable and still be friends. I appreciate that very much. Thank you for being a real leader.

**Senator Sobel:** Thank you. I first would like to thank the Gaetz family, especially Vicky. When I first met Vicky, I learned about her talents as a campaign manager for Matt. How tirelessly she worked to help get him elected, taking care of all the data, and all the issues. It is very hard to be in political life. To have family support you, is the most important thing. If you have a supportive spouse you can do anything. Vicky Gaetz was there for Don Gaetz, Matt Gaetz, and Erin. Whatever you want to do, she will be there for you, as well. So, thank you to the Gaetz family, a wonderful First Family in the Florida Legislature.

I also want to thank the Senate President for working across the aisle. Many Democrats have come forward and have spoken today about the bipartisan effort the Senate President has made. The Senate President and I are very different in our backgrounds. He comes from a small town in North Dakota. I come from a big town, Brooklyn, New York. I don't know if he has ever visited New York, but I've never visited North Dakota. I've been all around the world to many countries. Some people call me a liberal; a lot of people call the Senate President a conservative. When I first met him, he told me, "Do you know where I come from?" He said, "Niceville." I said, "Oh, where is Niceville?" He knew where Broward County was located. He had heard and knew a lot about Broward County. So we come from very different backgrounds.

Yet, why is it that we are such good friends since we are so different? First of all, the Senate President is a very good listener. He listens to what we have to say and then comes up with the kind of solution that you and he can agree to. He has a wonderful ability to communicate. Many Democrats are happy he was in the chair for the last two years because once he gets back to the floor we are going to be in trouble. He has a wonderful ability to debate and was excellent in the committees. I truly missed him in some of the committees that we were on together as we agreed and debated on many issues. He has a lot of common sense, and I believe he is a very practical guy.

The biggest attribute that I enjoyed was his ability to empower me. By the way, folks, I was never chair of a committee and I never served on Health and Human Services, the child welfare committee. Here I am, given this tremendous responsibility, and I thank you for that. I constantly think of his poster about Churchill which says "Never, never, never give up." I agree with that. He instilled that in me. He does work to try to get to "Yes." I think that's a value he has and a personality trait that we all enjoy.

When I asked him about being a chair, he said to me, "Sobel, you're the chair, you decide." I said, "But sometimes I feel like a step stool, not a chair." He said, "Yes, you are the chair, and you will make the decisions, and I will help you get to where you want to be." So, I'm really thankful for that, for your empowering me in that way.

Florida has truly made history under your leadership. Everybody that got up has said that about you. You are a great friend of Florida, a great friend to the Legislature, and my special friend. We will never, ever and I will never, ever give up. Thank you very much.

**Senator Thrasher:** This is going to be tough, so I am going to start with a story. Some of you may remember before I got here I was a lobbyist and did okay in that regard. One of my stories I like to tell was how I really got to know Don Gaetz as a lobbyist. I know I've heard some of you talk about how the lobbying core out there was probably not as friendly to him as the ones inside here. Well, I was lobbying on an issue I thought was pretty important to my area and to the folks I represented in that context. Senator Gaetz had an opposite view of that position and we went all session long, back and forth, talking to the Governor, and talking to everybody. At the end of the day, I lost. I didn't lose many as a lobbyist, but I lost that one. That's when I really got to understand how effective, and how great this man really was. The President reached out to me after that and patted me on the back and said, "Good job, good fight, and let's move on." Well I did move on to the Florida Senate, and right away recognized his leadership capabilities. Whatever you do over here, I guess you sign cards and all that. I'd never done that in the House. In fact, I've never had a card signed for me in the House, but I signed one immediately for Don Gaetz. Because I recognized already what a leader he was and what a great person he would be for this Senate.

I don't think any of us have been disappointed, Mr. President. You know the sayings Joe, Lizbeth, and I talked about, "Don Gaetz sayings." We mentioned a couple of them in the video. My favorite one is, "measure twice and cut once." Have you ever heard that Matt or Erin? I've heard it a lot. What he means by that or what I think he means by that is basically saying to all of us "let's do our homework. Let's get it right." That's what he has lived by as President of this Senate. Let's don't take short cuts. Let's don't do things that aren't in the public's interest. Let's do things well.

John Phelps often tries to make me more scholarly than I am because I'm not or at least to some people down the street. John Phelps often gives me books and other things to read. One of them, Mr. President, is a quote about what makes a good legislature. Here is what it says, "It's hard to imagine a legislature without leadership. In such a legislature, power, and responsibility would be equally distributed among the members. No one would have principal responsibility. Leadership, however, is critical for the legislature to perform."

So we talk a lot in here about policy and that's the right thing to talk about. This President, in my opinion, has done something else that I think is important for each and every one of us and for the legacy of this institution. That makes each and every one of us a part of this great Senate. You've done that through the committee structure, Mr. President, by putting every member on two appropriations committees and by putting some of us on ten committees. My point is everyone in here has had an opportunity to affect public policy in the area they want to.

I do think the other key role as a presiding officer is to protect the minority. Let them have their say and let them be a part of the process. Two people have spoken about their committee chairmanships and the experience that you have offered to them. This is good public policy in this state. That's an extraordinary leader and I think every one of us in here understands that this is a partisan process. You have been a bipartisan president in your leadership.

I look at the other things you have done to protect this institution and, having done this job, I am honored to serve with you and President Haridopolos. I've heard from my good friend, Senator Latvala, and others who have been here a long time that there's nothing more important than making sure this institution, and its integrity, and credibility are protected. Again, Mr. President, you have done that. Its process and policy are always important, but the end result of having performance by the members makes a difference in this process.

Vicky, Jean and I love you. We appreciate your children, Erin and Matt. I like Don better than I do Matt right now, but Matt's okay. He's a good boy. We're going to learn to like Matt one of these days. Mr. President, your family is extraordinary. Your gift of leadership, your gift of loving your family, your gift of loving your God, and your gift of loving this country and this state are unparalleled. Yours will be a legacy that will be hard to follow for many years to come. But I think once that picture is up there as Senator Lee said, every time we look up there we'll recognize that you have been an extraordinary leader for this state and an extraordinary leader for this Senate. You certainly left it better than you found it. We wish you the very best. Godspeed.

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### INTRODUCTION OF FORMER SENATORS

Senator Richter recognized former Senators Ron Silver, Rudy Garcia, and Al Lawson, who were present in the chamber.

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**Senator Richter:** Husband Don Gaetz, you are a role model; father Don Gaetz, you are a role model; Superintendent Don Gaetz, you are a role model; businessman Don Gaetz, you are a role model; Senator Don Gaetz, you are a role model; and President Don Gaetz, you are a role model for the entire state of Florida, thank you.

**Senator Gardiner:** Thank you, Mr. President. I will be brief. I know we are about to embark on seeing the portrait. I want to say a few things. You and I have had the opportunity to know each other for a while now. There are several of us here that not only have worked in this legislative process, but we've worked in the other process, the political process and have been a part of traveling together. As Speaker Thrasher said, it's sort of the old Ernest Hemingway quote, "the movable feast," where we all seem to go together. I would comment that we all had on our Senate uniform, which was the khakis and blue blazer, and we'd do the meetings. To see you in that process and the leadership that you showed for all the members of the majority, to do what was necessary to make sure each and every one of us had the opportunity to come back. It was because of this man and the leadership that he has shown. Then to come to the Senate and be our presiding officer. I have learned more in the last three days about leadership than I've ever seen in my life. This individual, our President, to see him negotiate, to discuss, and to protect the Senate; to protect each of us in this budget process has been incredible.

With the hanging of the portrait, it is not only a recognition of the President, but it is a discussion about transition. In every step of the way our President, for me personally, has had an open door. He has provided me the guidance and wisdom, more than I can ever express publicly. Usually, when I would come to see the President, he would say, "Whatever you need." That means so much to anybody who is going to lead this chamber; to be associated with somebody who looks at those that will follow and provides everything that is necessary. Members, our President's portrait will hang a hundred years, give or take, in this chamber. There will come a day when a presiding officer is going to have his or her portrait hung there, and he or she will tell the story of Don Gaetz. He or she will read off all the accomplishments, all the bills, all the things that were done during his service. But I think he or she will also say that he truly was a servant leader. He truly provided the guidance for this chamber. I hope that the record will also show that his constituents, his friends, his family traveled not just from his home but from all over the state to come and thank him for everything that he has done.

Mrs. Gaetz, this is not only a celebration for our President, it's a celebration for you. Everything that you have shown to Camille and me and to our family, every leader, every First Lady who is a part of this process

will look at the Gaetz family and say they are the model for the leaders of this chamber.

Mr. President, thank you. I'm also grateful that while we hang your portrait we will be putting you back in the game in committees. Fifteen committees, exactly. A little pay back, Mr. President. But he is not going anywhere. That is what's exciting about this. He's presided over this chamber, but be ready. He will be on this floor. He will be debating. He'll be fighting for the issues that he believes in. Mr. President, thank you. Thank you for your wisdom. Thank you for your guidance to me, personally. Thank you for everything you have done for this Senate and the State of Florida.

### UNVEILING OF PORTRAIT

Senator Richter invited President Gaetz, his wife, Vicky Gaetz, their son, Representative Matt Gaetz, and daughter, Erin Gaetz, to the front of the chamber where the President's portrait was unveiled by Sergeant at Arms Donald Severance. The portrait was created by artist Jie Ruan of Leon Loard Commissioned Portraits.

**Senator Smith:** I stand as Minority Leader but, President Gaetz, I also stand on behalf of my two brothers, Rod and Chris Smithmyer. We've had a lot of eloquent speeches about President Gaetz. I just want to give some more technical things that he has done that make him such a good president from the minority standpoint. We all know that President Gaetz has done well in business. I don't know how because when it comes to dealing with the minority, he is a terrible negotiator. Every time I have gone to him on staffing issues and monetary issues, he has always relented after a couple of visits. He has always been very fair. He's relented and given many tools for the tool box in the minority office. When I go to him for bills that minority members have, he relents and makes sure that everyone has a say in this process. He makes sure that everyone has a chance to be heard and get their bills heard, too. With dollars in the budget going to him for big ticket items and even the smaller issues, he makes sure that the minority's view point on the budget is always heard.

Something that President Gaetz does a lot is that he travels the halls of the Senate. There have been about three times that Carlecia has told me that the President wants to see me. Most of the time, I get a buzz from out front that President Gaetz is out front. He's in the office, looking for me. Or I'll get a text in committee that President Gaetz is on his way to talk to me. Well, actually, it says, "OMG, what have you done? Gaetz is looking for you." He travels the halls and he'll come and visit you in your office. He'll come to the committee and visit with you. You don't get called to the principal's office. A lot of times, it's regarding an issue that he's just concluded a big meeting on. Before he makes a final decision, he wants to make sure the minority numbers are okay with it. He makes sure that we understand what's about to happen. We can then govern ourselves accordingly as it's coming up. That's very good. He is good on follow-up. Many times, I've gone to him with an urgent issue, I've called Chris in his office and said, "Man I really need to see the President." Then I'll forget about it and go home. Later, I'll get a text message or a phone call that night saying, "Hey, you know that issue that you came to me about? Here is my answer." I have to say, "Hey, remind me of the issue again." He's very good on follow-up and protocol in this chamber.

One thing I've noticed over the past two years is that if it's important to you as a Senator, it's important to him. If it's a group to be recognized, even a group that he doesn't philosophically agree with, you recognize them. He always follows up with that group, saying, "Welcome to the Florida Senate." If there is something you want to do on the floor, a point of personal privilege, or some issue you want to bring up on the floor, just to get it off your chest and discuss on the floor, he is very good on protocol in *Robert's Rules of Order*. He is always very good in humanity and says, "If it's important to you and you want to express it on the Senate floor, you are just as important on the Senate floor as any other member."

I started off talking about my brothers, Rod and Chris Smithmyer. During the last campaign cycle, there were a number of things done during the campaign. During the summer and leading into the fall, I was told numerous times, "Oh man, you messed up. Gaetz is mad at you. It's going to be terrible. You are going to have a terrible working relationship. Nothing is going to get done." After November, after the election date, he and I talked and that issue has never come up again—at least not from him. Other members, we joke about it but we learn in this chamber



through your leadership that campaigns stop and the work begins. Campaign issues have never been brought into the chamber even though campaigns can be contentious.

Another good thing that you do is that you slow down the process. Members have seen this and those that watch this chamber have seen this. President Gaetz is real good at slowing down the process. If there is a problem and a member says, "Hey, I've got an issue," President Gaetz has no problem, no matter how important the bill, saying, "Let's temporarily postpone the bill. You guys work it out and we'll come back to it later." President Gaetz, many times, has brought up bills that have passed but there was a problem, so we bring it back up, temporarily postpone it, and work it out. Usually it's because someone didn't know what was going on because something happened too fast. With many issues that happened on this floor, no matter how close the votes, no matter how far away the votes, he has done an excellent job of slowing down the process. I can say that there isn't any bill or issue that has passed this process where we have not had time to vet it if we wanted to. Many times, with bills that have passed, the Rules Chair will stand up and bring the bill back because an amendment got on it that we weren't sure about. The amendment may stay or it may come off. He's done a great job at slowing down this process.

Lastly, when we talk about the leaders of this chamber, we talk about strength. I think President Gaetz has been a very strong president because he has defended the democracy within this chamber. Strength is not how many bills you can push through or how many issues you can force your chamber to pass, or how many times you can wrangle 21 votes and get a bill through. It's recognizing that we are all elected. It's recognizing that there are 39 other people in this chamber that walked door-to-door. Thirty-nine other people knocked on doors and asked people to vote for them. Thirty-nine other people in this chamber received votes just like him. The votes in North Florida are not different from those in South or Central Florida. We all are equal. The strength of the presidency is saying, "I'm going to put the issue out there and you guys vote on it." Even though he feels a certain way about it and he may talk to a few members on it, his strength is in standing up for democracy. Even on issues that he really wanted, he showed the strength to let democracy work and let us vote on issues as a chamber. To me, that is true strength, true humility, and that is a true leader. I thank you for being that great leader for all Senators and a great leader for the State of Florida, Mr. President.

**Senator Benacquisto:** I have the unenviable task of standing between you and your President. I am going to say a few words. First, to Vicky, who keeps him happy and keeps a smile on his face. She always makes sure that he is focused in the right direction. He has a true backbone of family support so that we can have him here with us for as much time as we need him. For that, we'll always be thankful. We know how hard it is to be the President and to take that time away from your family. You have made it so easy for him. In making it easy for him, you've made it easy for everyone's spouses and we thank you for that.

I am going to start with a little quote because when you are speaking about President Gaetz, you have to get it right. In the words of Winston Churchill, "I have never accepted what many people have kindly said, namely that have I inspired the nation. It was the nation and the race dwelling all around the globe that had the lion heart. I had the luck to be called upon to give the roar." That is you, Mr. President. You have given the roar for cancer patients, foster children, veterans, school children, the disabled, small businesses, big businesses, individuals, and for people who needed someone to be their champion. That was you. The roar was mighty but the roar was kind. The roar is something we will never forget. Nor will those whose lives are better off by what you have done; whose lives are enriched by policies you have advanced; and whose lives are all that much brighter and their opportunities stronger because of the gifts you brought to the Florida Senate through your leadership.

I am going to take you members to a moment in time. It was the mid-1930s. The entire globe was recovering from World War I and quickly moving to World War II. Japan had invaded China, sparking a war that would last well into the next decade. Germany was preparing its military to devour more land, more cities, and more lives. Spain was fighting a civil war where hundreds of innocent men and women lost their lives. With a vulnerable economy and war to all sides, challenging decisions lay ahead for Britain's leaders, like Winston Churchill. Mr. Churchill is the President's favorite historical figure. It is no wonder because, like President Gaetz, Churchill was a brilliant wordsmith, a dedicated his-

torian, and a fearless leader. He was a man who knew when trouble was on the horizon, and he stood strong in the face of it. I'm pretty sure that Winston Churchill knew what a left-handed kenifer valve was and I'm pretty sure he could have fixed it. In one of those moments, Winston Churchill wrote a letter to his friend. The friend, Nicholas Murray Butler, was the President of Columbia University and would go on to win a Nobel Prize. Butler reached out to Winston Churchill, beseeching him to come to the United States. Churchill penned a letter, sending his regrets for being unable to leave England and his people. The letter said, "Everything is so uncertain. The power of evil is strong." Like any great leader, Churchill stayed and led his nation through the darkness into the light. That is what President Gaetz has done for us.

As we emerge from one of the most difficult times in Florida's history, our president has been fearless. He has helped lead us forward, to a time when Florida is a beacon of light across the United States for what is good. Mr. President, we love you. With the help of a good friend named John Phelps, we have a present for you. It is that very letter that Winston Churchill wrote to his friend. It will serve as a constant reminder of what you have done for us; how you continue to inspire us; and how we know when moments are bad and evil and trouble is all around, you will inspire us to stay strong. Please join Leader Smith and me in pulling the ribbon on what is the gift from the entire Florida Senate.

### SPECIAL PRESENTATION

Senators Benacquisto and Smith presented the President with a framed letter written by Winston Churchill.

**Senator Smith:** For those in the chamber, the letter is the actual letter that Winston Churchill wrote as Senator Benacquisto spoke about—the picture of Winston Churchill and the actual letter of regret that he sent. Because we think so much of the President and he means so much to this entire chamber, we are glad to present to him this letter, written by Winston Churchill.

## ADDRESS BY PRESIDENT

### THE PRESIDENT PRESIDING

**President Gaetz:** Thank you all very much. That was extraordinarily touching and way too long. I want to particularly thank Senator Negron and Senator Hays, in front of hundreds of people who are my voters back home, for letting them know that I sacrificed their water project. I still have one or two things I can do.

When the covering was lifted off the portrait, my daughter, Erin, leaned over and asked me, "Dad, what's that paper you're holding?" I looked and, sure enough, it's the beer bill. Actually, when the artist came into my office, he said, "Pick up that law that you just signed." There were two on my desk, Senator Legg's landmark legislation expanding career-technical education to every student in Florida and then there was Senator Latvala's historic bill, the sweeping reform of public ethics we're all so proud originated in this Senate. I honestly don't know which law I picked up for the artist, but I prefer to believe that for the next hundred years I have Jack Latvala by the bills.

I didn't quite understand the unusual interest in this event, the substantially larger crowd in the galleries, until I saw Steve Bousquet's story in the Times/Herald this morning. Headline: "Gaetz to be hung in the Senate chamber at 11 a.m." He posted it under Civic Improvements. It is actually rather hard to escape the relationship of an event like this to the honoree. It's rather like the relationship of a funeral service to the corpse. About half the audience is here just to make sure I'm really going. I am glad to see my friends from the lobbying corps here. I am going from the President's chair back to the Senate floor. To the desk that President Gardiner will assign to the Senator for Northwest Florida. I'm not sure where that desk will be next year. I hope it's in this building. I hope it's in this town. I have to admit, I'm looking forward to being on the floor again. When I was elected President, I got the privilege of presiding but gave up the privilege of debating. Senator Braynon explained it to me; he said, "That was the plan, Gaetz. How do you think you got elected unanimously?"

Three years ago, when half of us and all of our House colleagues were running for office, Florida was really a very different state than it is today. It doesn't seem possible, but just roll the reel back and remember



that Floridians were losing their businesses, their jobs, their savings. They were losing hope, and they were leaving Florida. Three years ago, political scandal reaching from the polling place to the courthouse to the state house, frayed the fabric of public trust. To your great credit, you unanimously passed what has been praised as the most sweeping ethics reform in state government in 38 years, and now, this year, this Senate has gone further by unanimously extending tough, clear ethics and open government laws to local government and to those who act in lieu of government. Of course, there is more to do. There is always more to do. But we will leave here this week with government more open, more accountable, more ethical than at any time in Florida's history.

Three years ago, nearly half of Florida's recent college graduates couldn't find jobs in their major fields of study while tens of thousands and scores of thousands of high-demand jobs went unfilled for lack of qualified and educated applicants. When the jobs that are open and the people who need the jobs don't match because of a skills and education deficit, then the economy is stuck in low gear and can't get out. To your great credit, you established 1,650 CAPE academies (Career and Professional Education Academies) in high schools all across our state. Today, because of you, 273,000 Florida students are pursuing national industry certifications in 238 high-skilled career-technical fields from cloud virtualization to biomedicine to welding, the jobs Florida needs. Those are the skills that Florida students can use to get those jobs. Though many are from economically poor families, 99 percent of CAPE students are finishing and graduating from high school; and they're graduating with higher GPAs and getting better jobs with more pay than their peers. That's really working. This Senate was the wellspring of that transformation. It was because of you that Florida now leads the nation in career-technical education. Florida is the model for America in lashing education to the opportunities of the economy.

When we leave here Friday, we will for the first time in Florida history pay higher education institutions more when their students actually graduate and when their degrees qualify them for jobs. No one person can claim credit for Florida's recovery, but this Senate has removed every obstacle, we have added every value, we have strengthened every link we could find, and this month Florida, the state that led the nation into recession, is leading the nation in job growth. We are the first in the country.

Each of us sitting in the Senate has unfinished business and we still have a couple days left. But the fact that we have unfinished business just means there is a next year or that is why they make next year. Each of us can be proud of what we together have done, because, as several Senators have so kindly said, because of the culture we have developed together in this Senate, no one has been left out.

Senator Brandes, who has served in both chambers, says that the House is more like a military organization; there's a general, a few colonels, some captains and sergeants and privates. Everybody knows his rank, knows her authority. But the Senate, Jeff Brandes says, "forty Somali warlords." In the Senate, two political parties, maybe three. You know they say there are the Republicans, the Democrats, and the Senate. So, we could have gone rogue. We could have gone Washington where nothing gets done, and it's always the other chamber's fault, the other party's fault. Instead, as some people have kindly said today, these two years may have been among the most productive and collegial sessions of the Florida Senate. If so, it's because of you.

We have five committees led by Democratic chairs. That might be a recent record, not because they are Democrats but because they are right for the leadership positions and they have carried out those positions with great success, and great credit has come to this body as a result. Instead of a few Senators building a big budget, every Senator, Republican and Democrat, serves on two appropriations committees. We wanted the whole team on the field. Instead of two agendas competing with each other, Speaker Weatherford and I broke precedent and for two years we've had a joint agenda, a joint work plan. Of course, there are issues that Will Weatherford and I see differently. Those are a la carte issues apart from the work plan. But I do have hope for him. As of this morning as I ran the totals, we're batting about .800 on our joint work plan priorities and that is twice what you need to get into the hall of fame, and it's not over yet. I thank Speaker Weatherford. He had to go back I am sure and pass a lot of Senate bills. I thank Speaker Weatherford for his partnership and for his friendship and for making Florida better.

If you look at the portrait, you will see the Florida flag and next to it a blue flag. It's my father's flag; the flag of the state he served; the flag that stood by his desk. It is the flag of my native state, North Dakota. I have carried his flag since the day he died fifty years ago almost to this day. Now, in a modest way, on that wall, I will carry it into history. Most of us in this Senate have come from someplace else. Two thirds of the people in this state arrived from some other state or some other country. Florida is natives but mostly Florida is newcomers, transplants, immigrants here by plan or by luck. That's who I am. I am a lucky guy who came to Florida a half lifetime ago, whose dreams all came true here and the sweetest of those dreams is the Florida girl I found and I love, the First Lady of the Senate, Vicky Gaetz. Our daughter, Erin, is here. Erin is a producer for the Fox Television Network in New York City. In our family, she is known as the smart one because she's not in politics. She just puts it on national TV. I appreciate you stepping away from your responsibilities. I hope all the people at Fox will be able to get through the day without you. I love you, Erin, and I thank you for being here. Then, as some of you may have noticed, we have a son. There is apparently a genetic defect in the "Y" chromosome in the Gaetz family. It goes down through the generations. Matt had to go back. Apparently the Speaker was calling him to the office to, I am sure, discipline him for something he has done today. Increasingly, the most common question we field in the President's office is, "Can you get me an appointment with Representative Gaetz?" I am proud of him. I am glad that he is here even though from time to time he votes wrong. Senator Richter told you about President Charles Davis, whose portrait we moved today to the Historic Capitol, and about his son, W. Turner Davis. They are the only father and son team who have both served as Senate Presidents in the history of the state. The only ones. So far.

