



# Journal of the Senate

Number 12—Regular Session

Tuesday, April 14, 2015

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## CALL TO ORDER

The Senate was called to order by President Gardiner at 10:00 a.m. A quorum present—35:

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

Excused: Senators Altman and Bullard

## PRAYER

The following prayer was offered by Deacon Wallace Brown, Pilgrim Rest Missionary Baptist Church, Tallahassee, an employee of the Office of the Sergeant at Arms:

Almighty God, our Father, we come to say, “thank you” for all the wonderful blessings you give to us. We pray you draw the people of this country and other countries together. Teach them your truth and understanding that we must learn to love one another as you have loved us. Thank you for giving your life for us.

Lord, look down on these Senators today and every day. Be their head so they can understand; be their eyes so they can see clearly; be their mouth so they can speak; and be their heart so they can think clearly. Thank you for being an understanding God.

This prayer we pray in your name. Amen.

## PLEDGE

Senate Pages, David Gunby V of DeLand; Joel Kratt of Oviedo; Savannah Valentine of Winter Haven; Ciara Hopkins of Clermont; and Ashli Senturk of Mount Dora, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Michelle Mendez of Jacksonville, sponsored by Senator Bean, as the doctor of the day. Dr. Mendez specializes in family practice.

## ADOPTION OF RESOLUTIONS

At the request of Senator Joyner—

By Senator Joyner—

**SR 174**—A resolution recognizing April 2015 as “Fair Housing Month” in Florida.

WHEREAS, Title VIII of the federal Civil Rights Act of 1968, as amended by the federal Fair Housing Amendments Act of 1988, prohibits discrimination based on race, color, religion, sex, national origin, disability, or familial status in the sale, rental, and financing of dwellings, and

WHEREAS, in 1983, the Legislature enacted the Florida Fair Housing Act to ensure that the state makes every effort to promote fair housing for all residents and to prohibit discrimination in the sale or rental of any dwelling because of race, color, national origin, sex, or religion, and the act was amended in 1989 to prohibit discrimination based on familial status or mental impairment, and

WHEREAS, the United States Department of Housing and Urban Development has proclaimed April as “National Fair Housing Month” and conducts awareness campaigns to commemorate the historical passage of this major legislation, increase the public’s understanding of the many protections of the Civil Rights Act, and encourage communities to remember and celebrate 47 years of housing successes, and

WHEREAS, as authorized under law, the Florida Commission on Human Relations conducts thorough and timely investigations of housing discrimination complaints and, as a result of its investigative efforts, has found that housing discrimination continues in Florida, with disability, race, national origin, familial status, and sex constituting the top five bases for housing discrimination during the 2013-2014 fiscal year, and

WHEREAS, the Florida Commission on Human Relations continually strives to educate the general public and members of the housing industry to ensure that they are informed of their rights and responsibilities under fair housing laws and to engage in community partnerships so that all persons are provided fair and equal access to adequate and affordable housing without being subjected to discrimination, prejudice, or barriers, NOW, THEREFORE,

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

That April 2015 is recognized as “Fair Housing Month” in Florida and that state and local governmental leaders, communities, and individuals are encouraged to observe this important occasion through ceremonies and activities celebrating historical and future efforts to ensure fair and equal access to housing for all Floridians.

—was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

**SR 550**—A resolution celebrating the benefits of routine nutritional screening and therapeutic nutritional intervention, and recognizing September 28 to October 2, 2015, as “Malnutrition Awareness Week” in Florida.

WHEREAS, leading health and nutrition experts agree that nutritional status is a direct measure of patient health, and that good nutrition and good health allow older adults and other vulnerable individuals to continue to live in the community, avoiding the need for institutionalization in a health care facility and reducing health care costs, and

WHEREAS, inadequate or unbalanced nutrition, known as malnutrition, is not routinely viewed as a medical concern in the United States, although it is particularly prevalent in vulnerable individuals, such as older adults, hospitalized patients, and minority populations, who statistically have the highest incidence of the most severe chronic illnesses, such as diabetes, kidney disease, and cardiovascular disease, and

WHEREAS, illness, injury, and malnutrition can result in the loss of lean body mass, which leads to complications that impact patient health outcomes, including longer recovery from surgery, illness, or disease, and

WHEREAS, the elderly lose lean body mass more quickly and to a greater extent than younger adults, and weight assessment that takes into account body weight and body mass index may overlook indicators of lean body mass loss, and

WHEREAS, the American Nursing Association defines therapeutic nutrition as the administration of food and fluids to support the metabolic processes of a patient who is malnourished or at high risk of becoming malnourished, and

WHEREAS, despite the recognized link between good nutrition and good health, nutritional screening and therapeutic nutrition treatment have not been incorporated as routine medical treatments across the spectrum of health care, and

WHEREAS, access to therapeutic nutrition is essential to restoring lean body mass, resolving malnutrition challenges, improving clinical outcomes, reducing health care costs, and promoting good health, NOW, THEREFORE,

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

That September 28 to October 2, 2015, is recognized as “Malnutrition Awareness Week” in Florida.

—was introduced, read and adopted by publication.

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At the request of Senator Benacquisto—

By Senator Benacquisto—

**SR 1378**—A resolution commending the osteopathic physicians of this state for their contributions to the health and welfare of its residents and recognizing April 15, 2015, as “Osteopathic Medicine and Health Awareness Day” in Florida.

WHEREAS, there are more than 70,000 osteopathic physicians in the United States today, and

WHEREAS, osteopathic physicians nationally provide health care services that account for more than 76 million patient visits each year, and

WHEREAS, this state has three accredited osteopathic hospitals, two osteopathic medical colleges, and the third-largest osteopathic physician population in the nation, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use

of drugs, surgery, manipulative medicine, and hospital referrals, NOW, THEREFORE,

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

That we commend the osteopathic physicians of this state for their contributions to the health and welfare of its residents and recognize April 15, 2015, as “Osteopathic Medicine and Health Awareness Day” in Florida.

—was introduced, read and adopted by publication.

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At the request of Senator Sobel—

By Senator Sobel—

**SR 1570**—A resolution recognizing the week of April 12-19, 2015, as the “Days of Remembrance” and April 16, 2015, as “Holocaust Remembrance Day” in Florida.

WHEREAS, the Holocaust, the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945, resulted in the murder of six million Jews, and

WHEREAS, in addition, Roma, also known as Gypsies, and Poles were targeted for decimation for racial, ethnic, or national reasons, and millions more, including persons with disabilities, homosexuals, Jehovah’s Witnesses, Soviet prisoners of war, and political dissidents, suffered grievous oppression and death under Nazi tyranny, and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments, particularly to remain vigilant against hatred, persecution, and tyranny, and

WHEREAS, pursuant to an Act of Congress, the United States Holocaust Memorial Council was established, and the council has designated April 12 through April 19, 2015, as the “Days of Remembrance” for the victims of the Holocaust, including “Holocaust Remembrance Day,” known as Yom HaShoah, on April 16, 2015, and

WHEREAS, in memory of the victims of the Holocaust, in honor of its survivors, and in utmost gratitude for the risks taken by rescuers and liberators, the residents of this state are encouraged to rededicate themselves to the principles of human dignity and individual freedom in a just society, thereby ensuring that such atrocities are never repeated, NOW, THEREFORE,

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

That the week of April 12-19, 2015, is recognized as the “Days of Remembrance,” and April 16, 2015, is recognized as “Holocaust Remembrance Day” in Florida.

—was introduced, read and adopted by publication.

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At the request of Senator Latvala—

By Senator Latvala—

**SR 1578**—A resolution commemorating the life and service of Rochelle Tatrai-Ray, President and CEO of Gulf Coast Jewish Family and Community Services.

WHEREAS, Rochelle Tatrai-Ray worked at Gulf Coast Jewish Family and Community Services for 13 years, and

WHEREAS, as President and CEO, Rochelle Tatrai-Ray led a staff of 600 employees and directed all aspects of the organization’s work in 60 different programs covering a 37-county delivery area, and

WHEREAS, Rochelle Tatrai-Ray had a primary role in planning and implementing internationally recognized models of community-based care for those with serious medical, physical, and psychiatric disabilities, as well as innovative employment and responsible fatherhood programs for noncustodial parents, and

WHEREAS, Rochelle Tatrai-Ray was the victim of a domestic violence murder in December 2014, and

WHEREAS, Rochelle Tatrai-Ray had the heart of a highly qualified licensed mental health therapist as she rose in leadership and will be remembered for her hard work, dedication, and an uncommon love for the people served by Gulf Coast Jewish Family and Community Services, and

WHEREAS, Rochelle Tatrai-Ray will be profoundly missed by her family and friends, her employees, and the thousands of Floridians receiving services from Gulf Coast Jewish Family and Community Services, NOW, THEREFORE,

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

That the Florida Senate offers condolences to those who knew and loved Rochelle Tatrai-Ray, and commemorates her years of dedicated service on behalf of the people of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the family of Rochelle Tatrai-Ray as a tangible token of the sentiments of the Florida Senate.

—was introduced, read and adopted by publication.

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At the request of Senator Dean—

By Senators Dean and Hukill—

**SR 1580**—A resolution recognizing Jayne Ellspermann, principal of West Port High School in Marion County, as the 2015 National Principal of the Year.

WHEREAS, throughout her career, Jayne Ellspermann has demonstrated her commitment to excellence in Florida's education system and in the classrooms of Marion County, and

WHEREAS, in 2014, Jayne Ellspermann was selected as the Florida Association of School Administrators' Principal of the Year, and

WHEREAS, Jayne Ellspermann has served as principal at West Port High School for 10 years and in that time has led the school from being one of the lowest performing high schools in the county to the highest achieving, and

WHEREAS, principals and assistant principals are entrusted with the lives of young people, Florida's most valuable asset, and their work encompasses educational vision, instructional leadership, assessment expertise, even-handed discipline, community building, public relations skill, budget analysis, facility management, special program administration, and guardianship of various legal, contractual, and policy mandates and initiatives, and

WHEREAS, Jayne Ellspermann sets the academic tone for her school and works collaboratively with teachers and the community to develop and maintain high curriculum standards, set performance goals and objectives, and direct oversight of groundbreaking initiatives, and

WHEREAS, Jayne Ellspermann's vision, dedication, and determination mobilize her school reform effort and have transformed West Port High School into a high school that fosters the development of college- and career-ready students, and

WHEREAS, Jayne Ellspermann's selection as 2015 National Principal of the Year by the National Association of Secondary School Principals is a tribute to her leadership and to her heartfelt belief that each student in the United States should be provided access to high-quality education, NOW, THEREFORE,

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

That we honor and recognize West Port High School Principal Jayne Ellspermann and celebrate her selection by the National Association of Secondary School Principals as the 2015 National Principal of the Year.

—was introduced, read and adopted by publication.

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At the request of Senator Margolis—

By Senator Margolis—

**SR 1588**—A resolution recognizing May 2015 as "Lupus Awareness Month" in Florida.

WHEREAS, each year, the Lupus Foundation of America designates May as Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus, including an estimated 100,000 Floridians, and

WHEREAS, lupus is a cruel and mysterious chronic autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body, and

WHEREAS, lupus can affect any part of the body, including the skin, lungs, heart, kidneys, and brain, which can lead to seizures, strokes, heart attacks, miscarriages, and organ failure, and

WHEREAS, while lupus strikes mostly women of childbearing age, no one is safe from lupus, with African Americans, Hispanics, Asians, and Native Americans two to three times more likely than Caucasians to develop lupus, a disparity that remains unexplained, and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of lupus, and

WHEREAS, it takes four or more years and three or more doctor visits before more than half of all people with lupus obtain a correct diagnosis, and

WHEREAS, only one new drug has been approved by the United States Food and Drug Administration specifically for lupus in more than 50 years, and current treatments for the disease can have damaging side effects, NOW, THEREFORE,

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

That May 2015 is recognized as "Lupus Awareness Month" in Florida.

—was introduced, read and adopted by publication.

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At the request of Senator Sobel—

By Senator Sobel—

**SR 1590**—A resolution recognizing and commending the 2015 JCC Maccabi Games and ArtsFest for their significance in this state and the South Florida community.

WHEREAS, the JCC Maccabi Games is the second largest organized sports program for Jewish teenagers in the world, in which 2,000 athletes, including a Broward County delegation of 300 athletes, between the ages of 13 and 16 learn the value of teamwork, integrity, cultural pride, and community, and

WHEREAS, the JCC Maccabi ArtsFest is a unique program that aims to inspire Jewish teenagers to develop their individuality through workshops, performance exhibitions, community service, and social activities, and

WHEREAS, the JCC Maccabi Games and ArtsFest have a tremendously positive impact on the Broward County community by creating a lasting legacy throughout South Florida and generating approximately \$1.8 million to boost Broward County's economy, and

WHEREAS, the JCC Maccabi Games and ArtsFest include the JCC Cares program, a hands-on civic service project based on the tradition of individuals giving back to their community in a helpful, meaningful, and proactive way, and

WHEREAS, the David Posnack Jewish Community Center in Broward County is honored to be a host for the 2015 JCC Maccabi Games and ArtsFest, which will be held August 9-14, 2015, making a positive difference in the lives of the youth in this state, nation, and world, NOW, THEREFORE,

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

That the 2015 JCC Maccabi Games and ArtsFest are commended and recognized for their significance in this state and the South Florida community.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the David Posnack Jewish Community Center as a tangible token of the sentiments of the Florida Senate.

—was introduced, read and adopted by publication.

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At the request of Senator Hays—

By Senator Hays—

**SR 1616**—A resolution congratulating Kiwanis International on the occasion of the 100th anniversary of its founding and recognizing the organization’s commitment to improving the lives of children and youth around the world.

WHEREAS, Kiwanis International was founded and incorporated in Detroit, Michigan, on January 21, 1915, and currently has 277,025 adult members in 8,176 adult clubs and 351,277 youth members in 7,900 youth clubs in more than 80 countries around the world, and

WHEREAS, the Florida District is composed of more than 270 clubs and more than 9,000 Kiwanians, and

WHEREAS, in 2015, Kiwanis International is celebrating its 100th anniversary and, through its clubs’ efforts, has raised more than \$100 million for the United Nations Children’s Fund through its Worldwide Service Project for Iodine Deficiency Disorder, the world’s leading preventable cause of mental retardation, and has pledged to raise more than \$110 million for the Eliminate Project, which combats maternal and neonatal tetanus, and

WHEREAS, in following its motto, “Serving the Children of the World,” Kiwanis International clubs annually sponsor more than 150,000 service projects, raise \$100 million, and devote more than 18.5 million hours to service, and

WHEREAS, the Kiwanis family consists not only of Kiwanis clubs but K-Kids clubs in elementary schools, Builders Club in middle schools, Key Club in high schools, Circle K International clubs at colleges and universities, and Aktion Club for adults who live with limited abilities, NOW, THEREFORE,

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

That Kiwanis International is congratulated on the occasion of the 100th anniversary of its founding and recognized for its commitment to improving the lives of children and youth around the world.

—was introduced, read and adopted by publication.

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At the request of Senator Garcia—

By Senator Garcia—

**SR 1618**—A resolution recognizing March 2015 as “Cerebral Palsy Awareness Month” in the State of Florida.

WHEREAS, cerebral palsy is an incurable neurological condition that impairs a person’s ability to control his or her muscles, and

WHEREAS, the onset of cerebral palsy occurs while a child’s brain is still developing, and cerebral palsy is the most common form of motor control disorder in children, affecting 1 of 330 births in the United States, and

WHEREAS, in approximately 90 percent of cases, the cause of cerebral palsy is congenital, but brain injury before birth or during labor and delivery, abnormal brain development, infection, or head injury caused by accident or abuse may also cause the disability, and

WHEREAS, the most common early sign of cerebral palsy is delayed development of abilities such as rolling over, sitting, standing, and walking, and

WHEREAS, as the disability further progresses, a child with cerebral palsy will be unable to clap, touch his or her mouth, or crawl on all fours, and

WHEREAS, no cure exists for cerebral palsy and treatments focus on managing the disorder, optimizing the child’s potential, and preventing or correcting deformities, and

WHEREAS, support groups, such as United Cerebral Palsy and Reaching for the Stars, are dedicated to promoting awareness of the needs of persons with cerebral palsy and advocating for their rights, and

WHEREAS, cerebral palsy is a lifelong disorder that requires continued research to find treatment options to help those affected by it and to educate and raise awareness among families and loved ones, NOW, THEREFORE,

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

That March 2015 is recognized as “Cerebral Palsy Awareness Month” in Florida, and all citizens are encouraged to acknowledge the necessity for continued research of the disorder and for understanding and support of individuals and their caregivers who are affected by the disability.

—was introduced, read and adopted by publication.

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At the request of Senator Montford—

By Senator Montford—

**SR 1622**—A resolution recognizing the unique and exemplary efforts of Casting for Recovery.

WHEREAS, Casting for Recovery was founded in 1996 in Manchester, Vermont, by a breast cancer reconstructive surgeon and a professional fly fisher, and

WHEREAS, Casting for Recovery is an effort to enhance the quality of life of women with breast cancer through a unique program that combines breast cancer education and peer support with the therapeutic sport of fly fishing, and

WHEREAS, Casting for Recovery provides an opportunity for women whose lives have been affected by breast cancer to gather in a natural setting and address quality of life and survivorship issues with other women in similar circumstances, and

WHEREAS, more than 1,600 volunteers are involved in Casting for Recovery nationwide, including medical and psychosocial professionals, fly-fishing instructors, and alumnae, who stand with participants ranging in age from 25 to 90 who come from diverse socioeconomic and cultural backgrounds, NOW, THEREFORE,

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

That Casting for Recovery is recognized for its unique and exemplary efforts on behalf of women with breast cancer and breast cancer survivors.

—was introduced, read and adopted by publication.

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At the request of Senator Sachs—

By Senator Sachs—

**SR 1634**—A resolution commemorating Holocaust Remembrance Day and the 70th anniversary of the Liberation of Auschwitz-Birkenau.

WHEREAS, on January 27, 2015, world leaders recognized the 10th anniversary of the International Holocaust Remembrance Day and the 70th anniversary of the liberation of Auschwitz-Birkenau, paying tribute to the 6 million Jews and the estimated 5 million others, including

Gypsies, homosexuals, Jehovah’s Witnesses, individuals with disabilities, and members of the resistance, who were slaughtered by the Nazis under the ruthless regime of Adolf Hitler, and

WHEREAS, the Days of Remembrance of the Victims of the Holocaust is an annual tribute, designated by the Congress of the United States, to commemorate the Holocaust and is recollected during an 8-day period beginning on the Sunday before the Jewish observance of Yom HaShoah and continuing through the following Sunday, and

WHEREAS, in 2015, the Days of Remembrance of the Victims of the Holocaust will be observed from April 12 through 19, with the observance of Holocaust Remembrance Day beginning at sunset on April 15 and ending at sunset on April 16, and

WHEREAS, in the words of author and Holocaust survivor Primo Levi, “It happened, therefore it can happen again. . . . It can happen anywhere,” and

WHEREAS, we must never forget this dark chapter in human history, and we must recommit to protecting the persecuted, ending genocide in every corner of the world, and securing the value and dignity of each person, NOW, THEREFORE,

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

That we commemorate Holocaust Remembrance Day and the 70th anniversary of the liberation of Auschwitz-Birkenau, recognize the scars and burdens carried by those who survived or lost loved ones to the Holocaust, denounce bigotry and hatred wherever it is found, and respect the value and dignity of each person.

—was introduced, read and adopted by publication.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Simmons, by two-thirds vote **CS for SB 1314** was re-referred to the Committee on Rules.

**BILLS ON THIRD READING**

Consideration of **SB 462** was deferred.

