



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Gardiner at 10:00 a.m. A quorum present—39:

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

Excused: Senator Grimsley

PRAYER

The following prayer was offered by Reverend Dr. Donald Fishburne, Assistant to the Rector at St. John's Episcopal Church, Tallahassee:

Holy God, we thank you for the liberties we enjoy, and we pray that these, your elected servants and leaders, will do justice, love mercy, and walk humbly with you as they offer their best, as they lead from their strengths, as they serve all your people. Help them and us care for your creation: this fragile earth, our island home. Help them and all your people strive for justice and peace among all people and respect the dignity of every human being. Help all of us as we provide for the education, employment, and health of the residents of this great state and for its visitors—men, women, and children. May you, O Lord, stand with us as we continue to work for liberty and justice for all.

For it is in you, O God, that we trust in this great state and this great nation. Amen.

PLEDGE

Senate Pages, Ryan Yoder of Jacksonville; Jamila Gowdy of Miami; Keeley Ryan of Weston; and Shayna Greenstein of Cape Coral, 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. Monina I. Geda of Jacksonville, sponsored by Senator Bean, as the doctor of the day. Dr. Geda specializes in family medicine.

MOMENT OF SILENCE

At the request of Senator Margolis, the Senate observed a moment of silence for Roberta Elisabeth "Betty" Hixon Stuart, who passed away on January 6, 2016. Roberta was the wife of former state Senator George Stuart, Jr.

SPECIAL ORDER CALENDAR

SB 672—A bill to be entitled An act relating to educational options; creating s. 1004.6495, F.S.; providing a short title; providing purposes and legislative intent; defining terms; establishing student eligibility requirements for enrollment in the Florida Postsecondary Comprehensive Transition Program; requiring eligible institutions to make student eligibility determinations; establishing the Florida Center for Students with Unique Abilities; specifying the responsibilities of the center and the center director; specifying amounts of funds to be used for start-up and enhancement grants; specifying application requirements for initial approval and renewal of approval; requiring an eligible institution with an approved program to submit an annual report to the center by a specified date; establishing a Florida Postsecondary Comprehensive Transition Program Scholarship for certain qualified students; specifying requirements for a student to maintain scholarship eligibility; providing for the distribution of scholarship funds; requiring an eligible institution to report certain data and information to the center; requiring an eligible institution to certify and report the amount of funds disbursed and undisbursed advances to the center by a specified date; specifying the amount of the scholarship for eligible students; authorizing awards to be prorated under certain circumstances; requiring the center, with the Board of Governors and the State Board of Education, to identify program progress and performance indicators; requiring an annual report to the Legislature, the Chancellor of the State University System, and the Commissioner of Education by a specified date; requiring the center, in collaboration with the Board of Governors, State Board of Education, Higher Education Coordinating Council, and other stakeholders, to submit to the Governor and Legislature statutory and budgetary recommendations for the program; requiring the Board of Governors and the State Board of Education, in consultation with the center, to adopt regulations and rules; creating s. 1011.78, F.S.; authorizing certain school districts and charter schools to be eligible to receive incentive payments for implementing a standard student attire policy that meets certain criteria; providing a short title and purpose; establishing the qualifications for such a payment; providing for funding, subject to availability in the General Appropriations Act; requiring the district school superintendent or charter school governing board to certify certain information to the commissioner by a specified date; providing for reversion of the funds under certain circumstances; providing immunity from civil liability to a school district board or charter school governing board that establishes a standard student attire policy; amending ss. 1001.43 and 1002.33, F.S.; authorizing a district school board or charter school that implements a standard student attire policy to be eligible to receive incentive payments; amending s. 1002.385, F.S.; revising terms for purposes of the Florida Personal Learning Scholarship Account Program; revising program eligibility criteria and program prohibitions for such accounts; authorizing a parent to submit a specified document to receive scholarship funds before confirmed eligibility; requiring that authorized program