When I decided to run for the Senate I entered the campaign in a very tough uphill primary fight. I called around for advice on who's the best to run my campaign, and if I win, who can help me learn how to be a Senator. Chris Clark, people said, if you could get him. But you can't because he's one of Jeb Bush's guys, he is working in the administration. I don't think you can get him. I talked to Chris three or four times and he weakened and he agreed to come on just for the campaign. Nine years later he's still trying to escape. I would not be Senate President, I would not have had the privilege of being in the Senate, if I didn't have the privilege of working alongside the Chief of Staff, my friend, Chris Clark.

Secretary Brown told me that I pound the loudest gavel since Ken Pruitt. Pieces of it routinely fly off, and the Sergeant has to glue it back together every week. This gavel was made for me by a guy named Jack Krumviende, who is our son's godfather. He is a master woodworker from Jacksonville. The gavel was fashioned from a piece of dunnage. The sailors will know what this is. Dunnage is the wood, the shims that were used on old sailing ships to keep the cargo from crashing around in the hold, unbalancing the vessel when the ship heeled over in the wind. If you placed the dunnage right, then you could secure the cargo and even in a big storm you can save the ship from breaking up inside. The block of dunnage from which this gavel was carved served that purpose for a hundred years in the holds of ships that sailed from Jacksonville to Miami to the Keys and around to Pensacola and back around the peninsula of Florida. I guess it still works. At least, I've tried to use this gavel to shim up and hold fast the people's trust, to keep the issues that we carry on this floor from sliding dangerously to the left or the right, and to bring the ship of state home to a safe harbor—proud, just, prosperous, and successful. You know I've made a thousand mistakes, and I ask your forgiveness for any slight or any offense. I thank you for the honor of a lifetime.

Senator Gardiner, you're going to be a great President, and you're going to love this job because you love this Senate, and it will love you right back.

An old athlete was asked how he wanted to be remembered. "I know I wasn't the best," he said. "But I love the game and I played my heart out. I just hope people will think I was one of the good ones."

## RECESS

### SENATOR RICHTER PRESIDING

Senator Richter declared the Senate in recess at 1:10 p.m. to reconvene at 3:00 p.m.



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 third time by title.

On motion by Senator Bean, **HB 7145** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Benacquisto, Detert, Sobel

**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 third time by title.

On motion by Senator Evers, **HB 7163** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Benacquisto, Sobel

The Senate resumed consideration of—

**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 identifica-

tion 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.

—which was passed as amended April 25 and reconsidered the same day.

#### MOTION TO RECONSIDER AMENDMENT

Senator Abruzzo moved to reconsider the vote by which **Amendment 1 (663072)** was adopted April 25.

Further consideration of **CS for CS for HB 409** with pending motion by Senator Abruzzo to reconsider **Amendment 1 (663072)** was deferred.

The Senate resumed consideration of—

**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.

—which was passed April 23 and reconsidered on April 25.

On motion by Senator Evers, **CS for CS for SB 1138** was passed and certified to the House. The vote on passage was:

Yeas—38

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	Soto
Clemens	Joyner	Stargel
Dean	Latvala	Thompson
Detert	Lee	Thrasher
Diaz de la Portilla	Legg	

Nays—None

Vote after roll call:

Yea—Sobel

#### SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 790** was deferred.

**CS for CS for SB 1466**—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 that a community association manager and a community association management firm are liable for monetary damages to the same extent as an officer or director under certain circumstances; amending s. 718.116, F.S.; allowing for reasonable charges to be imposed for collection of a delinquent assessment; requiring a release of lien to be in a specific form; requiring a preforeclosure notice to be in a specific form; amending s. 718.121, F.S.; requiring a prelien notice to be in a specific form; amending s. 719.108, F.S.; allowing for reasonable charges to be imposed for collection of a delinquent assessment; deleting a provision providing for the expiration of certain liens; revising notice requirements; requiring a prelien notice to be in a specific form; providing for the content of a recording notice; requiring a release of lien to be in a specific form; requiring a preforeclosure notice to be in a specific form; providing notice requirements; amending s. 720.3085, F.S.; requiring a release of lien to be in a specific form; allowing for reasonable charges to be imposed for collection of a delinquent assessment; requiring a prelien notice to be in a specific form; requiring a preforeclosure notice to be in a specific form; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1466** to **CS for CS for HB 7037**.

Pending further consideration of **CS for CS for SB 1466** as amended, on motion by Senator Lee, by two-thirds vote **CS for CS for HB 7037** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Lee—

**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.

—a companion measure, was substituted for **CS for CS for SB 1466** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 7037** was placed on the calendar of Bills on Third Reading.

On motion by Senator Evers—

**SB 592**—A bill to be entitled An act relating to criminal justice; amending s. 944.70, F.S.; requiring the Department of Corrections to verify the authenticity of certain court orders before releasing a person from incarceration; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 592** was placed on the calendar of Bills on Third Reading.

**CS for SB 142**—A bill to be entitled An act relating to access to health care for the underserved; amending s. 766.1115, F.S.; revising the definition of the term “contract”; extending the period of time for which a health care provider remains an agent of the state after an individual

under his or her care is deemed ineligible; requiring that a contract with a governmental contractor for health care services include a provision allowing a voluntary contribution toward certain dental laboratory work; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; amending s. 466.00673, F.S.; delaying the future repeal of provisions authorizing the health access dental license; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 142**, on motion by Senator Hays, by two-thirds vote **HB 97** was withdrawn from the Committees on Health Policy; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Hays—

**HB 97**—A bill to be entitled An act relating to dentists and dental hygienists; amending s. 766.1115, F.S.; revising the definition of the term “contract”; requiring that a contract with a governmental contractor for health care services include a provision allowing a voluntary contribution toward certain dental laboratory work; providing that the contribution may not exceed the actual amount of the dental laboratory charges; providing an effective date.

—a companion measure, was substituted for **CS for SB 142** and read the second time by title.

Senator Hays moved the following amendment which was adopted:

**Amendment 1 (745158) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) and subsection (4) of section 766.1115, Florida Statutes, are amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

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

(a) “Contract” means an agreement executed in compliance with this section between a health care provider and a governmental contractor ~~which allows. This contract shall allow~~ the health care provider to deliver health care services to low-income recipients as an agent of the governmental contractor. The contract must be for volunteer, uncompensated services, *except as provided in paragraph (4)(g)*. For services to qualify as volunteer, uncompensated services under this section, the health care provider must receive no compensation from the governmental contractor for any services provided under the contract and must not bill or accept compensation from the recipient, or ~~a any~~ public or private third-party payor, for the specific services provided to the low-income recipients covered by the contract.

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties under the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. *A health care provider shall continue to be an agent for purposes of s. 768.28(9) for 30 days after a determination of ineligibility to allow for treatment until the individual transitions to treatment by another health care provider.* A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section. The contract must provide that:

(a) The right of dismissal or termination of any health care provider delivering services under the contract is retained by the governmental contractor.

(b) The governmental contractor has access to the patient records of any health care provider delivering services under the contract.

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if the incidents and information pertain to a patient treated under the

contract. The health care provider shall submit the reports required by s. 395.0197. If an incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities under this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Patient selection and initial referral must be made by the governmental contractor or the provider. Patients may not be transferred to the provider based on a violation of the antidumping provisions of the Omnibus Budget Reconciliation Act of 1989, the Omnibus Budget Reconciliation Act of 1990, or chapter 395.

(e) If emergency care is required, the patient need not be referred before receiving treatment, but must be referred within 48 hours after treatment is commenced or within 48 hours after the patient has the mental capacity to consent to treatment, whichever occurs later.

(f) The provider is subject to supervision and regular inspection by the governmental contractor.

(g) *As an agent of the governmental contractor for purposes of s. 768.28(9), while acting within the scope of duties under the contract, a health care provider licensed under chapter 466 may allow a patient, or a parent or guardian of the patient, to voluntarily contribute a monetary amount to cover costs of dental laboratory work related to the services provided to the patient. This contribution may not exceed the actual cost of the dental laboratory charges.*

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 2. Section 466.00673, Florida Statutes, is amended to read:

466.00673 Repeal of a health access dental license.—Effective January 1, 2020 ~~2015~~, ss. 466.0067-466.00673 are repealed unless reenacted by the Legislature. Any health access dental license issued before January 1, 2020 ~~2015~~, shall remain valid according to ss. 466.0067-466.00673, without effect from repeal.

Section 3. 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 access to health care for the underserved; amending s. 766.1115, F.S.; revising the definition of the term “contract”; extending the period of time for which a health care provider remains an agent of the state after an individual under his or her care is deemed ineligible; requiring that a contract with a governmental contractor for health care services include a provision allowing a voluntary contribution toward certain dental laboratory work; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; amending s. 466.00673, F.S.; delaying the future repeal of provisions authorizing the health access dental license; providing an effective date.

Pursuant to Rule 4.19, **HB 97** as amended was placed on the calendar of Bills on Third Reading.

**CS for CS for CS for SB 364**—A bill to be entitled An act relating to computer crimes; amending s. 721.071, F.S.; conforming a cross-reference; amending s. 815.02, F.S.; revising legislative findings; amending s. 815.03, F.S.; defining and redefining terms; amending s. 815.04, F.S.; providing that a person who willfully, knowingly, and without authorization introduces a computer contaminant or modifies or destroys data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, computer network, or electronic device commits an offense against intellectual property; providing that a person who willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation that is a trade secret or is confidential residing or existing internal or external to

a computer, computer system, computer network, or electronic device commits an offense against intellectual property; providing criminal penalties; amending s. 815.06, F.S.; defining terms; providing that a person who willfully, knowingly, and without authorization accesses a computer, computer system, computer network, or electronic device, disrupts the ability to transmit data to or from a computer, computer system, computer network, or electronic device, damages a computer, computer system, computer network, or electronic device, or engages in the audio or video surveillance of an individual without the individual’s authorization by accessing a computer, computer system, computer network, or electronic device commits an offense against the users of computer networks and electronic devices; providing exceptions; providing applicability; providing criminal penalties; creating s. 815.061, F.S.; defining the term “public utility”; prohibiting a person from willfully, knowingly, and without authorization engaging in specified activities against a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility; providing criminal penalties; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Clemens moved the following amendment:

**Amendment 1 (182152) (with title amendment)**—Before line 48 insert:

Section 1. Section 448.077, Florida Statutes, is created to read:

448.077 *Employer access to employee social media accounts prohibited.*—

(1) *As used in this section, the term:*

(a) *“Electronic communications device” means a device that uses electronic signals to create, transmit, or receive information, including computers, telephones, personal digital assistants, and other similar devices.*

(b) *“Retaliatory personnel action” has the same meaning as in s. 448.101.*

(c) *“Social media account” means an interactive personal account or profile that an individual establishes and uses through an electronic application, service, or platform used to generate or store content, including, but not limited to, videos, still photographs, blogs, video blogs, instant messages, audio recordings, or e-mail that is not available to the general public.*

(2) *An employer may not do any of the following:*

(a) *Request or require an employee or prospective employee to disclose a username, password, or other means of accessing a social media account through an electronic communications device.*

(b) *Request or require an employee or prospective employee to take an action that allows the employer to gain access to the employee’s or prospective employee’s social media account if the account’s contents are not available to the general public.*

(c) *Take retaliatory personnel action against an employee for refusing to give the employer access to the employee’s social media account.*

(d) *Fail or refuse to hire a prospective employee as a result of the prospective employee’s refusal to allow the employer access to the prospective employee’s social media account.*

(3) *An employee or prospective employee may bring a civil action against an employer who violates this section in a court located in the county in which the employee or prospective employee resides or where the alleged violation occurred. Such action must be brought within 2 years after the violation occurred. The employee or prospective employee may seek injunctive relief to restrain the employer from continuing to act in violation of this section and may recover damages in an amount equal to the actual damages arising from the violation or \$500 per violation, whichever is greater. An employee or prospective employee who prevails is entitled to recover court costs and reasonable attorney fees.*

(4) *This section does not prevent an employer from requesting or requiring an employee to disclose a username, password, or other means of accessing a social media account used for business purposes.*

(5) *This section does not prohibit or restrict an employer from complying with a duty to monitor or retain employee communications which is established under state or federal law or by a self-regulatory organization, as defined in the Securities Exchange Act of 1934, 15 U.S.C. s. 78c(a)(26), or from screening a prospective employee who completes an application for employment at a law enforcement agency or an employee who is the subject of a conduct investigation performed by a law enforcement agency.*

And the title is amended as follows:

Delete line 2 and insert: An act relating to computer offenses; creating s. 448.077, F.S.; providing definitions; prohibiting an employer from requesting or requiring access to a social media account of an employee or prospective employee; prohibiting an employer from taking retaliatory personnel action for an employee's failure to provide access to his or her social media account; prohibiting an employer from failing or refusing to hire a prospective employee who does not provide access to his or her social media account; authorizing civil actions for violations; providing for recovery of damages, attorney fees, and court costs; specifying that an employer is not prohibited from seeking access to social media accounts under certain circumstances; amending s.

On motion by Senator Brandes, further consideration of **CS for CS for CS for SB 364** with pending **Amendment 1 (182152)** was deferred.

On motion by Senator Braynon—

**CS for SB 408**—A bill to be entitled An act relating to an infectious disease elimination pilot program; creating the “Miami-Dade Infectious Disease Elimination Act (IDEA)”; amending s. 381.0038, F.S.; requiring the Department of Health to establish a sterile needle and syringe exchange pilot program in Miami-Dade County; providing for administration of the pilot program by the department or a designee; establishing pilot program criteria; providing that the distribution of needles and syringes under the pilot program is not a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act or any other law; providing conditions under which a pilot program staff member or participant may be prosecuted; prohibiting the collection of participant identifying information; providing for the pilot program to be funded through private grants and donations; providing for expiration of the pilot program; requiring the Office of Program Policy Analysis and Government Accountability to submit a report and recommendations regarding the pilot program to the Legislature; providing rulemaking authority; providing for severability; providing an effective date.

—was read the second time by title.

Senator Braynon moved the following amendment which was adopted:

**Amendment 1 (173010)**—Delete lines 99-110 and insert:

2. *Operate a one-to-one exchange, whereby the participant shall receive one sterile needle and syringe unit in exchange for each used one.*

3. *Make available educational materials; HIV counseling and testing; referral services to provide education regarding HIV, AIDS, and viral hepatitis transmission; and drug-abuse prevention and treatment counseling and referral services.*

(b) *The possession, distribution, or exchange of needles or syringes as part of the pilot program established by the department or the department's designee is not a violation of any part of chapter 893 or any other law.*

Pursuant to Rule 4.19, **CS for SB 408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**CS for CS for CS for SB 364**—A bill to be entitled An act relating to computer crimes; amending s. 721.071, F.S.; conforming a cross-reference; amending s. 815.02, F.S.; revising legislative findings; amending

s. 815.03, F.S.; defining and redefining terms; amending s. 815.04, F.S.; providing that a person who willfully, knowingly, and without authorization introduces a computer contaminant or modifies or destroys data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, computer network, or electronic device commits an offense against intellectual property; providing that a person who willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation that is a trade secret or is confidential residing or existing internal or external to a computer, computer system, computer network, or electronic device commits an offense against intellectual property; providing criminal penalties; amending s. 815.06, F.S.; defining terms; providing that a person who willfully, knowingly, and without authorization accesses a computer, computer system, computer network, or electronic device, disrupts the ability to transmit data to or from a computer, computer system, computer network, or electronic device, damages a computer, computer system, computer network, or electronic device, or engages in the audio or video surveillance of an individual without the individual's authorization by accessing a computer, computer system, computer network, or electronic device commits an offense against the users of computer networks and electronic devices; providing exceptions; providing applicability; providing criminal penalties; creating s. 815.061, F.S.; defining the term “public utility”; prohibiting a person from willfully, knowingly, and without authorization engaging in specified activities against a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility; providing criminal penalties; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart to changes made by the act; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (182152)** by Senator Clemens was withdrawn.

Pending further consideration of **CS for CS for CS for SB 364**, on motion by Senator Brandes, by two-thirds vote **CS for CS for CS for HB 641** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

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

**CS for CS for CS for HB 641**—A bill to be entitled An act relating to computer crimes; amending s. 721.071, F.S.; conforming a cross-reference; amending s. 815.02, F.S.; revising legislative findings; amending s. 815.03, F.S.; revising and providing definitions; amending s. 815.04, F.S.; providing that a person who willfully, knowingly, and without authorization introduces a computer contaminant to a specified device or modifies, renders unavailable, or destroys data, programs, or supporting documentation residing or existing internal or external to a specified device commits an offense against intellectual property; providing that a person who willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation that is a trade secret or is confidential as provided by law residing or existing internal or external to an electronic device commits an offense against intellectual property; providing criminal penalties; amending s. 815.06, F.S.; defining the term “user”; providing that a person who willfully, knowingly, and without authorization accesses an electronic device, disrupts the ability to transmit data to or from a user of a computer, computer system, computer network, or electronic device, damages an electronic device or equipment or supplies used by an electronic device, introduces a computer contaminant into an electronic device, or engages in the audio or video surveillance of an individual by accessing a computer, computer system, computer network, or electronic device commits an offense against users of computers, computer systems, computer networks, or electronic devices; providing criminal penalties; providing exceptions; providing that the Florida Computer Crimes Act does not impose liability on certain providers of specified services; creating s. 815.061, F.S.; defining the term “public utility”; prohibiting a person from willfully, knowingly, and without authorization engaging in specified activities against a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility; providing criminal penalties; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 364** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 641** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

**CS for SB 510**—A bill to be entitled An act relating to local government neighborhood improvement districts; amending s. 163.506, F.S.; providing that an ordinance that creates a local government neighborhood improvement district may authorize the district to incur certain debts and pledge the special assessment power of the district to pay such debts for the purpose of financing certain capital projects; providing conditions on the exercise of such power; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for SB 510** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Brandes Hukill

Vote after roll call:

Yea—Thrasher

**CS for CS for SB 518**—A bill to be entitled An act relating to child safety devices in motor vehicles; amending s. 316.613, F.S.; revising child restraint requirements for children who are of certain age to include a child booster seat; providing exceptions; subjecting a violation to penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 518**, on motion by Senator Flores, by two-thirds vote **CS for HB 225** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Flores—

**CS for HB 225**—A bill to be entitled An act relating to child safety devices in motor vehicles; amending s. 316.613, F.S.; revising child restraint requirements for children who are younger than a specified age; requiring the use of a separate carrier, integrated child seat, or child booster seat for such children; providing exceptions; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 518** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 225** was placed on the calendar of Bills on Third Reading.

**CS for SB 550**—A bill to be entitled An act relating to traveling across county lines to commit a felony offense; creating s. 843.22, F.S.; defining the terms “county of residence” and “felony offense” for the purpose of the crime of traveling across county lines with the intent to commit a felony offense; providing a criminal penalty; amending s. 903.046, F.S.; adding

the crime of traveling across county lines with the intent to commit a felony offense to the factors a court must consider in determining whether to release a defendant on bail; 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 Smith moved the following amendment:

**Amendment 1 (650094) (with title amendment)**—Delete lines 19-53 and insert: *a burglary.*—

(1) *As used in this section, the term:*

(a) *“County of residence” means the county within this state in which a person resides. Evidence of a person’s county of residence includes, but is not limited to:*

- 1. The address on a person’s driver license or state identification card;*
- 2. Records of real property or mobile home ownership;*
- 3. Records of a lease agreement for residential property;*
- 4. The county in which a person’s motor vehicle is registered;*
- 5. The county in which a person is enrolled in an educational institution; and*
- 6. The county in which a person is employed.*

(b) *“Burglary” means burglary as defined in s. 810.02, including an attempt, solicitation, or conspiracy to commit such offense.*

(2) *If a person who commits a burglary travels any distance with the intent to commit the burglary in a county in this state other than the person’s county of residence, the degree of the burglary shall be reclassified to the next higher degree if the purpose of the person’s travel is to thwart law enforcement attempts to track the items stolen in the burglary. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a burglary that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the burglary committed.*

Section 2. Paragraph (1) of subsection (2) of section 903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(1) Whether the crime charged is a violation of chapter 874 or alleged to be subject to enhanced punishment under chapter 874 or *reclassification under s. 843.22*. If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement or *reclassification*, he or she is ~~shall~~

And the title is amended as follows:

Delete lines 3-10 and insert: *commit a burglary; creating s. 843.22, F.S.; defining the terms “county of residence” and “burglary”; providing for reclassification of burglaries committed under certain circumstances; amending s. 903.046, F.S.; adding a burglary that is reclassified under s. 843.22, F.S., to the factors a court must consider in*

On motion by Senator Hukill, further consideration of **CS for SB 550** with pending **Amendment 1 (650094)** was deferred.

Consideration of **CS for SB 696** was deferred.

**CS for SB 734**—A bill to be entitled An act relating to cancer control and research; amending s. 1004.435, F.S.; revising definitions; revising the membership of the Florida Cancer Control and Research Advisory Council and selection of the council chairperson; authorizing renewal of

member terms; revising compensation of council members; renaming the Florida Cancer Plan; requiring the council to collaborate with the Florida Biomedical Research Advisory Council to formulate and review a statewide research plan; requiring the council to develop and review a statewide treatment plan; deleting council, Board of Governors, and State Surgeon General duties relating to the awarding of grants and contracts for cancer-related programs; deleting council duties relating to the development of written summaries of treatment alternatives; deleting financial aid provisions and the Florida Cancer Control and Research Fund; amending ss. 458.324 and 459.0125, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 734**, on motion by Senator Sobel, by two-thirds vote **CS for CS for HB 511** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Sobel—

**CS for CS for HB 511**—A bill to be entitled An act relating to cancer control and research; amending s. 1004.435, F.S.; revising definitions; revising the membership of the Florida Cancer Control and Research Advisory Council and selection of the council chairperson; authorizing renewal of member terms; revising compensation of council members; renaming the Florida Cancer Plan; requiring the council to collaborate with the Florida Biomedical Research Advisory Council to formulate and review a statewide research plan; requiring the council to develop and review a statewide treatment plan; deleting council, Board of Governors, and State Surgeon General duties relating to the awarding of grants and contracts for cancer-related programs; deleting council duties relating to the development of written summaries of treatment alternatives; deleting financial aid provisions and the Florida Cancer Control and Research Fund; amending ss. 458.324, and 459.0125, F.S.; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 734** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 511** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for CS for SB 798** was deferred.

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**CS for SB 876**—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.066, F.S.; requiring a statement to be completed and sworn to for each confidential crash report requested within a certain time period; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 876**, on motion by Senator Galvano, by two-thirds vote **CS for HB 863** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Galvano—

**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.

—a companion measure, was substituted for **CS for SB 876** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 863** was placed on the calendar of Bills on Third Reading.