**CS for SB 802**—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.202, F.S.; providing for the future repeal of the designation of the Division of Vocational Rehabilitation as the administrative unit for purposes of the Vocational Rehabilitation Act of 1973, subject to legislative review of a required report; amending s. 413.207, F.S.; requiring the Division of Vocational Rehabilitation to initiate, by a specified date, a performance improvement plan designed to achieve specified goals; requiring the division to submit a performance report annually, by a specified date, to the Governor and the Legislature which includes specified information; amending s. 413.23, F.S.; authorizing the division to develop and implement a pilot program; creating s. 413.80, F.S.; requiring the division to develop and implement a pilot program to improve the state vocational rehabilitation program; requiring the division to enter into partnership agreements with local, nonprofit organizations; authorizing the division to issue an invitation to negotiate under certain circumstances; requiring that the agreements include specific performance goals in certain areas; requiring the division to report activities and results of the pilot program to the Governor and the Legislature annually by a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for SB 802** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Bradley	Clemens
Abruzzo	Brandes	Dean
Benacquisto	Braynon	Detert

Evers	Joyner	Sachs
Flores	Latvala	Simmons
Gaetz	Lee	Simpson
Galvano	Legg	Smith
Gibson	Margolis	Sobel
Grimsley	Montford	Soto
Hays	Negron	Stargel
Hukill	Richter	Thompson
Hutson	Ring	

Nays—None

Vote after roll call:

Yea—Bean, Diaz de la Portilla, Garcia

**INTRODUCTION OF FORMER SENATORS**

The President recognized former Senator Nan Rich who was present in the chamber.

**CS for CS for SB 186**—A bill to be entitled An act relating to malt beverages; amending s. 561.221, F.S.; revising the exception for the licensing of malt beverage manufacturers as vendors; providing restrictions on the sale of malt beverages; prohibiting the delivery of certain malt beverages; limiting the number of vendor’s licenses that the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may issue to a manufacturer of malt beverages; amending s. 561.42, F.S.; authorizing malt beverage tastings upon certain licensed premises; creating s. 563.0614, F.S.; authorizing the sale of malt beverages packaged in individual containers of certain sizes if they are filled at the point of sale by certain licenseholders; requiring each container to be imprinted or labeled with certain information and have an unbroken seal or be incapable of being immediately consumed; providing penalties; providing an effective date.

—was read the third time by title.

Senator Latvala moved the following amendment:

**Amendment 1 (616174) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (4) of section 402.82, Florida Statutes, is amended to read:

402.82 Electronic benefits transfer program.—

(4) Use or acceptance of an electronic benefits transfer card is prohibited at the following locations or for the following activities:

(a) ~~The purchase of an alcoholic beverage as defined in s. 561.01 and sold pursuant to the Beverage Law An establishment licensed under the Beverage Law to sell distilled spirits as a vendor and restricted as to the types of products that can be sold under ss. 565.04 and 565.045 or a bottle club as defined in s. 561.01.~~

Section 2. Subsection (2) of section 561.221, Florida Statutes, is amended to read:

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

(2)(a) *Notwithstanding s. 561.22, 561.42, or any other provision of the Beverage Law, the division is authorized to issue vendor’s licenses to a manufacturer of malt beverages, even if such manufacturer is also licensed as a distributor, for the sale of alcoholic beverages on property consisting of a single complex, which property 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) *The licensed vendor premises shall be included on the sketch or diagram defining the licensed premises submitted with the manufacturer’s license application pursuant to s. 561.01(11). All sketch or*

diagram revisions by the manufacturer must be approved by the division, verifying that the vendor premises operated by the licensed manufacturer is owned or leased by the manufacturer and is located on the licensed manufacturing premises.

(c) Notwithstanding any other provision of the Beverage Law, a manufacturer holding multiple manufacturing licenses may transfer malt beverages to a licensed facility, as provided in s. 563.022(14)(d), in an amount up to the yearly production amount at the receiving facility. Malt beverages and other alcoholic beverages manufactured by another licensed manufacturer, including any malt beverages that are owned in whole or in part by the manufacturer but are brewed by another manufacturer, must be obtained through a licensed distributor that is not also a licensed manufacturer, a licensed broker or sales agent, or a licensed importer.

(d) A manufacturer possessing a vendor's license under this subsection is not permitted to make deliveries under s. 561.57(1).

(e) The division is authorized to issue up to eight vendor's licenses to a manufacturer of malt beverages pursuant to this subsection.

Section 3. Subsection (14) of section 561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer, distributor, importer, primary American source of supply, brand owner or registrant, or any broker, sales agent, or sales person thereof, prohibited; procedure for enforcement; exception.—

(14) The division shall adopt reasonable rules governing promotional displays and advertising, which rules shall not conflict with or be more stringent than the federal regulations pertaining to such promotional displays and advertising furnished to vendors by distributors, manufacturers, importers, primary American sources of supply, or brand owners or registrants, or any ~~broker~~, sales agent, or sales person thereof; however:

(a) If a manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any ~~broker~~, sales agent, or sales person thereof, provides a vendor with expendable retailer advertising specialties such as trays, coasters, mats, menu cards, napkins, cups, glasses, thermometers, and the like, such items ~~shall~~ be sold only at a price not less than the actual cost to the industry member who initially purchased them, without limitation in total dollar value of such items sold to a vendor.

(b) Without limitation in total dollar value of such items provided to a vendor, a manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any ~~broker~~, sales agent, or sales person thereof, may rent, loan without charge for an indefinite duration, or sell durable retailer advertising specialties such as clocks, pool table lights, and the like, which bear advertising matter.

(c) If a manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any ~~broker~~, sales agent, or sales person thereof, provides a vendor with consumer advertising specialties such as ashtrays, T-shirts, bottle openers, shopping bags, and the like, such items ~~may shall~~ be sold only at a price not less than the actual cost to the industry member who initially purchased them, ~~and but~~ may be sold without limitation in total value of such items sold to a vendor.

(d) A manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any ~~broker~~, sales agent, or sales person thereof, may provide consumer advertising specialties described in paragraph (c) to consumers on any vendor's licensed premises.

~~(e) Manufacturers, distributors, importers, brand owners, or brand registrants of beer, and any broker, sales agent, or sales person thereof, shall not conduct any sampling activities that include tasting of their product at a vendor's premises licensed for off-premises sales only.~~

~~(e)(f) A manufacturer, distributor, importer, brand owner, or brand registrant of malt beverages beer, and any broker, sales agent, or sales person thereof or contracted third-party, may shall not engage in cooperative advertising with a vendor and may not name a vendor in any advertising for a malt beverage tasting authorized under s. 563.09 vendors.~~

~~(f)(g) A distributor Distributors of malt beverages beer may sell to a vendor vendors draft equipment and tapping accessories at a price not less than the cost to the industry member who initially purchased them, except there is no required charge, and the a distributor may exchange any parts that which are not compatible with a competitor's system and are necessary to dispense the distributor's brands. A distributor of malt beverages beer may furnish to a vendor at no charge replacement parts of nominal intrinsic value, including, but not limited to, washers, gaskets, tail pieces, hoses, hose connections, clamps, plungers, and tap markers.~~

Section 4. Subsection (1) of section 561.5101, Florida Statutes, is amended to read:

561.5101 Come-to-rest requirement; exceptions; penalties.—

(1) For purposes of inspection and tax-revenue control, all malt beverages, except those manufactured and sold by the same licensee, pursuant to s. 561.221(2) or (3) ~~s. 561.221(3)~~, must come to rest at the licensed premises of an alcoholic beverage wholesaler in this state before being sold to a vendor by the wholesaler. The prohibition contained in this subsection does not apply to the shipment of malt beverages commonly known as private labels. The prohibition contained in this subsection shall not prevent a manufacturer from shipping malt beverages for storage at a bonded warehouse facility, provided that such malt beverages are distributed as provided in this subsection or to an out-of-state entity.

Section 5. Subsections (3), (4), (5), and (6) of section 561.57, Florida Statutes, are amended to read:

561.57 Deliveries by licensees.—

(3) A licensed vendor may transport alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage, if the vehicle used to transport the alcoholic beverages is owned or leased by the vendor or any person who has been disclosed on a license application filed by the vendor and approved by the division ~~and a valid vehicle permit has been issued for such vehicle~~. A vehicle owned or leased by a person disclosed on a license application filed by the vendor and approved by the division under this subsection must be operated by such person when transporting alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage.

~~(4) A vehicle permit may be obtained by a licensed vendor or any person authorized in subsection (3) upon application and payment of a fee of \$5 per vehicle to the division. The signature of the person authorized in subsection (3) must be included on the vehicle permit application. Such permit remains valid and does not expire unless the vendor or any person authorized in subsection (3) disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or is revoked by the division, whichever occurs first. The division shall cancel a vehicle permit issued to a vendor upon request from the vendor. The division shall cancel a vehicle permit issued to any person authorized in subsection (3) upon request from that person or the vendor. By acceptance of a vehicle permit, the vendor or any person authorized in subsection (3) agrees that such vehicle is always subject to inspection and search without a search warrant, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times that the vehicle is being used to transport or deliver alcoholic beverages. A vehicle permit issued under this subsection and invoices or sales tickets for alcoholic beverages purchased and transported must be carried in the vehicle used by the vendor or any person authorized in subsection (3) when the vendor's alcoholic beverages are being transported or delivered.~~

~~(4)(5) Nothing contained in this section shall prohibit deliveries by the licensee from his or her permitted storage area or deliveries by a distributor from the manufacturer to his or her licensed premises; nor shall a pool buying agent be prohibited from transporting pool purchases to the licensed premises of his or her members with the licensee's owned or leased vehicles, and in such cases, no vehicle permit shall be required in the transporting of such alcoholic beverages. In addition, a licensed salesperson of wine and spirits is authorized to deliver alcoholic beverages in his or her vehicle on behalf of the distributor without having to obtain a vehicle permit.~~

(6) Common carriers ~~may are not required to have vehicle permits to~~ transport alcoholic beverages.

Section 6. Subsections (2), (3), (4), and (5) of section 562.07, Florida Statutes, are amended to read:

562.07 ~~Illegal transportation of beverages.—It is unlawful for alcoholic beverages to be transported in quantities of more than 12 bottles except as follows:~~

(2) In the owned or leased vehicles of licensed vendors or any persons authorized in s. 561.57(3) transporting alcoholic beverage purchases from the distributor's place of business to the vendor's licensed place of business or off-premises storage ~~and to which said vehicles are carrying a permit and invoices or sales tickets~~ for alcoholic beverages purchased and transported as provided for in the alcoholic beverage law;

(3) By individuals who possess such beverages not for resale within the state;

(4) By licensed manufacturers, distributors, or vendors ~~transporting~~ delivering alcoholic beverages ~~pursuant to s. 561.57 away from their place of business in vehicles which are owned or leased by such licensees;~~ and

(5) By a vendor, distributor, pool buying agent, or salesperson of wine and spirits as outlined in s. 561.57(4) ~~s. 561.57(5).~~

Section 7. Subsection (6) of section 562.34, Florida Statutes, is created to read:

562.34 Containers; seizure and forfeiture.—

(6) *Notwithstanding the provisions of this section, it shall not be unlawful for any person to have in her or his possession, custody, or control a growler as described in s. 563.06(7), either full or empty, or to transport such growler.*

Section 8. Subsections (1) and (6) of section 563.06, Florida Statutes, are amended to read and subsection (7) is added to that section:

563.06 Malt beverages; imprint on individual container; size of containers; 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, 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 shall be submitted to the division for approval.

(6) *With the exception of growlers as described in subsection (7), all malt beverages packaged in individual containers sold or offered for sale by vendors at retail in this state shall be in individual containers containing no more than 32 ounces of such malt beverages; provided, however, that nothing contained in this section 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.*

(7) *Notwithstanding any other provision of the Beverage Law, a malt beverage may be packaged in a growler, which is an individual container that holds 32, 64, or 128 ounces of such malt beverage if it is filled at the point of sale.*

(a) *A growler may be filled or refilled by any of the following:*

1. *A licensed manufacturer of malt beverages holding a vendor's license under s. 561.221(2).*

2. *A vendor holding a quota license under s. 561.20(1) or s. 565.02(1)(a) that authorizes the sale of malt beverages.*

3. *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 such license restricts the sale of malt beverages to sale for consumption only on the premises of such vendor.*

(b) *A growler must include an imprint or label that provides information specifying the name of the manufacturer, the brand, and the anticipated percentage of alcohol by volume of the malt beverage. The container must have an unbroken seal or be incapable of being immediately consumed.*

(c) *A licensee authorized to fill or refill growlers may not use growlers for the purposes of distribution or sale outside of the licensed manufacturing premises or licensed vendor premises.*

(d) *A person, firm, or corporation, including its agents, officers, or employees, which violates subsection (7) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the license held by the person, firm, or corporation, if any, is subject to revocation or suspension by the division. A person, firm, or corporation, including its agents, officers, or employees, which violates paragraph (b), may be subject to a fine by the division of up to \$250.*

Section 9. Section 563.09, Florida Statutes, is created to read:

563.09 Malt beverage tastings by distributors and manufacturers.—

(1) *A manufacturer, distributor, or importer of malt beverages, or any contracted third-party agent thereof, may conduct sampling activities that include the tasting of malt beverage products on:*

(a) *The licensed premises of a vendor authorized to sell alcoholic beverages by the drink for consumption on premises; or*

(b) *The licensed premises of a vendor authorized to sell alcoholic beverages only in sealed containers for consumption off premises if:*

1. *The licensed premises is at an establishment with at least 10,000 square feet of interior floor space exclusive of storage space not open to the general public; or*

2. *The licensed premises is a package store licensed under s. 565.02(1)(a).*

(2) *A malt beverage tasting conducted under this section must be limited to and directed toward the general public of the age of legal consumption.*

(3) *For a malt beverage tasting conducted under this section on the licensed premises of a vendor authorized to sell alcoholic beverages for consumption on premises, each serving of a malt beverage to be tasted must be provided to the consumer by the drink in a tasting cup, glass, or other open container and may not be provided by the package in an unopened can or bottle or in any other sealed container.*

(4) *For a malt beverage tasting conducted under this section on the licensed premises of a vendor authorized to sell alcoholic beverages only in sealed containers for consumption off premises, the tasting must be conducted in the interior of the building constituting the vendor's licensed premises and each serving of a malt beverage to be tasted must be provided to the consumer in a tasting cup having a capacity of 3.5 ounces or less.*

(5) *A manufacturer, distributor, or importer, or any contracted third-party agent thereof, may not pay a vendor, and a vendor may not accept, a fee or compensation of any kind, including the provision of a malt beverage at no cost or at a reduced cost, to authorize the conduct of a malt beverage tasting under this section.*

(6)(a) *A manufacturer, distributor, or importer, or any contracted third-party agent thereof, conducting a malt beverage tasting under this section, must provide all of the beverages to be tasted; must have paid all excise taxes on those beverages which are required of the manufacturer or distributor; and must return to the manufacturer's or distributor's inventory all of the malt beverages provided for the tasting that remain unconsumed after the tasting. More than one tasting may be held on the licensed premises each day, but only one manufacturer, distributor, importer, or contracted third-party agent thereof, may conduct a tasting on the premises at any one time.*

(b) *This subsection does not preclude a manufacturer, distributor, or importer, or any contracted third-party agent thereof, from buying the malt beverages that it provides for the tasting from a vendor at no more than the retail price, but all of the malt beverages so purchased and provided for the tasting which remain unconsumed after the tasting must be removed from the premises of the tasting and properly disposed of.*

(7) *A manufacturer, distributor, or importer of malt beverages that contracts with a third-party agent to conduct a malt beverage tasting under this section on its behalf is responsible for any violation of this section by such agent.*

(8) *This section does not preclude a vendor from conducting a malt beverage tasting on its licensed premises using malt beverages from its own inventory.*

(9) *This section is supplemental to and does not supersede any special act or ordinance.*

(10) *The division may, pursuant to ss. 561.08 and 561.11, adopt rules to implement, administer, and enforce this section.*

Section 10. Paragraphs (a) and (b) of subsection (1) of section 565.03, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, paragraph (c) of subsection (2) is amended, and subsection (7) is added to that section, to read:

565.03 License fees; manufacturers, distributors, brokers, sales agents, and importers of alcoholic beverages; vendor licenses and fees; craft distilleries.—

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

(a) *“Branded product” means any distilled spirits product manufactured on site which requires a federal certificate and label approval by the Federal Alcohol Administration Act or federal regulations.*

(2)

(c) A craft distillery licensed under this section may sell to consumers, at its souvenir gift shop, *branded products* spirits distilled on its premises in this state in factory-sealed containers that are filled at the distillery for off-premises consumption. Such sales are authorized only on private property contiguous to the licensed distillery premises in this state and included on the sketch or diagram defining the licensed premises submitted with the distillery’s license application. All sketch or diagram revisions by the distillery shall require the division’s approval verifying that the souvenir gift shop location operated by the licensed distillery is owned or leased by the distillery and on property contiguous to the distillery’s production building in this state.

1. A craft distillery ~~or licensed distillery~~ may not sell any factory-sealed individual containers of spirits except in face-to-face sales transactions with consumers who are making a purchase of *no more than*:

a. *Two individual containers of each branded product;*

b. *Three individual containers of a single branded product and up to one individual container of a second branded product; or*

c. *Four individual containers of a single branded product.*

2. *Each container sold in face-to-face transactions with consumers must two or fewer individual containers, that* comply with the container limits in s. 565.10, per calendar year for the consumer’s personal use and not for resale and who are present at the distillery’s licensed premises in this state.

~~3.1.~~ A craft distillery must report to the division within 5 days after it reaches the production limitations provided in paragraph (1)(b) ~~(1)(a)~~. Any retail sales to consumers at the craft distillery’s licensed premises are prohibited beginning the day after it reaches the production limitation.

~~4.2.~~ A craft distillery may ~~not only ship or; arrange to ship, or deliver~~ any of its distilled spirits to consumers *and may sell and deliver only to consumers* within the state in a face-to-face transaction at the distillery

property. However, a craft distiller licensed under this section may ship, arrange to ship, or deliver such spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state or federal bonded warehouses, and exporters.

~~5.3.~~ Except as provided in subparagraph 6.4., it is unlawful to transfer a distillery license for a distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises or any ownership interest in such license to an individual or entity that has a direct or indirect ownership interest in any distillery licensed in this state; another state, territory, or country; or by the United States government to manufacture, blend, or rectify distilled spirits for beverage purposes.

6.4. A craft distillery shall not have its ownership affiliated with another distillery, unless such distillery produces 75,000 or fewer gallons per calendar year of distilled spirits on *each of its premises in this state or in another state, territory, or country.*

(7) *Upon the request of a craft distillery licensed in this state, the Department of Transportation shall install directional signs for the craft distillery on the rights-of-way of interstate highways and primary and secondary roads in accordance with Florida’s Highway Guide Sign Program as provided in chapter 14-51, Florida Administrative Code. A craft distillery licensed in this state that requests placement of a directional sign through the department’s permit process shall pay all associated costs.*

Section 11. This act shall take effect July 1, 2015.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to alcoholic beverages; amending s. 402.82, F.S.; conforming provisions; prohibiting electronic benefits transfer cards from being used or accepted to purchase an alcoholic beverage; amending s. 561.221, F.S.; providing requirements for a licensed manufacturer of malt beverages to sell such beverages directly to consumers; providing requirements for a licensed manufacturer to obtain a vendor’s license; specifying circumstances under which a manufacturer may sell alcoholic beverages under its vendor’s license; amending s. 561.42, F.S.; deleting a prohibition against certain entities conducting tastings; revising requirements for promotional displays and advertising; amending s. 561.5101, F.S.; conforming a cross-reference; amending s. 561.57, F.S.; revising restrictions on the vehicle required for use by a vendor who transports alcoholic beverages; modifying provisions related to vehicle permits for vendors; amending s. 562.07, F.S.; conforming provisions; amending s. 562.34, F.S.; providing that possessing and transporting a growler is lawful; amending s. 563.06, F.S.; conforming provisions; providing for a malt beverage container defined as a growler; providing requirements for growlers; creating s. 563.09, F.S.; authorizing a licensed manufacturer, distributor, or importer of malt beverages to conduct a malt beverage tasting; providing requirements and limitations; amending s. 565.03, F.S.; defining the term “branded product”; revising the limitation on the number of containers that may be sold to consumers by craft distilleries; applying such limitation to individual containers for each branded product; prohibiting a craft distillery from shipping or arranging to ship any of its distilled spirits to consumers; limiting the sale and delivery of distilled spirits; revising a restriction on certain craft distillery ownership; requiring the Department of Transportation to install certain directional signs at specified locations upon the request of a craft distillery licensed in this state; requiring the requesting craft distillery to pay specified costs; providing an effective date.