funds be used to support the student's educational needs; authorizing program funds to be spent for specified fees and services; revising the terms of the program; providing for the reversion of certain funds to the state; revising the obligations of school districts, parents, and the Department of Education with respect to the program; revising the authority of the Commissioner of Education to deny, suspend, or revoke certain program participation and use of program funds; specifying maximum periods for certain suspensions and revocations; authorizing the commissioner to recover program funds through certain means; revising information that must be provided for the program by scholarship-funding organizations and parents of applicants; specifying priority for participation in the program; revising funding and payment provisions for the program; requiring the Auditor General to provide the commissioner with program annual operational audits by a specified time; amending s. 1002.395, F.S.; prohibiting a scholarship-funding organization from charging an application fee; deleting a requirement that certain fees be returned to the General Revenue Fund; providing for the transfer of contributions in excess of the amount that may be carried forward; revising the surety bond or letter of credit requirements for nonprofit scholarship-funding organizations submitting initial or renewal scholarship program participation applications; providing for the deposit of certain transferred funds by certain scholarship-funding organizations; requiring that certain deposited funds be separately disclosed; amending s. 1009.971, F.S.; revising the duties of the Florida Prepaid College Board; amending ss. 1009.98 and 1009.981, F.S.; providing implementation procedures for the Stanley G. Tate Florida Prepaid College Program and the Florida College Savings Program relating to plans purchased through the Personal Learning Scholarship Accounts Programs; providing appropriations; 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 Gaetz moved the following amendment which was adopted:

Amendment 1 (888100) (with title amendment)—Delete lines 544-1515 and insert:
1002.385 *The Gardiner Scholarship Florida personal learning scholarship accounts.*—

(1) **ESTABLISHMENT OF PROGRAM.**—The *Gardiner Scholarship Florida Personal Learning Scholarship Accounts* Program is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child. *All written explanatory materials, state websites, scholarship organization materials, letters to parents, scholarship agreements, and any other information describing this program to the public shall refer to a scholarship under the program as the "Gardiner Scholarship."*

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

(a) "Approved provider" means a provider approved by the Agency for Persons with Disabilities, a health care practitioner as defined in s. 456.001(4), or a provider approved by the department pursuant to s. 1002.66.

(b) "Curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

(c) "Department" means the Department of Education.

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*, published by the American Psychiatric Association s. 393.063(2); cerebral palsy, as defined in s. 393.063(4); Down syndrome, as defined in s. 393.063(13); an intellectual disability, as defined in s. 393.063(21); Prader-Willi syndrome, as defined in s. 393.063(25); or spina bifida, as defined in s. 393.063(36); for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a); muscular dystrophy; and Williams syndrome.

(e) "Eligible nonprofit scholarship-funding organization" or "organization" means a nonprofit scholarship-funding organization that is

approved pursuant to s. 1002.395(16) has the same meaning as in s. 1002.395.

(f) "Eligible postsecondary educational institution" means a Florida College System institution; a state university; a school district technical center; a school district adult general education center; *an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89;* or an accredited independent ~~nonpublic~~ postsecondary educational institution, as defined in s. 1005.02, which is licensed to operate in the state pursuant to requirements specified in part III of chapter 1005.

(g) "Eligible private school" means a private school, as defined in s. 1002.01, which is located in this state, which offers an education to students in any grade from kindergarten to grade 12, and which meets the requirements of:

1. Sections 1002.42 and 1002.421; and

2. A scholarship program under s. 1002.39 or s. 1002.395, as applicable, if the private school participates in a scholarship program under s. 1002.39 or s. 1002.395.

(h) "IEP" means individual education plan.

(i) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21.

(j) "Program" means the *Gardiner Scholarship Florida Personal Learning Scholarship Accounts* Program established in this section.

(3) **PROGRAM ELIGIBILITY.**—A parent of a student with a disability may request and receive from the state a *Gardiner Scholarship Florida personal learning scholarship account* for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;

2. Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in this state;

3. Has a disability as defined in paragraph (2)(d); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability ~~as defined in subsection (2)~~ from a physician who is licensed under chapter 458 or chapter 459 or a psychologist who is licensed under chapter 490 in this state.

(b) ~~Beginning January 2015,~~ The parent has applied to an eligible nonprofit scholarship-funding organization to participate in the program by February 1 before the school year in which the student will participate or an alternative date as set by the organization for any vacant, funded slots. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request. *In addition to the application and any documentation required by the organization or by State Board of Education rule, the parent may submit a final verification document pursuant to this paragraph to receive scholarship funds in the student's account before the department confirms program eligibility pursuant to paragraph (9)(e). The final verification document must consist of one of the following items applicable to the student:*

1. A completed withdrawal form from the school district, if the student was enrolled in a public school before the determination of program eligibility.