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**CS for CS for SB 1018**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 493.6108, F.S.; removing the requirement that an applicant for private investigative, private security, and repossession services provide a written statement by a fingerprint technician or licensed physician

under certain conditions; amending s. 493.6113, F.S.; revising recertification training requirements for Class “G” licensees; amending s. 493.6115, F.S.; adding specific handguns to the list of firearms a Class “G” licensee may carry while performing his or her duties; amending s. 493.6305, F.S.; authorizing specified Class “D” licensees to carry an authorized concealed firearm under certain circumstances; amending s. 501.016, F.S.; requiring a health studio to maintain a bond in favor of the department, rather than the state; authorizing liability for specified injuries to be determined in an administrative proceeding or through a civil action; providing that certain claims may be paid only upon an order of the department issued in an administrative proceeding; requiring that a claim against the bond be filed on a form affidavit adopted by rule of the department; providing the process by which a consumer may file a claim against a bond or other form of security; requiring a health studio to pay the department indebtedness determined by final order within 30 days; providing the process by which the department may make a demand if the health studio fails to timely make the payment; providing that the department shall be awarded attorney fees and costs in certain circumstances; amending s. 501.059, F.S.; prohibiting a telephone solicitor or a person from initiating an outbound telephone call to a consumer, a donor, or a potential donor under certain circumstances; repealing s. 501.143, F.S., relating to the Dance Studio Act; amending s. 501.603, F.S.; defining the term “novelty payment”; conforming a cross-reference; amending s. 501.611, F.S.; requiring the bond required of a commercial telephone seller to be in favor of the department for the use and benefit of a purchaser who is injured by specified acts; requiring that a claim against the bond be filed on a form affidavit adopted by rule of the department; providing procedures that a purchaser must follow in filing a claim against the bond or other form of security; providing for payment of indebtedness by the commercial telephone seller to the department; requiring the department to make demand on a surety if a commercial telephone seller fails to pay certain indebtedness within 30 days and providing a process; providing that attorney fees and costs must be awarded to the department in certain circumstances; conforming provisions to changes made by the act; amending s. 501.616, F.S.; prohibiting a commercial telephone seller or salesperson from accepting a novelty payment; deleting a provision that prohibits a commercial telephone seller or salesperson from requiring payment to be made by credit card; amending s. 501.913, F.S.; providing that the registration certificate for each brand of antifreeze distributed in this state expires 1 year from the date of issue; amending s. 525.16, F.S.; requiring all previous fines to be disregarded if a new violation of provisions relating to gasoline and oil inspections has not occurred within 3 years after the date of a previous violation; creating s. 526.015, F.S., relating to lubricating oil standards and labeling requirements; prohibiting a person from selling, distributing, or offering for sale or distribution lubricating oil that does not meet specified standards or labeling requirements; requiring such noncompliant products to be placed under a stop-sale order and the lot identified and tagged by the department; prohibiting a person from selling, distributing, or offering for sale or distribution a product under stop-sale order; requiring the department to issue a release order under certain circumstances; repealing s. 526.50(6), F.S., relating to the definition of terms related to the sale of brake fluid; amending s. 526.51, F.S.; providing that a permit authorizing a registrant to sell brake fluid in this state is valid for a specified period from the date of issue; conforming provisions to changes made by the act; amending s. 539.001, F.S.; requiring that a claim against the bond be filed on a form affidavit adopted by rule of the department; providing the procedure that a consumer must follow in filing a claim against a bond or other form of security filed with the department by a pawnbroker; providing for payment of indebtedness by the pawnbroker to the department; providing the procedure that a consumer must follow if the pawnbroker fails to make the payment; providing that the agency shall be awarded attorney fees and costs in certain circumstances; amending s. 559.929, F.S.; requiring that a claim against the bond be filed on a form affidavit adopted by rule of the department; providing the procedure that a consumer must follow in filing a claim against a bond or other form of security filed with the department by a seller of travel; providing for payment of indebtedness by the seller of travel to the department; providing procedures that the agency must follow if the seller of travel fails to pay certain indebtedness within 30 days and providing a process; providing that the agency shall be awarded attorney fees and costs in certain circumstances; amending s. 943.059, F.S.; providing an exception relating to the acknowledgement of arrests covered by a sealed criminal history record for a person seeking to be licensed to carry a concealed weapon or concealed firearm; providing applicability; amending ss. 205.1969 and



501.015, F.S.; conforming cross-references; providing an appropriation; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1018** to **CS for CS for HB 7051**.

Pending further consideration of **CS for CS for SB 1018** as amended, on motion by Senator Detert, by two-thirds vote **CS for CS for HB 7051** was withdrawn from the Committees on Commerce and Tourism; and Appropriations.

On motion by Senator Detert—

**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.

—a companion measure, was substituted for **CS for CS for SB 1018** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 7051** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

**CS for CS for SB 1030**—A bill to be entitled An act relating to low-THC cannabis; creating s. 456.60, F.S.; defining terms; authorizing specified physicians to order low-THC cannabis for use by specified patients; providing conditions; providing education requirements for physicians; providing duties of the Department of Health; requiring the department to create a compassionate use registry; providing requirements for the registry; requiring the department to authorize a specified number of dispensing organizations; authorizing the department to adopt specified rules; requiring the department to establish the Office of Compassionate Use; providing for inspections of dispensing organizations by the department and law enforcement agencies; providing requirements and duties for a dispensing organization; providing exceptions to specified laws; creating s. 385.30, F.S.; encouraging state universities with both medical and agricultural programs to participate in specified Federal Food and Drug Administration-approved research directed toward refractory or intractable epilepsy relief in pediatric patients; authorizing participating state universities to annually request a grant from the department; requiring a state university that requests a

grant to submit a specified report to the department; providing applicability; creating s. 1004.441, F.S.; authorizing state universities with both medical and agricultural programs to conduct specified research on low-THC cannabis; authorizing the use of current state or privately obtained research funds to support such research; authorizing the department to submit a budget amendment request to use excess funds in the Biomedical Research Trust Fund to implement this act; providing an effective date.

—was read the second time by title.

Senator Bullard moved the following amendment which failed:

**Amendment 1 (763484) (with title amendment)**—Between lines 245 and 246 insert:

Section 4. Section 893.032, Florida Statutes, is created to read:

893.032 *Personal use of marijuana.*—

(1) *As used in this section, the term:*

(a) *“Marijuana” means:*

1. *All parts of the genus Cannabis, whether growing or not;*
2. *The seeds of the plant;*
3. *The resin extracted from a part of the plant; or*
4. *Each compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.*

*The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the extracted resin, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.*

(b) *“Marijuana paraphernalia” means equipment, products, or materials that are used or intended for use in:*

1. *Planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing marijuana; or*
2. *Ingesting or inhaling marijuana or otherwise introducing marijuana into the human body.*

(c) *“Marijuana product” means a good composed of marijuana and other ingredients which is intended for use or consumption.*

(d) *“Personal usable amount of marijuana” means:*

1. *One ounce or less of marijuana;*
2. *Five grams or less of hashish;*
3. *Sixteen ounces of marijuana products other than hashish in solid form; or*
4. *Seventy-two ounces of marijuana in liquid form.*

(2) *An individual who is 21 years of age or older is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets by or to the state or an agent of the state, discipline by a state or local licensing board, or state prosecution for the following acts:*

(a) *Actually or constructively using, obtaining, purchasing, transporting, or possessing a personal usable amount of marijuana.*

(b) *Controlling the premises or a vehicle where personal usable amounts of marijuana are possessed, processed, or stored by individuals who are 21 years of age or older if the total number of plants is 18 or fewer.*

(c) *Actually or constructively using, obtaining, manufacturing, producing, purchasing, transporting, or possessing marijuana paraphernalia.*

(d) *Selling marijuana seeds or marijuana paraphernalia to an individual who is 21 years of age or older.*

(e) *Transferring a personal usable amount of marijuana and three or fewer marijuana seedlings or cuttings without remuneration to an individual who is 21 years of age or older.*

(f) *Aiding and abetting another individual who is 21 years of age or older in actions that are allowed under this section.*

(g) *Cultivating six or fewer marijuana plants, no more than three of which may be mature, flowering plants, and possessing the marijuana produced by the plants on the premises where the plants were grown.*

(h) *Assisting with the cultivation of marijuana plants that are cultivated at the same location by individuals 21 years of age or older, with the total number of mature, flowering plants not exceeding 18 in a dwelling unit.*

(3) *This section does not exempt an individual from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by a state or local licensing board, or state prosecution for the following acts:*

(a) *Driving, operating, or being in actual physical control of a vehicle or vessel under power or sail while impaired by marijuana or marijuana products.*

(b) *Possessing marijuana, including marijuana products, in a local detention facility, county jail, state prison, reformatory, or other correctional facility, including a facility for the detention of juvenile offenders.*

(4) *This section does not:*

(a) *Require employers to accommodate the use or possession of marijuana or being under the influence of marijuana in a place of employment.*

(b) *Prevent a landlord or innkeeper from prohibiting the cultivation of marijuana on rental premises. If a landlord or innkeeper posts a notice, the landlord or innkeeper may prohibit the smoking of marijuana on rented property or in a rented room.*

(5) *This section shall, by operation of law, expunge the conviction of an individual previously convicted of an offense equivalent to those described in subsection (2). All state agencies with records relating to arrests and convictions for possession of 1 ounce or less of marijuana or marijuana paraphernalia by individuals 21 years of age or older shall destroy those records.*

Section 5. Subsection (6) of section 812.14, Florida Statutes, is amended to read:

812.14 Trespass and larceny with relation to utility fixtures; theft of utility services.—

(6) It is prima facie evidence of a person's intent to violate subsection (5) if:

(a) A controlled substance and materials for manufacturing the controlled substance intended for sale or distribution to another were found in a dwelling or structure;

(b) *Except as provided in s. 893.032*, the dwelling or structure has been visibly modified to accommodate the use of equipment to grow marijuana indoors, including, but not limited to, the installation of equipment to provide additional air conditioning, equipment to provide high-wattage lighting, or equipment for hydroponic cultivation; and

(c) The person or entity that owned, leased, or subleased the dwelling or structure knew of, or did so under such circumstances as would induce a reasonable person to believe in, the presence of a controlled substance and materials for manufacturing a controlled substance in the dwelling or structure, regardless of whether the person or entity was involved in the manufacture or sale of a controlled substance or was in actual possession of the dwelling or structure.

Section 6. Paragraph (c) of subsection (1) of section 893.03, Florida Statutes, is amended to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(1) SCHEDULE I.—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of their salts, isomers, including optical, positional, or geometric isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Alpha-ethyltryptamine.
2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).
3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
4. 4-Bromo-2,5-dimethoxyamphetamine.
5. 4-Bromo-2,5-dimethoxyphenethylamine.
6. Bufotenine.
7. Cannabis, *except as provided in s. 893.032*.
8. Cathinone.
9. Diethyltryptamine.
10. 2,5-Dimethoxyamphetamine.
11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
12. Dimethyltryptamine.
13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine analog of phencyclidine).
14. N-Ethyl-3-piperidyl benzilate.
15. N-ethylamphetamine.
16. Fenethylamine.
17. N-Hydroxy-3,4-methylenedioxyamphetamine.
18. Ibogaine.
19. Lysergic acid diethylamide (LSD).
20. Mescaline.
21. Methcathinone.
22. 5-Methoxy-3,4-methylenedioxyamphetamine.
23. 4-methoxyamphetamine.
24. 4-methoxymethamphetamine.
25. 4-Methyl-2,5-dimethoxyamphetamine.
26. 3,4-Methylenedioxy-N-ethylamphetamine.
27. 3,4-Methylenedioxyamphetamine.
28. N-Methyl-3-piperidyl benzilate.

29. N,N-dimethylamphetamine.
30. Parahexyl.
31. Peyote.
32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine analog of phencyclidine).
33. Psilocybin.
34. Psilocyn.
35. *Salvia divinorum*, except for any drug product approved by the United States Food and Drug Administration which contains *Salvia divinorum* or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
37. Tetrahydrocannabinols.
38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP) (Thiophene analog of phencyclidine).
39. 3,4,5-Trimethoxyamphetamine.
40. 3,4-Methylenedioxy-methcathinone.
41. 3,4-Methylenedioxy-pyrovalerone (MDPV).
42. Methylmethcathinone.
43. Methoxymethcathinone.
44. Fluoromethcathinone.
45. Methylene-thcathinone.
46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8) homologue.
47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210.
48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also known as JWH-200.
51. BZP (Benzylpiperazine).
52. Fluorophenylpiperazine.
53. Methylphenylpiperazine.
54. Chlorophenylpiperazine.
55. Methoxyphenylpiperazine.
56. DBZP (1,4-dibenzylpiperazine).
57. TFMPP (3-Trifluoromethylphenylpiperazine).
58. MBDB (Methylbenzodioxolylbutanamine).
59. 5-Hydroxy-alpha-methyltryptamine.
60. 5-Hydroxy-N-methyltryptamine.
61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
62. 5-Methoxy-alpha-methyltryptamine.
63. Methyltryptamine.
64. 5-Methoxy-N,N-dimethyltryptamine.
65. 5-Methyl-N,N-dimethyltryptamine.
66. Tyramine (4-Hydroxyphenethylamine).
67. 5-Methoxy-N,N-Diisopropyltryptamine.
68. DiPT (N,N-Diisopropyltryptamine).
69. DPT (N,N-Dipropyltryptamine).
70. 4-Hydroxy-N,N-diisopropyltryptamine.
71. N,N-Diallyl-5-Methoxytryptamine.
72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
82. Ethcathinone.
83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
84. Naphyrone (naphthylpyrovalerone).
85. N-N-Dimethyl-3,4-methylenedioxy-cathinone.
86. N-N-Diethyl-3,4-methylenedioxy-cathinone.
87. 3,4-methylenedioxy-propiofenone.
88. 2-Bromo-3,4-Methylenedioxypropiofenone.
89. 3,4-methylenedioxy-propiofenone-2-oxime.
90. N-Acetyl-3,4-methylenedioxy-cathinone.
91. N-Acetyl-N-Methyl-3,4-Methylenedioxy-cathinone.
92. N-Acetyl-N-Ethyl-3,4-Methylenedioxy-cathinone.
93. Bromomethcathinone.
94. Buphedrone (alpha-methylamino-butyrophenone).
95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
96. Dimethylcathinone.
97. Dimethylmethcathinone.
98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
99. (MDPPP) 3,4-Methylenedioxy-alpha-pyrrolidinopropiofenone.
100. (MDPBP) 3,4-Methylenedioxy-alpha-pyrrolidinobutiophenone.
101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
103. Benocyclidine (BCP) or benzothiophenylcyclohexylpiperidine (BTCP).

104. Fluoromethylaminobutyrophenone (F-MABP).
105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
108. Methylethylaminobutyrophenone (Me-EABP).
109. Methylamino-butyrophenone (MABP).
110. Pyrrolidinopropiophenone (PPP).
111. Pyrrolidinobutiophenone (PBP).
112. Pyrrolidinovalerophenone (PVP).
113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-yl)methanone).
117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-yl)methanone).
119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-indole).
123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone).
125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone).
127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone).
128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
131. HU-308 ([1R,2R,5R]-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
133. CB-13 (Naphthalen-1-yl-(4-pentylloxynaphthalen-1-yl)methanone).
134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-undecanamide).
135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-undecanamide).
136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-iodophenyl)methanone).
138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-naphthalen-1-yl)methanone).
139. RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone).
140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenylethanone).
141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
142. WIN55,212-3 (((3S)-2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
144. Fluoroamphetamine.
145. Fluoromethamphetamine.
146. Methoxetamine.
147. Methiopropamine.
148. 4-Methylbuphedrone (2-Methylamino-1-(4-methylphenyl)butan-1-one).
149. APB ((2-aminopropyl)benzofuran).
150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).
152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).
153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).
154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1.3,7]dec-1-yl-1H-indazole-3-carboxamide).
155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-methanone).
156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1.3,7]dec-1-yl-1H-indole-3-carboxamide).
157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)- cyclohexylcarbamate).
158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester).
159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one).
160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine).
165. 3,4-Methylenedioxymethamphetamine (MDMA).
166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid).
167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid).

168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid).
169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide).

Section 7. Subsection (3) and paragraphs (b) and (d) of subsection (6) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—

(3) Any person who delivers, without consideration, not more than 20 grams of cannabis, as defined in this chapter, *except as provided in s. 893.032*, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this paragraph, “cannabis” does not include the resin extracted from the plants of the genus *Cannabis* or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(6)

(b) If the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, *except as provided in s. 893.032*, or 3 grams or less of a controlled substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-169., the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, “cannabis” does not include the resin extracted from the plants of the genus *Cannabis*, or any compound manufacture, salt, derivative, mixture, or preparation of such resin, and a controlled substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-169., does not include the substance in a powdered form.

(d) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis, *except as provided in s. 893.032*.

Section 8. Subsections (7) and (12) of section 893.145, Florida Statutes, are amended to read:

893.145 “Drug paraphernalia” defined.—The term “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter or s. 877.111. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis, *except as provided in s. 893.032*.

(12) *Except as provided in s. 893.032*, objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or nitrous oxide into the human body, such as:

- (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.
- (b) Water pipes.
- (c) Carburetion tubes and devices.
- (d) Smoking and carburetion masks.
- (e) Roach clips: meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand.
- (f) Miniature cocaine spoons, and cocaine vials.
- (g) Chamber pipes.

(h) Carburetor pipes.

(i) Electric pipes.

(j) Air-driven pipes.

(k) Chillums.

(l) Bongs.

(m) Ice pipes or chillers.

(n) A cartridge or canister, which means a small metal device used to contain nitrous oxide.

(o) A charger, sometimes referred to as a “cracker,” which means a small metal or plastic device that contains an interior pin that may be used to expel nitrous oxide from a cartridge or container.

(p) A charging bottle, which means a device that may be used to expel nitrous oxide from a cartridge or canister.

(q) A whip-it, which means a device that may be used to expel nitrous oxide.

(r) A tank.

(s) A balloon.

(t) A hose or tube.

(u) A 2-liter-type soda bottle.

(v) Duct tape.

And the title is amended as follows:

Delete lines 2-32 and insert: An act relating to cannabis; creating s. 456.60, F.S.; defining terms; authorizing specified physicians to order low-THC cannabis for use by specified patients; providing conditions; providing education requirements for physicians; providing duties of the Department of Health; requiring the department to create a compassionate use registry; providing requirements for the registry; requiring the department to authorize a specified number of dispensing organizations; authorizing the department to adopt specified rules; requiring the department to establish the Office of Compassionate Use; providing for inspections of dispensing organizations by the department and law enforcement agencies; providing requirements and duties for a dispensing organization; providing exceptions to specified laws; creating s. 385.30, F.S.; encouraging state universities with both medical and agricultural programs to participate in specified Federal Food and Drug Administration-approved research directed toward refractory or intractable epilepsy relief in pediatric patients; authorizing participating state universities to annually request a grant from the department; requiring a state university that requests a grant to submit a specified report to the department; providing applicability; creating s. 1004.441, F.S.; authorizing state universities with both medical and agricultural programs to conduct specified research on low-THC cannabis; authorizing the use of current state or privately obtained research funds to support such research; creating s. 893.032, F.S.; defining terms; exempting specified individuals from arrest, civil or criminal penalty, seizure or forfeiture of assets by or to the state or an agent of the state, discipline by a state or local licensing board, or state prosecution for specified acts relating to the personal use of marijuana; providing exceptions; providing for the expunction of convictions and the destruction of arrest and conviction records for specified individuals; amending ss. 812.14, 893.03, 893.13, and 893.145, F.S.; conforming provisions to changes made by the act; authorizing the department to submit a

**SENATOR GARDINER PRESIDING**

**THE PRESIDENT PRESIDING**

On motion by Senator Bradley, by two-thirds vote **CS for CS for SB 1030** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

Altman	Hukill	Latvala
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On motion by Senator Stargel, by unanimous consent—

**CS for CS for SB 1714**—A bill to be entitled An act relating to malt beverages; amending s. 561.01, F.S.; defining the term “growler”; amending s. 561.221, F.S.; clarifying three-tier system exceptions and application with respect to the manufacture, distribution, and sale of malt beverages; revising requirements for licensure and operation of manufacturers and vendors; defining the term “licensee”; providing legislative intent; amending s. 561.37, F.S.; revising bond requirements for brewers; amending s. 561.42, F.S.; authorizing distributors of malt beverages to clean certain drafting equipment and counter-pressure devices at no charge; specifying that counter-pressure and other growler-filling devices are not drafting equipment and tapping accessories for certain purposes; amending s. 561.5101, F.S.; adding an exception to the come-to-rest requirement; specifying what constitutes coming to rest at a distributor’s licensed premises; providing penalties; reenacting and amending s. 563.022(14), F.S., relating to prohibited interests between a manufacturer and a distributor of malt beverages, to incorporate the amendments made to s. 561.221(2), F.S., in a reference thereto; revising provisions relating to shipment of products to or between breweries; amending s. 563.06, F.S.; revising provisions relating to the sale of malt beverages at retail in containers of specified sizes, to conform to changes made by the act; creating s. 563.061, F.S.; providing requirements for and limitations on the filling, refilling, and sale or distribution of growlers; reenacting s. 561.11(1), F.S., relating to authority of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules to implement the Beverage Law, to incorporate the amendments made to the Beverage Law by this act for such purpose; providing an effective date.

—was taken up out of order 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 Stargel moved the following amendment:

**Amendment 1 (961662) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 561.221, Florida Statutes, is amended to read:

561.221 Licensing of manufacturers and distributors as vendors and of vendors as manufacturers; *exceptions*, conditions, and limitations.—

(1)(a) Nothing contained in s. 561.22, s. 561.42, or any other provision of the Beverage Law prohibits the ownership, management, operation, or control of not more than three vendor’s licenses for the sale of alcoholic beverages by a manufacturer of wine who is licensed and engaged in the manufacture of wine in this state, even if such manufacturer is also licensed as a distributor; provided that no such vendor’s license shall be owned, managed, operated, or controlled by any licensed manufacturer of wine unless the licensed premises of the vendor are situated on property contiguous to the manufacturing premises of the licensed manufacturer of wine.

(b) The Division of Alcoholic Beverages and Tobacco shall issue permits to a certified Florida Farm Winery to conduct tasting and sales of wine produced by certified Florida Farm Wineries at Florida fairs, trade shows, expositions, and festivals. The certified Florida Farm Winery shall pay all entry fees and shall have a winery representative present during the event. The permit is limited to the length of the event.

(2)(a) ~~Notwithstanding s. 561.221, s. 561.42, or any other provision of the Beverage Law, the division may be authorized to issue a vendor’s license license per licensed premises to a manufacturer of malt beverages, even if the such manufacturer is also licensed as a distributor, for the sale of alcoholic beverages on property consisting of a single complex. The, which property must shall include a brewery and such other structures which promote the brewery and the tourist industry of the state. However, such property may be divided by no more than one public street or highway.~~

(b) A manufacturer licensed as a vendor under this subsection may sell alcoholic beverages under its vendor’s license as follows:

1. Malt beverages manufactured on the licensed premises or transferred from another of its licensed premises, for:

a. On-premises consumption, provided that, notwithstanding s. 530.22(14)(b), all malt beverages received from the manufacturer’s other breweries above an amount equal to the lesser of the manufacturer’s combined annual production for all of its breweries or 2,000 kegs must be obtained through a distributor;

b. Off-premises consumption in growlers pursuant to s. 563.061;

c. Off-premises consumption in sealed containers, as authorized under s. 563.06, in an amount not to exceed one keg per consumer per day, provided that the total amount of malt beverages brewed by the manufacturer and sold for consumption off the licensed premises in sealed containers does not exceed 2000 kegs per year.

d. Off-premises consumption in sealed containers, as authorized under s. 563.06, in an amount not to exceed one keg per consumer per day, provided that, if the total amount of malt beverages brewed by the manufacturer and sold for consumption off the licensed premises in sealed containers exceeds 2000 kegs per year, the total amount of malt beverages brewed by the manufacturer and sold for consumption off the licensed premises in sealed containers in excess of 2000 kegs per year does not exceed 20 percent of the total malt beverages brewed on the licensed premises.