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

Senator Latvala moved the following amendments to **Amendment 1 (616174)** which were adopted by two-thirds vote:

**Amendment 1A (101640)**—Delete lines 193-194 and insert:

~~(5)(6)~~ Common carriers ~~may are not required to have vehicle permits~~ to transport alcoholic beverages.

**Amendment 1B (158654) (with directory amendment)**—In directory clause, delete lines 223-225 and insert:



Section 8. Subsections (1) and (6) of section 563.06, Florida Statutes, are amended, present subsection (7) is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

**Amendment 1C (466600)**—Delete line 274 and insert:  
*officers, or employees, which violates this subsection commits a*

On motion by Senator Latvala, further consideration of **CS for CS for SB 186** with pending **Amendment 1 (616174)** as amended was deferred.

**CS for SB 466**—A bill to be entitled An act relating to low-voltage alarm systems; amending s. 553.793, F.S.; revising the definition of the term “low-voltage alarm system project” and adding the definition of the term “wireless alarm system”; providing that a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system and its ancillary components; reducing the maximum price for permit labels for alarm systems; prohibiting a local enforcement agency from requiring the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm system; authorizing a local enforcement agency to coordinate the inspection of certain alarm system projects; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for SB 466** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Garcia, Gibson

**CS for HB 7019**—A bill to be entitled An act relating to workforce services; renaming Workforce Florida, Inc., as CareerSource Florida, Inc.; amending ss. 11.45, 20.60, 216.136, 218.077, 288.047, 288.0656, 288.1252, 288.901, 288.903, 295.22, 320.20, 331.3051, 331.369, 403.973, 409.1451, 413.405, 413.407, 414.045, 414.105, 414.106, 414.295, 414.55, 420.622, 443.091, 443.171, 443.181, 445.003, 445.004, 445.006, 445.007, 445.0071, 445.008, 445.009, 445.011, 445.014, 445.016, 445.021, 445.022, 445.024, 445.026, 445.028, 445.030, 445.033, 445.035, 445.038, 445.045, 445.048, 445.051, 445.055, 446.41, 446.50, 1003.491, 1003.492, 1003.493, 1003.51, 1003.52, 1004.015, 1011.80, and 1011.801, F.S.; conforming provisions to changes made by the act; making technical changes; creating a task force on preparation for the state’s implementation of the federal Workforce Innovation and Opportunity Act; providing membership and duties of the task force; requiring the task force to submit a report and recommendations for approval by CareerSource Florida, Inc.; requiring CareerSource Florida, Inc., to submit a specified state plan to the United States Department of Labor; providing for abolishment of the task force; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for HB 7019** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for CS for CS for SB 222**—A bill to be entitled An act relating to electronic commerce; providing a directive to the Division of Law Revision and Information; creating the “Computer Abuse and Data Recovery Act”; creating s. 668.801, F.S.; providing a statement of purpose; creating s. 668.802, F.S.; defining terms; creating s. 668.803, F.S.; prohibiting a person from intentionally committing specified acts without authorization with respect to a protected computer; providing penalties for a violation; creating s. 668.804, F.S.; specifying remedies for civil actions brought by persons affected by a violation; providing that specified criminal judgments or decrees against a defendant act as estoppel as to certain matters in specified civil actions; providing that specified civil actions must be filed within certain periods of time; creating s. 668.805, F.S.; providing that the act does not prohibit specified activity by certain state, federal, and foreign law enforcement agencies, regulatory agencies, and political subdivisions; providing that the act does not impose liability on specified providers in certain circumstances; providing an effective date.

—as amended April 8 was read the third time by title.

On motion by Senator Hukill, **CS for CS for CS for SB 222** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**SB 676**—A bill to be entitled An act relating to voluntary contributions to End Breast Cancer; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization and used for specified purposes; amending s. 322.08, F.S.; requiring an application form for a driver license or identification card to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization; providing an effective date.

—was read the third time by title.

On motion by Senator Benacquisto, **SB 676** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for HB 7013**—A bill to be entitled An act relating to adoption and foster care; amending s. 39.0016, F.S.; revising requirements for agreements between the Department of Children and Families and specified entities for the provision of educational services; amending s. 63.042, F.S.; deleting a prohibition against adoption by persons who are homosexual; specifying that a person may not be prohibited from adopting solely because he or she desires to educate the adopted child at home; amending s. 409.145, F.S.; revising roles and responsibilities of caregivers relating to educational settings; revising roles and responsibilities of the department, the community-based care lead agency, and other agency staff; amending s. 39.812, F.S.; requiring the community-based care lead agency to contact by telephone the child’s adoptive family within a specified period after the date that the adoption is finalized; defining the term “reasonable effort”; requiring the agency to document specified information; requiring the agency to submit a report annually to the department; creating s. 409.1662, F.S.; providing the purpose of the adoption incentive program; directing the Department of Children and Families to establish an adoption incentive program for certain agencies and subcontracted providers; requiring that the department conduct a comprehensive baseline assessment of lead agencies’ and subcontracted providers’ performance and compile annual data for the most recent 5 years of available data; requiring the department to update the assessment annually; providing a nonexclusive list of factors for the assessment to identify; requiring that the department negotiate outcome-based agreements; requiring that several factors be included in the agreements; requiring the department to allocate incentive payments; requiring the department to report annually by a certain date specified information to the Governor and the Legislature; creating s. 409.1664, F.S.; defining terms; providing certain amounts payable to a qualifying adoptive employee who adopts specified children under certain circumstances subject to a specific appropriation to the department; providing prorated payments for a part-time employee and limiting the monetary benefit to one award per child; requiring that a qualifying adoptive employee apply to the agency head for the monetary benefit on forms approved by the department and include a certified copy of the final order of adoption; providing requirements for the approval of monetary benefits by the department; providing that the act does not preclude a qualifying adoptive employee from receiving any other assistance or incentive; requiring that parental leave for qualifying adoptive employees be provided; authorizing the department to adopt rules; requiring the Chief Financial Officer to submit payment to a qualifying adoptive employee depending on where he or she works; requiring state agencies to develop uniform procedures for informing employees about this benefit and for assisting the department in making eligibility determinations and processing applications; creating s. 409.1666, F.S.; requiring the Governor to annually select and recognize certain individuals, families, or organizations for adoption achievement awards; requiring the department to define categories for the achievement awards and seek nominations for potential recipients; authorizing a direct-support organization established by the Office of Adoption and Child Protection to accept donations of products or services from private sources to be given to the recipients of the adoption achievement awards; amending s. 409.175, F.S.; requiring licensed child-placing agencies that provide adoption services for intercountry adoptions to meet specified

requirements; requiring an adoption agency in this state which provides certain services to maintain records containing specified information; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for HB 7013** was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gaetz	Richter
Abruzzo	Galvano	Ring
Brandes	Garcia	Sachs
Braynon	Gibson	Simmons
Clemens	Joyner	Simpson
Dean	Latvala	Smith
Detert	Legg	Sobel
Diaz de la Portilla	Margolis	Soto
Evers	Montford	Thompson

Nays—11

Bean	Grimsley	Lee
Benacquisto	Hays	Negron
Bradley	Hukill	Stargel
Flores	Hutson	

**CS for CS for SB 856**—A bill to be entitled An act relating to vision care plans; amending ss. 627.6474, 636.035, and 641.315, F.S.; providing that a health insurer, a prepaid limited health service organization, and a health maintenance organization, respectively, may not require a licensed ophthalmologist or optometrist to join a network solely for the purpose of credentialing the licensee for another vision network; providing that such insurers and organizations are not prevented by the act from entering into a contract with another vision care plan; providing that such insurers and organizations may not restrict or limit a licensed ophthalmologist, optometrist, or optician to specific suppliers of materials or optical laboratories; providing that such insurers and organizations are not restricted or limited by the act in determining certain amounts of coverage or reimbursement; requiring such insurers’ and organizations’ online vision care network provider directories to be updated monthly; providing that a violation of certain prohibitions in the act constitutes a specified unfair insurance trade practice; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for CS for SB 856** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Senate resumed consideration of—

**CS for CS for SB 186**—A bill to be entitled An act relating to malt beverages; amending s. 561.221, F.S.; revising the exception for the li-

censing of malt beverage manufacturers as vendors; providing restrictions on the sale of malt beverages; prohibiting the delivery of certain malt beverages; limiting the number of vendor's licenses that the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may issue to a manufacturer of malt beverages; amending s. 561.42, F.S.; authorizing malt beverage tastings upon certain licensed premises; creating s. 563.0614, F.S.; authorizing the sale of malt beverages packaged in individual containers of certain sizes if they are filled at the point of sale by certain licenseholders; requiring each container to be imprinted or labeled with certain information and have an unbroken seal or be incapable of being immediately consumed; providing penalties; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (616174)** by Senator Latvala as amended was adopted by two-thirds vote.

On motion by Senator Latvala, **CS for CS for SB 186** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea to Nay—Stargel

## MOTIONS

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

## SPECIAL ORDER CALENDAR

**CS for SB 542**—A bill to be entitled An act relating to interception of wire, oral, or electronic communication; amending s. 934.03, F.S.; authorizing a child younger than 18 years of age to intercept and record an oral communication if the child is a party to the communication and certain conditions are met; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 542**, pursuant to Rule 3.11(3), there being no objection, **HB 7001** was withdrawn from the Committees on Criminal Justice; Judiciary; and Rules.

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

**HB 7001**—A bill to be entitled An act relating to intercepting and recording oral communications; amending s. 934.03, F.S.; providing that it is lawful to intercept and record certain oral communications; providing an effective date.

—a companion measure, was substituted for **CS for SB 542** and read the second time by title.

Senator Benacquisto moved the following amendment which was adopted:

**Amendment 1 (384216) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (k) is added to subsection (2) of section 934.03, Florida Statutes, to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(k) *It is lawful under ss. 934.03-934.09 for a child under 18 years of age to intercept and record an oral communication if the child is a party to the communication and has reasonable grounds to believe that recording the communication will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.*

Section 2. This act shall take effect July 1, 2015.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to interception of wire, oral, or electronic communication; amending s. 934.03, F.S.; authorizing a child younger than 18 years of age to intercept and record an oral communication if the child is a party to the communication and certain conditions are met; providing an effective date.

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

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Consideration of **CS for SB 1298** was deferred.

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On motion by Senator Bradley—

**CS for SB 172**—A bill to be entitled An act relating to local government pension reform; amending s. 175.021, F.S.; requiring that firefighter pension plans meet the requirements of ch. 175, F.S., in order to receive certain 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; specifying the minimum benefits that must be maintained by certain firefighter pension plans after a specified date; amending s. 175.351, F.S.; exempting certain firefighter pension plans of a municipality or special fire control district from meeting certain minimum benefits in order to participate in the distribution of a premium tax; redesignating the term "pension plan" as "retirement plan"; revising criteria governing the use of revenues of the premium tax; authorizing a pension 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; revising the conditions for proposing the adoption of a pension plan or an amendment to a pension plan; requiring plan sponsors to have a defined contribution plan component in place by a certain date; authorizing a municipality or special fire control district to implement certain changes to a local law plan which are contrary to ch. 175, F.S., for a limited time, under certain circumstances; amending s. 185.01, F.S.; requiring that police officer pension plans meet the requirements of ch. 185, F.S., in order to receive certain insurance premium tax revenues; amending s. 185.02, F.S.; revising definitions to conform to changes made by the act and providing new definitions; revising applicability of the limitation on the amount of overtime payments which may be used for pension 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; specifying the minimum benefits that must be maintained by certain police officer pension plans

after a specified date; amending s. 185.35, F.S.; exempting certain municipal police officer pension plans from meeting certain minimum benefits in order to participate in the distribution of a premium tax; 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; revising the conditions for proposing the adoption of a pension plan or amendment to a pension plan; conforming a cross-reference; requiring plan sponsors to have a defined contribution plan component in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to ch. 185, F.S., for a limited time; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

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

Senators Ring and Bradley offered the following amendment which was moved by Senator Bradley and adopted:

**Amendment 1 (829234) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 175.021, Florida Statutes, is amended to read:

175.021 Legislative declaration.—

(2) This chapter hereby establishes, for all municipal and special district pension plans existing ~~now or hereafter~~ under this chapter, including chapter plans and local law plans, minimum benefits and minimum standards for the operation and funding of such plans, hereinafter referred to as firefighters’ pension trust funds, *which must be met as conditions precedent to the plan or plan sponsor’s receiving a distribution of insurance premium tax revenues under s. 175.121.* ~~The~~ Minimum benefits and minimum standards for *each plan set forth in this chapter* may not be diminished by local charter, ordinance, or resolution or by special act of the Legislature *and may not,* ~~nor may the minimum benefits or minimum standards~~ be reduced or offset by any other local, state, or federal law that *includes* ~~may include~~ firefighters in its operation, except as provided under s. 112.65.

Section 2. Section 175.032, Florida Statutes, is amended to read:

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the ~~term following words and phrases have the following meanings:~~

(1) “Additional premium tax revenues” means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed base premium tax revenues.

(2)(1)(a) “Average final compensation” for:

(a) A full-time firefighter means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service ~~before~~ *prior to* retirement, termination, or death, or the career average as a full-time firefighter since July 1, 1953, whichever is greater. A year ~~is~~ *shall be* 12 consecutive months or such other consecutive period of time as is used and consistently applied.

(b) “Average final compensation” for A volunteer firefighter means the average salary of the 5 best years of the last 10 best contributing years ~~before~~ *prior to* change in status to a permanent full-time firefighter or retirement as a volunteer firefighter or the career average of a volunteer firefighter, since July 1, 1953, whichever is greater.

(3) “Base premium tax revenues” means:

(a) For a local law plan in effect on October 1, 2003, the revenues received by a municipality or special fire control district pursuant to s. 175.121 for the 2002 calendar year.

(b) For a local law plan created between October 1, 2003, and March 1, 2015, inclusive, the revenues received by a municipality or special fire control district pursuant to s. 175.121 based upon the tax collections during the second calendar year of participation.

(4)(2) “Chapter plan” means a separate defined benefit pension plan for firefighters which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality or special district. Except as ~~may be~~ specifically authorized in this chapter, *the* provisions of a chapter plan may not differ from the plan provisions set forth in ss. 175.021-175.341 and ss. 175.361-175.401. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 175.261(1).

(5)(3) “Compensation” or “salary” means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the fixed monthly remuneration paid a firefighter. If remuneration is based on actual services rendered, as in the case of a volunteer firefighter, the term means the total cash remuneration received yearly for such services, prorated on a monthly basis. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

(a) Any retirement trust fund or plan that meets the requirements of this chapter does not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each firefighter covered by the retirement trust fund or plan.

(b) The member’s compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter.

(c) For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for that plan year may not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, as amended by the Omnibus Budget Reconciliation Act of 1993, which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and ~~shall be~~ further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code s. 401(a)(17)(B). For any person who first became a member before the first plan year beginning on or after January 1, 1996, the limitation on compensation may not be less than the maximum compensation amount that was allowed to be taken into account under the plan in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

(6)(4) “Creditable service” or “credited service” means the aggregate number of years of service; and fractional parts of years of service; of any firefighter, omitting intervening years and fractional parts of years when such firefighter may not have been employed by the municipality or special fire control district, subject to the following conditions:

(a) A ~~No~~ firefighter ~~may not will~~ receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the firefighter repays into the fund the amount he or she has withdrawn, plus interest determined by the board. The member ~~has~~ *shall have* at least 90 days after his or her reemployment to make repayment.

(b) A firefighter may voluntarily leave his or her contributions in the fund for a ~~period of~~ 5 years after leaving the employ of the fire department, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a firefighter. If the firefighter is not reemployed as a firefighter, with the same department, within 5 years, his or her contributions shall be returned without interest.

(c) Credited service under this chapter shall be provided only for service as a firefighter, ~~as defined in subsection (9),~~ or for military service and does not include credit for any other type of service. A municipality ~~may~~, by local ordinance, or a special fire control district ~~may~~, by resolution, ~~may~~ provide for the purchase of credit for military service prior to employment as well as for prior service as a firefighter for some other employer as long as a firefighter is not entitled to receive a benefit for such prior service ~~as a firefighter~~. For purposes of determining credit for prior service as a firefighter, in addition to service as a firefighter in this state, credit may be given for federal, other state, or county service if the prior service is recognized by the Division of State Fire Marshal as provided ~~in under~~ chapter 633, or the firefighter provides proof to the board of trustees that his or her service is equivalent to the service required to meet the definition of a firefighter ~~under subsection (9).~~

(d) In determining the creditable service of any firefighter, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service if:

1. The firefighter is in the active employ of an employer immediately ~~before~~ prior to such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The firefighter is entitled to reemployment under ~~the provisions of~~ the Uniformed Services Employment and Reemployment Rights Act.

3. The firefighter returns to his or her employment as a firefighter of the municipality or special fire control district within 1 year ~~after from~~ the date of release from such active service.

(7)(5) “Deferred Retirement Option Plan” or “DROP” means a local law plan retirement option in which a firefighter may elect to participate. A firefighter may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a firefighter who enters the DROP and who is otherwise eligible to participate ~~may shall not thereby be precluded from participation or continued participation participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, ~~March 12, 1999 the effective date of this act.~~

(8) “Defined contribution plan” means the component of a local law plan, as provided in s. 175.351(1), to which deposits, if any, are made to provide benefits for firefighters, or for firefighters and police officers if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit plan component that meets minimum benefits and minimum standards. The retirement benefits, if any, of the defined contribution plan component shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member’s account and the actual accumulated earnings, net of expenses, earned on the member’s account.

(9)(6) “Division” means the Division of Retirement of the Department of Management Services.

(10)(7) “Enrolled actuary” means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(11)(a)(8)(a) “Firefighter” means a person employed solely by a constituted fire department of any municipality or special fire control district who is certified as a firefighter as a condition of employment in accordance with s. 633.408 and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters. However, for purposes of this chapter only, the term also includes public safety officers who are responsible for performing both police and fire services, who are certified as police officers or firefighters, and who are certified by their employers to the Chief Financial Officer as participating in this chapter before October 1, 1979. Effective October 1, 1979, public safety officers who have not been certified as participating

in this chapter are considered police officers for retirement purposes and are eligible to participate in chapter 185. Any plan may provide that the fire chief has an option to participate, ~~or not,~~ in that plan.

(b) “Volunteer firefighter” means any person whose name is carried on the active membership roll of a constituted volunteer fire department or a combination of a paid and volunteer fire department of any municipality or special fire control district and whose duty it is to extinguish fires, to protect life, and to protect property. Compensation for services rendered by a volunteer firefighter ~~does shall~~ not disqualify him or her as a volunteer. A person ~~may shall~~ not be disqualified as a volunteer firefighter solely because he or she has other gainful employment. Any person who volunteers assistance at a fire but is not an active member of a department described herein is not a volunteer firefighter within the meaning of this paragraph.

(12)(9) “Firefighters’ Pension Trust Fund” means a trust fund, by whatever name known, as provided under s. 175.041, for the purpose of assisting municipalities and special fire control districts in establishing and maintaining a retirement plan for firefighters.

(13)(10) “Local law municipality” means ~~is~~ any municipality in which ~~there exists~~ a local law plan exists.

(14)(11) “Local law plan” means a retirement ~~defined benefit pension plan that includes both a defined benefit plan component and a defined contribution plan component~~ for firefighters, or for firefighters ~~and or~~ police officers if both are ~~where~~ included, as described in s. 175.351, established by municipal ordinance, special district resolution, or special act of the Legislature, which enactment sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter if; ~~provided that required~~ minimum benefits and minimum standards are met. However, any such variance ~~must shall~~ provide a greater benefit for firefighters. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 175.261(2).