2. A letter of admission or enrollment from an eligible private school for the fiscal year in which the student wishes to participate and, if applicable, a copy of the notification from the private school that the student has withdrawn from the John M. McKay Scholarships for Students with Disabilities Program or the Florida Tax Credit Scholarship Program.

3. *A copy of the notice of the parent's intent to establish and maintain a home education program required by s. 1002.41(1)(a) or the annual educational evaluation of the student in a home education program, which is required by s. 1002.41(2). The organization shall notify the district and the department of the parent's intent upon receipt of the parent's request.*

(4) PROGRAM PROHIBITIONS.—

~~(a)~~ A student is not eligible for the program ~~if~~ while he or she is:

~~(a)1.~~ Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the Florida Virtual School; the College-Preparatory Boarding Academy; a developmental research school authorized under s. 1002.32; a charter school authorized under s. 1002.33, s. 1002.331, or s. 1002.332; or a virtual education program authorized under s. 1002.45. *For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school. Funding provided under this section for a child eligible for enrollment in the Voluntary Prekindergarten Education Program shall constitute funding for the child under part V of this chapter, and no additional funding shall be provided for the child under part V.*

~~(b)2.~~ Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;

~~(c)3.~~ Receiving a scholarship pursuant to the Florida Tax Credit Scholarship Program under s. 1002.395 or the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39; ~~or~~

~~(d)4.~~ Receiving any other educational scholarship pursuant to this chapter.

~~(b)~~ A student is not eligible for the program if:

~~1.~~ The student or student's parent has accepted any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5);

~~2.~~ The student's participation in the program has been denied or revoked by the commissioner of Education pursuant to subsection (10); ~~or~~

~~3.~~ The student's parent has forfeited participation in the program for failure to comply with requirements pursuant to subsection (11).

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(a) Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content *and training on the use of and maintenance agreements for these devices.*

(b) Curriculum as defined in paragraph (2)(b).

(c) Specialized services by approved providers that are selected by the parent. These specialized services may include, but are not limited to:

1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

2. Services provided by speech-language pathologists as defined in s. 468.1125.

3. Occupational therapy services as defined in s. 468.203.

4. Services provided by physical therapists as defined in s. 486.021.

5. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, a private tutoring program authorized under s. 1002.43, a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(e) Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

(f) Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981, for the benefit of the eligible student.

(g) Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (4).

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

(i) Fees for specialized summer education programs.

(j) Fees for specialized after-school education programs.

(k) Transition services provided by job coaches.

(l) Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(c), if this option is chosen for a home education student.

(m) Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55 and school readiness providers approved pursuant to s. 1002.88.

A provider of any services ~~specialized service provider, eligible private school, eligible postsecondary educational institution, private tutoring program provider, online or virtual program provider, public school, school district, or other entity~~ receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship ~~Florida personal learning scholarship account~~ with the parent or participating student in any manner.

(6) TERM OF THE PROGRAM.—For purposes of continuity of educational choice and program integrity;

~~(a)1.~~ The Program payments made by the state to an organization for a Gardiner Scholarship under this section shall continue ~~remain in force~~ until:

a. The parent does not renew program eligibility;

b. The organization determines that the student is not eligible for program renewal;

c. The Commissioner of Education suspends or revokes program participation or use of funds;

d. The student's parent has forfeited participation in the program for failure to comply with subsection (11);

e. The student enrolls in a public school; or

f. The student graduates from high school or attains 22 years of age, whichever occurs first ~~a student participating in the program participates in any of the prohibited activities specified in subsection (4), has funds revoked by the Commissioner of Education pursuant to subsection (10), returns to a public school, graduates from high school, or attains 22 years of age, whichever occurs first. A participating student~~

~~who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the program's term.~~

2. Reimbursements for program expenditures may continue until the account balance is expended or the account is closed pursuant to paragraph (b).

(b)1. A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds pursuant to paragraph (5)(f), shall revert to the state upon:

a. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5); or

b. After any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution.

2. The commissioner must notify the parent and the organization when a Gardiner Scholarship account is closed and program funds revert to the state.