2. Any other malt beverages, for on-premises consumption only.

3. Any wine or liquor, for on-premises consumption only, as authorized under its vendor’s license.

(c) Notwithstanding subparagraph (b)2., a manufacturer holding its vendor’s license under this subsection as a quota licensee pursuant to s. 565.02(1) may also sell malt beverages brewed off the licensed premises, for off-premises consumption, in sealed containers as authorized under s. 563.06 and its vendor’s license, only if the premises was licensed under s. 565.02(1) on or before October 1, 2014.

(d) Notwithstanding subparagraph (b)3., a manufacturer holding its vendor’s license under this subsection as a quota licensee pursuant to s. 565.02(1) may also sell such alcoholic beverages, for off-premises consumption, in sealed containers as authorized under its vendor’s license, only if the premises was licensed under s. 565.02(1) on or before October 1, 2014.

(e) Notwithstanding s. 561.57(1), the delivery of any such sealed container or growler off the vendor’s licensed premises, whether by common or premises carrier or by an operator of a privately owned car, truck, bus, or other conveyance, is prohibited. In addition, a consumer or other person may not arrange for the delivery off the licensed manufacturing premises to the consumer of any such sealed container or growler from a vendor licensed under this subsection, whether by common or premises carrier or by an operator of a privately owned car, truck, bus, or other conveyance. However, this paragraph does not prohibit a consumer from taking the sealed container or growler, purchased by the consumer from a manufacturer licensed as a vendor under this subsection, from the ven-

dor's licensed premises to another location by a privately owned car, truck, bus, or other conveyance.

(f) The manufacturer shall maintain a record of all malt beverages received from all of its licensed manufacturing premises, including the amount of malt beverages received, the licensed premises from which the malt beverages were transferred, and the amount of malt beverages sold for off-premises consumption in sealed containers, as authorized in s. 563.06(6). The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subparagraph (b)1. with respect to sales for off-premises consumption and transfers between licensed manufacturing premises.

(g) A manufacturer licensed as a vendor under this subsection may hold a permanent food service license at the licensed premises.

(h) This subsection is a limited exception to ss. 561.22 and 561.42. Except as specifically provided in this subsection to permit a manufacturer of malt beverages to also be licensed as a vendor, a manufacturer of malt beverages is subject to the restrictions in ss. 561.22 and 561.42.

(3)(a) Notwithstanding s. 561.22, s. 561.42, or any other provision provisions of the Beverage Law, a ~~any~~ vendor licensed in this state may be licensed as a manufacturer of malt beverages upon a finding by the division that:

1. The vendor will be engaged in brewing malt beverages at a single location and in an amount that which will not exceed 10,000 kegs per year. As used in For purposes of this section subsection, the term "keg" means 15.5 gallons.

2. The malt beverages ~~so~~ brewed will be sold to consumers only for consumption on the vendor's licensed premises or on contiguous licensed premises owned or leased by the vendor.

(b) Any vendor which is also licensed as a manufacturer of malt beverages pursuant to this subsection shall be responsible for applicable reports pursuant to ss. 561.50 and 561.55 with respect to the amount of beverage manufactured each month and must ~~shall~~ pay the applicable excise taxes thereon to the division by the 10th day of each month for the previous month.

(c) A ~~It shall be unlawful for any~~ licensed distributor of malt beverages or ~~an any~~ officer, agent, or other representative thereof may not to discourage or prohibit any vendor licensed as a manufacturer under this subsection from offering malt beverages brewed for consumption on the licensed premises of the vendor.

(d) A ~~It shall be unlawful for any~~ manufacturer of malt beverages or ~~an any~~ officer, agent, or other representative thereof may not to take any action to discourage or prohibit a ~~any~~ distributor of the manufacturer's product from distributing such product to a licensed vendor which is also licensed as a manufacturer of malt beverages pursuant to this subsection.

Section 2. Section 561.37, Florida Statutes, is amended to read:

561.37 Bond for payment of taxes.—

(1) Each manufacturer and each distributor must ~~shall~~ file with the division a surety bond acceptable to the division in the amount ~~sum~~ of \$25,000 as surety for the payment of all taxes. ~~provided, However, if that when~~ in the discretion of the division the amount of business done by the manufacturer or distributor is of such volume that a bond in an amount of less than \$25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in an amount of less a lesser sum than \$25,000, but not in no event shall it accept a bond of less than \$10,000, and it may at any time in its discretion require any bond in an amount of less than \$25,000 to be increased so as not to exceed \$25,000. ~~provided, however, that~~

(2) Notwithstanding subsection (1), the amount of bond required under this section for:

(a) A brewer is \$5,000 ~~shall be \$20,000~~, except that if where, in the discretion of the division, the amount of business done by the brewer is of such volume that a bond in an amount of less than \$5,000 ~~\$20,000~~ will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in an amount of less a

lesser sum than \$5,000 ~~\$20,000~~, but not in no event shall it accept a bond of less than \$2,500 ~~\$10,000~~, and it may at any time in its discretion require any bond in an amount of less than \$5,000 ~~\$20,000~~ to be increased so as not to exceed \$5,000. ~~\$20,000; provided further that the amount of the bond required for~~

(b) A wine or wine and cordial manufacturer is ~~shall be~~ \$5,000. However, ~~except that,~~ in the case of a manufacturer engaged solely in the experimental manufacture of wines and cordials from Florida products, if where in the discretion of the division the amount of business done by such a manufacturer is of such volume that a bond in an amount of less than \$5,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in an amount of less a lesser sum than \$5,000, but not in no event shall it accept a bond of less than \$1,000, and it may at any time in its discretion require a bond in an amount of less than \$5,000 to be increased so as not to exceed \$5,000. ~~provided, further, that the amount of bond required for~~

(c) A distributor who sells only beverages containing not more than 4.007 percent of alcohol by volume, in counties where the sale of intoxicating liquors, wines, and beers is prohibited, or a distributor ~~and to distributors~~ who sells ~~sell~~ only beverages containing not more than 17.259 percent of alcohol by volume and wines regardless of alcoholic content, in counties where the sale of intoxicating liquors, wines, and beers is permitted, ~~is shall file with the division a surety bond acceptable to the division in the sum of \$25,000, as surety for the payment of all taxes; provided, However, if that where~~ in the discretion of the division the amount of business done by such a distributor is of such volume that a bond in an amount of less than \$25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in an amount of a lesser sum than \$25,000, but not in no event shall it accept a bond less than \$1,000, and it may at any time in its discretion require any bond in an amount of less than \$25,000 to be increased so as not to exceed \$25,000. ~~provided, further, that the amount of bond required for~~

(d) A distributor in a county having a population of 15,000 or less who procures a license by which his or her sales are restricted to distributors and vendors who have obtained licenses in the same county ~~is, shall be~~ \$5,000.

Section 3. For the purpose of incorporating the amendment made by this act to section 561.221(2), Florida Statutes, in reference thereto, subsection (14) of section 563.022, Florida Statutes, is reenacted:

563.022 Relations between beer distributors and manufacturers.—

(14) MANUFACTURER; PROHIBITED INTERESTS.—

(a) This subsection applies to:

1. A manufacturer;
2. Any officer, director, agent, or employee of a manufacturer; or
3. An affiliate of any manufacturer, regardless of whether the affiliation is corporate or by management, direction, or control.

(b) Except as provided in paragraph (c), no entity or person specified in paragraph (a) may have an interest in the license, business, assets, or corporate stock of a licensed distributor nor shall such entity sell directly to any vendor in this state other than to vendors who are licensed pursuant to s. 561.221(2).

(c) Any entity described in paragraph (a) may financially assist a proposed distributor in acquiring ownership of the distributorship through participation in a limited partnership arrangement in which the entity described in paragraph (a) is a limited partner and the proposed distributor seeking to acquire ownership of the distributorship is the general partner. Such limited partnership arrangements may exist for no longer than 8 years from their creation and shall not be extended or renewed by means of a transfer of full ownership to an entity described in paragraph (a) followed by the creation of a new limited partnership or by any other means. In any such arrangement for financial assistance, the federal basic permit and distributor's license issued by the division shall be issued in the name of the distributor and not in the name of an entity described in paragraph (a). If, after the creation of a limited partnership pursuant to this paragraph, an entity described in paragraph (a) acquires title to the distributorship which was the subject of

the limited partnership, the entity described in paragraph (a) shall divest itself of the distributorship within 180 days, and the distributorship shall be ineligible for limited partnership financing for 20 years thereafter. No entity described in paragraph (a) shall enter into a limited partnership arrangement with a licensed distributor whose distributorship existed and was operated prior to the creation of such limited partnership arrangement.

(d) Nothing in the Beverage Law shall be construed to prohibit a manufacturer from shipping products to or between its breweries without a distributor's license.

(e) Notwithstanding the provisions of paragraph (b), any entity named in paragraph (a) may have an interest in the license, business, assets, or corporate stock of a licensed distributor for a maximum of 180 consecutive days as the result of a judgment of foreclosure against the distributor or for 180 consecutive days after acquiring title pursuant to the written request of the licensed distributor. Under either of these circumstances, manufacturer ownership of an interest in the license, business, assets, or corporate stock of a licensed distributor shall only be for 180 days and only for the purpose of facilitating an orderly transfer of the distributorship to an owner not affiliated with a manufacturer.

(f) Notwithstanding the provisions of paragraph (b), any entity named in paragraph (a) may have a security interest in the inventory or property of its licensed distributors to secure payment for said inventory or other loans for other purposes.

Section 4. Section 563.06, Florida Statutes, is amended to read:

563.06 Malt beverages; imprint on individual container; size of containers; growlers; exemptions.—

(1) ~~On and after October 1, 1959,~~ All taxable malt beverages packaged in individual containers possessed by any person in the state for the purpose of sale or resale in the state, except operators of railroads, sleeping cars, steamships, buses, and airplanes engaged in interstate commerce and licensed under this section, ~~must shall~~ have imprinted thereon in clearly legible fashion by any permanent method the word "Florida" or "FL" and no other state name or abbreviation of any state name in not less than 8-point type. The word "Florida" or "FL" shall appear first or last, if imprinted in conjunction with any manufacturer's code. A facsimile of the imprinting and its location as it will appear on the individual container ~~must shall~~ be submitted to the division for approval.

(2) Nothing herein contained shall require such designation to be attached to individual containers of malt beverages which are transported through this state and which are not sold, delivered, or stored for sale therein, if transported in accordance with such rules and regulations as adopted by the division; nor shall this requirement apply to malt beverages packaged in individual containers and held on the premises of a brewer or bottler, which malt beverages are for sale and delivery to persons outside the state.

(3) Possession by any person in the state, except as otherwise provided herein, of more than 4 1/2 gallons of malt beverages in individual containers which do not have the word "Florida" or "FL" as herein provided, shall be prima facie evidence that said malt beverage is possessed for the purpose of sale or resale.

(4) Except as otherwise provided herein, any malt beverages in individual containers held or possessed in the state for the purpose of sale or resale within the state which do not bear the word "Florida" or "FL" thereon shall, at the direction of the division, be confiscated in accordance with the provisions of the Beverage Law.

(5)(a) Nothing contained in this section shall require that malt beverages packaged in individual containers and possessed by any person in the state for purposes of sale or resale in the state have imprinted thereon the word "Florida" or "FL" if the manufacturer of the malt beverages can establish before the division that the manufacturer has a tracking system in place, by use of code or otherwise, which enables the manufacturer, with at least 85 percent reliability by July 1, 1996, and 90 percent reliability by January 1, 2000, to identify the following:

1. The place where individual containers of malt beverages were produced;

2. The state into which the individual containers of malt beverages were shipped; and

3. The individual distributors within the state which received the individual containers of malt beverages.

(b) Prior to shipping individual containers of malt beverages into the state which do not have the word "Florida" or "FL" imprinted thereon, the manufacturer must file an application with the division to claim the exemption contained herein and must obtain approval from the division to ship individual containers of malt beverages into the state which do not have the word "Florida" or "FL" imprinted thereon. Information furnished by the manufacturer to establish the criteria contained within paragraph (a) may be subject to an annual audit and verification by the division. The division may revoke an approved exemption if the manufacturer refuses to furnish the information required in paragraph (a) upon request of the division, or if the manufacturer fails to permit a subsequent verification audit, or if the manufacturer fails to fully cooperate with the division during the conducting of an audit.

(c) When a distributor has information that malt beverages may have been shipped into Florida on which payment of Florida excise taxes has not been made, such information may be provided to the division and the division shall investigate to ascertain whether any violations of Florida law have occurred.

(6) All malt beverages packaged in individual containers sold or offered for sale by vendors at retail in this state, *except for malt beverages authorized to be sold in growlers pursuant to s. 563.061, must shall* be in individual containers containing no more than 32 ounces of such malt beverages; ~~provided, however, that nothing contained in~~

(7) This section ~~does not shall~~ affect malt beverages packaged in bulk, ~~or in kegs or in barrels,~~ or in any individual container containing 1 gallon or more of such malt beverage regardless of individual container type.

~~(8)(7)~~ ~~A Any~~ person, firm, or corporation, or any of its agents, officers or employees, ~~that violates violating any of the provisions of this section commits, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; and the license, if any, is shall be~~ subject to revocation or suspension by the division.

Section 5. Section 563.061, Florida Statutes, is created to read:

563.061 Malt beverages; filling or refilling of growlers.—

(1) "Growler" means a refillable container that is made of glass, ceramic, metal, or similar leak-proof material and is designed to contain a carbonated malt beverage in a capacity of 32 ounces, 64 ounces, or 128 ounces.

(2) The filling or refilling of a growler shall be in response to an order, in a face-to-face transaction, only for off-premises consumption. The growler must be filled with a malt beverage and sealed on the premises at or immediately before or after the time of sale.

(3) The filling or refilling of a growler is limited to:

(a) A manufacturer of malt beverages who holds a valid vendor's license pursuant to s. 561.221(2);

(b) A vendor holding a quota license under ss. 561.20(1) and 565.02(1)(a) with the sale of malt beverages authorized under that license; or

(c) A vendor holding a license under s. 563.02(1)(b)-(f), s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless the license restricts the sale of malt beverages only for consumption on the licensed premises.

(4) The growler must have an unbroken seal or be incapable of being immediately consumed.

(5) The growler must be clearly labeled as containing an alcoholic beverage and provide the name of the manufacturer, the brand, the volume, the percentage of alcohol by volume, and the required federal health warning notice for alcoholic beverages. If a growler being refilled has an existing label or other identifying mark of a manufacturer or brand from a prior filling or refilling, that label must be covered sufficiently to in-



dicating the manufacturer and brand of the malt beverage being placed in the container at that refilling.

(6) *The growler must be clean before filling or refilling.*

(7) *A licensee authorized to fill and refill growlers may not use them for purposes of distribution or sale off the manufacturer's or vendor's licensed premises, except as authorized under this section and s. 561.221(2).*

Section 6. For the purpose of incorporating the amendments made by this act to the Beverage Law, subsection (1) of section 561.11, Florida Statutes, is reenacted to read:

561.11 Power and authority of division.—

(1) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of the Beverage Law.

Section 7. 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 malt beverages; amending s. 561.221, F.S.; clarifying three-tier system exceptions and application with respect to the manufacture, distribution, and sale of malt beverages; revising requirements for licensure and operation of manufacturers and vendors; defining the term “licensee”; providing legislative intent; amending s. 561.37, F.S.; revising bond requirements for brewers; reenacting s. 563.022(14), F.S., relating to prohibited interests between a manufacturer and a distributor of malt beverages, to incorporate the amendments made to s. 561.221(2), F.S., in a reference thereto; revising provisions relating to shipment of products to or between breweries; amending s. 563.06, F.S.; revising provisions relating to the sale of malt beverages at retail in containers of specified sizes, to conform to changes made by the act; creating s. 563.061, F.S.; defining the term “growler”; providing requirements for and limitations on the filling, refilling, and sale or distribution of growlers; reenacting s. 561.11(1), F.S., relating to authority of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules to implement the Beverage Law, to incorporate the amendments made to the Beverage Law by this act for such purposes; providing an effective date.

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 to **Amendment 1 (961662)** which was adopted:

**Amendment 1A (807128)**—Delete lines 46-47 and insert:  
*lessor of the receiving manufacturer's total malt beverages brewed on the licensed premises or 2,000 kegs must be obtained through a*

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

Senator Stargel moved the following amendment to **Amendment 1 (961662)** which was adopted:

**Amendment 1B (449110)**—Delete lines 77-83 and insert:  
*565.02(1) on or before October 1, 2014. This provision does not prohibit the transfer of the license to another licensed manufacturing premises owned by the manufacturer.*

(d) *Notwithstanding subparagraph (b)3., a manufacturer holding its vendor's license under this subsection as a quota licensee pursuant to s. 565.02(1) may also sell such alcoholic beverages, for off-premises consumption, in sealed containers as authorized under its vendor's license, only if the premises was licensed under s. 565.02(1) on or before October 1, 2014. This provision does not prohibit the transfer of the license to another licensed manufacturing premises owned by the manufacturer.*

**Amendment 1 (961662)** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1714** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTION

On motion by Senator Thrasher, the rules were waived and time of adjournment was extended until 7:00 p.m.

**CS for CS for CS for SB 798**—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; removing uninsured losses as a common expense of a condominium; 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.; clarifying the meaning of the term “previous owner”; limiting the present owner's liability for unpaid assessments to those that accrued before the association acquired title; repealing s. 718.50151, F.S., relating to the Community Association Living Study Council and its 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.; providing that an owner may consent in writing to the disclosure of certain contact information; amending s. 720.306, F.S.; 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 read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 798 to CS for CS for CS for HB 807**.

Pending further consideration of **CS for CS for CS for SB 798** as amended, on motion by Senator Ring, by two-thirds vote **CS for CS for CS for HB 807** was withdrawn from the Committees on Regulated Industries; Judiciary; and Appropriations.

On motion by Senator Ring—

**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 Community 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.

—a companion measure, was substituted for **CS for CS for CS for SB 798** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 807** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bean—

**SB 1700**—A bill to be entitled An act relating to public records; creating s. 456.61, F.S.; exempting from public records requirements personal identifying information of patients and physicians held by the Department of Health in the compassionate use registry; exempting information related to ordering and dispensing low-THC marijuana; authorizing specified persons and entities access to the exempt information; requiring that information released from the registry remain confidential; providing a criminal penalty; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Bean moved the following amendment which was adopted:

**Amendment 1 (520024) (with title amendment)**—Delete line 27 and insert:  
*physician’s order for low-THC cannabis and the dispensing*

Delete line 36 and insert:  
*cannabis and the dispensing thereof are confidential and exempt*

Delete line 46 and insert:  
*authenticity of a physician’s order for low-THC cannabis,*

Delete lines 51-57 and insert:  
*cannabis for the purpose of monitoring the patient’s use of such cannabis or for the purpose of determining, before issuing an order for low-THC cannabis, whether another physician has ordered the patient’s use of low-THC cannabis. The physician may access the confidential and exempt information only for the patient for whom he or she has ordered or is determining whether to order the use of low-THC cannabis pursuant to s. 456.60.*

Delete lines 103-124 and insert:  
*physician’s order for low-THC cannabis written pursuant to s. 456.60, Florida Statutes, which are held in the registry. The choice made by a physician and his or her patient to use low-THC cannabis to treat that patient’s medical condition or symptoms is a personal and private matter between those two parties. The availability of such information to the public could make the public aware of both the patient’s use of low-THC cannabis and the patient’s diseases or other medical conditions for which the patient is using low-THC cannabis. The knowledge of the patient’s use of low-THC cannabis, the knowledge that the physician ordered the use of low-THC cannabis, and the knowledge of the patient’s medical condition could be used to embarrass, humiliate, harass, or discriminate against the patient and the physician. This information could be used as a discriminatory tool by an employer who disapproves of the patient’s use of low-THC cannabis or of the physician’s ordering such use. However, despite the potential hazards of collecting such information, maintaining the compassionate use registry established under s. 456.60, Florida Statutes, is necessary to prevent the diversion and nonmedical use of any low-THC cannabis as well as to aid and improve research done on the efficacy of low-THC cannabis. Thus, the Legislature finds*

Delete line 133 and insert:  
of, low-THC cannabis takes effect, if such legislation is

And the title is amended as follows:

Delete line 7 and insert: related to ordering and dispensing low-THC cannabis;

Pursuant to Rule 4.19, **SB 1700** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for SB 1068**—A bill to be entitled An act relating to massage therapy; amending s. 456.0135, F.S.; requiring an applicant for licensure under ch. 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 massage establishment for the commission of certain offenses; amending s. 480.041, F.S.; requiring an applicant for a massage therapist license to submit to certain background screening requirements; requiring that a massage therapist who was issued a license before a specified date meet the background screening requirements by a specified date; requiring the Board of Massage Therapy to deny an application for a massage therapy license or renewal license for certain offenses; amending s. 480.043, F.S.; requiring a person with a specified interest in a massage establishment to submit to certain background screening requirements; authorizing the department to adopt a rule related to corporate assets; requiring the department to deny an application for a massage establishment license or renewal license under certain circumstances; requiring that the owner of a massage establishment that was issued a license before a specified date submit to the background screening requirements by a specified date; exempting certain entities from massage establishment licensure requirements; amending s. 480.0465, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1068** to **CS for HB 1065**.

Pending further consideration of **CS for SB 1068** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 1065** was withdrawn from the Committees on Health Policy; and Appropriations.

On motion by Senator Latvala—

**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.

—a companion measure, was substituted for **CS for SB 1068** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1065** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bean, the Senate recalled from Engrossing—

**SB 1700**—A bill to be entitled An act relating to public records; creating s. 456.61, F.S.; exempting from public records requirements personal identifying information of patients and physicians held by the Department of Health in the compassionate use registry; exempting information related to ordering and dispensing low-THC marijuana; authorizing specified persons and entities access to the exempt information; requiring that information released from the registry remain confidential; providing a criminal penalty; providing for future legisla-

tive review and repeal; providing a statement of public necessity; providing a contingent effective date.

—as amended this day for further consideration.

On motion by Senator Bean, by two-thirds vote **SB 1700** as amended 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—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

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Consideration of **CS for SB 1090** was deferred.

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**CS for CS for SB 1122**—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 read the second time by title.

Pending further consideration of **CS for CS for SB 1122**, on motion by Senator Bean, by two-thirds vote **CS for CS for HB 1131** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Bean—

**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.

—a companion measure, was substituted for **CS for CS for SB 1122** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1131** was placed on the calendar of Bills on Third Reading.

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**CS for SB 1206**—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 the term “industry certification”; 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 read the second time by title.

Pending further consideration of **CS for SB 1206**, on motion by Senator Montford, by two-thirds vote **CS for CS for CS for HB 487** was withdrawn from the Committees on Education; Agriculture; and Appropriations.

On motion by Senator Montford—

**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.

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

Pursuant to Rule 4.19, **CS for CS for CS for HB 487** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1276** was deferred.

**CS for CS for SB 1354**—A bill to be entitled An act relating to health care; amending s. 409.967, F.S.; revising contract requirements for Medicaid managed care programs; providing requirements for plans establishing a drug formulary or preferred drug list; requiring the use of a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; creating s. 627.42392, F.S.; requiring health insurers to use a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 627.42393, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; amending s. 627.6131, F.S.; prohibiting an insurer from retroactively denying a claim in certain circumstances; amending s. 627.6471, F.S.; requiring insurers to post preferred provider information on a website; specifying that changes to such a website must be made within a certain time; amending s. 627.6515, F.S.; applying provisions relating to prior authorization and override protocols to out-of-state groups; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim in certain circumstances; creating s. 641.393, F.S.; requiring the use of a standardized prior authorization form by a health maintenance organization; providing requirements for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 641.394, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; providing an effective date.