(15)(12) “Local law special fire control district” means ~~is~~ any special fire control district in which ~~there exists~~ a local law plan exists.

(16) “Minimum benefits” means the benefits specified in ss. 175.021-175.341 and ss. 175.361-175.401.

(17) “Minimum standards” means the standards specified in ss. 175.021-175.401.

(18)(13) “Property insurance” means property insurance as defined in s. 624.604 and covers real and personal property within the corporate limits of a ~~any~~ municipality, or within the boundaries of a ~~any~~ special fire control district, within the state. The term “multiple peril” means a combination or package policy that includes both property and casualty coverage for a single premium.

(19)(14) “Retiree” or “retired firefighter” means a firefighter who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a firefighter who enters the DROP ~~is shall~~ be considered a retiree for all purposes of the plan. However, a firefighter who enters the DROP and who is otherwise eligible to participate ~~may shall not thereby be precluded from participation or continued participation participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, ~~March 12, 1999 the effective date of this act.~~

(20)(15) “Retirement” means a firefighter’s separation from ~~municipal city~~ or fire district employment as a firefighter with immediate eligibility for ~~receipt of~~ benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), “retirement” means the date a firefighter enters the DROP.

(21) “Special act plan” means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

(22) “Special benefits” means benefits provided in a defined contribution plan for firefighters.

(23)(16) “Special fire control district” means a special district, as defined in s. 189.012, established for the purposes of extinguishing fires, protecting life, and protecting property within the incorporated or unincorporated portions of a ~~any~~ county or combination of counties, or

within any combination of incorporated and unincorporated portions of a ~~any~~ county or combination of counties. The term does not include any dependent or independent special district, as *those terms* are defined in s. 189.012, the employees of which are members of the Florida Retirement System pursuant to s. 121.051(1) or (2).

~~(24)~~<sup>(17)</sup> “Supplemental plan” means a plan to which deposits are made to provide *special extra* benefits for firefighters, or for firefighters and police officers *if both are where* included ~~under this chapter~~. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit plan *component* that meets ~~the~~ minimum benefits and minimum standards ~~of this chapter~~. *Any supplemental plan in existence on March 1, 2015, shall be deemed to be a defined contribution plan in compliance with s. 175.351(6).*

~~(25)~~<sup>(18)</sup> “Supplemental plan municipality” means a ~~any~~ local law municipality in which *any there existed a supplemental plan existed, of any type or nature,* as of December 1, 2000.

Section 3. Subsection (8) is added to section 175.061, Florida Statutes, to read:

175.061 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney’s fees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(8)(a) *The board of trustees shall:*

1. *Provide a detailed accounting report of its expenses for each fiscal year to the plan sponsor and the Department of Management Services and make the report available to each member of the plan and post the report on the board’s website, if the board has a website. The report must include all administrative expenses that, for purposes of this subsection, are expenses relating to any legal counsel, actuary, plan administrator, and all other consultants, and all travel and other expenses paid to or on behalf of the members of the board of trustees or anyone else on behalf of the plan.*

2. *Operate under an administrative expense budget for each fiscal year, provide a copy of the budget to the plan sponsor, and make available a copy of the budget to plan members before the beginning of the fiscal year. If the board of trustees amends the administrative expense budget, the board must provide a copy of the amended budget to the plan sponsor and make available a copy of the amended budget to plan members.*

(b) *Notwithstanding s. 175.351(2) and (3), a local law plan created by special act before May 27, 1939, must comply with the provisions of this subsection.*

Section 4. Subsection (7) of section 175.071, Florida Statutes, is amended to read:

175.071 General powers and duties of board of trustees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(7) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

(a) Employ independent legal counsel at the pension fund’s expense.

(b) Employ an independent *enrolled* actuary, as defined in s. 175.032~~(7)~~, at the pension fund’s expense.

(c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund’s expense.

If the board chooses to use the municipality’s or special district’s legal counsel or actuary, or chooses to use any of the municipality’s or special district’s other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 5. Paragraph (d) of subsection (1) of section 175.091, Florida Statutes, is amended to read:

175.091 Creation and maintenance of fund.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) The firefighters’ pension trust fund in each municipality and in each special fire control district shall be created and maintained in the following manner:

(d) By mandatory payment by the municipality or special fire control district of a sum equal to the normal cost of and the amount required to fund any actuarial deficiency shown by an actuarial valuation *conducted under as provided in* part VII of chapter 112 *after taking into account the amounts described in paragraphs (b), (c), (e), (f), and (g) and the tax proceeds described in paragraph (a) which are used to fund benefits in a defined benefit plan component.*

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

Section 6. Paragraph (a) of subsection (2) of section 175.162, Florida Statutes, is amended to read:

175.162 Requirements for retirement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, any firefighter who completes 10 or more years of creditable service as a firefighter and attains age 55, or completes 25 years of creditable service as a firefighter and attains age 52, and who for such minimum period has been a member of the firefighters’ pension trust fund operating under a chapter plan or local law plan, is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the municipality or special fire control district on or after the normal retirement date. In such event, payment of retirement income will be governed by the following provisions of this section:

(2)(a)1. The amount of monthly retirement income payable to a full-time firefighter who retires on or after his or her normal retirement date shall be an amount equal to the number of his or her years of credited service multiplied by 2.75 ~~2~~ percent of his or her average final compensation as a full-time firefighter. ~~However, if current state contributions pursuant to this chapter are not adequate to fund the additional benefits to meet the minimum requirements in this chapter, only such incremental increases shall be required as state moneys are adequate to provide. Such increments shall be provided as state moneys become available.~~

2. *Effective July 1, 2015, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service or provides an effective benefit that is less than 2.75 percent as a result of a maximum benefit limitation:*

a. *Must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2015, and is not required to increase the benefit to 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service; or*

b. *If the plan changes the percentage amount or maximum benefit limitation to 2.75 percent or more of the average final compensation of a full-time firefighter for all years of credited service, the plan may not thereafter decrease the percentage amount or maximum benefit limitation to less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service.*

Section 7. Section 175.351, Florida Statutes, is amended to read:

175.351 Municipalities and special fire control districts *that have having* their own retirement pension plans for firefighters.—~~For any municipality, special fire control district, local law municipality, local law special fire control district, or local law plan under this chapter,~~ In order for a municipality or ~~municipalities and~~ special fire control district *that has its districts with their own retirement plan pension plans* for firefighters, or for firefighters and police officers if *both are* included, to participate in the distribution of the tax fund established ~~under pursuant to~~ s. 175.101, a local law plan ~~plans~~ must meet the minimum benefits and minimum standards, *except as provided in the mutual consent provisions in paragraph (1)(g) with respect to the minimum benefits not met as of October 1, 2012 set forth in this chapter.*

(1) If a municipality has a ~~retirement pension~~ plan for firefighters, or a ~~pension plan~~ for firefighters and police officers if both are included, which in the opinion of the division meets the minimum benefits and minimum standards set forth in this chapter, the board of trustees of the retirement pension plan must, as approved by a majority of firefighters of the municipality, may:

~~(a) place the income from the premium tax in s. 175.101 in such pension plan for the sole and exclusive use of its firefighters, or for firefighters and police officers if both are included, where it shall become an integral part of that pension plan and shall be used to fund benefits as provided herein. Effective October 1, 2015, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2015:~~

~~(a) The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district.~~

~~(b) Of the additional premium tax revenues received that are in excess of the amount received for the 2012 calendar year, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district, and 50 percent must be placed in a defined contribution plan to fund special benefits.~~

~~(c) Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits. If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).~~

~~(d) Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits, and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan; provided that any amount of accumulations in excess of the amount required to fund the unfunded actuarial liabilities must be used to fund special benefits to pay extra benefits to the firefighters included in that pension plan; or~~

~~(b) Place the income from the premium tax in s. 175.101 in a separate supplemental plan to pay extra benefits to firefighters, or to firefighters and police officers if included, participating in such separate supplemental plan.~~

~~(e) For a plan created after March 1, 2015, 50 percent of the insurance premium tax revenues must be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.~~

~~(f) If a plan offers benefits in excess of the minimum benefits, such benefits, excluding supplemental plan benefits in effect as of September 30, 2014, may be reduced if the plan continues to meet minimum benefits and minimum standards. The amount of insurance premium tax revenues previously used to fund benefits in excess of minimum benefits before the reduction, excluding the amount of any additional premium tax revenues distributed to a supplemental plan for the 2012 calendar year, must be used as provided in paragraph (b). However, benefits in excess of minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent of the average final compensation of a full-time firefighter, as required by s. 175.162(2)(a)1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation as described in s. 175.162(2)(a)2.~~

~~(g) Notwithstanding paragraphs (a)-(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if there is no representative, by a majority of the firefighter members of the fund, and by consent of the municipality or special fire control district, provided that the plan continues to meet minimum benefits and minimum standards; however, a plan that operates pursuant to this paragraph and does not meet minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level as was provided as of October 1, 2012, and all other benefit levels must~~

~~continue to meet the minimum benefits. Such mutually agreed deviation must continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative or, if none, by a majority of the firefighter members of the fund, and the municipality or special fire control district. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2015, to be a deviation for which mutual consent has been granted.~~

~~(2) The premium tax provided by this chapter must shall in all cases be used in its entirety to provide retirement extra benefits to firefighters, or to firefighters and police officers if both are included. However, local law plans in effect on October 1, 1998, must comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). If a plan is in compliance with such minimum benefit provisions, as subsequent additional premium tax revenues become available, they must be used to provide extra benefits. Local law plans created by special act before May 27, 1939, are deemed to comply with this chapter. For the purpose of this chapter, the term:~~

~~(a) "Additional premium tax revenues" means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed that amount received for calendar year 1997.~~

~~(b) "Extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for firefighters on March 12, 1999.~~

~~(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality, special fire control district, or, where required permitted, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held thereon. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.~~

~~(4) Notwithstanding any other provision, with respect to any supplemental plan municipality:~~

~~(a) A local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.~~

~~(b) Section 175.061(1)(b) does not apply, and a local law plan and a supplemental plan shall continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.~~

~~(c) The election set forth in paragraph (1)(b) is deemed to have been made.~~

~~(5) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing, and copies made available to the participants and to the general public.~~

~~(6) In addition to the defined benefit plan component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2015, for noncollectively bargained service, upon entering into a collective bargaining agreement on or after July 1, 2015, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution plan component may or may not receive any funding.~~

~~(7) Notwithstanding any other provision of this chapter, a municipality or special fire control district that has implemented or proposed changes to a local law plan based on the municipality's or district's re-~~

liance on an interpretation of this chapter by the Department of Management Services on or after August 14, 2012, and before March 3, 2015, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality or district and the Department of Management Services which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality or district dated before March 3, 2015. Changes to the local law plan which are otherwise contrary to minimum benefits and minimum standards may continue in effect until the earlier of October 1, 2018, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

Section 8. Subsection (2) of section 185.01, Florida Statutes, is amended to read:

185.01 Legislative declaration.—

(2) This chapter hereby establishes, for all municipal pension plans ~~now or hereinafter~~ provided for under this chapter, including chapter plans and local law plans, minimum benefits and minimum standards for the operation and funding of such plans, hereinafter referred to as municipal police officers' retirement trust funds, *which must be met as conditions precedent to the plan or plan sponsor's receiving a distribution of insurance premium tax revenues under s. 185.10.* The Minimum benefits and minimum standards for each plan ~~set forth in this chapter~~ may not be diminished by local ordinance or by special act of the Legislature ~~and may not, nor may the minimum benefits or minimum standards be reduced or offset by any other local, state, or federal plan that includes~~ ~~may include~~ police officers in its operation, except as provided under s. 112.65.

Section 9. Section 185.02, Florida Statutes, is amended to read:

185.02 Definitions.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, ~~the term following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is plainly required by the context:~~

(1) *“Additional premium tax revenues” means revenues received by a municipality pursuant to s. 185.10 which exceed base premium tax revenues.*

(2)(1) *“Average final compensation” means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service before ~~prior to~~ retirement, termination, or death.*

(3) *“Base premium tax revenues” means:*

(a) *For a local law plan in effect on October 1, 2003, the revenues received by a municipality pursuant to s. 185.10 for the 2002 calendar year.*

(b) *For a local law plan created between October 1, 2003, and March 1, 2015, inclusive, the revenues received by a municipality pursuant to s. 185.10 based upon the tax collections during the second calendar year of participation.*

(4)(2) *“Casualty insurance” means automobile public liability and property damage insurance to be applied at the place of residence of the owner, or if the subject is a commercial vehicle, to be applied at the place of business of the owner; automobile collision insurance; fidelity bonds; burglary and theft insurance; and plate glass insurance. The term “multiple peril” means a combination or package policy that includes both property coverage and casualty coverage for a single premium.*

(5)(3) *“Chapter plan” means a separate defined benefit pension plan for police officers which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality as provided in s. 185.08. Except as ~~may be~~ specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 185.01-185.341 and ss. 185.37-185.39. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 185.221(1)(b).*

(6)(4) *“Compensation” or “salary” means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the total*

cash remuneration including “overtime” paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer. *Overtime may be limited before July 1, 2011, in a local law plan by the plan provisions. A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; however, such overtime limit may not be less than 300 hours per officer per calendar year.* For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

(a) Any retirement trust fund or plan that meets the requirements of this chapter does not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each police officer covered by the retirement trust fund or plan.

(b) The member's compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter.

(c) For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for that plan year may not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, as amended by the Omnibus Budget Reconciliation Act of 1993, which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and ~~shall be~~ further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code s. 401(a)(17)(B). For any person who first became a member before the first plan year beginning on or after January 1, 1996, the limitation on compensation may not be less than the maximum compensation amount that was allowed to be taken into account under the plan ~~as~~ in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

(7)(5) *“Creditable service” or “credited service” means the aggregate number of years of service and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years when such police officer may not have been employed by the municipality subject to the following conditions:*

(a) A ~~No~~ police officer ~~may not will~~ receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the police officer repays into the fund the amount he or she has withdrawn, plus interest as determined by the board. The member ~~has shall have~~ at least 90 days after his or her reemployment to make repayment.

(b) A police officer may voluntarily leave his or her contributions in the fund for a ~~period of~~ 5 years after leaving the employ of the police department, pending the possibility of his or her being rehired by the same department, without losing credit for the time he or she has participated actively as a police officer. If he or she is not reemployed as a police officer with the same department within 5 years, his or her contributions shall be returned ~~to him or her~~ without interest.

(c) Credited service under this chapter shall be provided only for service as a police officer, ~~as defined in subsection (11),~~ or for military service and may not include credit for any other type of service. A municipality ~~may,~~ by local ordinance, ~~may~~ provide for the purchase of credit for military service occurring before employment as well as prior service as a police officer for some other employer as long as the police officer is not entitled to receive a benefit for such ~~other~~ prior service ~~as a police officer.~~ For purposes of determining credit for prior service, in addition to service as a police officer in this state, credit may be given for federal, other state, or county service as long as such service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement as provided ~~in under~~ chapter 943 or the police officer provides proof to the board of trustees that such service is



equivalent to the service required to meet the definition of a police officer ~~under subsection (11).~~

(d) In determining the creditable service of ~~a any~~ police officer, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service, if:

1. The police officer is in the active employ of the municipality ~~before~~ prior to such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The police officer is entitled to reemployment under ~~the provisions~~ of the Uniformed Services Employment and Reemployment Rights Act.

3. The police officer returns to his or her employment as a police officer of the municipality within 1 year ~~after from~~ the date of his or her release from such active service.

(8)(6) “Deferred Retirement Option Plan” or “DROP” means a local law plan retirement option in which a police officer may elect to participate. A police officer may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a police officer who enters the DROP and who is otherwise eligible to participate ~~may shall~~ not ~~thereby~~ be precluded from ~~participation or continued participation participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, ~~March 12, 1999 the effective date of this act.~~

(9) “Defined contribution plan” means the component of a local law plan, as provided in s. 185.35(1), to which deposits, if any, are made to provide benefits for police officers, or for police officers and firefighters if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit component that meets minimum benefits and minimum standards. The retirement benefits, if any, of the defined contribution plan shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member’s account and the actual accumulated earnings, net of expenses, earned on the member’s account.

(10)(7) “Division” means the Division of Retirement of the Department of Management Services.

(11)(8) “Enrolled actuary” means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(12)(9) “Local law municipality” ~~means is~~ any municipality in which ~~there exists~~ a local law plan exists.

(13)(10) “Local law plan” means a ~~retirement defined benefit pension plan that includes both a defined benefit plan component and a defined contribution plan component~~ for police officers, or for police officers and firefighters if both are, ~~where~~ included, as described in s. 185.35, established by municipal ordinance or special act of the Legislature, which ~~enactment~~ sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter ~~if, provided that required~~ minimum benefits and minimum standards are met. However, any such variance ~~must shall~~ provide a greater benefit for police officers. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 185.221(2)(b).

(14) “Minimum benefits” means the benefits specified in ss. 185.01-185.341 and ss. 185.37-185.50.

(15) “Minimum standards” means the standards specified in ss. 185.01-185.50.

(16)(11) “Police officer” means any person who is elected, appointed, or employed full time by ~~a any~~ municipality, who is certified or required to be certified as a law enforcement officer in compliance with s. 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. ~~The term This definition~~ includes all certified supervisory

and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as ~~those terms the same~~ are defined in s. 943.10(6) and (8), respectively. For the purposes of this chapter only, ~~the term also includes “police officer” also shall include~~ a public safety officer who is responsible for performing both police and fire services. Any plan may provide that the police chief shall have an option to participate, ~~or not,~~ in that plan.

(17)(12) “Police Officers’ Retirement Trust Fund” means a trust fund, by whatever name known, as provided under s. 185.03 for the purpose of assisting municipalities in establishing and maintaining a retirement plan for police officers.

(18)(13) “Retiree” or “retired police officer” means a police officer who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a police officer who enters the DROP ~~is shall~~ be considered a retiree for all purposes of the plan. However, a police officer who enters the DROP and who is otherwise eligible to participate ~~may shall~~ not ~~thereby~~ be precluded from ~~participation or continued participation participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, ~~March 12, 1999 the effective date of this act.~~

(19)(14) “Retirement” means a police officer’s separation from ~~municipal city~~ employment as a police officer with immediate eligibility for ~~receipt of~~ benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), “retirement” means the date a police officer enters the DROP.

(20) “Special act plan” means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

(21) “Special benefits” means benefits provided in a defined contribution plan component for police officers.

(22)(15) “Supplemental plan” means a plan to which deposits of the premium tax moneys as provided in s. 185.08 are made to provide ~~special extra~~ benefits to police officers, or police officers and firefighters if both are ~~where~~ included, ~~under this chapter.~~ Such a plan is an element of a local law plan and exists in conjunction with a defined benefit plan component that meets the minimum benefits and minimum standards of ~~this chapter.~~ Any supplemental plan in existence on March 1, 2015, shall be deemed to be a defined contribution plan in compliance with s. 185.35(6).

(23)(16) “Supplemental plan municipality” means ~~a any~~ local law municipality in which ~~any there existed~~ a supplemental plan existed as of December 1, 2000.

Section 10. Subsection (8) is added to section 185.05, Florida Statutes, to read:

185.05 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney’s fees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(8)(a) The board of trustees shall:

1. Provide a detailed accounting report of its expenses for each fiscal year to the plan sponsor and the Department of Management Services and make the report available to each member of the plan and post the report on the board’s website, if the board has a website. The report must include all administrative expenses that, for purposes of this subsection, are expenses relating to any legal counsel, actuary, plan administrator, and all other consultants, and all travel and other expenses paid to or on behalf of the members of the board of trustees or anyone else on behalf of the plan.

2. Operate under an administrative expense budget for each fiscal year, provide a copy of the budget to the plan sponsor, and make available a copy of the budget to plan members before the beginning of the fiscal year. If the board of trustees amends the administrative expense budget, the board must provide a copy of the amended budget to the plan sponsor and make available a copy of the amended budget to plan members.