(7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. ~~The parent of~~ For a student with a disability who does not have an IEP in accordance with subparagraph (3)(a)4. or who seeks a reevaluation of an existing IEP may request an IEP meeting and evaluation from the school district in order to obtain or revise a matrix of services. The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request. The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receipt of the parent's request in accordance with State Board of Education rules. ~~a matrix of services under s. 1011.62(1)(c) and for whom the parent requests a matrix of services.~~ The school district must complete a matrix that assigns the student to one of the levels of service as they existed before the 2000-2001 school year.

2.a. ~~Within 10 school days after a school district receives notification of a parent's request for completion of a matrix of services, the school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for the matrix of services. This notice must include the required completion date for the matrix.~~

b. ~~The school district shall complete the matrix of services for a student whose parent has made a request. The school district must provide the student's parent and the department with the student's matrix level within 10 calendar school days after its completion.~~

b.e. ~~The department shall notify the parent and the eligible non-profit scholarship funding organization of the amount of the funds awarded within 10 days after receiving the school district's notification of the student's matrix level.~~

c.d. A school district may change a matrix of services only if the change is a result of an IEP reevaluation or to correct a technical, typographical, or calculation error.

(b) For each student participating in the program who chooses to participate in statewide, standardized assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide, standardized assessments.

(c) ~~For each student participating in the program, a school district shall notify the parent about the availability of a reevaluation at least every 3 years.~~

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the ~~eligible nonprofit scholarship funding~~ organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the results if the private school receives more than \$250,000 in funds from scholarships awarded under this section in the 2014-2015 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must submit the report by September 15, 2015, and annually thereafter to the ~~scholarship funding~~ organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program as determined by the ~~commissioner department~~.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Maintain on its website a list of approved providers as required in s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and organizations and may identify or provide links to lists of other approved providers.

(b) Require each ~~eligible nonprofit scholarship funding~~ organization to verify eligible expenditures before the distribution of funds for any expenditures made pursuant to paragraphs (5)(a) and (b). Review of expenditures made for services specified in paragraphs (5)(c)-(m) ~~(5)(e)-(g)~~ may be completed after the purchase is ~~payment has been made~~.

(c) Investigate any written complaint of a violation of this section by a parent, a student, a private school, a public school or a school district, an organization, a provider, or another appropriate party in accordance with the process established by s. 1002.395(9)(f).

(d) Require quarterly reports by an ~~eligible nonprofit scholarship funding~~ organization, which must, at a minimum, include regarding the number of students participating in the program; the demographics of program participants; the disability category of program participants; the matrix level of services, if known; the program award amount per

student; the total expenditures for the purposes specified in subsection (5); the types of providers of services to students; and any other information deemed necessary by the department.

(e) Compare the list of students participating in the program with the public school student enrollment lists, Voluntary Prekindergarten Education Program enrollment lists, and the list of students participating in school choice scholarship programs established pursuant to this chapter before each scholarship award is provided to the organization, and subsequently throughout the school year, ~~each program payment~~ to avoid duplicate payments and confirm program eligibility. A parent who files a final verification pursuant to paragraph (3)(b) shall receive scholarship funds before the department confirms program eligibility.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. ~~Shall deny, suspend, or revoke a student's participation in the program if the health, safety, or welfare of the student is threatened or fraud is suspected.~~

2. ~~Shall deny, suspend, or revoke an authorized use of program funds if the health, safety, or welfare of the student is threatened or fraud is suspected.~~

3. ~~May deny, suspend, or revoke an authorized use of program funds for material failure to comply with this section and applicable department rules if the noncompliance is correctable within a reasonable period of time. Otherwise, the commissioner shall deny, suspend, or revoke an authorized use for failure to materially comply with the law and rules adopted under this section.~~

4. ~~Shall require compliance by the appropriate party by a date certain for all nonmaterial failures to comply with this section and applicable department rules. The commissioner May deny, suspend, or revoke program participation or use of program funds by the student or participation or eligibility of an organization, eligible private school, eligible postsecondary educational institution, approved provider, or other party for a violation of this section.~~

2. May determine the length of, and conditions for lifting, a suspension or revocation specified in this subsection.

3. May recover unexpended program funds or withhold payment of an equal amount of program funds to recover program funds that were not authorized for use.