—was read the second time by title.

Senator Hays moved the following amendment which was adopted:

**Amendment 1 (570252) (with title amendment)**—Between lines 167 and 168 insert:

Section 2. Subsections (1) and (2) of section 465.189, Florida Statutes, are amended to read:

465.189 Administration of vaccines and epinephrine autoinjection.—

(1) In accordance with guidelines of the Centers for Disease Control and Prevention for each recommended immunization or vaccine, a pharmacist may administer the following vaccines to an adult within the framework of an established protocol under a supervising physician licensed under chapter 458 or chapter 459:

- (a) Influenza vaccine.
- (b) Pneumococcal vaccine.
- (c) Meningococcal vaccine.
- (d) Shingles vaccine.

~~(2) In accordance with guidelines of the Centers for Disease Control and Prevention, a pharmacist may administer the shingles vaccine within the framework of an established protocol and pursuant to a written or electronic prescription issued to the patient by a physician licensed under chapter 458 or chapter 459.~~

And the title is amended as follows:

Between lines 14 and 15 insert: amending s. 465.189, F.S.; authorizing a pharmacist to administer meningococcal and shingles vaccines;

Senators Soto and Garcia offered the following amendment which was moved by Senator Soto:

**Amendment 2 (910258) (with title amendment)**—Between lines 364 and 365 insert:

Section 10. *The Division of Law Revision and Information is directed to rename part II of chapter 409, Florida Statutes, as the “Florida Kidcare and Healthy Florida Programs.”*

Section 11. Section 409.811, Florida Statutes, is reordered and amended to read:

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

(1) “Actuarially equivalent” means that:

- (a) The aggregate value of the benefits included in health benefits coverage is equal to the value of the benefits in the benchmark benefit plan; and
- (b) The benefits included in health benefits coverage are substantially similar to the benefits included in the *child* benchmark benefit plan, except that preventive health services must be the same as in the benchmark benefit plan.

(2) “Agency” means the Agency for Health Care Administration.

(3) “Applicant” means:

(a) A parent or guardian of a child or a child whose disability of nonage has been removed under chapter 743, who applies for a determination of eligibility for health benefits coverage under *Florida Kidcare*; or

(b) *An individual who applies for a determination of eligibility under Healthy Florida ss. 409.810-409.821.*

(5)(4) “Child benchmark benefit plan” means the form and level of health benefits coverage established under ~~in~~ s. 409.815.

(4)(5) “Child” means a ~~any~~ person younger than ~~under~~ 19 years of age.

(6) “Child with special health care needs” means a child whose serious or chronic physical or developmental condition requires extensive preventive and maintenance care beyond that required by typically healthy children. Health care utilization by such a child exceeds the statistically expected usage of the normal child adjusted for chron-

ological age, and such a child often needs complex care requiring multiple providers, rehabilitation services, and specialized equipment in a number of different settings.

(7) “Children’s Medical Services Network” or “network” ~~has the same meaning means a statewide managed care service system as defined in s. 391.021(4).~~

(8) “CHIP” means the Children’s Health Insurance Program as authorized under Title XXI of the Social Security Act, regulations adopted thereunder, and this part, and as administered in this state by the agency, the department, and the corporation pursuant to their respective jurisdictions.

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

(9) “Corporation” means the Florida Healthy Kids Corporation established under s. 409.8125.

(10)(9) “Department” means the Department of Health.

(11)(10) “Enrollee” means a child or adult who has been determined eligible for and is receiving coverage under this part ~~ss. 409.810-409.821.~~

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

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

(12)(13) “Florida Kidcare Program,” “Kidcare program,” or “program” means the health benefits program described in s. 409.813 and administered under this part ~~through ss. 409.810-409.821.~~

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

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

(15)(16) “Health insurance plan” means health benefits coverage under the following:

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

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

(16) “Healthy Florida” means the program established under s. 409.822.

(17) “Healthy Kids” means a component of Florida Kidcare created under s. 409.8125 for children who are 5 through 18 years of age.

(18) “Household income” has the same meaning as in s. 36B(d)(2)(A) of the Internal Revenue Code of 1986 and applies to the individual or

household whose income is being considered in determining eligibility for Florida Kidcare or Healthy Florida.

~~(19)(17) “Medicaid” means the medical assistance program authorized by Title XIX of the Social Security Act, and regulations thereunder, and ss. 409.901-409.920, as administered in this state by the agency.~~

~~(20)(18) “Medically necessary” means the use of any medical treatment, service, equipment, or supply necessary to palliate the effects of a terminal condition, or to prevent, diagnose, correct, cure, alleviate, or preclude deterioration of a condition that threatens life, causes pain or suffering, or results in illness or infirmity and which is:~~

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

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

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

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

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

~~(21)(19) “Medikids” means a component of the Florida Kidcare program of medical assistance authorized by Title XXI of the Social Security Act, and regulations thereunder, and s. 409.8132, as administered in the state by the agency.~~

~~(22) “Modified adjusted gross income” has the same meaning as in s. 36B(d)(2)(B) of the Internal Revenue Code of 1986 and applies to the individual or household whose income is being considered in determining eligibility for Florida Kidcare or Healthy Florida.~~

~~(23) “Patient Protection and Affordable Care Act” means the federal law enacted as Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and any regulations or guidance adopted or issued pursuant to those acts.~~

~~(24)(20) “Preexisting condition exclusion” means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, regardless of whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.~~

~~(25)(21) “Premium” means the entire cost of a health insurance plan, including the administration fee or the risk assumption charge.~~

~~(26)(22) “Premium assistance payment” means the monthly consideration paid toward health insurance premiums by the agency per enrollee in the Florida Kidcare Program towards health insurance premiums.~~

~~(27)(23) “Qualified alien” means an alien as defined in 8 U.S.C. s. 1641 (b) and (c) s. 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193.~~

~~(28)(24) “Resident” means a United States citizen, or qualified alien, who is domiciled in this state.~~

~~(29)(25) “Rural county” means a county having a population density of less than 100 persons per square mile, or a county defined by the most recent United States Census as rural, in which there was is no prepaid health plan participating in the Medicaid program as of July 1, 1998.~~

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

Section 12. Section 624.91, Florida Statutes, is transferred and re-numbered as section 409.8125, Florida Statutes, and is reordered and amended to read:

~~409.8125 624.91~~ The Florida Healthy Kids Corporation Act.—

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

(2) LEGISLATIVE INTENT.—

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

~~(b)~~ It is *also* the intent of the Legislature:

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

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

~~(6)(3)~~ ELIGIBILITY FOR STATE-FUNDED ASSISTANCE.—Only the following individuals are eligible for state-funded assistance in paying ~~Florida Healthy Kids or Healthy Florida premiums:~~

~~(a)~~ Residents of this state who are eligible for ~~the Florida Kidcare program pursuant to s. 409.814 or Healthy Florida pursuant to s. 409.822.~~

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

~~(7)(4)~~ NONENTITLEMENT.—~~Nothing in~~ This section *does not* provide shall be construed as providing an individual with an entitlement to health care services. No cause of action shall arise against the state, the ~~Florida Healthy Kids corporation, or a unit of local government for failure to make health services available under this section.~~

~~(3)(5)~~ CORPORATION AUTHORIZATION, DUTIES, POWERS.—

~~(a)~~ ~~There is created~~ The Florida Healthy Kids Corporation *is hereby established as,* a not-for-profit corporation.

~~(b)~~ The ~~Florida Healthy Kids~~ corporation shall:

1. Arrange for the collection of any family, *individual, or* local contributions, ~~or employer payment or premium,~~ in an amount to be determined by the board of directors, to provide for payment of premiums

for comprehensive insurance coverage and for the actual or estimated administrative expenses.

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

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

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

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

6. Determine eligibility for children seeking to participate in ~~CHIP the Title XXI funded components of the Florida Kidcare program~~ consistent with the requirements specified in s. 409.814, as well as ~~the non-Title XXI eligible children not eligible under CHIP as provided in subsection (6) (3).~~

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

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

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

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

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

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

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

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

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

~~program~~ and to maintain public awareness of the corporation and the ~~programs program~~.

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

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

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

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

b. The costs and utilization by service of the full-pay enrollees in the Medikids and Florida Healthy Kids programs and the *CHIP-subsidized* ~~Title XXI-subsidized~~ enrolled population.

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

16. *Notify all current full-pay enrollees of the availability of the exchange, as defined in the federal Patient Protection and Affordable Care Act, and how to access other affordable insurance options. New applications for full-pay coverage may not be accepted after September 30, 2014.*

~~17.16. Establish benefit packages that conform to the provisions of the Florida Kidcare program, as created under this part in ss. 409.810-409.821.~~

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

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

~~(4)(6)~~ BOARD OF DIRECTORS AND MANAGEMENT SUPERVISION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(e) Board members who are serving on or before the effective date of this act or similar legislation may remain until July 1, 2015.*

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

~~(5)(7)~~ LICENSING NOT REQUIRED; FISCAL OPERATION.—

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

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

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

Section 13. Section 409.813, Florida Statutes, is amended to read:



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

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

- (a) Medicaid;
- (b) Medikids as created in s. 409.8132;
- (c) ~~The Florida Healthy Kids Corporation as created in s. 409.8125 s. 624.91; and~~
- (d) ~~Employer-sponsored group health insurance plans approved under ss. 409.810-409.821; and~~
- (d)(e) The Children's Medical Services network established in chapter 391.

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

Section 14. Subsections (6) and (7) of section 409.8132, Florida Statutes, are amended to read:

409.8132 Medikids program component.—

(6) ELIGIBILITY.—

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

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

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

Section 15. Subsection (2) of section 409.8134, Florida Statutes, is amended to read:

409.8134 Program expenditure ceiling; enrollment.—

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

(a) Children eligible for coverage under the *CHIP-funded* ~~Title XXI-funded~~ Florida Kidcare program shall be enrolled on a first-come, first-served basis using the date the enrollment application is received. Enrollment shall immediately cease when the expenditure ceiling is reached. Year-round enrollment shall ~~only~~ be held *only* if the Social

Services Estimating Conference determines that sufficient federal and state funds will be available to finance the increased enrollment.

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

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

Section 16. Section 409.814, Florida Statutes, is amended to read:

409.814 Eligibility.—A child ~~who has not reached 19 years of age~~ whose *household family* income is equal to or below 200 percent of the federal poverty level is eligible for ~~the Florida Kidcare program~~ as provided in this section. If an enrolled individual is determined to be ineligible for coverage, he or she must be immediately disenrolled from the respective Florida Kidcare program component *and referred to another affordable insurance program*.

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

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

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

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

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

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

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

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

(d)(e) A child who is otherwise eligible for premium assistance for ~~the Florida Kidcare program~~ and has had his or her coverage in an employer-sponsored or private health benefit plan voluntarily canceled in the last 60 days, except those children whose coverage was voluntarily



canceled for good cause, including, but not limited to, the following circumstances:

1. The cost of participation in an employer-sponsored health benefit plan is greater than 5 percent of the *household's modified adjusted gross family's* income;
2. The parent lost a job that provided an employer-sponsored health benefit plan for children;
3. The parent who had health benefits coverage for the child is deceased;
4. The child has a medical condition that, without medical care, would cause serious disability, loss of function, or death;
5. The employer of the parent canceled health benefits coverage for children;
6. The child's health benefits coverage ended because the child reached the maximum lifetime coverage amount;
7. The child has exhausted coverage under a COBRA continuation provision;
8. The health benefits coverage does not cover the child's health care needs; or
9. Domestic violence led to loss of coverage.

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

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

- (a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.
- (b) The board of directors of the Florida Healthy Kids Corporation may offer a reduced benefit package to these children in order to limit program costs for such families.

~~(c) The corporation shall notify all current full-pay enrollees of the availability of the exchange and how to access other affordable insurance options.~~

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

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

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

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

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

1. Their employers do not sponsor health benefit plans for employees;
2. The potential enrollee is not covered by an employer-sponsored health benefit plan; or
3. The potential enrollee is covered by an employer-sponsored health benefit plan and the cost of the employer-sponsored health benefit plan is more than 5 percent of the *household's modified adjusted gross family's* income.

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

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

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

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

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

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

Section 17. Subsection (2) of section 409.815, Florida Statutes, is amended to read:

409.815 Health benefits coverage; limitations.—

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

(a) Preventive health services.—Covered services include:

1. Well-child care, including services recommended in the Guidelines for Health Supervision of Children and Youth as developed by the American Academy of Pediatrics;
2. Immunizations and injections;

3. Health education counseling and clinical services;
  4. Vision screening; and
  5. Hearing screening.
- (b) Inpatient hospital services.—All covered services provided for the medical care and treatment of an enrollee who is admitted as an inpatient to a hospital licensed under part I of chapter 395, with the following exceptions:
1. All admissions must be authorized by the enrollee's health benefits coverage provider.
  2. The length of the patient stay shall be determined based on the medical condition of the enrollee in relation to the necessary and appropriate level of care.
  3. Room and board may be limited to semiprivate accommodations, unless a private room is considered medically necessary or semiprivate accommodations are not available.
  4. Admissions for rehabilitation and physical therapy are limited to 15 days per contract year.
- (c) Emergency services.—Covered services include visits to an emergency room or other licensed facility if needed immediately due to an injury or illness and delay means risk of permanent damage to the enrollee's health. Health maintenance organizations ~~must shall~~ comply with ~~the provisions of~~ s. 641.513.
- (d) Maternity services.—Covered services include maternity and newborn care, including prenatal and postnatal care, with the following limitations:
1. Coverage may be limited to the fee for vaginal deliveries; and
  2. Initial inpatient care for newborn infants of enrolled adolescents ~~is shall~~ be covered, including normal newborn care, nursery charges, and the initial pediatric or neonatal examination, and the infant may be covered for up to 3 days following birth.
- (e) Organ transplantation services.—Covered services include pretransplant, transplant, and postdischarge services and treatment of complications after transplantation ~~if for transplants~~ deemed necessary and appropriate within the guidelines set by the Organ Transplant Advisory Council under s. 765.53 or the Bone Marrow Transplant Advisory Panel under s. 627.4236.
- (f) Outpatient services.—Covered services include preventive, diagnostic, therapeutic, palliative care, and other services provided to an enrollee in the outpatient portion of a health facility licensed under chapter 395, except for the following limitations:
1. Services must be authorized by the enrollee's health benefits coverage provider; and
  2. Treatment for temporomandibular joint disease (TMJ) is specifically excluded.
- (g) Behavioral health services.—
1. Mental health benefits include:
    - a. Inpatient services, ~~limited to 30 inpatient days per contract year~~ for psychiatric admissions, or residential services in facilities licensed under s. 394.875(6) or s. 395.003 in lieu of inpatient psychiatric admissions; ~~however, a minimum of 10 of the 30 days shall be available only for inpatient psychiatric services~~ if authorized by a physician; and
    - b. Outpatient services, including outpatient visits for psychological or psychiatric evaluation, diagnosis, and treatment by a licensed mental health professional, ~~limited to 40 outpatient visits each contract year~~.
  2. Substance abuse services include:
    - a. Inpatient services, ~~limited to 7 inpatient days per contract year~~ for medical detoxification only and ~~30 days of~~ residential services; and

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

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

(h) Durable medical equipment.—Covered services include equipment and devices that are medically indicated to assist in the treatment of a medical condition and specifically prescribed as medically necessary, with the following limitations:

1. Low-vision and telescopic ~~aids aides~~ are not included.
2. Corrective lenses and frames may be limited to one pair every 2 years, unless the prescription or head size of the enrollee changes.
3. Hearing aids ~~are shall be~~ covered only ~~if when~~ medically indicated to assist in the treatment of a medical condition.
4. Covered prosthetic devices include artificial eyes and limbs, braces, and other artificial aids.

(i) Health practitioner services.—Covered services include services and procedures rendered to an enrollee ~~if when~~ performed to diagnose and treat diseases, injuries, or other conditions, including care rendered by health practitioners acting within the scope of their practice, with the following exceptions:

1. Chiropractic services shall be provided in the same manner as ~~under in the Florida~~ Medicaid program.
2. Podiatric services may be limited to one visit per day totaling two visits per month for specific foot disorders.

(j) Home health services.—Covered services include prescribed home visits by both registered and licensed practical nurses to provide skilled nursing services on a part-time intermittent basis, subject to the following limitations:

1. Coverage may be limited to include skilled nursing services only;
2. Meals, housekeeping, and personal comfort items may be excluded; and
3. Private duty nursing is limited to circumstances where such care is medically necessary.

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

- ~~1. Once a family elects to receive hospice care for an enrollee, other services that treat the terminal condition will not be covered; and~~
- ~~2. Services required for conditions totally unrelated to the terminal condition are covered to the extent that the services are included in this section.~~

(l) Laboratory and X-ray services.—Covered services include diagnostic testing, including clinical radiologic, laboratory, and other diagnostic tests.

(m) Nursing facility services.—Covered services include regular nursing services, rehabilitation services, drugs and biologicals, medical supplies, and the use of appliances and equipment furnished by the facility, with the following limitations:

1. All admissions must be authorized by the health benefits coverage provider.

2. The length of the patient stay shall be ~~determined~~ based on the medical condition of the enrollee in relation to the necessary and appropriate level of care, but is limited to ~~not more than~~ 100 days per contract year.

3. Room and board may be limited to semiprivate accommodations, unless a private room is considered medically necessary or semiprivate accommodations are not available.

4. Specialized treatment centers and independent kidney disease treatment centers are excluded.

5. Private duty nurses, television, and custodial care are excluded.

6. Admissions for rehabilitation and physical therapy are limited to 15 days per contract year.

(n) Prescribed drugs.—

1. Coverage ~~includes~~ ~~shall include~~ drugs prescribed for the treatment of illness or injury ~~if when~~ prescribed by a licensed health practitioner acting within the scope of his or her practice.

2. Prescribed drugs may be limited to generics if available and brand name products if a generic substitution is not available, unless the prescribing licensed health practitioner indicates that a brand name is medically necessary.

3. Prescribed drugs covered under this section ~~shall~~ include all prescribed drugs covered under the ~~Florida~~ Medicaid program.

(o) Therapy services.—Covered services include rehabilitative services, including occupational, physical, respiratory, and speech therapies, with the following limitations:

1. Services must be for short-term rehabilitation where significant improvement in the enrollee's condition will result; and

2. Services ~~are shall be~~ limited to ~~not more than~~ 24 treatment sessions within a 60-day period per episode or injury, with the 60-day period beginning with the first treatment.

(p) Transportation services.—Covered services include emergency transportation required in response to an emergency situation.

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

(r) Lifetime maximum.—Health benefits coverage obtained under ~~this part ss. 409.810-409.820 shall~~ pay an enrollee's covered expenses at a lifetime maximum of \$1 million per covered child.

(s) Cost sharing.—Cost-sharing provisions must comply with s. 409.816.

(t) Exclusions.—

1. Experimental or investigational procedures that have not been clinically proven by reliable evidence are excluded;

2. Services performed for cosmetic purposes only or for the convenience of the enrollee are excluded; and

3. Abortion may be covered only if necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest.

(u) Enhancements to minimum requirements.—

1. This section sets the minimum benefits that must be included in any health benefits coverage, other than Medicaid or Medikids coverage, offered under ~~this part ss. 409.810-409.821~~. Health benefits coverage may include additional benefits not included under this subsection, but may not include benefits excluded under paragraph (s).

2. Health benefits coverage may extend any limitations beyond the minimum benefits described in this section.

Except for the Children's Medical Services Network, the agency may not increase the premium assistance payment for ~~either~~ additional benefits provided beyond the minimum benefits described in this section or the imposition of less restrictive service limitations.

(v) Applicability of other state laws.—Health insurers, health maintenance organizations, and their agents are subject to ~~the provisions of~~ the Florida Insurance Code, except for any ~~such~~ provisions waived ~~under in~~ this section.

1. Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a health insurance plan policy or contract offered or delivered under ~~this part ss. 409.810-409.821~~ unless that law is made expressly applicable to such policies or contracts.

2. Notwithstanding chapter 641, a health maintenance organization may issue contracts providing benefits equal to, exceeding, or actuarially equivalent to the benchmark benefit plan authorized by this section and may pay providers located in a rural county negotiated fees or Medicaid reimbursement rates for services provided to enrollees who are residents of the rural county.

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

Section 18. Section 409.816, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

Section 19. *Section 409.817, Florida Statutes, is repealed.*

Section 20. *Section 409.8175, Florida Statutes, is repealed.*

Section 21. Subsection (1) of section 409.8177, Florida Statutes, is amended to read:

409.8177 Program evaluation.—

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

(a) An assessment of the operation of the program, including the progress made in reducing the number of uncovered low-income children.

(b) An assessment of the effectiveness in increasing the number of children with creditable health coverage, including an assessment of the impact of outreach.

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

(d) The quality of health coverage provided, including the types of benefits provided.

(e) The amount and level, including payment of part or all of any premium, of assistance provided.

(f) The average length of coverage of a child under the program.

(g) The program's choice of health benefits coverage and other methods used for providing child health assistance.

(h) The sources of nonfederal funding used in the program.

(i) An assessment of the effectiveness of the Florida Kidcare program, including Medicaid, the Florida Healthy Kids program, Medikids, and the Children's Medical Services Network, and other public and private programs in the state in increasing the availability of affordable quality health insurance and health care for children.

(j) A review and assessment of state activities to coordinate the program with other public and private programs.

(k) An analysis of changes and trends in the state that affect the provision of health insurance and health care to children.

(l) A description of any plans the state has for improving the availability of health insurance and health care for children.

(m) Recommendations for improving the program.

(n) Other studies as necessary.

Section 22. Section 409.818, Florida Statutes, is amended to read:

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

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

(a) ~~Maintain~~ Develop a simplified eligibility determination and renewal process application mail-in form to be used for determining the eligibility of children for coverage under the Florida Kidcare program, in consultation with the agency, the Department of Health, and the Florida Healthy Kids corporation. The simplified eligibility process application form must include an item that provides an opportunity for the applicant to indicate whether coverage is being sought for a child with special health care needs. Families applying for children's Medicaid coverage

must also be able to use the simplified application process form without having to pay a premium.

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

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

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

3. The department may accept changes in a family's status as reported to the department by the Florida Healthy Kids corporation or the exchange as defined under the Patient Protection and Affordable Care Act without requiring a new application from the family. Redetermination of a child's eligibility for Medicaid may not be linked to a child's eligibility determination for other programs.