(b) *Notwithstanding s. 185.35(2) and (3), a local law plan created by special act before May 27, 1939, must comply with the provisions of this subsection.*

Section 11. Subsection (6) of section 185.06, Florida Statutes, is amended to read:

185.06 General powers and duties of board of trustees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(6) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

- (a) Employ independent legal counsel at the pension fund's expense.
- (b) Employ an independent *enrolled* actuary, as defined in s. 185.02(9), at the pension fund's expense.
- (c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund's expense.

If the board chooses to use the municipality's or special district's legal counsel or actuary, or chooses to use any of the municipality's other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 12. Paragraph (d) of subsection (1) of section 185.07, Florida Statutes, is amended to read:

185.07 Creation and maintenance of fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) The municipal police officers' retirement trust fund in each municipality described in s. 185.03 shall be created and maintained in the following manner:

(d) By payment by the municipality or other sources of a sum equal to the normal cost and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under ~~as provided in~~ part VII of chapter 112 *after taking into account the amounts described in paragraphs (b), (c), (e), (f), and (g) and the tax proceeds described in paragraph (a) which are used to fund benefits provided in a defined benefit plan component.*

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

Section 13. Subsection (2) of section 185.16, Florida Statutes, is amended to read:

185.16 Requirements for retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, any police officer who completes 10 or more years of creditable service as a police officer and attains age 55, or completes 25 years of creditable service as a police officer and attains age 52, and for such period has been a member of the retirement fund is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the city on or after the normal retirement date. In such event, for chapter plans and local law plans, payment of retirement income will be governed by the following provisions of this section:

(2)(a) The amount of the monthly retirement income payable to a police officer who retires on or after his or her normal retirement date shall be an amount equal to the number of the police officer's years of credited service multiplied by 2.75 ~~±~~ percent of his or her average final compensation. ~~However, if current state contributions pursuant to this chapter are not adequate to fund the additional benefits to meet the minimum requirements in this chapter, only increment increases shall be required as state moneys are adequate to provide. Such increments shall be provided as state moneys become available.~~

(b) *Effective July 1, 2015, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a police officer for all years of*

*credited service or provides an effective benefit that is less than 2.75 percent as a result of a maximum benefit limitation:*

1. *Must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2015, and is not required to increase the benefit to 2.75 percent of the average final compensation of a police officer for all years of credited service; or*

2. *If the plan changes the percentage amount or maximum benefit limitation to 2.75 percent or more of the average final compensation of a police officer for all years of credited service, the plan may not thereafter decrease the percentage amount or the maximum benefit limitation to less than 2.75 percent of the average final compensation of a police officer for all years of credited service.*

Section 14. Section 185.35, Florida Statutes, is amended to read:

185.35 Municipalities ~~that have having~~ their own retirement pension plans for police officers.—~~For any municipality, chapter plan, local law municipality, or local law plan under this chapter,~~ In order for a municipality ~~that has its municipalities with their own retirement plan pension plans~~ for police officers, or for police officers and firefighters if both are included, to participate in the distribution of the tax fund established under ~~pursuant to~~ s. 185.08, a local law plan ~~plans~~ must meet the minimum benefits and minimum standards, ~~except as provided in the mutual consent provisions in paragraph (1)(g) with respect to the minimum benefits not met as of October 1, 2012. set forth in this chapter:~~

(1) If a municipality has a retirement ~~pension~~ plan for police officers, or for police officers and firefighters if both are included, which, in the opinion of the division, meets the minimum benefits and minimum standards ~~set forth in this chapter,~~ the board of trustees of the retirement pension plan ~~must, as approved by a majority of police officers of the municipality, may:~~

~~(a)~~ place the income from the premium tax in s. 185.08 in such pension plan for the sole and exclusive use of its police officers, or its police officers and firefighters if both are included, where it shall become an integral part of that pension plan and ~~shall~~ be used to fund benefits as provided herein. *Effective October 1, 2015, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2015:*

(a) *The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality.*

(b) *Of the additional premium tax revenues received that are in excess of the amount received for the 2012 calendar year, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality, and 50 percent must be placed in a defined contribution plan component to fund special benefits.*

(c) *Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits. If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).*

(d) *Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan; provided that any amount of accumulations in excess of the amount required to fund the unfunded actuarial liabilities must be used to fund special benefits pay extra benefits to the police officers included in that pension plan; or*

~~(b) May place the income from the premium tax in s. 185.08 in a separate supplemental plan to pay extra benefits to the police officers, or police officers and firefighters if included, participating in such separate supplemental plan.~~

(e) *For a plan created after March 1, 2015, 50 percent of the insurance premium tax revenues must be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.*

(f) If a plan offers benefits in excess of the minimum benefits, such benefits, excluding supplemental plan benefits in effect as of September 30, 2014, may be reduced if the plan continues to meet minimum benefits and the minimum standards. The amount of insurance premium tax revenues previously used to fund benefits in excess of the minimum benefits before the reduction, excluding the amount of any additional premium tax revenues distributed to a supplemental plan for the 2012 calendar year, must be used as provided in paragraph (b). However, benefits in excess of the minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent of the average final compensation of a police officer or provides an effective benefit that is less than 2.75 percent as a result of a maximum benefit limitation, as described in s. 185.16(2)(b).

(g) Notwithstanding paragraphs (a)-(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if none, by a majority of the police officer members of the fund, and by consent of the municipality, provided that the plan continues to meet minimum benefits and minimum standards; however, a plan that operates pursuant to this paragraph and does not meet the minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level as was provided as of October 1, 2012, and all other benefit levels must continue to meet the minimum benefits. Such mutually agreed deviation must continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative or, if none, by a majority of the police officer members of the fund, and the municipality. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2015, to be a deviation for which mutual consent has been granted.

(2) The premium tax provided by this chapter ~~must shall in all cases~~ be used in its entirety to provide ~~retirement extra~~ benefits to police officers, or to police officers and firefighters if both are included. ~~However, local law plans in effect on October 1, 1998, must comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 185.16(2). If a plan is in compliance with such minimum benefit provisions, as subsequent additional tax revenues become available, they shall be used to provide extra benefits.~~ Local law plans created by special act before May 27, 1939, shall be deemed to comply with this chapter. ~~For the purpose of this chapter, the term:~~

(a) "Additional premium tax revenues" means revenues received by a municipality pursuant to s. 185.10 which exceed the amount received for calendar year 1997.

(b) "Extra benefits" means ~~benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for police officers on March 12, 1999.~~

(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality or, where ~~required permitted~~, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing ~~on the proposal is held thereon~~. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

(4) Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) Section 185.02(6)(a) ~~185.02(4)(a)~~ does not apply, and a local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) A local law plan and a supplemental plan must continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

~~(c) The election set forth in paragraph (1)(b) is deemed to have been made.~~

(5) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing and copies made available to the participants and to the general public.

(6) In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2015, for noncollectively bargained service, upon entering into a collective bargaining agreement on or after July 1, 2015, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution component may or may not receive any funding.

(7) Notwithstanding any other provision of this chapter, a municipality that has implemented or proposed changes to a local law plan based on the municipality's reliance on an interpretation of this chapter by the Department of Management Services on or after August 14, 2012, and before March 3, 2015, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality and the Department of Management Services which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality dated before March 3, 2015. Changes to the local law plan which are otherwise contrary to minimum benefits and minimum standards may continue in effect until the earlier of October 1, 2018, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

Section 15. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of this state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner as required under s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 16. This act shall take effect July 1, 2015.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to local government pension reform; amending s. 175.021, F.S.; requiring that firefighter pension plans meet the requirements of chapter 175, F.S., in order to receive certain 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. 175.061, F.S.; requiring the board of trustees of the firefighters' pension trust fund to provide a detailed accounting report of its expenses and to make the report available; requiring the board to operate under an administrative expense budget; providing applicability; 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; specifying the minimum benefits that must be maintained by certain firefighter pension plans after a specified date; amending s. 175.351, F.S.; exempting certain firefighter pension plans of a municipality or special fire control district from meeting certain minimum benefits in order to participate in the distribution of a premium tax; redesignating the term "pension plan" as "retirement plan"; revising criteria governing the use of revenues of the premium tax; authorizing a pension 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 chapter 175, F.S., under certain circumstances; re-

vising the conditions for proposing the adoption of a pension plan or an amendment to a pension plan; requiring plan sponsors to have a defined contribution plan component in place by a certain date; authorizing a municipality or special fire control district to implement certain changes to a local law plan which are contrary to chapter 175, F.S., for a limited time, under certain circumstances; amending s. 185.01, F.S.; requiring that police officer pension plans meet the requirements of chapter 185, F.S., in order to receive certain insurance premium tax revenues; amending s. 185.02, F.S.; revising definitions to conform to changes made by the act and providing new definitions; revising applicability of the limitation on the amount of overtime payments which may be used for pension benefit calculations; amending s. 185.05, F.S.; requiring the board of trustees of the municipal police officers' retirement trust fund to provide a detailed accounting report of its expenses and to make the report available; requiring the board to operate under an administrative expense budget; providing applicability; 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; specifying the minimum benefits that must be maintained by certain police officer pension plans after a specified date; amending s. 185.35, F.S.; exempting certain municipal police officer pension plans from meeting certain minimum benefits in order to participate in the distribution of a premium tax; 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 chapter 185, F.S., under specified circumstances; revising the conditions for proposing the adoption of a pension plan or amendment to a pension plan; conforming a cross-reference; requiring plan sponsors to have a defined contribution plan component in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 185, F.S., for a limited time; providing a declaration of important state interest; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 172** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 842** was deferred.

On motion by Senator Hays—

**CS for CS for SB 778**—A bill to be entitled An act relating to local government construction preferences; creating s. 255.0991, F.S.; prohibiting local ordinances and regulations from restricting competition for the award of a contract for construction services based upon certain conditions; requiring a state college, county, municipality, school district, or other political subdivision of the state to make specified disclosures in competitive solicitation documents; providing applicability; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment:

**Amendment 1 (537558) (with title amendment)**—Delete lines 19-38 and insert:

(1) *For purposes of this section, the term "state-appropriated funds" means all funds appropriated in the General Appropriations Act, excluding federal funds.*

(2) *For a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds, a state college, county, municipality, school district, or other political subdivision of the state may not use a local ordinance or regulation that provides a preference based upon:*

(a) *The contractor's maintaining an office or place of business within a particular local jurisdiction;*

(b) *The contractor's hiring employees or subcontractors from within a particular local jurisdiction; or*

(c) *The contractor's prior payment of local taxes, assessments, or duties within a particular local jurisdiction.*

(3) *For any competitive solicitation that meets the criteria in subsection (2), a state college, county, municipality, school district, or other political subdivision of the state shall disclose in the solicitation document that any applicable local ordinance or regulation does not include any preference that is prohibited by subsection (2).*

(4) *Except as provided in subsection (2), this section does*

And the title is amended as follows:

Delete line 3 and insert: preferences; creating s. 255.0991, F.S.; defining the term "state-appropriated funds"; prohibiting

Senator Smith moved the following amendment to **Amendment 1 (537558)** which was adopted:

**Amendment 1A (509254)**—Delete line 10 and insert: *from state-appropriated funds which have been appropriated at the time of the competitive solicitation, a state college, county,*

**Amendment 1 (537558)** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 778** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

**CS for CS for CS for SB 554**—A bill to be entitled An act relating to limited liability companies; amending s. 605.0103, F.S.; specifying that persons who are not members of a limited liability company are not deemed to have notice of a provision of the company's articles of organization which limits a person's authority to transfer real property held in the company's name unless such limitation appears in an affidavit, certificate, or other instrument that is recorded in a specified manner; amending s. 605.0105, F.S.; removing the prohibition that an operating agreement may not vary the power of a person to dissociate; clarifying that an operating agreement is prohibited from providing indemnification for a member or manager in certain circumstances; authorizing an operating agreement to alter or eliminate any other fiduciary duty; amending s. 605.0111, F.S.; providing that the duties of the member, manager, or another person may be restricted, expanded, or eliminated in certain circumstances; amending s. 605.04073, F.S.; requiring certain conditions for members of a limited liability company, without a meeting, to take certain actions requiring the vote or consent of the members; amending s. 605.04091, F.S.; providing that the duty of loyalty includes, but is not limited to, specified actions; revising the duty of care in the conduct or winding up of the company's activities and affairs; amending s. 605.0410, F.S.; requiring a limited liability company to provide a record of certain information within a specified period to a member who makes a demand; amending s. 605.0715, F.S.; revising which materials and information a specified limited liability company must submit to the Department of State as part of an application for reinstatement after administrative dissolution; amending s. 605.0909, F.S.; revising which materials and information a specified limited liability company must submit to the Department of State as part of an application for reinstatement after revocation of certificate of authority; amending s. 605.1072, F.S.; deleting a provision providing an exception to the limitation of remedies for appraisal events under specified circumstances; amending s. 605.1108, F.S.; deleting a provision requiring that, for a limited liability company formed before a specified date, certain language in the company's articles of organization operates as if it were in the operating agreement; repealing chapter 608, F.S., relating to the Florida Limited Liability Company Act; amending ss. 15.16, 48.062, 213.758, 220.02, 220.03, 220.13, 310.181, 440.02, 605.0401, 605.04074, 605.04091, 606.06, 607.1108, 607.1109, 607.11101, 621.12, 636.204, 655.0201, 658.2953, 694.16, and 1002.395, F.S.; conforming provisions to the repeal of the Florida Limited Liability Company Act; providing retroactive applicability; amending ss. 605.0102, 605.0712, 605.0717, and 605.0805, F.S.; revising a definition; conforming cross-references; providing effective dates.

—was read the second time by title.

Senator Simmons moved the following amendment which was adopted:

**Amendment 1 (783904) (with title amendment)**—Delete lines 145-375 and insert:

(2) *To the extent that, at law or in equity, a member, manager, or other person has duties, including fiduciary duties, to a limited liability company or to another member or manager or to another person that is a party to or is otherwise bound by an operating agreement, the duties of the member, manager, or other person may be restricted, expanded, or eliminated, including in the determination of applicable duties and obligations under this chapter, by the operating agreement, to the extent allowed by s. 605.0105.*

(3) Unless displaced by particular provisions of this chapter, the principles of law and equity, *including the common law principles relating to the fiduciary duties of loyalty and care*, supplement this chapter.

Section 4. Subsection (4) of section 605.04073, Florida Statutes, is amended to read:

605.04073 Voting rights of members and managers.—

(4) An action requiring the vote or consent of members under this chapter may be taken without a meeting *if the action is approved in a record by members with at least the minimum number of votes that would be necessary to authorize or take the action at a meeting of the members.*; ~~and~~ A member may appoint a proxy or other agent to vote or consent for the member by signing an appointing record, personally or by the member's agent. On an action taken by fewer than all of the members without a meeting, notice of the action must be given to those members who did not consent in writing to the action or who were not entitled to vote on the action within 10 days after the action was taken.

Section 5. Subsections (2) and (3) of section 605.04091, Florida Statutes, are amended to read:

605.04091 Standards of conduct for members and managers.—

(2) The duty of loyalty *includes* ~~is limited to~~:

(a) Accounting to the limited liability company and holding as trustee for it any property, profit, or benefit derived by the manager or member, as applicable:

1. In the conduct or winding up of the company's activities and affairs;
2. From the use by the member or manager of the company's property; or
3. From the appropriation of a company opportunity;

(b) Refraining from dealing with the company in the conduct or winding up of the company's activities and affairs as, or on behalf of, a person having an interest adverse to the company, except to the extent that a transaction satisfies the requirements of this section; and

(c) Refraining from competing with the company in the conduct of the company's activities and affairs before the dissolution of the company.

(3) The duty of care in the conduct or winding up of the company's activities and affairs is ~~limited to refrain~~ ~~refraining~~ from engaging in grossly negligent or reckless conduct, willful or intentional misconduct, or a knowing violation of law.

Section 6. Subsection (2), paragraph (a) of subsection (3), and subsection (4) of section 605.0410, Florida Statutes, are amended to read:

605.0410 Records to be kept; rights of member, manager, and person dissociated to information.—

(2) In a member-managed limited liability company, the following rules apply:

(a) Upon reasonable notice, a member may inspect and copy during regular business hours, at a reasonable location specified by the company:

1. The records described in subsection (1); and
2. Each other record maintained by the company regarding the company's activities, affairs, financial condition, and other circumstances, to the extent the information is material to the member's rights and duties under the operating agreement or this chapter.

(b) The company shall furnish to each member:

1. Without demand, any information concerning the company's activities, affairs, financial condition, and other circumstances that the company knows and is material to the proper exercise of the member's rights and duties under the operating agreement or this chapter, except to the extent the company can establish that it reasonably believes the member already knows the information; and

2. On demand, other information concerning the company's activities, affairs, financial condition, and other circumstances, except to the extent the demand or information demanded is unreasonable or otherwise improper under the circumstances.

(c) *Within 10 days after receiving a demand pursuant to subparagraph (b)2., the company shall provide to the member who made the demand a record of:*

1. *The information that the company will provide in response to the demand and when and where the company will provide such information.*
2. *For any demanded information that the company is not providing, the reasons that the company will not provide the information.*

(d)~~(e)~~ The duty to furnish information under this subsection also applies to each member to the extent the member knows any of the information described in this subsection.

(3) In a manager-managed limited liability company, the following rules apply:

(a) The informational rights stated in subsection (2) and the duty stated in paragraph (2)(d) ~~(2)(e)~~ apply to the managers and not to the members.

(4) Subject to subsection (10) ~~(9)~~, on 10 days' demand made in a record received by a limited liability company, a person dissociated as a member may have access to information to which the person was entitled while a member if:

- (a) The information pertains to the period during which the person was a member;
- (b) The person seeks the information in good faith; and
- (c) The person satisfies the requirements imposed on a member by paragraph (3)(b).

Section 7. Subsection (6) of section 605.0602, Florida Statutes, is amended to read:

605.0602 Events causing dissociation.—A person is dissociated as a member if any of the following occur:

(6) On application by the company or a member in a direct action under s. 605.0801, the person is expelled as a member by judicial order because the person:

- (a) Has engaged or is engaging in wrongful conduct that has affected adversely and materially, or will affect adversely and materially, the company's activities and affairs;
- (b) Has committed willfully or persistently, or is committing willfully ~~or and~~ persistently, a material breach of the operating agreement or a duty or obligation under s. 605.04091; or
- (c) Has engaged or is engaging in conduct relating to the company's activities and affairs which makes it not reasonably practicable to carry on the activities and affairs with the person as a member.

Section 8. Section 605.0715, Florida Statutes, is amended to read:  
605.0715 Reinstatement.—

(1) A limited liability company that is administratively dissolved under s. 605.0714 or former s. 608.4481 may apply to the department for reinstatement at any time after the effective date of dissolution. The company must submit a form of application for reinstatement prescribed and furnished by the department and provide all of the information required by the department, together with all fees and penalties then owed by the company at the rates provided by law at the time the company applies for reinstatement together with an application for reinstatement prescribed and furnished by the department, which is signed by both the registered agent and an authorized representative of the company and states:

- (a) The name of the limited liability company.
- (b) The street address of the company's principal office and mailing address.
- (c) The date of the company's organization.
- (d) The company's federal employer identification number or, if none, whether one has been applied for.
- (e) The name, title or capacity, and address of at least one person who has authority to manage the company.
- (f) Additional information that is necessary or appropriate to enable the department to carry out this chapter.

(2) In lieu of the requirement to file an application for reinstatement as described in subsection (1), an administratively dissolved limited liability company may submit all fees and penalties owed by the company at the rates provided by law at the time the company applies for reinstatement, together with a current annual report, signed by both the registered agent and an authorized representative of the company, which contains the information described in subsection (1).

(3)(2) If the department determines that an application for reinstatement contains the information required under subsection (1) or subsection (2) and that the information is correct, upon payment of all required fees and penalties, the department shall reinstate the limited liability company.