4. Shall deny or terminate program participation upon a parent's forfeiture of a Gardiner Scholarship pursuant to subsection (11) ~~under this section thereafter.~~

(b) In determining whether to ~~deny, suspend, or revoke participation or lift a suspension or revocation~~ in accordance with this subsection, the commissioner may consider factors that include, but are not limited to, acts or omissions ~~that by a participating entity which~~ led to a previous suspension ~~denial~~ or revocation of participation in a state or federal program or an education scholarship program; failure to reimburse the ~~eligible nonprofit scholarship funding organization~~ for program funds improperly received or retained by the entity; ~~failure to reimburse government funds improperly received or retained~~; imposition of a prior criminal sanction related to the person or entity or its officers or employees; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to a person's or ~~an~~ entity's management or operation; or other types of criminal proceedings in which the person or entity or its officers or employees were found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent ~~receives~~ chooses to request and receive an IEP and a matrix of

services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments ~~enroll an eligible student in the program~~, the parent must sign an agreement with the ~~eligible nonprofit scholarship funding~~ organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)-(d).

2. Affirm that ~~Use~~ the program funds ~~are used~~ only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable: ~~takes all appropriate standardized assessments as specified in this section.~~

a. ~~Requiring the student to~~ If the parent enrolls the child in an eligible private school, the student must take an assessment in accordance with paragraph (8)(c); ~~selected by the private school pursuant to s. 1002.395(7)(c).~~

b. ~~Providing an~~ If the parent enrolls the child in a home education program, the parent may choose to participate in an assessment as part of the annual evaluation in accordance with ~~provided for in~~ s. 1002.41(1)(c); or-

c. ~~Requiring the child to take any pre- and post-assessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a pre- and post-assessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.~~

4. ~~Notify the school district that the student is participating in the Personal Learning Scholarship Accounts if the parent chooses to enroll in a home education program as provided in s. 1002.41.~~

5. ~~Request participation in the program by the date established by the eligible nonprofit scholarship funding organization.~~

4.6. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

7. ~~Apply for admission of his or her child if the private school option is selected by the parent.~~

8. ~~Annually renew participation in the program. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal as provided in subsection (6).~~

9. ~~Affirm that the parent will not transfer any college savings funds to another beneficiary.~~

10. ~~Affirm that the parent will not take possession of any funding provided by the state for the Florida Personal Learning Scholarship Accounts.~~

11. ~~Maintain a portfolio of records and materials which must be preserved by the parent for 2 years and be made available for inspection by the district school superintendent or the superintendent's designee upon 15 days' written notice. This paragraph does not require the superintendent to inspect the portfolio. The portfolio of records and materials must consist of:~~

a. ~~A log of educational instruction and services which is made contemporaneously with delivery of the instruction and services and which designates by title any reading materials used; and~~

b. ~~Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.~~

(b) *The parent must file an application for initial program participation with an organization by the dates established pursuant to this section.*

(c) *The parent must notify the school district that the student is participating in the Gardiner Scholarship Program if the parent chooses to enroll the student in a home education program as provided in s. 1002.41. This notification is not in lieu of the required notification a parent must submit to the district when establishing a home education program pursuant to s. 1002.41(1)(a).*

(d) *The parent must enroll his or her child in a program from a Voluntary Prekindergarten Education Program provider authorized under s. 1002.55, a school readiness provider authorized under s. 1002.88, or an eligible private school if either option is selected by the parent.*

(e) *The parent must annually renew participation in the program. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal. However, for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child's application for renewal of program participation must contain documentation that the child has a disability defined in paragraph (2)(d) other than high-risk status.*

(f) ~~(b)~~ *The parent is responsible for procuring the services necessary to educate the student. When the student receives a Gardiner Scholarship personal learning scholarship account, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an individual education plan or matrix level of services.*

(g) ~~(e)~~ *The parent is responsible for the payment of all eligible expenses in excess of the amount of the Gardiner Scholarship personal learning scholarship account in accordance with the terms agreed to between the parent and the providers.*

(h) *The parent may not transfer any prepaid college plan or college savings plan funds contributed pursuant to paragraph (5)(f) to another beneficiary while the plan contains funds contributed pursuant to this section.*

(i) *The parent may not receive a payment, refund, or rebate from an approved provider of any services under this program.*

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship personal learning scholarship account.