4. The department, in consultation with the agency and the corporation, shall develop a combined eligibility notice to inform applicants or enrollees of their application or renewal status, as appropriate. By January 1, 2015, the content of the notice must be coordinated to meet all federal and state law and regulatory requirements under the federal Patient Protection and Affordable Care Act. The notice shall be issued by the last agency or department to make an eligibility, renewal, or denial determination.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e)(f) Adopt rules necessary for calculating premium assistance payment levels, making premium assistance payments, monitoring access and quality assurance standards and; investigating and resolving complaints and grievances, administering the Medikids program, and approving health benefits coverage.~~

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

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

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

~~(3)(5) The Florida Healthy Kids corporation shall retain its functions as authorized under s. 409.8125 in s. 624.01, including eligibility determination for participation in the Healthy Kids program.~~

~~(4)(6) The agency, the Department of Health, the Department of Children and Families Family Services, and the Florida Healthy Kids~~

~~corporation, and the Office of Insurance Regulation, after consultation with and approval of the Speaker of the House of Representatives and the President of the Senate, may be authorized to make program modifications that are necessary to overcome any objections of the United States Department of Health and Human Services to obtain approval of the state's CHIP child health insurance plan under Title XXI of the Social Security Act.~~

Section 23. Section 409.820, Florida Statutes, is amended to read:

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

Section 24. Section 409.822, Florida Statutes, is created to read:

409.822 *Healthy Florida*.—

(1) *PROGRAM CREATION*.—*Healthy Florida, a health care program for lower income, uninsured adults who meet the eligibility guidelines established under s. 409.8125, is created. The corporation shall administer the program under its existing corporate governance and structure.*

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

(a) *Be identified as newly eligible, as defined in s. 1902(a)(10)(A)(i)-(VIII) of the Social Security Act or s. 2001 of the federal Patient Protection and Affordable Care Act, and as may be further defined by federal regulation.*

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

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

(3) *ENROLLMENT*.—*The corporation may begin the enrollment of applicants in Healthy Florida on October 1, 2014. Enrollment may occur directly, through the services of a third-party administrator, referrals from the Department of Children and Families, and the exchange as defined by the federal Patient Protection and Affordable Care Act. When an enrollee disenrolls, the corporation must provide him or her with information about other affordable insurance programs and electronically refer the enrollee to the exchange or other programs, as appropriate. The earliest coverage effective date under the program shall be January 1, 2015.*

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

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

(b) The corporation shall provide an enrollee a choice of plans. The corporation may select a plan if no selection has been received before the coverage start date. Once enrolled, an enrollee has an initial 90-day, free-look period before a lock-in period of up to 12 months is applied. Exceptions to the lock-in period must be offered to an enrollee for reasons based on good cause or qualifying events.

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

(d) All contracts must meet the medical loss ratio requirements under this part.

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

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

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

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

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

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

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

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

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

(7) **PROGRAM MANAGEMENT.**—The corporation is responsible for the oversight of Healthy Florida. The agency shall seek a state plan amendment or other appropriate federal approval to implement Healthy Florida. The agency shall consult with the corporation in the amendment's development and, by June 14, 2014, submit the state plan amendment to the federal Department of Health and Human Services. The agency shall contract with the corporation for the administration of Healthy Florida and for the timely release of federal and state funds. The agency retains its authority as provided in ss. 409.902 and 409.963.

(a) The corporation shall establish a grievance resolution process in which Healthy Florida enrollees are informed of their rights under the Medicaid fair hearing process, as appropriate, or any alternative resolution process adopted by the corporation.

(b) The corporation shall establish a program integrity process to ensure compliance with program guidelines. At a minimum, the cor-

poration shall withhold benefits from an applicant or enrollee if the corporation obtains evidence that the applicant or enrollee is no longer eligible, submitted incorrect or fraudulent information in order to establish eligibility, or failed to provide verification of eligibility. The corporation shall notify the applicant or enrollee that, because of such evidence, program benefits must be withheld unless the applicant or enrollee contacts a designated representative of the corporation by a specified date, which must be within 10 working days after the date of notice, to discuss and resolve the matter. The corporation shall make every effort to resolve the matter within a timeframe that does not cause benefits to be withheld from an eligible enrollee. The following individuals may be subject to specific prosecution in accordance with s. 414.39:

1. An applicant who obtains or attempts to obtain benefits for a potential enrollee under Healthy Florida when the applicant knows or should have known that the potential enrollee does not qualify for Healthy Florida.

2. An individual who assists an applicant in obtaining or attempting to obtain benefits for a potential enrollee under Healthy Florida when the individual knows or should have known that the potential enrollee does not qualify for Healthy Florida.

(8) **APPLICABILITY OF LAWS RELATING TO MEDICAID.**—Sections 409.902, 409.9128, and 409.920 apply to the administration of Healthy Florida.

(9) **PROGRAM EVALUATION.**—The corporation shall collect both eligibility and enrollment data from program applicants and enrollees as well as encounter and utilization data from all contracted entities during the program term. The corporation shall submit monthly enrollment reports to the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives. The corporation shall submit an interim independent evaluation of Healthy Florida to the presiding officers by July 1, 2016, with annual evaluations due July 1 thereafter. The evaluations must address, at a minimum, application and enrollment trends and issues, utilization and cost data, and customer satisfaction.

(10) **PROGRAM EXPIRATION.**—The Healthy Florida program expires at the end of the state fiscal year in which any of these conditions occur:

(a) The federal match contribution falls below 90 percent.

(b) The federal match contribution falls below the increased federal medical assistance percentages for medical assistance for newly eligible mandatory individuals as specified in the Patient Protection and Affordable Care Act.

(c) The federal match for the Healthy Florida program and the Medicaid program are blended under federal law or regulation in a way that causes the overall federal contribution to diminish when compared to separate, nonblended federal contributions.

Section 25. The Florida Healthy Kids Corporation may make such changes as are necessary to comply with the objections of the federal Department of Health and Human Services in order to gain approval of the Healthy Florida program in compliance with the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, upon giving notice to the Senate and the House of Representatives of the proposed changes. If there is a conflict between this section and the federal Patient Protection and Affordable Care Act, the provision must be interpreted and applied so as to comply with federal law.

Section 26. Paragraph (e) of subsection (2) of section 154.503, Florida Statutes, is amended to read:

154.503 Primary Care for Children and Families Challenge Grant Program; creation; administration.—

(2) The department shall:

(e) Coordinate with the primary care program developed pursuant to s. 154.011, the Florida Healthy Kids Corporation program created in s. 409.8125 ~~§ 624.91~~, the school health services program created in ss.

381.0056 and 381.0057, and the volunteer health care provider program developed pursuant to s. 766.1115.

Section 27. Paragraph (d) of subsection (14) of section 408.910, Florida Statutes, is amended to read:

408.910 Florida Health Choices Program.—

(14) EXEMPTION FROM PUBLIC RECORDS REQUIREMENTS.—

(d) Authorized release.—

1. Upon request, information made confidential and exempt pursuant to this subsection shall be disclosed to:

a. Another governmental entity in the performance of its official duties and responsibilities.

b. Any person who has the written consent of the program applicant.

c. The Florida Kidcare program for the purpose of administering the program authorized *under part II of chapter 409* ~~in ss. 409.810-409.821~~.

2. Paragraph (b) does not prohibit a participant's legal guardian from obtaining confirmation of coverage, dates of coverage, the name of the participant's health plan, and the amount of premium being paid.

Section 28. Paragraph (c) of subsection (4) of section 408.915, Florida Statutes, is amended to read:

408.915 Eligibility pilot project.—The Agency for Health Care Administration, in consultation with the steering committee established in s. 408.916, shall develop and implement a pilot project to integrate the determination of eligibility for health care services with information and referral services.

(4) The pilot project shall include eligibility determinations for the following programs:

(c) ~~Florida~~ Healthy Kids as described in s. 409.8125 ~~or 624.91~~ and within eligibility guidelines provided in s. 409.814.

Section 29. *Section 624.915, Florida Statutes, is repealed.*

Section 30. Section 627.6474, Florida Statutes, is amended to read:

627.6474 Provider contracts.—

(1) A health insurer ~~may shall~~ not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the insurer or any other insurer, or health maintenance organization, under common management and control with the insurer, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, s. 636.035, or s. 641.315, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. ~~Any~~ contract provision that violates this section is void. A violation of this ~~subsection~~ ~~section~~ is not subject to the criminal penalty specified in s. 624.15.

(2) *A contract between a health insurer and a dentist licensed under chapter 466 for the provision of services to an insured may not:*

*(a) Contain a provision that requires the dentist to provide services to the insured under such contract at a fee set by the health insurer unless such services are covered services under the applicable contract. Covered services are those services that are listed as a benefit that the insured is entitled to receive under the contract. An insurer may not provide merely de minimis reimbursement or coverage in order to avoid the requirements of this subsection. Fees for covered services shall be set in good faith and may not be nominal.*

*(b) Require as a condition of the contract that the dentist participate in a discount medical plan under part II of chapter 636.*

Section 31. Subsection (13) is added to section 636.035, Florida Statutes, to read:

636.035 Provider arrangements.—

(13) *A contract between a prepaid limited health service organization and a dentist licensed under chapter 466 for the provision of services to a subscriber of the prepaid limited health service organization may not:*

*(a) Contain a provision that requires the dentist to provide services to the subscriber of the prepaid limited health service organization at a fee set by the prepaid limited health service organization unless such services are covered services under the applicable contract. Covered services are those services that are listed as a benefit that the subscriber is entitled to receive under the contract. A prepaid limited health service organization may not provide merely de minimis reimbursement or coverage in order to avoid the requirements of this subsection. Fees for covered services shall be set in good faith and may not be nominal.*

*(b) Require as a condition of the contract that the dentist participate in a discount medical plan under part II of this chapter.*

Section 32. Subsection (11) is added to section 641.315, Florida Statutes, to read:

641.315 Provider contracts.—

(11) *A contract between a health maintenance organization and a dentist licensed under chapter 466 for the provision of services to a subscriber of the health maintenance organization may not:*

*(a) Contain a provision that requires the dentist to provide services to the subscriber of the health maintenance organization at a fee set by the health maintenance organization unless such services are covered services under the applicable contract. Covered services are those services that are listed as a benefit that the subscriber is entitled to receive under the contract. A health maintenance organization may not provide merely de minimis reimbursement or coverage in order to avoid the requirements of this subsection. Fees for covered services shall be set in good faith and may not be nominal.*

*(b) Require as a condition of the contract that the dentist participate in a discount medical plan under part II of chapter 636.*

Section 33. Paragraph (a) of subsection (3) of section 766.1115, Florida Statutes, is amended, and paragraph (h) is added to subsection (4) of that section, to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

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

(a) "Contract" means an agreement executed in compliance with this section between a health care provider and a governmental contractor ~~which allows. This contract shall allow~~ the health care provider to deliver health care services to low-income recipients as an agent of the governmental contractor. The contract must be for volunteer, uncompensated services. For services to qualify as volunteer, uncompensated services under this section, the health care provider ~~may not must~~ receive ~~no~~ compensation from the governmental contractor for ~~any~~ services provided under the contract and ~~may must~~ not bill or accept compensation from the recipient, or a ~~any~~ public or private third-party payor, for the specific services provided to the low-income recipients covered by the contract.

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties under the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section. The contract must provide that:

*(h) As an agent of the governmental contractor for purposes of s. 768.28(9), while acting within the scope of duties under the contract, a health care provider licensed under chapter 466 may allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the*

patient. This contribution may not exceed the actual cost of the dental laboratory charges and is deemed in compliance with this section.

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 34. *The amendments to ss. 627.6474, 636.035, and 641.315, Florida Statutes, apply to contracts entered into or renewed on or after July 1, 2014.*

Section 35. (1) *Funding for Healthy Florida shall be provided from the Medical Care Trust Fund, and matching funds shall be provided by local governmental entities through intergovernmental transfers in accordance with federal statutes and regulations. The Agency for Health Care Administration may accept voluntary transfers of local taxes and other qualified revenue from counties, municipalities, and special taxing districts. Such transfers must be contributed to advance the general goals of the Healthy Florida program without restriction and must be executed pursuant to a contract between the agency and the local funding source.*

(2) *The Agency for Health Care Administration shall submit budget amendments to the Legislative Budget Commission pursuant to chapter 216, Florida Statutes, to the extent necessary to implement Healthy Florida on a statewide basis during the 2014-2015 fiscal year. The nature of such amendments shall be to fund Healthy Florida for the coverage of children who transfer from the Florida Kidcare program to the Healthy Florida program, to fund Healthy Florida for the coverage of adults who were previously eligible for the Medicaid program as medically needy under s. 409.904(2), Florida Statutes, and who transfer to the Healthy Florida program, or to provide additional spending authority from the Medical Care Trust Fund under subsection (1) for the coverage of individuals who enroll in the Healthy Florida program.*

And the title is amended as follows:

Between lines 47 and 48 insert: providing a directive to the Division of Law Revision and Information; amending s. 409.811, F.S.; revising and providing definitions; transferring, renumbering, and amending s. 624.91, F.S.; revising the Florida Healthy Kids Corporation Act to include the Healthy Florida program; revising participation guidelines for nonsubsidized enrollees in the Healthy Kids program; revising the medical loss ratio requirements for contracts for the Florida Healthy Kids Corporation; modifying the membership of the corporation's board of directors; creating an executive steering committee; requiring additional corporate compliance requirements; amending s. 409.813, F.S.; revising the components of Florida Kidcare; prohibiting a cause of action from arising against the Florida Healthy Kids Corporation for failure to make health services available; amending s. 409.8132, F.S.; revising the eligibility of the Medikids program component; revising the enrollment requirements for Medikids; amending s. 409.8134, F.S., relating to Florida Kidcare; conforming provisions to changes made by the act; amending s. 409.814, F.S.; revising eligibility requirements for Florida Kidcare; amending s. 409.815, F.S.; revising certain minimum health benefits coverage under Florida Kidcare; deleting obsolete provisions; amending s. 409.816, F.S.; conforming provisions to changes made by the act; repealing s. 409.817, F.S., relating to the approval of health benefits coverage and financial assistance under the Kidcare program; repealing s. 409.8175, F.S., relating to the delivery of services in rural counties; amending s. 409.8177, F.S.; conforming provisions to changes made by the act; amending s. 409.818, F.S.; revising the duties of the Department of Children and Families and the Agency for Health Care Administration with regard to the Kidcare program; deleting the duties of the Department of Health and the Office of Insurance Regulation with regard to the Kidcare program; amending s. 409.820, F.S.; requiring the Department of Health, in consultation with the agency and the Florida Healthy Kids Corporation, to develop a minimum set of pediatric and adolescent quality assurance and access standards for all program components; creating s. 409.822, F.S.; creating the Healthy Florida program; providing eligibility and enrollment requirements; authorizing the corporation to contract with certain insurers, managed care organizations, and provider service networks; encouraging the corporation to contract with insurers and managed care organizations that participate in more than one affordable insurance program under certain circumstances; requiring the corporation to establish a benefits package and a process for payment of services; authorizing the corporation to collect premiums and copayments; requiring the corporation to oversee the Healthy Florida program and to establish a grievance process and in-

tegrity process; providing for the applicability of certain state laws for administering the program; requiring the corporation to collect certain data and to submit enrollment reports and interim independent evaluations to the Legislature; providing for expiration of the program; authorizing the corporation to comply with federal requirements upon giving notice to the Legislature; amending ss. 154.503, 408.910, and 408.915, F.S.; conforming cross-references; repealing s. 624.915, F.S., relating to the operating fund of the Florida Healthy Kids Corporation; amending ss. 627.6474, 636.035, and 641.315, F.S.; prohibiting a contract between a health insurer, a prepaid health service organization, or a health maintenance organization and a dentist from requiring the dentist to provide services at a set fee under certain circumstances or to participate in a discount medical plan; amending s. 766.1115, F.S.; revising a definition; requiring a contract with a governmental contractor for health care services to include a provision that a health care provider licensed under ch. 466, F.S., as an agent of the governmental contractor, may allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the patient without forfeiting the provider's sovereign immunity; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; providing that the contribution complies with the requirements of s. 766.1115, F.S.; providing applicability; providing for funding;

On motion by Senator Grimsley, further consideration of **CS for CS for SB 1354** as amended with pending **Amendment 2 (910258)** was deferred.

Consideration of **CS for SB 758** and **CS for CS for SB 926** was deferred.

The Senate resumed consideration of—

**CS for SB 550**—A bill to be entitled An act relating to traveling across county lines to commit a felony offense; creating s. 843.22, F.S.; defining the terms “county of residence” and “felony offense” for the purpose of the crime of traveling across county lines with the intent to commit a felony offense; providing a criminal penalty; amending s. 903.046, F.S.; adding the crime of traveling across county lines with the intent to commit a felony offense to the factors a court must consider in determining whether to release a defendant on bail; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (650094)** by Senator Smith was withdrawn.

Pending further consideration of **CS for SB 550**, on motion by Senator Hukill, by two-thirds vote **HB 427** was withdrawn from the Committees on Criminal Justice; Community Affairs; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

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

**HB 427**—A bill to be entitled An act relating to traveling across county lines to commit felony offenses; creating s. 843.22, F.S.; providing definitions; prohibiting a person who resides in this state from crossing a county boundary with the intent to commit certain felony offenses in a county other than that of his or her residence; providing criminal penalties; amending s. 903.046, F.S.; providing that such an alleged violation may be considered as a factor in determining whether to release a defendant on bail or other conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 550** and read the second time by title.

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

Senator Hukill moved the following amendment:

**Amendment 1 (292706) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 843.22, Florida Statutes, is created to read:

843.22 *Traveling across county lines with intent to commit a felony offense.*—



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

(a) “County of residence” means the county within this state in which a person resides. Evidence of a person’s county of residence includes, but is not limited to:

1. The address on a person’s driver license or state identification card;
2. Records of real property or mobile home ownership;
3. Records of a lease agreement for residential property;
4. The county in which a person’s motor vehicle is registered;
5. The county in which a person is enrolled in an educational institution; and
6. The county in which a person is employed.

(b) “Felony offense” means burglary as defined in s. 810.02, including an attempt, solicitation, or conspiracy to commit such offense.

(2) A person who travels any distance with the intent to commit a felony offense in a county in this state other than the person’s county of residence, if the purpose of the person’s travel is to thwart law enforcement attempts to track the items stolen in the burglary, commits an additional felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (1) of subsection (2) of section 903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(1) Whether the crime charged is a violation of s. 843.22 or chapter 874 or alleged to be subject to enhanced punishment under chapter 874. If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement, he or she ~~is shall~~ not be eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Section 3. This act shall take effect 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 traveling across county lines to commit a felony offense; creating s. 843.22, F.S.; defining the terms “county of residence” and “felony offense” for the purpose of the crime of traveling across county lines with the intent to commit a felony offense; providing a criminal penalty; amending s. 903.046, F.S.; adding the crime of traveling across county lines with the intent to commit a felony offense to the factors a court must consider in determining whether to release a defendant on bail; 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 (292706)** which was adopted:

**Amendment 1A (637196) (with title amendment)**—Delete lines 8-42 and insert:  
a burglary.—

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

(a) “County of residence” means the county within this state in which a person resides. Evidence of a person’s county of residence includes, but is not limited to:

1. The address on a person’s driver license or state identification card;
2. Records of real property or mobile home ownership;

3. Records of a lease agreement for residential property;

4. The county in which a person’s motor vehicle is registered;

5. The county in which a person is enrolled in an educational institution; and

6. The county in which a person is employed.

(b) “Burglary” means burglary as defined in s. 810.02, including an attempt, solicitation, or conspiracy to commit such offense.

(2) If a person who commits a burglary travels any distance with the intent to commit the burglary in a county in this state other than the person’s county of residence, the degree of the burglary shall be reclassified to the next higher degree if the purpose of the person’s travel is to thwart law enforcement attempts to track the items stolen in the burglary. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a burglary that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the burglary committed.

Section 2. Paragraph (1) of subsection (2) of section 903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(1) Whether the crime charged is a violation of chapter 874 or alleged to be subject to enhanced punishment under chapter 874 or reclassification under s. 843.22. If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement or reclassification, he or she ~~is shall~~

And the title is amended as follows:

Delete lines 55-62 and insert: commit a burglary; creating s. 843.22, F.S.; defining the terms “county of residence” and “burglary”; providing for reclassification of burglaries committed under certain circumstances; amending s. 903.046, F.S.; adding a burglary that is reclassified under s. 843.22, F.S., to the factors a court must consider in

**Amendment 1 (292706)** as amended was adopted.

Pursuant to Rule 4.19, **HB 427** as amended was placed on the calendar of Bills on Third Reading.

## BILLS ON THIRD READING

The Senate resumed consideration of—

**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.

—which was previously considered this day with a motion pending to reconsider **Amendment 1 (663072)** by Senator Abruzzo. The motion was adopted and **Amendment 1** by Senator Abruzzo was withdrawn.

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:

**Amendment 2 (271768) (with title amendment)**—Delete lines 73-238 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. Grants shall be provided if funds are appropriated for that purpose by law.

(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.

And the title is amended as follows:

Delete lines 10-26 and insert: 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 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; creating s. 943.0412, F.S.; providing legislative findings; creating the Identity Theft and Fraud Grant Program; amending ss. 775.0844 and

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

Senator Joyner moved the following amendment to **Amendment 2 (271768)** which was adopted by two-thirds vote:

**Amendment 2A (671936)**—Delete lines 38-49 and insert: court shall impose a surcharge of \$1,001.

(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 \$250 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. The sum of \$250 of the surcharge shall be deposited into the Public Defenders Revenue Trust Fund for the purposes of indigent criminal defense related to the criminal use of personal identification information.

**Amendment 2 (271768)** as amended was adopted by two-thirds vote.

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

Yeas—39

Mr. President	Dean	Hays
Abruzzo	Detert	Hukill
Altman	Diaz de la Portilla	Joyner
Bean	Evers	Latvala
Benacquisto	Flores	Lee
Bradley	Galvano	Legg
Brandes	Garcia	Margolis
Braynon	Gardiner	Montford
Bullard	Gibson	Richter
Clemens	Grimsley	Ring

Sachs	Smith	Stargel
Simmons	Sobel	Thompson
Simpson	Soto	Thrasher

Nays—None

**SPECIAL ORDER CALENDAR**

The Senate resumed consideration of—

**CS for CS for SB 1354**—A bill to be entitled An act relating to health care; amending s. 409.967, F.S.; revising contract requirements for Medicaid managed care programs; providing requirements for plans establishing a drug formulary or preferred drug list; requiring the use of a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; creating s. 627.42392, F.S.; requiring health insurers to use a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 627.42393, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; amending s. 627.6131, F.S.; prohibiting an insurer from retroactively denying a claim in certain circumstances; amending s. 627.6471, F.S.; requiring insurers to post preferred provider information on a website; specifying that changes to such a website must be made within a certain time; amending s. 627.6515, F.S.; applying provisions relating to prior authorization and override protocols to out-of-state groups; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim in certain circumstances; creating s. 641.393, F.S.; requiring the use of a standardized prior authorization form by a health maintenance organization; providing requirements for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 641.394, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (910258)** by Senator Soto was withdrawn.

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

Senator Garcia moved the following amendment:

**Amendment 3 (804702) (with title amendment)**—Before line 52 insert:

Section 1. *Section 383.336, Florida Statutes, is repealed.*

Section 2. Present subsections (1) through (10) of section 395.0191, Florida Statutes, are redesignated as subsections (2) through (11), respectively, present subsection (6) is amended, and a new subsection (1) and subsection (12) are added to that section, to read:

395.0191 Staff membership and clinical privileges.—

(1) *As used in this section, the term:*

(a) *“Certified surgical assistant” means a surgical assistant who maintains a valid and active certification under one of the following designations:*

1. *Certified surgical first assistant, from the National Board of Surgical Technology and Surgical Assisting.*
2. *Certified surgical assistant, from the National Surgical Assistant Association.*

3. *Surgical assistant-certified, from the American Board of Surgical Assistants.*

(b) *“Certified surgical technologist” means a surgical technologist who maintains a valid and active certification as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting.*

(c) *“Surgeon” means a health care practitioner as defined in s. 456.001 whose scope of practice includes performing surgery and who is listed as the primary surgeon in the operative record.*

(d) *“Surgical assistant” means a person who provides aid in exposure, hemostasis, closures, and other intraoperative technical functions and who assists the surgeon in performing a safe operation with optimal results for the patient.*

(e) *“Surgical technologist” means a person whose duties include, but are not limited to, maintaining sterility during a surgical procedure, handling and ensuring the availability of necessary equipment and supplies, and maintaining visibility of the operative site to ensure that the operating room environment is safe, that proper equipment is available, and that the operative procedure is conducted efficiently.*

(7)(~~6~~) Upon the written request of the applicant, a ~~any~~ licensed facility that has denied staff membership or clinical privileges to an ~~any~~ applicant specified in subsection (2) (~~4~~) or subsection (3) (~~2~~) shall, within 30 days of such request, provide the applicant with the reasons for such denial in writing. A denial of staff membership or clinical privileges to an ~~any~~ applicant shall be submitted, in writing, to the applicant’s respective licensing board.