(4)(3) When reinstatement under this section becomes effective:

- (a) The reinstatement relates back to and takes effect as of the effective date of the administrative dissolution.
- (b) The limited liability company may resume its activities and affairs as if the administrative dissolution had not occurred.
- (c) The rights of a person arising out of an act or omission in reliance on the dissolution before the person knew or had notice of the reinstatement are not affected.

(5)(4) The name of the dissolved limited liability company is not available for assumption or use by another business entity until 1 year after the effective date of dissolution unless the dissolved limited liability company provides the department with a record executed as required pursuant to s. 605.0203 permitting the immediate assumption or use of the name by another limited liability company.

Section 9. Section 605.0909, Florida Statutes, is amended to read:

605.0909 Reinstatement following revocation of certificate of authority.—

(1) A foreign limited liability company whose certificate of authority has been revoked may apply to the department for reinstatement at any time after the effective date of the revocation. The foreign limited liability company applying for reinstatement must submit provide information in a form prescribed and furnished by the department and pay all fees and penalties then owed by the foreign limited liability company at rates provided by law at the time the foreign limited liability company applies for reinstatement together with an application for reinstatement prescribed and furnished by the department, which is signed by both the

registered agent and an authorized representative of the company and states:

- (a) The name under which the foreign limited liability company is registered to transact business in this state.
- (b) The street address of the company's principal office and its mailing address.
- (c) The jurisdiction of the company's formation and the date on which it became qualified to transact business in this state.
- (d) The company's federal employer identification number or, if none, whether one has been applied for.
- (e) The name, title or capacity, and address of at least one person who has authority to manage the company.
- (f) Additional information that is necessary or appropriate to enable the department to carry out this chapter.

(2) In lieu of the requirement to file an application for reinstatement as described in subsection (1), a foreign limited liability company whose certificate of authority has been revoked may submit all fees and penalties owed by the company at the rates provided by law at the time the company applies for reinstatement, together with a current annual report, signed by both the registered agent and an authorized representative of the company, which contains the information described in subsection (1).

(3)(2) If the department determines that an application for reinstatement contains the information required under subsection (1) or subsection (2) and that the information is correct, upon payment of all required fees and penalties, the department shall reinstate the foreign limited liability company's certificate of authority.

(4)(3) When a reinstatement becomes effective, it relates back to and takes effect as of the effective date of the revocation of authority and the foreign limited liability company may resume its activities in this state as if the revocation of authority had not occurred.

(5)(4) The name of the foreign limited liability company whose certificate of authority has been revoked is not available for assumption or use by another business entity until 1 year after the effective date of revocation of authority unless the limited liability company provides the department with a record executed pursuant to s. 605.0203 which authorizes the immediate assumption or use of its name by another limited liability company.

(6)(5) If the name of the foreign limited liability company applying for reinstatement has been lawfully assumed in this state by another business entity, the department shall require the foreign limited liability company to comply with s. 605.0906 before accepting its application for reinstatement.

Section 10. Subsection (2) of section 605.1072, Florida Statutes, is amended to read:

605.1072 Other remedies limited.—

(2) Subsection (1) does not apply to an appraisal event that:

- (a) Was not authorized and approved in accordance with the applicable provisions of this chapter, the organic rules of the limited liability company, or the resolutions of the members authorizing the appraisal event; or
- (b) Was procured as a result of fraud, a material misrepresentation, or an omission of a material fact that is necessary to make statements made, in light of the circumstances in which they were made, not misleading. ~~or~~

And the title is amended as follows:

Delete lines 18-31 and insert: that the duties of the member, manager, or other person may be restricted, expanded, or eliminated in certain circumstances; amending s. 605.04073, F.S.; requiring certain conditions for members of a limited liability company, without a meeting, to take certain actions requiring the vote or consent of the members; amending s. 605.04091, F.S.; providing that the duty of loyalty includes,

but is not limited to, specified actions; revising the duty of care in the conduct or winding up of the company's activities and affairs; amending s. 605.0410, F.S.; requiring a limited liability company to provide a record of certain information within a specified period to a member who makes a demand; amending s. 605.0602, F.S.; revising the events that cause a person to be dissociated as a member; amending s. 605.0715, F.S.; revising

Pursuant to Rule 4.19, **CS for CS for CS for SB 554** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

#### MOTION

On motion by Senator Simmons, the rules were waived and time of adjournment was extended until 1:00 p.m.

On motion by Senator Gibson—

**CS for SB 378**—A bill to be entitled An act relating to juvenile justice; amending s. 985.12, F.S.; authorizing a law enforcement officer to issue a warning to a juvenile who admits having committed a misdemeanor or to inform the child's parent or guardian of the child's infraction; allowing a law enforcement officer who does not exercise one of these options to issue a civil citation or require participation in a similar diversion program; requiring a law enforcement officer to provide written documentation in certain circumstances; providing that repeat misdemeanor offenders may participate in the civil citation program or a similar diversion program under certain circumstances; reenacting ss. 943.051(3)(b) and 985.11(1)(b), F.S., relating to the issuance of a civil citation, and the issuance of a civil citation or similar diversion program, respectively, to incorporate the amendments made to s. 985.12, F.S., in references thereto; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (757814)**—Delete line 60 and insert:  
*may be used in up to three subsequent misdemeanors. If an arrest*

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

Senators Gibson and Garcia offered the following substitute amendment which was moved by Senator Gibson and adopted:

**Amendment 2 (746220)**—Delete line 60 and insert:  
*may be used in up to two subsequent misdemeanors. If an arrest*

Pursuant to Rule 4.19, **CS for SB 378** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grimsley—

**SB 520**—A bill to be entitled An act relating to long-term care insurance; amending s. 627.94072, F.S.; providing additional forms for the mandatory offer of nonforfeiture benefits in long-term care insurance policies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 520** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

**CS for CS for SB 1446**—A bill to be entitled An act relating to public records; creating s. 570.077, F.S.; providing an exemption from public records requirements for criminal or civil intelligence or investigative information, or any other information, held by the Department of Agriculture and Consumer Services as part of an investigation with another state or federal regulatory, administrative, or criminal justice agency;

providing exceptions to the public records exemption; providing applicability; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1446** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brandes—

**CS for CS for SB 7040**—A bill to be entitled An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for e-mail addresses collected by the Department of Highway Safety and Motor Vehicles; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 7040** was placed on the calendar of Bills on Third Reading.

On motion by Senator Flores—

**CS for SB 604**—A bill to be entitled An act relating to consumer protection; creating s. 501.155, F.S.; providing a short title; providing applicability; providing definitions; requiring owners and operators of specified websites and online services to disclose certain information; providing for injunctive relief; providing an effective date.

—was read the second time by title.

Senator Flores moved the following amendments which were adopted:

**Amendment 1 (945620)**—Delete line 29 and insert:  
*provider, advertising network or exchange, domain name registration provider, and a hosting service provider, if they provide the*

**Amendment 2 (818438)**—Delete line 66 and insert:  
*dissemination of third-party commercial recordings or audiovisual works,*

Pursuant to Rule 4.19, **CS for SB 604** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

**CS for SB 960**—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 1009.531, F.S.; providing that the initial award period and the renewal period for students who are unable to accept an initial award immediately after completion of high school due to a full-time religious or service obligation begin upon the completion of the religious or service obligation; specifying requirements for an entity that is sponsoring the obligation; requiring verification from the entity for which the student completed such obligation; revising eligibility requirements for the Florida Bright Futures Scholarship Program; deleting obsolete provisions; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; requiring a student, as a prerequisite for the Florida Academic Scholars award, the Florida Medallion Scholars award, or the Florida Gold Seal Vocational Scholars award, to identify a social or civic issue or a professional area of interest and develop a plan for his or her personal involvement in addressing the issue or learning about the area; prohibiting the student from receiving remuneration or academic credit for the volunteer service work performed except in certain circumstances; requiring the hours of volunteer service work to be documented in writing and signed by the student, the student's parent or guardian, and a representative of the organization for which the student performed the volunteer service work; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 960** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

**CS for CS for CS for SB 248**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; defining the terms “body camera,” “law enforcement officer,” and “personal representative”; providing that a body camera recording is confidential and exempt from public records requirements under certain circumstances; providing exceptions; requiring a law enforcement agency to retain body camera recordings for at least a specified period; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Bradley moved the following amendment which was adopted:

**Amendment 1 (199882)**—Delete lines 121-128 and insert:

(2) *The Legislature recognizes the increased prevalence of body cameras being used by law enforcement officers. Body cameras preserve information that has the potential to assist both law enforcement officers’ and the public’s ability to review the circumstances surrounding an event in which law enforcement intervention occurs.*

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

Senator Smith moved the following amendments which were adopted:

**Amendment 2 (147800)**—Delete lines 44-48 and insert:  
*health care, mental health care, or social services; or  
c. Is taken in a place that a reasonable person would*

**Amendment 3 (870948)**—Delete lines 116-119 and insert:  
*health care, mental health care, or social services; and recordings taken in a place that a reasonable*

## SENATOR RICHTER PRESIDING

### REMARKS

On motion by Senator Smith, by two-thirds vote the following remarks were ordered spread upon the Journal:

**Senator Soto:** Would this bill encourage, ultimately, local law enforcement to increase the use of body cameras?

**Senator Smith:** Yes, in discussion with a lot of the law enforcement, local as well as sheriffs, the language in this bill was deemed as critical for them to incentivize those that don’t have body cameras to use them.

**Senator Soto:** Senator Smith, the City of Orlando had asked me to reach out to clarify a certain matter in the bill. Under subsection 3 of the bill, it allows law enforcement agencies to release body camera recordings, otherwise confidential, in furtherance of its official duties and responsibilities. Does this language allow a police agency to release body camera recordings to establish what actually happened in an incident in which the propriety of the law enforcement action has been questioned?

**Senator Smith:** Yes, it does.

Pursuant to Rule 4.19, **CS for CS for CS for SB 248** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

**CS for SB 1146**—A bill to be entitled An act relating to agency relationships with governmental health care contractors; amending s. 766.1115, F.S.; redefining terms; deleting an obsolete date; extending sovereign immunity to employees or agents of a health care provider that executes a contract with a governmental contractor; authorizing such health care provider to collect from a patient, or the parent or guardian of a patient, a nominal fee for administrative costs under certain circumstances; limiting the nominal fee; clarifying that a receipt of specified notice must be acknowledged by a patient or the patient’s repre-

sentative at the initial visit; requiring the posting of notice that a specified health care provider is an agent of a governmental contractor; amending s. 768.28, F.S.; redefining the term “officer, employee, or agent” to include employees or agents of a health care provider; 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 amendments was allowed:

Senator Simmons moved the following amendments which were adopted:

**Amendment 1 (101552) (with title amendment)**—Delete lines 165-171.

And the title is amended as follows:

Delete lines 7-11 and insert: contract with a governmental contractor; clarifying that a receipt of

**Amendment 2 (556230)**—Delete lines 43-87 and insert:  
*paragraph (4)(g). A free clinic as described in subparagraph (3)(d)14. may receive a legislative appropriation, a grant through a legislative appropriation, or a grant from a governmental entity or nonprofit corporation to support the delivery of such contracted services by volunteer health care providers, including the employment of health care providers to supplement, coordinate, or support the delivery of services by volunteer health care providers. Such an appropriation or grant does not constitute compensation under this paragraph from the governmental contractor for services provided under the contract, nor does receipt and use of the appropriation or grant constitute the acceptance of compensation under this paragraph for the specific services provided to the low-income recipients covered by the contract.*

(d) “Health care provider” or “provider” means:

1. A birth center licensed under chapter 383.
2. An ambulatory surgical center licensed under chapter 395.
3. A hospital licensed under chapter 395.
4. A physician or physician assistant licensed under chapter 458.
5. An osteopathic physician or osteopathic physician assistant licensed under chapter 459.
6. A chiropractic physician licensed under chapter 460.
7. A podiatric physician licensed under chapter 461.
8. A registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under part I of chapter 464 or any facility which employs nurses licensed or registered under part I of chapter 464 to supply all or part of the care delivered under this section.
9. A midwife licensed under chapter 467.
10. A health maintenance organization certificated under part I of chapter 641.
11. A health care professional association ~~and its employees~~ or a corporate medical group ~~and its employees~~.
12. Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical human medical treatment, and which includes an office maintained by a provider.
13. A dentist or dental hygienist licensed under chapter 466.
14. A free clinic that delivers only medical diagnostic services or nonsurgical medical treatment free of charge to all low-income recipients.



Pursuant to Rule 4.19, **CS for SB 1146** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Benacquisto—

**SB 728**—A bill to be entitled An act relating to health insurance coverage for opioids; creating s. 627.64194, F.S.; defining terms; providing that a health insurance policy that covers opioid analgesic drug products may impose a prior authorization requirement for an abuse-deterrent opioid analgesic drug product only if the insurer imposes the same requirement for each opioid analgesic drug product without an abuse-deterrence labeling claim; prohibiting such health insurance policy from requiring use of an opioid analgesic drug product without an abuse-deterrence labeling claim before providing coverage for an abuse-deterrent opioid analgesic drug product; providing an effective date.

—was read the second time by title.

Senator Benacquisto moved the following amendment which was adopted:

**Amendment 1 (583640)**—Delete line 58 and insert:

Section 2. This act shall take effect January 1, 2016.

Pursuant to Rule 4.19, **SB 728** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

**CS for CS for SB 606**—A bill to be entitled An act relating to dental care; creating s. 381.4019, F.S.; establishing a joint local and state dental care access account initiative, subject to the availability of funding; authorizing the creation of dental care access accounts; specifying the purpose of the initiative; defining terms; providing criteria for the selection of dentists for participation in the initiative; providing for the establishment of accounts; requiring the Department of Health to implement an electronic benefit transfer system; providing for the use of funds deposited in the accounts; authorizing the department to distribute state funds to accounts subject to legislative appropriations; authorizing the department to accept contributions from local sources for deposit in designated accounts; limiting the number of years that an account may remain open; providing for the immediate closure of accounts under certain circumstances; authorizing the department to transfer state funds remaining in a closed account at a specified time and to return unspent funds from local sources; requiring a dentist to repay funds in certain circumstances; authorizing the department to pursue disciplinary enforcement actions and to use other legal means to recover funds; requiring the department to establish by rule application procedures and a process to verify the use of funds withdrawn from a dental care access account; requiring the department to give priority to applications from dentists practicing in certain areas; requiring the Department of Economic Opportunity to rank shortage areas and medically underserved areas; requiring the Department of Health to develop a marketing plan in cooperation with certain dental colleges and the Florida Dental Association; requiring the Department of Health to annually submit a report with certain information to the Governor and the Legislature; providing rulemaking authority to require the submission of information for such reporting; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 606** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

**CS for CS for SB 760**—A bill to be entitled An act relating to child protection; amending s. 39.2015, F.S.; providing requirements for the representation of Children's Medical Services on multiagency teams investigating certain child deaths or other critical incidents; amending s. 39.303, F.S.; requiring the Statewide Medical Director for Child Protection and the medical directors to hold certain qualifications; requiring the Department of Health to approve a third-party credentialing entity to develop and administer a credentialing program for medical directors;

specifying minimum standards that the third-party credentialing entity must meet; deleting a provision requiring all medical personnel on a child protection team to complete specified training curriculum; requiring each child protection team medical director employed on a certain date to meet specified requirements; amending s. 458.3175, F.S.; providing that a physician who holds an expert witness certificate may provide expert testimony in criminal child abuse and neglect cases; amending s. 459.0066, F.S.; providing that an osteopathic physician who holds an expert witness certificate may provide expert testimony in criminal child abuse and neglect cases; amending ss. 39.301 and 827.03, F.S.; conforming cross-references; conforming provisions to changes made by the act; reenacting ss. 39.3031 and 391.026(2), F.S., relating to child protection teams, to incorporate the amendments made to s. 39.303, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 760** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gibson—

**SB 7028**—A bill to be entitled An act relating to educational opportunities for veterans; amending s. 1009.26, F.S.; revising criteria for eligibility for out-of-state fee waivers at state universities, Florida College System institutions, and specified career centers; removing a provision regarding the applicability of waivers to required credit hours for a student's degree or certificate program; requiring the Board of Governors and the State Board of Education to adopt regulations and rules, respectively; revising a short title provision; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 7028** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bean—

**CS for CS for SB 806**—A bill to be entitled An act relating to the regulation of financial institutions; amending s. 655.005, F.S.; redefining the terms "main office" and "principal office"; amending s. 655.047, F.S.; requiring that mailed semiannual assessments be received by the Office of Financial Regulation by a specified date; requiring that electronically transmitted semiannual assessments be transmitted to the office by specified dates; amending s. 655.60, F.S.; deleting the requirement that the office select a licensed or certified appraiser to conduct certain appraisals; deleting the requirement that the office approve the cost of certain appraisals before payment of that cost by a state financial institution, subsidiary, or service corporation; amending s. 658.19, F.S.; revising the individuals for whom certain information must be provided to the office on an application for authority to organize a banking corporation or trust company; amending s. 660.33, F.S.; conforming a cross-reference; amending s. 663.08, F.S.; requiring an international banking corporation to provide its annual certification of capital accounts to the office by a specified date; creating s. 663.021, F.S.; providing that specified entities of an international banking corporation are not required, in response to a subpoena, to produce certain books or records that are maintained outside the United States or its territories and are not in the entities' possession, custody, or control; specifying the applicability of the section to certain types of subpoenas; providing that the section does not limit certain regulatory and supervisory powers of the office; reenacting ss. 655.960(8) and 663.302(1)(a), F.S., to incorporate the amendment made to s. 655.005, F.S., in references thereto; reenacting ss. 658.165(1), 665.013(3), and 667.003(3), F.S., to incorporate the amendment made to s. 658.19, F.S., in references thereto; reenacting s. 658.12(4), F.S., to incorporate the amendment made to s. 660.33, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 806** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

**CS for CS for SB 1024**—A bill to be entitled An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; requiring the chairs of the boards of specified county commissions each to appoint one member from their respective counties who is a commission member or chair or a county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that the authority elect one of its members as secretary; amending s. 348.754, F.S.; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the department and the Orlando-Orange County Expressway Authority; amending s. 348.757, F.S.; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement; revising the title of part III of ch. 348, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1024** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sobel—

**CS for SB 7018**—A bill to be entitled An act relating to the state ombudsman program; amending s. 400.0060, F.S.; revising and defining terms; amending s. 400.0061, F.S.; revising legislative intent with respect to citizen ombudsmen; deleting references to ombudsman councils and transferring their responsibilities to representatives of the State Long-Term Care Ombudsman Program; amending s. 400.0063, F.S.; deleting references to ombudsman councils and the Office of the State Long-Term Care Ombudsman and replacing them with the State Long-Term Care Ombudsman Program; amending s. 400.0065, F.S.; revising the duties and authority of the state ombudsman; requiring the state ombudsman to submit an annual report to the Governor, the Legislature, and specified agencies and entities; amending s. 400.0067, F.S.; revising duties and membership of the State Long-Term Care Ombudsman Council; amending s. 400.0069, F.S.; requiring the state ombudsman to designate and direct program districts; requiring each district to conduct quarterly public meetings; providing duties of representatives of the program in the districts; revising the appointments of and qualifications for district ombudsmen; prohibiting certain individuals from serving as ombudsmen; amending s. 400.0070, F.S.; providing conditions under which a representative of the program could be found to have a conflict of interest; requiring the Department of Elderly Affairs, in consultation with the state ombudsman, to define by rule what constitutes a conflict of interest; amending s. 400.0071, F.S.; requiring the Department of Elderly Affairs to consult with the state ombudsman to adopt rules pertaining to complaint procedures; amending s. 400.0073, F.S.; providing procedures for investigation of complaints; amending s. 400.0074, F.S.; revising procedures for conducting onsite administrative assessments; authorizing the department to adopt rules; amending s. 400.0075, F.S.; revising complaint notification and resolution procedures; amending s. 400.0078, F.S.; providing for a resident or representative of a resident to receive additional information regarding resident rights; amending s. 400.0079, F.S.; providing immunity from liability for a representative of the office under certain circumstances; amending s. 400.0081, F.S.; requiring long-term care facilities to provide representatives of the office with access to facilities, residents, and records for certain purposes; amending s. 400.0083, F.S.; conforming provisions to changes made by the act; amending s. 400.0087, F.S.; providing for the office to coordinate ombudsman services with Disability Rights Florida; amending s. 400.0089, F.S.; conforming provisions to changes made by the act; amending s. 400.0091, F.S.; revising training requirements for representatives of the office and ombudsmen; amending ss. 20.41, 400.021, 400.022, 400.0255, 400.162, 400.19, 400.191, and 400.23, F.S.; conforming provisions to changes made by the act; amending s. 400.235, F.S.; conforming provisions to changes made by the act; revising the additional criteria for recognition as a Gold Seal Program facility; amending ss. 415.102, 415.1034, 415.104, 415.1055, 415.106, 415.107, 429.02, 429.19, 429.26, 429.28, 429.34, 429.35, 429.67, and 429.85, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

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

Senator Sobel moved the following amendment which was adopted:

**Amendment 1 (253522)**—Delete line 1375 and insert: months preceding application for the program *have not resulted in a citation for licensure*.