(12) **OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP ACCOUNTS.**—An eligible nonprofit scholarship funding organization participating in the Florida Tax Credit Scholarship Program established under s. 1002.395 may establish Gardiner Scholarships personal learning scholarship accounts for eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section. ~~The organization shall notify the department of the applicants for the program by March 1 before the school year in which the student intends to participate. When an application is approved received, the scholarship funding organization must provide the department with information on the student to enable the department to determine report the student for funding in accordance with subsection (13).~~

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon the funds provided for this program in the General Appropriations Act.

(c) Establishing a date pursuant to paragraph (3)(b) by which a parent must confirm initial or continuing participation in the program and confirm the establishment or continuance of a personal learning scholarship account.

(d) Reviewing applications and awarding scholarship funds to approved applicants using the following priorities:

1. *Renewing students from the previous school year;*
2. *Students retained on the previous school year's wait list;*
3. *Newly approved applicants; and*
4. *Late-filed applicants.*

An approved student who does not receive a scholarship must be placed on the wait list in the order in which his or her application is approved. The Establishing a date and process by which students on the wait list or subsequent late-filing applicants may be allowed to participate in the program during the fiscal school year, within the amount of funds provided for this program in the General Appropriations Act. A student who does not receive a scholarship within the fiscal year shall be retained on the wait list for the subsequent year.

(e) Establishing and maintaining separate accounts for each eligible student. For each account, the organization must maintain a record of accrued interest that is retained in the student's account and available only for authorized program expenditures.

(f) Verifying qualifying educational expenditures pursuant to the requirements of paragraph (9)(b) ~~(8)(b)~~.

(g) Returning any remaining program ~~unused~~ funds to the department pursuant to paragraph (6)(b) ~~when the student is no longer eligible for a personal scholarship learning account.~~

(h) Notifying the parent about the availability of, and the requirements associated with, requesting an initial IEP or IEP reevaluation every 3 years for each student participating in the program.

(i) Notifying the department of any violation of this section.

(j) Documenting each scholarship student's eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b).

(13) FUNDING AND PAYMENT.—

(a)1. The maximum funding amount granted for an eligible student with a disability, pursuant to subsection (3), shall be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program which would have been provided for the student in the district school to which he or she would have been assigned, multiplied by the district cost differential.

2. In addition, an amount equivalent to a share of the guaranteed allocation for exceptional students in the Florida Education Finance Program shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, the matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount must also include an amount equivalent to the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

3. Except as otherwise provided in subsection (7), the calculation for all students participating in the program shall be based on the matrix that assigns the student to support Level III of services. If a parent chooses to request and receive a matrix of services from the school district, when the school district completes the matrix, the amount of the payment shall be adjusted as needed.

(b) The amount of the awarded funds shall be 90 percent of the calculated amount. *One hundred percent of the funds appropriated for the program shall be released to the department at the beginning of the first quarter of each fiscal year.*

(c) Upon notification from the organization that a parent has filed a final verification document pursuant to paragraph (3)(b) or upon noti-

fication from the organization that a 3- or 4-year-old child's application has been approved for the program, the department shall release the student's scholarship funds to the organization to be deposited into the student's account ~~an eligible student's graduation from an eligible postsecondary educational institution or after any period of 4 consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary educational institution, the student's personal learning scholarship account shall be closed, and any remaining funds shall revert to the state.~~

(d) For initial eligibility for the program, students determined eligible by the organization for a Gardiner Scholarship by:

1. September 1 shall receive 100 percent of the total awarded funds.
2. November 1 shall receive 75 percent of the total awarded funds.
3. February 1 shall receive 50 percent of the total awarded funds.
4. April 1 shall receive 25 percent of the total awarded funds.

(e) Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

~~(f)(d)~~ The ~~eligible nonprofit scholarship funding~~ organization may ~~shall~~ develop a system for payment of benefits by ~~electronic~~ funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of ~~electronic~~ payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(g) In addition to funds appropriated for scholarship awards and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship award from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarship awards.

~~(h)(e)~~ Moneys received pursuant to this section do not constitute taxable income to the *qualified student* or parent of the qualified student.

(14) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual ~~financial and operational~~ audit of accounts and records of each ~~eligible scholarship funding~~ organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total amount of students served and the eligibility of reimbursements made by the ~~each eligible nonprofit scholarship funding~~ organization and transmit that information to the department. *The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this subsection within 10 days after the audit is finalized.*

(b) The Auditor General shall notify the department of any ~~eligible nonprofit scholarship funding~~ organization that fails to comply with a request for information.