(12)(a) *A facility may not employ or contract with any person to perform the duties of a surgical assistant unless the person is:*

1. *A certified surgical assistant; or*
2. *A certified surgical technologist.*

(b) *Paragraph (a) does not apply to:*

1. *A person who has completed an appropriate training program for surgical technology in any branch of the Armed Forces or reserve component of the Armed Forces.*
2. *A person who was employed or contracted to perform the duties of a surgical technologist or surgical assistant before July 1, 2014.*
3. *A health care practitioner as defined in s. 456.001 or a student if the duties performed by the practitioner or the student are within the scope of the practitioner’s or the student’s training and practice.*
4. *A person enrolled in a surgical technology or surgical assisting training program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or other accrediting body recognized by the United States Department of Education on July 1, 2014. A person may practice as a surgical technologist or a surgical assistant for 1 year after completion of such a training program before he or she is required to meet the criteria in paragraph (a).*

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; repealing s. 383.336, F.S., relating to the establishment of practice parameters for caesarean sections; amending s. 395.0191, F.S.; defining terms; prohibiting a health care facility from employing or contracting with a surgical assistant or surgical technologist under certain circumstances; providing exceptions; amending s. 409.967,

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

Senator Garcia moved the following amendments to **Amendment 3 (804702)** which were adopted:

**Amendment 3A (595892) (with title amendment)**—Delete line 5.

And the title is amended as follows:

Delete lines 79-81 and insert: An act relating to health care; amending s.

**Amendment 3B (947652) (with title amendment)**—Delete lines 49-72 and insert:

(12)(a) *At least 50 percent of the surgical assistants that a facility employs or contracts must be certified surgical assistants.*

(b) *At least 50 percent of the surgical technologists that a facility employs or contracts must be certified surgical technologists.*

(c) *Paragraphs (a) and (b) do not apply to:*

1. *A person who has completed an appropriate training program for surgical technology in any branch of the Armed Forces or reserve component of the Armed Forces.*

2. *A person who was employed or contracted to perform the duties of a surgical technologist or surgical assistant before July 1, 2014.*

3. *A health care practitioner as defined in s. 456.001 or a student if the duties performed by the practitioner or the student are within the scope of the practitioner's or the student's training and practice.*

4. *A person enrolled in a surgical technology or surgical assisting training program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or other accrediting body recognized by the United States Department of Education on July 1, 2014. A person may practice as a surgical technologist or a surgical assistant for 2 years after completing such training program before he or she is required to meet*

And the title is amended as follows:

Delete lines 82-85 and insert: 395.0191, F.S.; defining terms; requiring a certain percent of surgical assistants or surgical technologists employed or contracting with a hospital to be certified; providing exceptions; amending

**Amendment 3 (804702)** as amended was adopted.

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

Senator Grimsley moved the following amendment which was adopted:

**Amendment 4 (258286) (with title amendment)**—Before line 52 insert:

Section 1. Paragraph (a) of subsection (6) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(6)(a) A specialty hospital may not provide any service or regularly serve any population group beyond those services or groups specified in its license. A ~~specialty licensed children's~~ hospital that is authorized to provide pediatric cardiac catheterization and pediatric open-heart surgery services may provide cardiovascular service to adults who, as children, were previously served by the hospital for congenital heart disease, or to ~~those~~ patients who are referred *only* for a specialized procedure ~~only~~ for congenital heart disease by an adult hospital, without obtaining additional licensure as a provider of adult cardiovascular services. The agency may request documentation as needed to support patient selection and treatment. This subsection does not apply to a specialty-licensed children's hospital that is already licensed to provide adult cardiovascular services.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; amending s. 395.003, F.S.; revising provisions relating to the provision of cardiovascular services by a hospital; amending s. 409.967,

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

Senator Diaz de la Portilla moved the following amendment which failed:

**Amendment 5 (810994) (with title amendment)**—Before line 52 insert:

Section 1. Section 395.4027, Florida Statutes, is created to read:

395.4027 *Florida Teletrauma Pilot Project.*—

(1) *DEFINITION.*—As used in this section, the term “teletrauma health care” means the remote management or assistance in management of the care of a trauma patient using telemedicine technology to allow the remote presence of a health care provider from a Level I trauma center in geographic areas in which such trauma centers are not available.

(2) *FLORIDA TELETRAUMA PILOT PROJECT.*—

(a) *A pilot project is created to allow a teaching hospital with multiple hospitals operating under a single license which is in a county with a population of more than two million people and also serves as the surgical training facility for branches of the United States military to provide trauma services at any of its hospitals through the use of telemedicine from its existing Level I trauma center, provided that the hospitals that provide these services meet the requirements for staffing and infrastructure of a Level II trauma center.*

(b) *Additional trauma centers may not apply or be verified in the impacted trauma service area for the duration of the pilot project.*

(3) *EXPIRATION.*—The authorization for the pilot project and this section expire December 31, 2021.

Section 2. Section 395.4045, Florida Statutes, is amended to read:

395.4045 Emergency medical service providers; trauma transport protocols; transport of trauma alert victims to trauma centers or teletrauma hospitals; interfacility transfer.—

(1) Each emergency medical services provider licensed under chapter 401 shall transport trauma alert victims to hospitals approved as trauma centers or participating in the teletrauma pilot project pursuant to s. 395.4027, except as may be provided for either in the department-approved trauma transport protocol of the trauma agency for the geographical area in which the emergency medical services licensee provides services or, if no such department-approved trauma transport protocol is in effect, as provided for in a department-approved provider's trauma transport protocol.

(2) A trauma agency may develop a uniform trauma transport protocol that is applicable to the emergency medical services licensees providing services within the geographical boundaries of the trauma agency, including hospitals participating in the teletrauma pilot project under s. 395.4027. Development of a uniform trauma protocol by a trauma agency shall be through consultation with interested parties, including, but not limited to, each approved trauma center; physicians specializing in trauma care, emergency care, and surgery in the region; each trauma system administrator in the region; each emergency medical service provider in the region licensed under chapter 401, and such providers' respective medical directors.

(3) Trauma alert victims shall be identified through the use of a trauma scoring system, including adult and pediatric assessment as specified in rule of the department. The rule shall also include the requirements of licensed emergency medical services providers for performing and documenting these assessments.

(4) The department shall specify by rule the subjects and the minimum criteria related to prehospital trauma transport; trauma center, teletrauma center, or hospital destination determinations; and interfacility trauma transfer transport by an emergency medical services provider to be included in a trauma agency's or emergency medical service provider's trauma transport protocol and shall approve or disapprove each such protocol. Trauma transport protocol rules pertaining to the air transportation of trauma victims shall be consistent with, but not limited to, applicable Federal Aviation Administration regulation. Emergency medical services licensees and trauma agencies shall be subject to monitoring by the department, under ss. 395.401(3) and

401.31(1) for compliance with requirements, as applicable, regarding trauma transport protocols and the transport of trauma victims.

(5) If there is no department-approved trauma agency trauma transport protocol for the geographical area in which the emergency medical services license applicant intends to provide services, as provided for in subsection (1), each applicant for licensure as an emergency medical services provider, under chapter 401, must submit and obtain department approval of a trauma transport protocol prior to the department granting a license. The department shall prescribe by rule the submission and approval process for an applicant's trauma transport protocols whether the applicant will be using a trauma agency's or its own trauma transport protocol.

(6) If an air ambulance service is available in the trauma service area in which an emergency medical service provider is located, trauma transport protocols shall not provide for transport outside of the trauma service area unless otherwise provided for by written mutual agreement. If air ambulance service is not available and there is no agreement for interagency transport of trauma patients between two adjacent local or regional trauma agencies, both of which include at least one approved trauma center, then the transport of a trauma patient with an immediately life-threatening condition shall be to the most appropriate trauma center as defined pursuant to trauma transport protocols approved by the department. The provisions of this subsection shall apply only to those counties with a population in excess of 1 million residents.

(7) Prior to an interfacility trauma transfer, the emergency medical services provider's medical director or his or her designee must agree, pursuant to protocols and procedures in the emergency medical services provider's trauma transport protocol, that the staff of the transport vehicle has the medical skills, equipment, and resources to provide anticipated patient care as proposed by the transferring physician. The emergency medical services provider's medical director or his or her designee may require appropriate staffing, equipment, and resources to ensure proper patient care and safety during transfer.

(8) The department shall adopt and enforce all rules necessary to administer this section. The department shall adopt and enforce rules to specify the submission and approval process for trauma transport protocols or modifications to trauma transport protocols by trauma agencies and licensed emergency medical services providers.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; creating s. 395.4027, F.S.; establishing the Florida Teletrauma Pilot Project; defining the term "teletrauma health care"; authorizing certain hospitals to provide remote care to trauma patients at satellite hospitals under certain circumstances; prohibiting the application or verification of additional trauma centers in the impacted trauma service area for the duration of the pilot project; providing for future expiration of the pilot project; amending s. 395.4045, F.S.; requiring emergency medical service providers to transport trauma alert victims to hospitals participating in the teletrauma pilot project; revising the authorized uniform trauma transport protocol; requiring the Department of Health to specify by rule certain subjects and criteria related to the transport of trauma victims to and from a teletrauma center; amending s. 409.967,

## MOTION

On motion by Senator Thrasher, the rules were waived and time of adjournment was extended until completion of **CS for CS for SB 1354** and announcements.

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

Senator Grimsley moved the following amendment which was adopted:

**Amendment 6 (627612) (with title amendment)**—Delete line 365 and insert:

Section 10. Effective upon this act becoming a law, paragraph (a) of subsection (7) and subsection (14) of section 395.4001, Florida Statutes, are amended to read:

395.4001 Definitions.—As used in this part, the term:

(7) "Level II trauma center" means a trauma center that:

(a) Is verified by the department to be in substantial compliance with Level II trauma center standards and ~~has been~~ approved by the department to operate as a Level II trauma center or is designated pursuant to s. 395.4025(13) ~~s. 395.4025(14)~~.

(14) "Trauma center" means a hospital that has been verified by the department to be in substantial compliance with ~~the requirements in~~ s. 395.4025 and has been approved by the department to operate as a Level I trauma center, Level II trauma center, or pediatric trauma center, or is designated by the department as a Level II trauma center pursuant to s. 395.4025(13) ~~s. 395.4025(14)~~.

Section 11. Effective upon this act becoming a law, present paragraphs (k) through (o) of subsection (1) of section 395.401, Florida Statutes, are redesignated as paragraphs (l) through (p), respectively, a new paragraph (k) is added to that subsection, and present paragraph (k) of that subsection is amended, to read:

395.401 Trauma services system plans; approval of trauma centers and pediatric trauma centers; procedures; renewal.—

(1)

(k) A hospital operating a trauma center may not charge a trauma activation fee greater than \$15,000. This paragraph expires on July 1, 2015.

~~(l)(k) It is unlawful for any~~ hospital or other facility may not hold itself out as a trauma center unless it has been so verified or designated pursuant to s. 395.4025(13) ~~s. 395.4025(14)~~.

Section 12. Effective upon this act becoming a law, subsection (5) is added to section 395.402, Florida Statutes, to read:

395.402 Trauma service areas; number and location of trauma centers.—

(5) By October 1, 2014, the department must convene the Florida Trauma System Plan Advisory Council in order to review the Trauma System Consultation Report issued by the American College of Surgeons Committee on Trauma dated February 2-5, 2013. Based on this review, the advisory council must submit recommendations, including recommended statutory changes, to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015. The advisory council may make recommendations to the State Surgeon General regarding the continuing development of the state trauma system. The advisory council shall consist of nine representatives of an inclusive trauma system appointed by the State Surgeon General as follows:

(a) A trauma patient, or a family member of a trauma patient, who has sustained and recovered from severe injuries;

(b) A member of the Florida Committee on Trauma;

(c) A member of the Association of Florida Trauma Coordinators;

(d) A chief executive officer of a nontrauma acute care hospital who is a member of the Florida Hospital Association;

(e) A member of the Florida Emergency Medical Services Advisory Council;

(f) A member of the Florida Injury Prevention Advisory Council;

(g) A member of the Brain and Spinal Cord Injury Program Advisory Council;

(h) A member of the Florida Chamber of Commerce; and

(i) A member of the Florida Health Insurance Advisory Board.

Section 13. Effective upon this act becoming a law, present subsections (8) through (12) of section 395.4025, Florida Statutes, are redesignated as subsections (7) through (11), respectively, paragraph (d) of subsection (2) and present subsection (7) of that section are amended, present subsections (13) and (14) of that section are redesignated as subsections (12) and (13), respectively, and amended, and a new subsection (14) and subsection (15) are added to that section, to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(2)

(d)1. Notwithstanding other provisions in this section, the department may grant up to an additional 18 months to a hospital applicant that is unable to meet all requirements as provided in paragraph (c) at the time of application if the number of applicants in the service area in which the applicant is located is equal to or less than the service area allocation, as provided by rule of the department. An applicant that is granted additional time ~~under pursuant to~~ this paragraph shall submit a plan for departmental approval which includes timelines and activities that the applicant proposes to complete in order to meet application requirements. ~~An Any~~ applicant that demonstrates an ongoing effort to complete the activities within the timelines outlined in the plan shall be included in the number of trauma centers at such time that the department has conducted a provisional review of the application and has determined that the application is complete and that the hospital has the critical elements required for a trauma center.

2. Timeframes provided in subsections (1)-(7) ~~(1)-(8)~~ shall be stayed until the department determines that the application is complete and that the hospital has the critical elements required for a trauma center.

~~(7) Any hospital that wishes to protest a decision made by the department based on the department's preliminary or in-depth review of applications or on the recommendations of the site visit review team pursuant to this section shall proceed as provided in chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57. Cases filed under chapter 120 may combine all disputes between parties.~~

~~(12)(13)~~ The department may adopt, by rule, the procedures and process by which it will select trauma centers. Such procedures and process must be used in annually selecting trauma centers and must be consistent with subsections (1)-(7) ~~(1)-(8)~~ except in those situations in which it is in the best interest of, and mutually agreed to by, all applicants within a service area and the department to reduce the timeframes.

~~(13)(14)~~ Notwithstanding the procedures established pursuant to subsections (1)-(12) ~~(1) through (13)~~, hospitals located in areas with limited access to trauma center services shall be designated by the department as Level II trauma centers based on documentation of a valid certificate of trauma center verification from the American College of Surgeons. Areas with limited access to trauma center services are defined by the following criteria:

(a) The hospital is located in a trauma service area with a population greater than 600,000 persons but a population density of less than 225 persons per square mile;

(b) The hospital is located in a county with no verified trauma center; and

(c) The hospital is located at least 15 miles or 20 minutes travel time by ground transport from the nearest verified trauma center.

(14) *Notwithstanding any other law, a hospital designated as a provisional or verified as a Level I, Level II, or pediatric trauma center after the enactment of chapter 2004-259, Laws of Florida, whose approval has not been revoked may continue to operate at the same trauma center level as a Level I, Level II, or pediatric trauma center until the approval period in subsection (6) expires, as long as the hospital continues to meet the other requirements of part II of this chapter related to trauma center standards and patient outcomes. Any hospital that meets the requirements of this section is eligible for renewal of its 7-year approval period pursuant to subsection (6).*

(15) *The department may not verify, designate, or provisionally approve any hospital to operate as a trauma center through the procedures established in subsections (1)-(13). This subsection expires July 1, 2015.*

Section 14. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2014.

And the title is amended as follows:

Delete line 48 and insert: amending s. 395.4001, F.S.; conforming cross-references; amending s. 395.401, F.S.; limiting trauma service fees to a certain amount; providing for future expiration; conforming a cross-reference; amending s. 395.402, F.S.; requiring the Department of Health to convene the Florida Trauma System Plan Advisory Council by a specified date; requiring the advisory council to review the Trauma System Consultation Report and make recommendations to the Legislature by a specified date; authorizing the advisory council to make recommendations to the State Surgeon General; designating the membership of the advisory council; amending s. 395.4025, F.S.; deleting a provision relating to the procedure for protesting an application decision by the department; conforming cross-references; authorizing certain provisional and verified trauma centers to continue operating and to apply for renewal; restricting the department from verifying, designating, or provisionally approving hospitals as trauma centers; providing for future expiration; providing effective dates.

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

Senator Garcia moved the following amendment which was adopted:

**Amendment 7 (534398) (with title amendment)**—Before line 52 insert:

Section 1. Paragraph (f) of subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(f) ~~Had no evidence of unresolved, verified complaints generated through an outstanding record regarding the number and types of substantiated complaints reported to the State Long-Term Care Ombudsman Program Council~~ within the 30 months preceding application for the program.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; amending s. 400.235, F.S.; revising the criteria for recognition as a Gold Seal Program nursing home facility; amending s. 409.967,

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

Senator Sobel moved the following amendment which was adopted:

**Amendment 8 (905062) (with title amendment)**—Before line 52 insert:

Section 1. Present subsections (10) and (11) of section 394.9082, Florida Statutes, are redesignated as subsections (11) and (12), respectively, and a new subsection (10) is added to that section, to read:

394.9082 Behavioral health managing entities.—

(10) **CRISIS STABILIZATION SERVICES UTILIZATION DATA-BASE.**—*The department shall develop, implement, and maintain standards under which a managing entity shall collect utilization data from all public receiving facilities situated within its geographic service area.*

As used in this subsection, the term “public receiving facility” means an entity that meets the licensure requirements of and is designated by the department to operate as a public receiving facility under s. 394.875 and that is operating as a licensed crisis stabilization unit.

(a) The department shall develop standards and protocols for managing entities and public receiving facilities to be used for data collection, storage, transmittal, and analysis. The standards and protocols must allow for compatibility of data and data transmittal between public receiving facilities, managing entities, and the department for the implementation and requirements of this subsection. The department shall require managing entities contracted under this section to comply with this subsection by August 1, 2014.

(b) A managing entity shall require a public receiving facility within its provider network to submit data, in real time or at least daily, to the managing entity for:

1. All admissions and discharges of clients receiving public receiving facility services who qualify as indigent, as defined in s. 394.4787; and
2. Current active census of total licensed beds, the number of beds purchased by the department, the number of clients qualifying as indigent occupying those beds, and the total number of unoccupied licensed beds regardless of funding.

(c) A managing entity shall require a public receiving facility within its provider network to submit data, on a monthly basis, to the managing entity that aggregates the daily data submitted under paragraph (b). The managing entity shall reconcile the data in the monthly submission to the data received by the managing entity under paragraph (b) to check for consistency. If the monthly aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the daily data submitted under paragraph (b), the managing entity shall consult with the public receiving facility to make corrections as necessary to ensure accurate data.

(d) A managing entity shall require a public receiving facility within its provider network to submit data, on an annual basis, to the managing entity that aggregates the data submitted and reconciled under paragraph (c). The managing entity shall reconcile the data in the annual submission to the data received and reconciled by the managing entity under paragraph (c) to check for consistency. If the annual aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the data received and reconciled under paragraph (c), the managing entity shall consult with the public receiving facility to make corrections as necessary to ensure accurate data.

(e) After ensuring accurate data under paragraphs (c) and (d), the managing entity shall submit the data to the department on a monthly and annual basis. The department shall create a statewide database for the data described under paragraph (b) and submitted under this paragraph for the purpose of analyzing the payments for and the use of crisis stabilization services funded by the Baker Act on a statewide basis and on an individual public receiving facility basis.

(f) The department shall adopt rules to administer this subsection.

(g) The department shall submit a report by January 31, 2015, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides details on the implementation of this subsection, including the status of the data collection process and a detailed analysis of the data collected under this subsection.

(h) The implementation of this subsection is subject to specific appropriations provided to the department in the General Appropriations Act.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; 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; amending s. 409.967,

On motion by Senator Grimsley, by two-thirds vote **CS for CS for SB 1354** was read the third time by title, passed as amended, ordered engrossed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Bean	Bradley	Joyner
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Vote preference:

April 29, 2014: Yea to Nay—Latvala

**DISCLOSURE**

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for CS for SB 1354** 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 wife is employed by HCA/Blake Medical Center. **CS for CS for SB 1354** may constitute a special gain or loss to my wife’s employer.

As permitted by Senate Rule, I may vote on this matter.

Senator Bill Galvano, 26th District

**DISCLOSURE**

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for CS for SB 1354** 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 wife is employed by HCA/Blake Medical Center. **Amendment Barcode (627612)**, contained in **CS for CS for SB 1354**, may constitute a special gain or loss to my wife’s employer.

As permitted by Senate Rule, I may vote on this matter.

Senator Bill Galvano, 26th District

**MOTIONS**

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 926**, were retained on the Special Order Calendar.

On motion by Senator Thrasher, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Tuesday, April 29, 2014.



## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Garcia, by two-thirds vote, **SB 1258** was withdrawn from the committees of reference and further consideration.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Monday, April 28, 2014: SB 142, CS for CS for SB 364, CS for SB 408, SB 510, CS for SB 518, SB 550, CS for SB 582, CS for SB 696, SB 734, CS for CS for SB 798, CS for SB 876, CS for SB 1018, CS for SB 1030, CS for SB 1068, CS for SB 1090, CS for SB 1122, CS for SB 1206, CS for CS for SB 1276, CS for SB 1354, SB 1700, CS for CS for SB 1714.