Pursuant to Rule 4.19, **CS for SB 7018** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

**CS for CS for SB 998**—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.63, F.S.; defining the term “powdered alcohol”; prohibiting the sale, offer for sale, purchase, use, offer for use, or possession of powdered alcohol; providing penalties; providing an exemption for the use of powdered alcohol by specified entities for research purposes; providing an exemption for the possession of powdered alcohol solely for the purpose of transportation through this state by specified entities; providing an effective date.

—was read the second time by title.

## THE PRESIDENT PRESIDING

Senator Margolis moved the following amendments which were adopted:

**Amendment 1 (371518) (with title amendment)**—Delete lines 29-47 and insert:  
775.083.

(b) *A person who violates this section by purchasing, using, offering for use, or possessing powdered alcohol commits a noncriminal violation, punishable by a fine of \$250.*

(5) *This section does not apply to the use of powdered alcohol for research purposes by a:*

(a) *Health care provider that operates primarily for the purpose of conducting scientific research;*

(b) *State institution;*

(c) *State university or private college or university; or*

(d) *Pharmaceutical or biotechnology company.*

(6) *This section does not apply to the possession of powdered alcohol solely for the purpose of transportation through this state by a licensed manufacturer or a common carrier on behalf of a licensed manufacturer.*

(7) *This section expires July 1, 2017.*

And the title is amended as follows:

Delete line 11 and insert: entities; providing an expiration date; providing an effective date.

**Amendment 2 (939108) (with title amendment)**—Between lines 47 and 48 insert:

Section 2. Section 564.05, Florida Statutes, is amended to read:

564.05 Limitation of size of individual wine containers; penalty.—It is unlawful for a person to sell within this state wine in an individual container holding more than 1 gallon of such wine, unless such wine is in a reusable container holding 5.16 gallons or such wine is sparkling wine or champagne and is in an individual container holding 6.0 or 9.0 liters. However, qualified distributors and manufacturers may sell wine to other qualified distributors or manufacturers in any size container. Except as provided in s. 564.09, wine sold or offered for sale by a licensed vendor to be consumed off the premises shall be in the unopened original container. A person convicted of a violation of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

Delete line 11 and insert: entities; amending s. 564.05, F.S.; exempting sparkling wine and champagne from a specified volume restriction; providing an effective date.

**Amendment 3 (638550) (with title amendment)**—Between lines 47 and 48 insert:

Section 2. Subsection (9) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(9) It is the finding of the Legislature that passenger vessels engaged exclusively in foreign commerce are susceptible to a distinct and separate classification for purposes of the sale of alcoholic beverages under the Beverage Law. Upon the filing of an application and payment of an annual fee of \$1,100, the director is authorized to issue a permit authorizing the operator, or, if applicable, his or her concessionaire, of a passenger vessel which has cabin-berth capacity for at least 75 passengers, and which is engaged exclusively in foreign commerce, to sell alcoholic beverages on the vessel for consumption on board only:

(a) During a period not in excess of 24 hours prior to departure while the vessel is moored at a dock or wharf in a port of this state; or

(b) At any time while the vessel is located in Florida territorial waters and is in transit to or from international waters.

One such permit shall be required for each such vessel and shall name the vessel for which it is issued. No license shall be required or tax levied by any municipality or county for the privilege of selling beverages for consumption on board such vessels. The beverages so sold may be purchased outside the state by the permittee, and the same shall not be considered as imported for the purposes of s. 561.14(3) solely because of such sale. The permittee is not required to obtain its beverages from licensees under the Beverage Law, but it shall keep a strict account of all such beverages sold within this state and shall make monthly reports to the division on forms prepared and furnished by the division. A permittee who sells on board the vessel beverages withdrawn from United States Bureau of Customs and Border Protection bonded storage on board the vessel may satisfy such accounting requirement by supplying the division with copies of the appropriate United States Bureau of Customs and Border Protection forms evidencing such withdrawals as importations under United States customs laws. Such permittee shall pay to the state an excise tax for beverages sold pursuant to this section, if such excise tax has not previously been paid, in an amount equal to the tax which would be required to be paid on such sales by a licensed manufacturer or distributor. *The calculation of excise tax due under this section must be based on the advertised volume per drink.* A vendor holding such permit shall pay the tax monthly to the division at the same time he or she furnishes the required report. Such report shall be filed on or before the 15th day of each month for the sales occurring during the previous calendar month. *The provisions of s. 213.21(7) are applicable for all taxes administered by the department under this section.*

And the title is amended as follows:

Delete line 11 and insert: entities; amending s. 565.02, F.S.; requiring the calculation of a specified excise tax to be based on the advertised volume per drink; providing applicability; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 998** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Simpson—

**CS for CS for SB 1216**—A bill to be entitled An act relating to community development; amending s. 163.08, F.S.; declaring that there is a compelling state interest in enabling property owners to voluntarily finance certain improvements to property damaged by sinkhole activity with local government assistance; expanding the definition of the term “qualifying improvement” to include stabilization or other repairs to property damaged by sinkhole activity; providing that stabilization or other repairs to property damaged by sinkhole activity are qualifying improvements considered affixed to a building or facility; revising the

form of a specified written disclosure statement to include an assessment for a qualifying improvement relating to stabilization or repair of property damaged by sinkhole activity; amending s. 163.3175, F.S.; deleting obsolete provisions; amending s. 163.3184, F.S.; requiring plan amendments proposing a development that qualifies as a development of regional impact to be subject to the state coordinated review process; amending s. 163.3245, F.S.; providing that other requirements of this chapter inconsistent with or superseded by certain planning standards relating to a long-term master plan do not apply; providing that other requirements of this chapter inconsistent with or superseded by certain planning standards relating to detailed specific area plans do not apply; providing that conservation easements may be based on digital orthophotography prepared by licensed surveyor and mapper and may include a right of adjustment subject to certain requirements; providing that substitution is accomplished by recording an amendment to a conservation easement as accepted by and with the consent of the grantee; requiring the applicant for a detailed specific area plan to transmit copies of the application to specified reviewing agencies for review and comment; requiring such agency comments to be submitted to the local government having jurisdiction and to the state land planning agency, subject to certain requirements; authorizing the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, or the water management district to accept compensatory mitigation under certain circumstances, pursuant to a specified section or chapter; providing that the adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to establish new agricultural or silvicultural uses under certain circumstances; allowing an applicant with an approved master development order to request that the applicable water management district issue a specified consumptive use permit for the same period of time as the approved master development order; providing applicability; providing that a local government is not precluded from requiring data and analysis beyond the minimum criteria established in this section; amending s. 163.3246, F.S.; removing restrictions on certain exemptions; providing legislative intent; designating Pasco County as a pilot community; requiring the state land planning agency to provide a written certification to Pasco County within a certain timeframe; providing requirements for certain plan amendments; requiring the Office of Program Policy Analysis and Government Accountability to submit a report and recommendations to the Governor and the Legislature by a certain date; providing requirements for the report; amending s. 163.3248, F.S.; removing the requirement that regional planning councils provide assistance in developing a plan for a rural land stewardship area; amending s. 163.340, F.S.; expanding the definition of the term “blighted area” to include a substantial number or percentage of properties damaged by sinkhole activity which are not adequately repaired or stabilized; conforming a cross-reference; amending s. 163.524, F.S.; conforming a cross-reference; repealing s. 186.0201, F.S., relating to electric substations; amending s. 186.505, F.S.; removing the power of regional planning councils to establish and conduct cross-acceptance negotiation processes; creating s. 186.512, F.S.; subdividing the state into specified geographic regions for the purpose of regional comprehensive planning; authorizing the Governor to review and update the district boundaries of the regional planning councils; providing requirements to aid in the transition of regional planning councils; amending s. 186.513, F.S.; deleting the requirement that regional planning councils make joint reports and recommendations; amending s. 190.005, F.S.; requiring community development districts up to a certain size located within a connected-city corridor to be established pursuant to an ordinance; amending s. 253.7828, F.S.; conforming provisions to changes made by the act; repealing s. 260.018, F.S., relating to agency recognition of certain publicly owned lands and waters; amending s. 339.135, F.S.; deleting obsolete provisions; amending s. 339.155, F.S.; removing certain duties of regional planning councils; amending s. 373.236, F.S.; authorizing a water management district to issue a permit to an applicant for the same period of time as the applicant’s approved master development order, subject to certain requirements and restrictions; amending s. 380.06, F.S.; removing the requirement that certain developers submit biennial reports to regional planning agencies; providing that new proposed developments are subject to the state-coordinated review process and not the development of regional impact review process; amending s. 403.50663, F.S.; removing requirements relating to certain informational public meetings; amending s. 403.507, F.S.; removing the requirement that regional planning councils prepare reports addressing the impact of proposed electrical power plants; amending s. 403.508, F.S.; removing the requirement that regional planning councils participate in certain proceedings; amending s.

403.5115, F.S.; conforming provisions to changes made by the act; amending s. 403.526, F.S.; removing the requirement that regional planning councils prepare reports addressing the impact of proposed transmission lines or corridors; amending s. 403.527, F.S.; removing the requirement that regional planning councils parties participate in certain proceedings; amending s. 403.5272, F.S.; conforming provisions to changes made by the act; amending s. 403.7264, F.S.; removing the requirement that regional planning councils assist with amnesty days for purging small quantities of hazardous wastes; amending s. 403.941, F.S.; removing the requirement that regional planning councils prepare reports addressing the impact of proposed natural gas transmission lines or corridors; amending s. 403.9411, F.S.; removing the requirement that regional planning councils participate in certain proceedings; amending ss. 419.001 and 985.682, F.S.; removing provisions relating to the use of a certain dispute resolution process; providing an effective date.

—was read the second time by title.

Senator Simpson moved the following amendments which were adopted:

**Amendment 1 (964472)**—Delete line 752 and insert:  
*size or a community development district of up to 7,000 acres in*

**Amendment 2 (627564) (with title amendment)**—Delete lines 816-830.

And the title is amended as follows:

Delete lines 97-98 and insert: waters; amending s. 339.155, F.S.; removing

Pursuant to Rule 4.19, **CS for CS for SB 1216** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hays—

**CS for CS for SB 716**—A bill to be entitled An act relating to public records; creating s. 474.2167, F.S.; providing an exemption from public records requirements for certain animal medical records held by a state college of veterinary medicine that is accredited by the American Veterinary Medical Association Council on Education; authorizing disclosure under certain circumstances; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 716** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 596** and **CS for SB 534** was deferred.

On motion by Senator Latvala—

**CS for CS for SB 656**—A bill to be entitled An act relating to unlawful detention by a transient occupant; creating s. 82.045, F.S.; defining the term “transient occupant”; providing factors that establish a transient occupancy; providing for removal of a transient occupant by a law enforcement officer; providing a cause of action for wrongful removal; limiting actions for wrongful removal; providing a civil action for removal of a transient occupant; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 656** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

**CS for SB 534**—A bill to be entitled An act relating to human trafficking; creating s. 787.08, F.S.; requiring the Department of Transportation and certain employers to display human trafficking public

awareness signs at specified locations; providing civil penalties for violations; requiring the Attorney General, in consultation with certain others, to develop specifications for the form and content of such signs; providing sign requirements; providing that the Attorney General is responsible for enforcement; requiring rulemaking; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 534** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

**SB 672**—A bill to be entitled An act relating to service of process; amending s. 48.031, F.S.; authorizing a criminal witness subpoena commanding a witness to appear for a deposition to be posted at the witness's residence by an authorized person if one attempt to serve the subpoena has failed; reenacting ss. 48.196(2) and 409.257(5), F.S., to incorporate the amendment made to s. 48.031, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 672** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bean—

**CS for SB 1208**—A bill to be entitled An act relating to dietetics and nutrition; amending s. 468.503, F.S.; defining the term “commission”; redefining terms; amending s. 468.505, F.S.; authorizing certain registered or certified individuals to use specified titles and designations; amending s. 468.509, F.S.; requiring the Board of Medicine to waive the examination requirement for specified applicants; amending s. 468.516, F.S.; providing that a licensed dietitian/nutritionist treating a patient who is under the active care of a licensed physician or licensed chiropractor is not precluded from ordering a therapeutic diet if otherwise authorized to order such a diet; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1208** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brandes—

**CS for CS for CS for SB 1094**—A bill to be entitled An act relating to the peril of flood; amending s. 163.3178, F.S.; specifying requirements for the coastal management element required for a local government comprehensive plan; creating s. 472.0366, F.S.; defining terms; requiring a surveyor and mapper to complete an elevation certificate in accordance with a checklist developed by the Division of Emergency Management and to submit a copy of the elevation certificate to the division within a certain time after its completion; authorizing the redaction of certain personal information from the copy; amending s. 627.715, F.S.; authorizing flexible flood insurance; specifying coverage requirements; deleting a provision that prohibits supplemental flood insurance from including excess coverage over any other insurance covering the peril of flood; revising the information that must be prominently noted on a certain page of a flood insurance policy; requiring the Office of Insurance Regulation to require an insurer to provide appropriate credit to affected insureds if the office determines that a rate of the insurer is excessive or unfairly discriminatory; revising the notice that must be provided to and acknowledged by an applicant for flood coverage from an authorized or surplus lines insurer if the applicant's property is receiving flood insurance under the National Flood Insurance Program; allowing an authorized insurer to request a certification from the office which indicates that a policy, contract, or endorsement issued by the insurer provides coverage for the peril of flood which equals or exceeds the flood coverage offered by the National Flood Insurance Program; specifying requirements for such certification; authorizing such insurer or its agent to reference or include the certification in specified advertising, communications, and documentation; providing that misrepresenting that a

floor policy, contract, or endorsement is certified is an unfair or deceptive act; providing an effective date.

—was read the second time by title.

Senator Brandes moved the following amendment which was adopted:

**Amendment 1 (437608) (with title amendment)**—Delete line 206 and insert:

*credit to affected insureds or an appropriate refund to affected insureds who no longer receive coverage from the insurer.*

And the title is amended as follows:

Delete line 21 and insert: insurer to provide an appropriate credit or refund to affected

Pursuant to Rule 4.19, **CS for CS for CS for SB 1094** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thompson—

**SB 982**—A bill to be entitled An act relating to the Florida Civil Rights Act; amending s. 509.092, F.S.; prohibiting discrimination on the basis of pregnancy in public lodging and food service establishments; amending s. 760.01, F.S.; revising the general purpose of the Florida Civil Rights Act of 1992; amending s. 760.05, F.S.; revising the function of the Florida Commission on Human Relations; amending s. 760.07, F.S.; providing civil and administrative remedies for discrimination on the basis of pregnancy; amending s. 760.08, F.S.; prohibiting discrimination on the basis of pregnancy in places of public accommodation; amending s. 760.10, F.S.; prohibiting employment discrimination on the basis of pregnancy; prohibiting discrimination on the basis of pregnancy by labor organizations, joint labor-management committees, and employment agencies; prohibiting discrimination on the basis of pregnancy in occupational licensing, certification, and membership organizations; providing an exception to unlawful employment practices based on pregnancy; reenacting s. 760.11(1), F.S., relating to administrative and civil remedies for violations of the Florida Civil Rights Act of 1992, to incorporate the amendments made to s. 760.10(5), F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 982** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 7066** was deferred.

On motion by Senator Garcia—

**CS for SB 7068**—A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.455, F.S.; revising the definition of “mental illness” to exclude dementia and traumatic brain injuries; amending s. 394.492, F.S.; redefining the terms “adolescent” and “child or adolescent at-risk of emotional disturbance”; creating s. 394.761, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Families to develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care; establishing improved integration of behavioral health and primary care services through the development and effective implementation of coordinated care organizations as the primary goal of obtaining the additional funds; requiring the agency and the department to submit the written plan, which must include certain information, to the Legislature by a specified date; amending s. 394.875, F.S.; requiring that, by a specified date, the department, in consultation with the Agency for Health Care Administration, modify certain licensure rules and procedures; amending s. 394.9082, F.S.; revising Legislative findings and intent; redefining terms; requiring the managing entities, rather than the department, to develop and implement a plan with a certain purpose; requiring the regional network to offer access to certain services; requiring the plan to be developed in a certain manner; requiring the department to designate the regional network as a coordinated care organization after certain conditions are met; re-

moving a provision providing legislative intent; requiring the department to contract with community-based managing entities for the development of specified objectives; removing duties of the department, the secretary of the department, and managing entities; removing a provision regarding the requirement of funding the managing entity’s contract through departmental funds; removing legislative intent; requiring that the department’s contract with each managing entity be performance based; providing for scaled penalties and liquidated damages if a managing entity fails to perform after a reasonable opportunity for corrective action; requiring the plan for the coordination and integration of certain services to be developed in a certain manner and to incorporate certain models; providing requirements for the department when entering into contracts with a managing entity; requiring the department to consider specified factors when considering a new contractor; revising the goals of the coordinated care organization; requiring a coordinated care organization to consist of a comprehensive provider network that includes specified elements; requiring that specified treatment providers be initially included in the provider network; providing for continued participation in the provider network; revising the network management and administrative functions of the managing entities; requiring that the managing entity support network providers in certain ways; authorizing the managing entity to prioritize certain populations when necessary; requiring that, by a certain date, a managing entity’s governing board consist of a certain number of members selected by the managing entity in a specified manner; providing requirements for the governing board; removing departmental responsibilities; removing a reporting requirement; authorizing, rather than requiring, the department to adopt rules; creating s. 397.402, F.S.; requiring that the department modify certain licensure rules and procedures by a certain date; requiring the department and the Agency for Health Care Administration to make certain recommendations to the Governor and the Legislature by a specified date; providing requirements for a provider; amending s. 409.967, F.S.; requiring that certain plans or contracts include specified requirements; amending s. 409.973, F.S.; requiring each plan operating in the managed medical assistance program to work with the managing entity to establish specific organizational supports and service protocols; amending s. 409.975, F.S.; revising the categories from which the agency must determine which providers are essential Medicaid providers; repealing s. 394.4674, F.S., relating to a plan and report; repealing s. 394.4985, F.S., relating to districtwide information and referral network and implementation; repealing s. 394.657, F.S., relating to county planning councils or committees; repealing s. 394.745, F.S., relating to an annual report and compliance of providers under contract with the department; repealing s. 397.331, F.S., relating to definitions; repealing s. 397.333, F.S., relating to the Statewide Drug Policy Advisory Council; repealing s. 397.801, F.S., relating to substance abuse impairment coordination; repealing s. 397.811, F.S., relating to juvenile substance abuse impairment coordination; repealing s. 397.821, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils; repealing s. 397.901, F.S., relating to prototype juvenile addictions receiving facilities; repealing s. 397.93, F.S., relating to children’s substance abuse services and target populations; repealing s. 397.94, F.S., relating to children’s substance abuse services and the information and referral network; repealing s. 397.951, F.S., relating to treatment and sanctions; repealing s. 397.97, F.S., relating to children’s substance abuse services and demonstration models; amending ss. 397.321, 397.98, 409.966, 943.031, and 943.042, F.S.; conforming provisions and cross-references to changes made by the act; reenacting ss. 39.407(6)(a), 394.67(21), 394.674(1)(b), 394.676(1), 409.1676(2)(c), and 409.1677(1)(b), F.S., relating to the term “suitable for residential treatment” or “suitability,” the term “residential treatment center for children and adolescents,” children’s mental health services, the indigent psychiatric medication program, and the term “serious behavioral problems,” respectively, to incorporate the amendment made to s. 394.492, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

**Amendment 1 (780586) (with directory and title amendments)**—Between lines 155 and 156 insert:

(5) “Child or adolescent who has an emotional disturbance” means a person under 21 ~~18~~ years of age who is diagnosed with a mental, emotional, or behavioral disorder of sufficient duration to meet one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association,

but who does not exhibit behaviors that substantially interfere with or limit his or her role or ability to function in the family, school, or community. The emotional disturbance must not be considered to be a temporary response to a stressful situation. The term does not include a child or adolescent who meets the criteria for involuntary placement under s. 394.467(1).