Respectfully submitted,  
*John Thrasher*, Rules Chair  
*Lizbeth Benacquisto*, Majority Leader  
*Christopher L. Smith*, Minority Leader

The Committee on Appropriations recommends a committee substitute for the following: CS for CS for SB 1044

**The bill with committee substitute attached was placed on the Calendar.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Appropriations; Agriculture; and Communications, Energy, and Public Utilities; and Senator Simpson—

**CS for CS for CS for SB 1044**—A bill to be entitled An act relating to building construction policies; amending s. 162.12, F.S.; providing an additional method for local governments to provide notices to alleged code enforcement violators; amending s. 373.323, F.S.; revising the requirements of an applicant to take the water well contractor licensure examination; amending s. 377.6015, F.S.; removing a provision relating to representation in the Southern States Energy Compact; amending s. 377.703, F.S.; requiring the Department of Agriculture and Consumer Services to include in its annual report recommendations for energy efficiency; expanding the promotion of the development and use of renewable energy resources from goals related to solar energy to renewable energy in general; requiring 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 appoint a member to the Southern States Energy Board; authorizing the member appointed by the Governor to approve proposed activities relating to furtherance of the Southern States Energy Compact; amending s. 377.801, F.S.; conforming a cross-reference; amending s. 377.802, F.S.; amending the purpose of the Florida Energy and Climate Protection Act; amending s. 377.803, F.S.; conforming provisions to changes made by the act; 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; creating s. 377.815, F.S.; authorizing the department to post on its website information relating to alternative fueling stations or 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. 440.103, F.S.; authorizing an employer to present certain documents electronically or physically in order to show proof and certify to the permit issuer that it has secured compensation for its employees; authorizing site plans or electronically transferred building permits to be maintained at the worksite in their original form or by electronic copy; requiring such plans or permits to be open to inspection by the building official or authorized representative; amending s. 514.0115, F.S.; authorizing the Department of Health to grant certain variances relating to public swimming pools and bathing places; amending s. 514.03, F.S.; requiring application for an operating permit before filing an application for a building permit for a public swimming pool; amending s. 514.031, F.S.; providing additional requirements for obtaining a public swimming pool operating permit; providing a procedure for an applicant to respond to a request for additional information; requiring the Department of

Health to review and provide to the local enforcement agency and the applicant any comments or proposed modifications to information submitted in the application; amending s. 553.37, F.S.; specifying inspection criteria for construction or modification of manufactured buildings or modules; amending s. 553.721, F.S.; making a technical change; amending s. 553.73, F.S.; authorizing an agency or local government to require rooftop equipment to be installed in compliance with the Florida Building Code if the equipment is being replaced or removed during reroofing and is not in compliance with the Florida Building Code’s roof-mounted mechanical units requirements; providing that make-up air is not required for certain range hood exhaust systems; amending s. 553.74, F.S.; adding a member to the Florida Building Commission as a representative of the Department of Agriculture and Consumer Services’ Office of Energy; deleting obsolete provisions; amending s. 553.77, F.S.; requiring building officials to recognize and enforce certain variance orders issued by the Department of Health; amending s. 553.775, F.S.; authorizing building officials, local enforcement agencies, and the Florida Building Commission to interpret the Florida Accessibility Code for Building Construction; specifying procedures for such interpretations; deleting provisions relating to declaratory statements and interpretations of the Florida Accessibility Code for Building Construction, to conform; amending s. 553.79, F.S.; prohibiting a local enforcing agency from issuing a building permit for a public swimming pool without proof of application for an operating permit; requiring issuance of an operating permit before a certificate of completion or occupancy is issued; requiring the local enforcing agency to review the building permit application upon filing; authorizing such agency to confer with the Department of Health if it doesn’t delay review of the application; authorizing site plans or building permits to be maintained at the worksite in their original form or in the form of an electronic copy; requiring the permit to be open to inspection; amending s. 553.80, F.S.; requiring counties and municipalities to expedite building construction permitting, building plans review, and inspections of projects of certain public schools, rather than certain public school districts; amending s. 553.841, F.S.; revising education and training requirements of the Florida Building Code Compliance and Mitigation Program; creating s. 553.883, F.S.; authorizing use of smoke alarms powered by 10-year nonremovable, nonreplaceable batteries in certain circumstances; requiring use of such alarms by a certain date; providing an exemption; amending s. 553.993, F.S.; redefining the term “building energy-efficiency rating system” to require consistency with certain national standards for new construction and existing construction; providing for oversight; amending s. 633.202, F.S.; exempting certain tents from the Florida Fire Prevention Code; amending s. 633.212, F.S.; removing the requirement that an alternate member of the Fire Code Interpretation Committee provide notice to the committee in order to respond to a nonbinding interpretation when a member is unable to respond; amending s. 713.32, F.S.; revising the payment of proceeds of an insurance policy on real property; providing effective dates.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

### EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Board of Chiropractic Medicine Appointee: Colter, David C., Palm Coast	10/31/2017
Board of Trustees of North Florida Community College Appointee: Williams, Michael R., Madison	05/31/2017
Florida Transportation Commission Appointee: Howse, Ronald S., Cocoa	09/30/2017

**Referred to the Committee on Ethics and Elections.**

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for HB 41, CS for CS for CS for HB 325, CS for HB 589, CS for CS for CS for HB 593, CS for CS for CS for HB 641, CS for CS for CS for HB 753, CS for CS for CS for HB 979, CS for CS for CS for HB 7107; has passed as amended CS for CS for HB 709, CS for CS for CS for HB 989, CS for CS for HB 7005, CS for HB 7065; has passed as amended by the required constitutional two-thirds vote of the members voting CS for CS for HB 711 and requests the concurrence of the Senate.

*Robert L. "Bob" Ward, Clerk*

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee and Representative(s) Campbell, Kerner, Bracy, Murphy, Pritchett, Rehwinkel Vasilinda, Steube, Watson, C.—

**CS for CS for CS for HB 41**—A bill to be entitled An act relating to the Florida Law Enforcement Officers' Hall of Fame; creating s. 265.004, F.S.; establishing the Florida Law Enforcement Officers' Hall of Fame; designating location; providing procedures for selection, nomination, and induction; requiring the Department of Law Enforcement to adopt rules; providing an appropriation; providing an effective date.

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

By Economic Affairs Committee, Local & Federal Affairs Committee, Economic Development & Tourism Subcommittee and Representative(s) Stone, Hutson, Baxley, Hood, Rouson—

**CS for CS for CS for HB 325**—A bill to be entitled An act relating to brownfields; amending s. 376.78, F.S.; revising legislative intent with regard to community revitalization in certain areas; amending s. 376.80, F.S.; revising procedures for designation of brownfield areas; authorizing local governments to use a term other than "brownfield area" when naming such areas; amending s. 376.82, F.S.; providing certain liability protection against claims of property damages; providing applicability; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and Judiciary.

By Choice & Innovation Subcommittee and Representative(s) Harrell—

**CS for HB 589**—A bill to be entitled An act relating to the Children and Youth Cabinet; amending s. 402.56, F.S.; revising the membership of the cabinet; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Education; and Governmental Oversight and Accountability.

By Regulatory Affairs Committee, Government Operations Appropriations Subcommittee, Business & Professional Regulation Subcommittee and Representative(s) Eagle, Ahern, Goodson, Rooney, Van Zant—

**CS for CS for CS for HB 593**—A bill to be entitled An act relating to building construction; amending s. 162.12, F.S.; revising the method for local governments to provide notices to alleged code enforcement violators; amending s. 373.323, F.S.; revising requirements for taking the water well contractor licensure examination; amending s. 440.103, F.S.; authorizing the use of electronic certificates of exemption, site plans, and building permits; requiring plans and permits to be open to inspection; amending s. 514.03, F.S.; requiring application for an operating permit

before filing an application for a building permit for a public swimming pool; amending s. 514.031, F.S.; providing additional requirements for obtaining a public swimming pool operating permit; amending s. 553.37, F.S.; specifying inspection criteria for construction or modification of manufactured buildings or modules; amending s. 553.721, F.S.; removing obsolete language; amending s. 553.73, F.S.; revising the circumstances under which existing mechanical equipment is subject to certain provisions of the Florida Building Code; amending s. 553.775, F.S.; authorizing building officials, local enforcement agencies, and the Florida Building Commission to interpret the Florida Accessibility Code for Building Construction; specifying procedures for such interpretations; deleting provisions relating to declaratory statements and interpretations of the Florida Accessibility Code for Building Construction, to conform; amending s. 553.79, F.S.; prohibiting a local enforcing agency from issuing a building permit for a public swimming pool without proof of application for an operating permit; requiring issuance of an operating permit before a certificate of completion or occupancy is issued; authorizing use of electronic building permit plans for building code inspection and record retention; amending s. 553.841, F.S.; revising education and training requirements of the Florida Building Code Compliance and Mitigation Program; creating s. 553.883, F.S.; authorizing use of a smoke alarms powered by a specified type of battery in certain circumstances; requiring use of such alarms by a certain date; amending s. 553.993, F.S.; revising the definition of the term "building energy-efficiency rating system" to require consistency with certain national standards for new construction and existing construction; providing for oversight; amending s. 633.212, F.S.; deleting a requirement that a member of the Fire Code Interpretation Committee notify the committee of an inability to respond before the alternate member may respond; providing an effective date.

—was referred to the Committees on Community Affairs; Health Policy; Regulated Industries; and Appropriations.

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee and Representative(s) La Rosa—

**CS for CS for CS for HB 641**—A bill to be entitled An act relating to computer crimes; amending s. 721.071, F.S.; conforming a cross-reference; amending s. 815.02, F.S.; revising legislative findings; amending s. 815.03, F.S.; revising and providing definitions; amending s. 815.04, F.S.; providing that a person who willfully, knowingly, and without authorization introduces a computer contaminant to a specified device or modifies, renders unavailable, or destroys data, programs, or supporting documentation residing or existing internal or external to a specified device commits an offense against intellectual property; providing that a person who willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation that is a trade secret or is confidential as provided by law residing or existing internal or external to an electronic device commits an offense against intellectual property; providing criminal penalties; amending s. 815.06, F.S.; defining the term "user"; providing that a person who willfully, knowingly, and without authorization accesses an electronic device, disrupts the ability to transmit data to or from a user of a computer, computer system, computer network, or electronic device, damages an electronic device or equipment or supplies used by an electronic device, introduces a computer contaminant into an electronic device, or engages in the audio or video surveillance of an individual by accessing a computer, computer system, computer network, or electronic device commits an offense against users of computers, computer systems, computer networks, or electronic devices; providing criminal penalties; providing exceptions; providing that the Florida Computer Crimes Act does not impose liability on certain providers of specified services; creating s. 815.061, F.S.; defining the term "public utility"; prohibiting a person from willfully, knowingly, and without authorization engaging in specified activities against a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility; providing criminal penalties; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart to changes made by the act; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

By Judiciary Committee, Justice Appropriations Subcommittee, K-12 Subcommittee and Representative(s) Steube, Adkins, Artiles, Combee, Diaz, M., Eagle, Fitzenhagen, Grant, Hill, Patronis, Pilon, Porter, Raburn, Renuart, Rodrigues, R.—

**CS for CS for CS for HB 753**—A bill to be entitled An act relating to school safety; providing legislative intent; amending s. 790.115, F.S.; permitting a school superintendent, with approval of the school board, to authorize a school safety designee to carry a concealed weapon or firearm on school property; providing requirements for school safety designees; providing exceptions to the prohibition on possession of firearms or other specified devices on school property; providing for fingerprint processing and retention; requiring that fees shall be borne by the school safety designee or school; requiring the Criminal Justice Standards and Training Commission to develop a school safety program; amending s. 1006.07, F.S.; requiring school boards to formulate policies and procedures for managing active-shooter and hostage situations; requiring that active-shooter procedures for each school be developed in consultation with local law enforcement agencies; requiring that district school boards and private schools allow campus tours by local law enforcement agencies for specified purposes; requiring that all recommendations be documented; amending s. 1006.12, F.S.; permitting district school boards to commission one or more school safety officers on each school campus; amending ss. 435.04, 790.251, 921.0022, and 1012.315, F.S.; conforming cross-references; providing an appropriation; providing an effective date.

—was referred to the Committees on Criminal Justice; Education; Appropriations Subcommittee on Education; and Appropriations.

By Appropriations Committee, Economic Development & Tourism Subcommittee and Representative(s) Peters, Berman, Beshears, Campbell, Clelland, Combee, Fitzenhagen, Gaetz, Gibbons, Hager, Hooper, La Rosa, Oliva, Pigman, Pilon, Raburn, Raschein, Rodrigues, R., Rouson, Santiago, Stewart, Van Zant—

**CS for CS for HB 979**—A bill to be entitled An act relating to homelessness; amending s. 420.606, F.S.; revising legislative findings; requiring the Department of Economic Opportunity to provide training and technical assistance to certain designated lead agencies of homeless assistance continuums of care; requiring that the provision of such training and assistance be delegated to certain nonprofit entities; conforming provisions to changes made by the act; amending s. 420.622, F.S.; requiring the department to establish award levels for "Challenge Grants"; specifying criteria to determine award levels; requiring the department, after consultation with the Council on Homelessness, to specify a grant award level in the notice of solicitation of grant applications; revising qualifications for the grant; specifying authorized uses of grant funds; requiring a lead agency that receives a grant to submit a report to the department; providing for contingent effect; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Appropriations.

By State Affairs Committee, Government Operations Subcommittee, Rulemaking Oversight & Repeal Subcommittee and Representative(s) Richardson, Wood—

**CS for CS for HB 7107**—A bill to be entitled An act relating to administrative procedures; amending s. 120.54, F.S.; revising requirements for the content of notices of rule development; revising the scope of public workshops to include information gathering for the preparation of statements of estimated regulatory costs; revising requirements for notices of proposed rules; authorizing electronic delivery of notices to persons who have requested advance notice of agency rulemaking proceedings; revising requirements for an agency's filing of specified information with the Administrative Procedures Committee; creating a presumption of adverse impact on small business in specified circumstances; requiring certain agency personnel to attend public hearings on proposed rules; requiring an agency to publish a notice of convening a separate proceeding in certain circumstances; tolling rulemaking deadlines during such separate proceedings; revising requirements for the contents of a notice of change; amending s. 120.541, F.S.; revising requirements for substantially affected persons to submit proposals for lower cost regulatory alternatives to a proposed rule following a notice of change; revising requirements for an agency's consideration of such

lower cost regulatory alternatives; providing for an agency's revision and publication of a revised statement of estimated regulatory costs in response to such lower cost regulatory alternatives; requiring the agency to provide specified documents on a website under specific circumstances; deleting definition of "transactional costs"; providing additional requirements for the calculation of estimated regulatory costs; amending s. 190.005, F.S., relating to the establishment of community development districts; requiring a petition to include a statement explaining the prospective economic impact of the establishment of a proposed district; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Judiciary; and Appropriations.

By Health & Human Services Committee, Health Quality Subcommittee and Representative(s) Hudson, Ahern, Albritton, Artiles, Beshears, Boyd, Broxson, Caldwell, Campbell, Coley, Combee, Corcoran, Cummings, Davis, Diaz, J., Gaetz, Hill, Hood, Hooper, Hutson, Ingram, La Rosa, Lee, Magar, Mayfield, McBurney, Metz, Moraitis, Moskowitz, Murphy, Nuñez, O'Toole, Pafford, Peters, Pigman, Pilon, Raburn, Raulerson, Rehwinkel Vasilinda, Renuart, Richardson, Roberson, K., Rodrigues, R., Rooney, Santiago, Steube, Stone, Taylor, Trujillo, Van Zant, Wood, Young—

**CS for CS for HB 709**—A bill to be entitled An act relating to Alzheimer's disease; amending s. 252.355, F.S.; requiring the Division of Emergency Management, in coordination with local emergency management agencies, to maintain a registry of persons with special needs; requiring the division to develop and maintain a special needs shelter registration program by a specified date; requiring specified agencies and authorizing specified health care providers to provide registration information to special needs clients or their caregivers and to assist emergency management agencies in registering persons for special needs shelters; amending s. 381.0303, F.S.; providing additional staffing requirements for special needs shelters; requiring special needs shelters to establish designated shelter areas for persons with Alzheimer's disease or related forms of dementia; authorizing the Department of Health, in coordination with the division, to adopt rules relating to standards for the special needs registration program; creating s. 381.82, F.S.; establishing the Ed and Ethel Moore Alzheimer's Disease Research Program within the department; requiring the program to provide grants and fellowships for research relating to Alzheimer's disease; creating the Alzheimer's Disease Research Grant Advisory Board; providing for appointment and terms of members; providing for organization, duties, and operating procedures of the board; requiring the department to provide staff to assist the board in carrying out its duties; requiring the board to annually submit recommendations for proposals to be funded; requiring a report to the Governor, Legislature, and State Surgeon General; exempting certain activities of the board from the Administrative Procedure Act; authorizing the department to adopt rules; providing that implementation of the program is subject to appropriation; amending s. 430.502, F.S.; updating the name of the memory disorder clinic established in Brevard County; requiring the Department of Elderly Affairs to develop minimum performance standards for memory disorder clinics to receive base-level annual funding; requiring the department to provide incentive-based funding, subject to appropriation, for certain memory disorder clinics; providing an effective date.

—was referred to the Committees on Health Policy; Governmental Oversight and Accountability; and Appropriations.

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee and Representative(s) Trujillo, Campbell, Cruz, Fresen, Rangel, Slosberg—

**CS for CS for CS for HB 989**—A bill to be entitled An act relating to human trafficking; amending s. 92.56, F.S.; including human trafficking within provisions providing for confidentiality of court records concerning certain offenses involving children; amending s. 960.065, F.S.; providing that victims of human trafficking are eligible for crime victim compensation awards under certain circumstances; amending s. 960.199, F.S.; allowing victims of human trafficking to be eligible for financial relocation assistance; 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. 775.15, 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; amending s. 775.082, F.S.; providing a life sentence for a specified felony; creating s. 796.001, F.S.; providing legislative intent concerning prosecutions of certain offenses by adults 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 s. 796.05, F.S.; revising and providing penalties for deriving support from the proceeds of prostitution; 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. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; 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.

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

By Economic Affairs Committee, Transportation & Economic Development Appropriations Subcommittee, Transportation & Highway Safety Subcommittee and Representative(s) Artes—

**CS for CS for HB 7005**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; 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 his or her driver license; amending s. 316.003, F.S.; defining the terms "sanitation vehicle" and "utility service vehicle" for purposes of the Florida Uniform Traffic Control Law; 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; amending s. 316.126, F.S.; requiring a driver to change lanes when approaching a sanitation or utility service vehicle performing a service-related task on the roadside; amending s. 316.193, F.S.; authorizing the court to order the placement of an ignition interlock device for certain first-time offenders of driving under the influence; authorizing the court to dismiss an order of impoundment or immobilization as a result of driving under the influence if the defendant provides proof to the court of the installation of a functioning, certified ignition interlock device; authorizing the court to order sobriety and drug monitoring in addition to specified ignition interlock device requirements; defining terms; amending s. 316.1937, F.S.; providing requirements for a person otherwise required to have an installed ignition interlock device to operate a leased motor vehicle in the course and scope of employment without installation of such device; amending s. 316.1938, F.S.; revising requirements for certification of ignition interlock devices; requiring contracts between the department and ignition interlock device service providers; providing contract requirements; requiring the provider to maintain confidentiality under specified provisions; providing for application of specified provisions; amending s. 316.1975, F.S.; providing that certain requirements for an unattended vehicle do not apply to a vehicle that is started by remote control under certain circumstances; amending s. 316.2126, F.S.; revising the time-frame for the authorized use of golf carts, low-speed vehicles, and utility vehicles related to seasonal delivery personnel; 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 certain research organizations to operate such vehicles; deleting an obsolete provision; amending s. 318.15, F.S.; prohibiting the department from accepting the resubmission of certain driver license suspensions; amending s. 318.18, F.S.; providing for a clerk of court to designate a local governmental entity for disposition of certain parking citations; authorizing such entity to retain

the processing fee; amending s. 320.02, F.S.; requiring the department 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; providing conditions under which a revalidation sticker or replacement license plate may be issued; amending ss. 320.08056 and 320.08058, F.S.; revising the names of certain specialty license plates; revising distribution of revenue received from the sale of a certain plate; revising requirements for the use of specialty license plate annual use fees; defining the term "administrative expenses"; amending s. 320.089, F.S.; creating a new military-related special use license plate that will be stamped with the word "Veteran"; amending s. 320.08062, F.S.; revising audit and attestation requirements for specialty license plate organizations and the department; revising procedures for discontinuance of revenue payments and deauthorization of a plate; directing the department to notify the Legislature within a certain time-frame if an organization has failed to use revenue in accordance with specified provisions; amending s. 320.083, F.S.; revising the requirements for a special license plate for certain amateur radio operators; amending s. 320.1316, F.S.; prohibiting the department from issuing a license plate, revalidation sticker, or replacement license plate for a vehicle, or a vessel registration number or decal for a 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 or vessel to bring a civil action 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, revalidation sticker, replacement license plate, or vessel registration number or decal; providing procedures for such a civil action; providing for the award of attorney fees and costs; amending s. 320.771, F.S.; requiring a licensed recreational vehicle dealer who applies for a supplemental license to hold certain off-premises sales to notify the local department office of the dates and location for such sales; specifying requirements for licensed recreational vehicle dealers to hold such sales; creating s. 322.032, F.S.; requiring the department to begin to review and prepare for the development of a system for issuing an optional digital proof of driver license; authorizing the department 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 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 to invalidate the digital proof of driver license for a person whose license or registration has been suspended; 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. 322.143, F.S.; providing for a first responder, emergency medical technician, or other authorized health care practitioner to access medical information through use of a person's driver license or identification card under certain conditions; 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. 322.27, F.S.; providing for a clerk of court to remove a habitual traffic offender designation if the offender meets certain conditions; amending s. 322.2715, F.S.; authorizing ignition interlock device installation for at least 6 continuous months for a first offense of driving under the influence; creating s. 322.276, F.S.; authorizing the department to issue a driver license to a person whose license is suspended or revoked in another state under certain circumstances; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be immediately removed and impounded; requiring an unauthorized wrecker operator to disclose in writing to the owner or operator of a motor vehicle certain information; requiring the unauthorized wrecker operator to provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle accident; authorizing a law enforcement officer from a local governmental agency or state law enforcement agency to cause to be removed and impounded from the scene of a wrecked or disabled vehicle an unauthorized wrecker, tow truck, or other motor vehicle; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; requiring a

release form; requiring the wrecker, tow truck, or other motor vehicle to remain impounded until the fine is paid; providing the amounts for the cost recovery fine for first and subsequent violations; requiring the unauthorized wrecker operator to pay the fees associated with the removal and storage of the wrecker, tow truck, or other motor vehicle; amending s. 526.141, F.S.; requiring self-service gasoline pumps to display an additional decal containing specified information; requiring the Department of Agriculture and Consumer Services to confirm compliance by a specified date; providing for preemption of local laws and regulations pertaining to fueling assistance for certain motor vehicle operators; amending s. 526.142, F.S.; providing for preemption of local laws and regulations pertaining to air and vacuum devices; amending s. 562.11, F.S.; authorizing the court to direct the department 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 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 section 45 of chapter 2008-176, Laws of Florida; extending the prohibition of the issuance of new specialty license plates; directing the department to develop and present to the Governor and the Legislature a plan that addresses certain vehicle registration holds; directing the department to conduct and submit to the Governor and the Legislature a study on the effectiveness of ignition interlock device use; providing for the use of revenue received from the sale of certain specialty license plates; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

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By Economic Affairs Committee, Economic Development & Tourism Subcommittee and Representative(s) Eagle—

**CS for HB 7065**—A bill to be entitled An act relating to emergency management; amending s. 252.921, F.S.; revising a short title provision; creating s. 252.9335, F.S.; exempting state employees from specified travel expense provisions when traveling under the Emergency Management Assistance Compact pursuant to a request for assistance from another state under certain circumstances; providing an effective date.

—was referred to the Committees on Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; and Appropriations.

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By Government Operations Subcommittee, Health Quality Subcommittee and Representative(s) Hudson, Campbell, Rooney—

**CS for CS for HB 711**—A bill to be entitled An act relating to public meetings and public records; amending s. 381.82, F.S.; providing an exemption from public records requirements for research grant applications provided to the Alzheimer's Disease Research Grant Advisory Board under the Ed and Ethel Moore Alzheimer's Disease Research Program and records generated by the board relating to review of the applications; providing an exemption from public meetings requirements

for those portions of meetings of the board during which the research grant applications are discussed; requiring the recording of closed portions of meetings; authorizing disclosure of such confidential information under certain circumstances; providing for legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Policy; Governmental Oversight and Accountability; and Rules.

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## RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 132, CS for SB 398, CS for CS for SB 536, CS for CS for SB 730, CS for CS for SB 754, SB 796, CS for SB 828, CS for CS for SB 836, CS for SB 1024, CS for CS for SB 1344 and CS for CS for CS for SB 1632; passed CS for CS for SB 226, CS for CS for SB 280, CS for SB 366, CS for SB 390, SB 520, SB 1262, CS for CS for SB 1278 and CS for CS for SB 1300 by the required constitutional two-thirds vote of the members voting.

*Robert L. "Bob" Ward, Clerk*

The bills contained in the foregoing messages were ordered enrolled.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

## CO-INTRODUCERS

Senator Soto—CS for CS for SB 1150

## ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 7:13 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Tuesday, April 29 or upon call of the President.

## SENATE PAGES

April 28-May 2, 2014

Madeleine "Maddie" Ayers, Tampa; Rashad Bailey, South Bay; Allison Beaty, Tallahassee; Emma Boswell, DeLand; Hannah Boswell, DeLand; Austin Chapman, St. Augustine; Sarah Cibula, Riviera Beach; Harrison Edwards, Dade City; Hope Greenier, New Port Richey; Jarod Johnson, Madison; Benjamin "Ben" Sundook, Wellington; Zachary "Zach" Sundook, Wellington; Imani Thomas, Tallahassee.