And the directory clause is amended as follows:

Delete line 138 and insert:

Section 2. Subsections (1), (4), (5), and (6) of section

And the title is amended as follows:

Delete lines 6-7 and insert: redefining terms; creating

Senator Garcia moved the following amendment:

**Amendment 2 (253318) (with title amendment)**—Delete lines 173-200 and insert:

*394.761 Revenue maximization.—*

(1) *The agency and the department shall develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care. Increased funding will be used to advance the goal of improved integration of behavioral health and primary care services through development and effective implementation of coordinated care organizations as described in s. 394.9082(3). The agency and the department shall submit the written plan to the President of the Senate and the Speaker of the House of Representatives no later than November 1, 2015. The plan shall identify the amount of general revenue funding appropriated for mental health and substance abuse services which is eligible to be used as state Medicaid match. The plan must evaluate alternative uses of increased Medicaid funding, including expansion of Medicaid eligibility for the severely and persistently mentally ill; increased reimbursement rates for behavioral health services; adjustments to the capitation rate for Medicaid enrollees with chronic mental illness and substance use disorders; supplemental payments to mental health and substance abuse providers through a designated state health program or other mechanisms; and innovative programs for incentivizing improved outcomes for behavioral health conditions. The plan shall identify the advantages and disadvantages of each alternative and assess the potential of each for achieving improved integration of services. The plan shall identify the types of federal approvals necessary to implement each alternative and project a timeline for implementation.*

(2) *The agency, in consultation with the department, shall apply to the United States Department of Health and Human Services for an Excellence in Mental Health Act grant and any other subsequent grant programs that become available through s. 203 of the federal Protecting Access to Medicare Act of 2014, Pub. L. No. 113-93, and that creates an opportunity to improve access to community mental health services while improving Medicaid reimbursement rates for such services. This subsection expires July 1, 2018.*

And the title is amended as follows:

Delete line 19 and insert: to the Legislature by a specified date; requiring the agency to submit an Excellence in Mental Health Act grant application to the United States Department of Health and Human Services; amending s.

Senator Garcia moved the following amendment to **Amendment 2 (253318)** which was adopted:

**Amendment 2A (173186)**—Delete line 8 and insert: *federal Medicaid funding for behavioral health care. The plan must give preference to quality improvement organizations as defined in the Social Security Act, 42 U.S.C. s. 1320c-1. Increased*

**Amendment 2 (253318)** as amended was adopted.

Senator Garcia moved the following amendments which were adopted:

**Amendment 3 (267526)**—Delete line 469 and insert: *394.463 or s. 397.675. As used in this subsection, the term “coordinated receiving system” means an agreed-upon referral distribution methodol-*

*ogy developed by a managing entity after consultation with all community inpatient psychiatric care providers.*

**Amendment 4 (659492) (with title amendment)**—Delete lines 563-567 and insert:

*contract. Managing entities must use the unique identifier developed by the department for individuals receiving behavioral health care services. The intent of the unique identifier is to allow the department, the managing entities, and the behavioral health care contracted providers to better coordinate care, evaluate services, assess the cost of services, and improve the outcomes of individuals receiving behavioral health care services. All providers under contract with a managing entity shall use the unique identifier by January 1, 2016. The department shall evaluate*

And the title is amended as follows:

Delete line 62 and insert: certain populations when necessary; requiring managing entities to use unique identifiers for individuals receiving behavioral health care services; requiring all providers under contract with a managing entity to use such unique identifiers by a specified date; requiring that, by

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 5 (283820)**—Delete line 612 and insert: *health care facilities. Representatives of local governments, including counties, school boards, sheriffs, and independent hospital taxing districts may, however, serve as voting members even if they contract with the managing entity.*

Pursuant to Rule 4.19, **CS for SB 7068** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Stargel—

**CS for CS for SB 608**—A bill to be entitled An act relating to real estate brokers and appraisers; amending s. 475.15, F.S.; requiring the Florida Real Estate Commission to adopt certain rules pertaining to broker registration on a temporary, emergency basis; amending s. 475.17, F.S.; clarifying education requirements that apply for post-licensure and initial real estate licensure; amending s. 475.183, F.S.; authorizing the commission to reinstate the license of an individual in certain circumstances; amending s. 475.611, F.S.; revising the supervision requirements for registered trainee appraisers; amending s. 475.612, F.S.; revising the supervision requirements for select graduate students; amending s. 475.621, F.S.; requiring the Department of Business and Professional Regulation to collect annual fees set by and transmitted to the appraisal subcommittee; amending s. 475.629, F.S.; requiring an appraiser to prepare and retain a work file in certain circumstances; requiring an appraisal management company to prepare and retain an order file in certain circumstances; requiring the work file and the order file to be retained for a specified period; requiring the work file and the order file to contain certain data, information, and documentation; requiring appraisal management companies to retain certain items; deleting the prohibition against the inspection or copying of certain records by the department, which had been allowed only in connection with a pending investigation or complaint; amending s. 475.6295, F.S.; providing that duly authorized agents and employees of the department may inspect an appraisal management company at all reasonable hours; amending s. 475.631, F.S.; removing the board's authority to enter into written agreements with similar licensing or certification authorities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 608** was placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote **SB 116, SB 120, SB 124, SB 188, SB 310, SB 458, SB 1196, and SB 1508** were withdrawn from the committees of reference and further consideration.

## MOTIONS

On motion by Senator Simmons, the rules were waived and the bills remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

On motion by Senator Simmons, the rules were waived and **SB 462** was returned to the calendar of bills on second reading and placed on the Special Order Calendar.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Tuesday, April 14, 2015: CS for SB 542, CS for SB 1298, CS for CS for CS for SB 248, CS for SB 1146, SB 728, CS for CS for SB 606, CS for CS for SB 760, SB 7028, CS for CS for SB 806, CS for CS for SB 1024, CS for SB 7018, CS for CS for SB 998, CS for CS for SB 1216, CS for CS for SB 716, CS for CS for SB 596, CS for SB 534, CS for CS for SB 656, SB 672, CS for SB 1208, CS for CS for CS for SB 1094, SB 982, CS for CS for SB 7066, CS for SB 7068, CS for CS for SB 608, CS for SB 340, CS for CS for SB 420, CS for SB 526, CS for CS for CS for SB 252, CS for CS for CS for SB 220, CS for CS for SB 112, CS for CS for SB 538, CS for CS for SB 872, CS for CS for SB 766, CS for SB 836, CS for CS for SB 668, CS for SB 954, CS for SB 682, SB 684, CS for CS for SB 640, CS for CS for SB 338, SB 266, CS for CS for SB 674, CS for CS for SB 278.

Respectfully submitted,  
*David Simmons*, Rules Chair  
*Bill Galvano*, Majority Leader  
*Arthenia L. Joyner*, Minority Leader

The Committee on Criminal Justice recommends the following pass: CS for SB 742

The Committee on Finance and Tax recommends the following pass: CS for SB 1102; SB 1242

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

The Committee on Agriculture recommends the following pass: SB 1374

**The bill was referred to the Committee on Fiscal Policy under the original reference.**

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 532

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1178

**The bill with committee substitute attached was referred to Appropriations Subcommittee on Criminal and Civil Justice under the original reference.**

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 216; CS for SB 326; SB 818; SB 1050

**The bills with committee substitute attached were placed on the Calendar.**

## REPORTS OF SUBCOMMITTEES

Appropriations Subcommittee on Health and Human Services recommends the following pass: SB 438; SB 634; CS for SB 790

**The bills were referred to the Committee on Fiscal Policy under the original reference.**

## REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce and Tourism recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Executive Director, Department of Economic Opportunity	
Appointee: Panuccio, Jesse	Pleasure of Governor
Board of Directors, Enterprise Florida, Inc.	
Appointee: Biter, Jesse	09/30/2018

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Appropriations; and Community Affairs; and Senator Bradley—

**CS for CS for SB 216**—A bill to be entitled An act relating to publicly funded retirement programs; amending s. 175.041, F.S.; revising applicability of the Marvin B. Clayton Firefighters Pension Trust Fund Act; providing that any municipality that provides fire protection services to a municipal service taxing unit under an interlocal agreement is eligible to receive property insurance premium taxes; amending s. 175.101, F.S.; authorizing a municipal service taxing unit that enters into an interlocal agreement for fire protection services with another municipality to impose an excise tax on property insurance premiums; amending s. 175.111, F.S.; requiring municipal service taxing units to provide the Division of Retirement of the Department of Management Services with a certified copy of the ordinance assessing and imposing certain taxes; amending ss. 175.122 and 175.351, F.S.; revising provisions relating to the limitation of disbursement to conform to changes made by the act; amending s. 175.411, F.S.; authorizing a municipal service taxing unit, under certain conditions, to revoke its participation and cease to receive property insurance premium taxes; providing an effective date.

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senators Clemens and Sachs—

**CS for CS for SB 326**—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing definitions; conforming a cross-reference; creating s. 397.487, F.S.; providing legislative findings and intent; requiring the Department of Children and Families to create a voluntary certification program for recovery residences; directing the department to approve at least one credentialing entity by a specified date to develop and administer the certification program; requiring an approved credentialing entity to establish procedures for certifying recovery residences that meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring a credentialing entity to conduct onsite inspections of a recovery residence; requiring background screening of owners, directors, and chief financial officers of a recovery residence; providing for denial, suspension, or revocation of certification; providing a criminal penalty for fal-

sely advertising a recovery residence as a “certified recovery residence”; creating s. 397.4871, F.S.; providing legislative intent; requiring the department to create a voluntary certification program for recovery residence administrators; directing the department to approve at least one credentialing entity by a specified date to develop and administer the certification program; requiring an approved credentialing entity to establish a process for certifying recovery residence administrators who meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring background screening of applicants for recovery residence administrator certification; providing for suspension or revocation of certification; providing a criminal penalty for falsely advertising oneself as a “certified recovery residence administrator”; prohibiting a certified recovery residence administrator from managing more than three recovery residences at any given time; creating s. 397.4872, F.S.; providing exemptions from disqualifying offenses; requiring credentialing entities to provide the department with a list of all certified recovery residences and recovery residence administrators by a date certain; requiring the department to publish the list on its website; allowing recovery residences and recovery residence administrators to be excluded from the list upon written request to the department; amending s. 397.407, F.S.; providing conditions for a licensed service provider to refer patients to a certified recovery residence or a recovery residence owned and operated by the licensed service provider; defining the term “refer”; conforming cross-references; amending ss. 212.055, 394.9085, 397.405, 397.416, and 440.102, F.S.; conforming cross-references; providing an effective date.

By the Committees on Finance and Tax; and Health Policy; and Senator Grimsley—

**CS for CS for SB 532**—A bill to be entitled An act relating to the ordering of medication; amending ss. 458.347 and 459.022, F.S.; revising the authority of a licensed physician assistant to order medication under the direction of a supervisory physician for a specified patient; amending s. 464.012, F.S.; authorizing an advanced registered nurse practitioner to order medication for administration to a specified patient; amending s. 465.003, F.S.; revising the term “prescription” to exclude an order for drugs or medicinal supplies by a licensed practitioner that is dispensed for certain administration; amending s. 893.02, F.S.; revising the term “administer” to include the term “administration”; revising the term “prescription” to exclude an order for drugs or medicinal supplies by a licensed practitioner that is dispensed for certain administration; amending s. 893.04, F.S.; conforming provisions to changes made by act; amending s. 893.05, F.S.; authorizing a licensed practitioner to authorize a licensed physician assistant or advanced registered nurse practitioner to order controlled substances for a specified patient under certain circumstances; reenacting ss. 400.462(26), 401.445(1), 409.906(18), and 766.103(3), F.S., to incorporate the amendments made to ss. 458.347 and 459.022, F.S., in references thereto; reenacting ss. 401.445(1) and 766.103(3), F.S., to incorporate the amendment made to s. 464.012, F.S., in references thereto; reenacting ss. 409.9201(1)(a), 458.331(1)(pp), 459.015(1)(rr), 465.014(1), 465.015(2)(c), 465.016(1)(s), 465.022(5)(j), 465.023(1)(h), 465.1901, 499.003(43), and 831.30(1), F.S., to incorporate the amendment made to s. 465.003, F.S., in references thereto; reenacting ss. 112.0455(5)(i), 381.986(7)(b), 440.102(1)(l), 458.331(1)(pp), 459.015(1)(rr), 465.015(3), 465.016(1)(s), 465.022(5)(j), 465.023(1)(h), 499.0121(14), 768.36(1)(b), 810.02(3)(f), 812.014(2)(c), 856.015(1)(c), 944.47(1)(a), 951.22(1), 985.711(1)(a), 1003.57(1)(i), and 1006.09(8), F.S., to incorporate the amendment made to s. 893.02, F.S., in references thereto; reenacting s. 893.0551(3)(e), F.S., to incorporate the amendment made to s. 893.04, F.S., in a reference thereto; reenacting s. 893.0551(3)(d), F.S., to incorporate the amendment made to s. 893.05, F.S., in a reference thereto; providing an effective date.

By the Committee on Appropriations; and Senator Garcia—

**CS for SB 818**—A bill to be entitled An act relating to maximum class size; amending s. 1002.31, F.S.; deleting a provision relating to compliance with maximum class size requirements for certain public schools of choice; amending s. 1002.33, F.S.; revising requirements for charter school compliance with maximum class size requirements; amending s. 1002.451, F.S.; revising requirements for district innovation school of technology compliance with maximum class size requirements; amending s. 1003.03, F.S.; calculating a school district’s class size categorical allocation reduction at the school average when maximum class size

requirements are not met; revising the calculation; providing for the expenditure of funds; requiring a school district that exceeds class size maximums to post its plan for compliance on the district website and provide the plan to the school advisory council of each noncompliant school; authorizing a noncompliant school to post the plan on its website; providing an effective date.

By the Committee on Appropriations; and Senator Montford—

**CS for SB 1050**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 15.0521, F.S.; designating tupelo honey as the official state honey; amending s. 482.1562, F.S.; revising the date by which an application for recertification of a limited certification for urban landscape commercial fertilizer is required; removing provisions imposing late renewal charges; providing a grace period for such recertification; amending s. 500.03, F.S.; defining terms relating to the Florida Food Safety Act; amending s. 570.07, F.S.; revising the functions, powers, and duties of the department to include sponsoring events; authorizing the department to secure letters of patent, copyrights, and trademarks on work products and to engage in acts accordingly; amending s. 570.30, F.S.; removing electronic data processing and management information systems support for the department as a power and duty of the Division of Administration; amending s. 570.441, F.S.; authorizing the use of funds in the Pest Control Trust Fund for activities of the Division of Agricultural Environmental Services; providing for expiration; amending s. 570.50, F.S.; revising the powers and duties of the Division of Food Safety to include analyzing milk, milk products, and frozen desserts offered for sale in the state; amending s. 570.53, F.S.; revising the powers and duties of the Division of Marketing and Development to remove the enforcement provisions relating to dealers in agricultural products; amending s. 570.544, F.S.; revising the duties of the director of the Division of Consumer Services to include enforcement provisions relating to dealers in agricultural products and grain dealers; creating s. 570.68, F.S.; authorizing the Commissioner of Agriculture to create an Office of Agriculture Technology Services; providing duties of the office; amending s. 570.681, F.S.; clarifying legislative findings with regard to the Florida Agriculture Center and Horse Park; amending s. 570.685, F.S.; authorizing rather than requiring the department to provide administrative and staff support services, meeting space, and record storage for the Florida Agriculture Center and Horse Park Authority; amending s. 571.24, F.S.; clarifying the intent of the Florida Agricultural Promotional Campaign as a marketing program; removing an obsolete provision relating to the designation of a division employee as a member of the Advertising Interagency Coordinating Council; amending s. 571.27, F.S.; removing obsolete provisions relating to the authority of the department to adopt rules for entering into contracts with advertising agencies for services that are directly related to the Florida Agricultural Promotional Campaign; amending s. 571.28, F.S.; revising provisions specifying membership criteria of the Florida Agricultural Promotional Campaign Advisory Council; amending s. 581.181, F.S.; providing applicability of provisions requiring treatment or destruction of infested or infected plants and plant products; repealing s. 589.26, F.S., relating to the authority of the Florida Forest Service to dedicate and reserve state park lands for public use; amending s. 595.402, F.S.; defining terms relating to the school food and nutrition service program; amending s. 595.404, F.S.; revising the duties of the department with regard to the school food and nutrition service program; directing the department to collect and publish data on food purchased by sponsors through the Florida Farm to School Program and other school food and nutrition service programs; amending s. 595.405, F.S.; clarifying requirements for the school nutrition program; requiring breakfast meals to be available to all students in schools that serve any combination of grades kindergarten through fifth; amending s. 595.406, F.S.; renaming the “Florida Farm Fresh Schools Program” as the “Florida Farm to School Program”; authorizing the department to establish by rule a recognition program for certain sponsors; amending s. 595.407, F.S.; revising provisions of the children’s summer nutrition program to include certain schools that serve any combination of grades kindergarten through 5; revising provisions relating to the duration of the program; authorizing school districts to exclude holidays and weekends; amending s. 595.408, F.S.; conforming references to changes made by the act; amending s. 595.501, F.S.; requiring certain entities to complete corrective action plans required by the department or a federal agency to be in compliance with school food and nutrition service programs; amending s. 595.601, F.S.; correcting a cross-reference; amending s. 604.20, F.S.; removing a provision requiring



an applicant for license as a dealer in agricultural products to submit a letter acknowledging assignment of a certificate of deposit from the issuing institution; amending s. 604.33, F.S.; removing provisions requiring grain dealers to submit monthly reports; authorizing rather than requiring the department to make at least one spot check annually of each grain dealer; directing the Board of Trustees of the Internal Improvement Trust Fund to sell a portion of specified property; requiring that the proceeds of such sale be deposited into the General Inspection Trust Fund of the department; directing the department to develop a plan to use the proceeds for facility repairs and construction of an agricultural diagnostic laboratory; requiring the plan to be submitted to the Governor and the Legislature by a certain date; providing an effective date.

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By the Committee on Criminal Justice; and Senator Richter—

**CS for SB 1178**—A bill to be entitled An act relating to drone privacy; creating s. 330.60, F.S.; providing a short title; defining terms; specifying situations in or purposes for which it is lawful to capture an image with a drone; prohibiting the use of a drone to capture an image of an individual or privately owned real property in certain circumstances; prohibiting the possession, disclosure, display, distribution, or use of such illegally captured images; providing exceptions; providing applicability; requiring

the Department of Transportation to review the potential impact on public safety from commercial applications of unmanned aerial systems and submit a report, in coordination with the Office of Insurance Regulation, to the Governor and the Legislature by a certain date; specifying that this act only applies to images captured after a specified date; providing severability; providing an effective date.

### **CORRECTION AND APPROVAL OF JOURNAL**

The Journals of April 8 and April 13 were corrected and approved.

### **CO-INTRODUCERS**

Senator Montford—CS for SB 960

### **ADJOURNMENT**

On motion by Senator Simmons, the Senate adjourned at 12:58 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 22 or upon call of the President.