(15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The Department of Health, the Agency for Persons with Disabilities, and the Department of Education shall work with an ~~eligible nonprofit scholarship funding~~ organization for easy or automated access to lists of licensed providers of services specified in paragraph (5)(c) to ensure efficient administration of the program.

(16) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(17) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools, *independent nonprofit* postsecondary educational institutions, and private providers beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(18) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL YEAR.—Notwithstanding the provisions of this section related to notification and eligibility timelines, an eligible nonprofit scholarship funding organization may enroll parents on a rolling schedule on a first come, first served basis, within the amount of funds provided in the General Appropriations Act.~~

Section 6. Paragraph (j) of subsection (6) and paragraphs (a), (b), and (f) of subsection (16) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(j)1. May use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as *an eligible nonprofit scholarship-funding organization under this section* for at least the preceding 3 ~~state~~ fiscal years and did not have any ~~negative financial~~ findings of material weakness or material noncompliance in its most recent audit under paragraph (m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. *If An eligible nonprofit scholarship-funding organization may not charge charges an application fee for a scholarship, the application fee must be immediately refunded to the person that paid the fee if the student is not enrolled in a participating school within 12 months.*

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be *transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (m) returned to the State Treasury for deposit in the General Revenue Fund.*

3. Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that

provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(16) **NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS; APPLICATION.**—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice no later than September 1 of each year before the school year for which the organization intends to offer scholarships.

(a) An application for initial approval must include:

1. A copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State.
2. A copy of the organization's Internal Revenue Service determination letter as a s. 501(c)(3) not-for-profit organization.
3. A description of the organization's financial plan that demonstrates sufficient funds to operate throughout the school year.
4. A description of the geographic region that the organization intends to serve and an analysis of the demand and unmet need for eligible students in that area.
5. The organization's organizational chart.
6. A description of the criteria and methodology that the organization will use to evaluate scholarship eligibility.
7. A description of the application process, including deadlines and any associated fees.
8. A description of the deadlines for attendance verification and scholarship payments.
9. A copy of the organization's policies on conflict of interest and whistleblowers.

10. A copy of a surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section in an amount equal to 25 percent of the scholarship funds anticipated for each school year or \$100,000, whichever is greater. *The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.*

(b) In addition to the information required by subparagraphs (a)1.-9., an application for renewal must include:

1. A surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section equal to the amount of undisbursed donations held by the organization based on the annual report submitted pursuant to paragraph (6)(m). The amount of the surety bond or letter of credit must be at least \$100,000, but not more than \$25 million. *The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.*
2. The organization's completed Internal Revenue Service Form 990 submitted no later than November 30 of the year before the school year that the organization intends to offer the scholarships, notwithstanding the September 1 application deadline.
3. A copy of the statutorily required audit to the Department of Education and Auditor General.
4. An annual report that includes:
 - a. The number of students who completed applications, by county and by grade.

b. The number of students who were approved for scholarships, by county and by grade.

c. The number of students who received funding for scholarships within each funding category, by county and by grade.

d. The amount of funds received, the amount of funds distributed in scholarships, and an accounting of remaining funds and the obligation of those funds.

e. A detailed accounting of how the organization spent the administrative funds allowable under paragraph (6)(j).

(f) All remaining funds held by a nonprofit scholarship-funding organization that is disapproved for participation must *be transferred revert to the Department of Revenue for redistribution* to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. *All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under subsection (6).*

Section 7. Paragraph (aa) is added to subsection (4) of section 1009.971, Florida Statutes, to read:

1009.971 Florida Prepaid College Board.—

(4) **FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.**—The board shall have the powers and duties necessary or proper to carry out the provisions of ss. 1009.97-1009.988, including, but not limited to, the power and duty to:

(aa) *Adopt rules relating to the purchase and use of a prepaid college plan authorized under s. 1009.98 or a college savings plan authorized under s. 1009.981 for the Gardiner Scholarship Program pursuant to s. 1002.385, which may include, but need not be limited to:*

1. *The use of such funds for postsecondary education programs for students with disabilities;*
2. *Effective procedures that allow program funds to be used in conjunction with other funds used by a parent in the purchase of a prepaid college plan or a college savings plan;*
3. *The tracking and accounting of program funds separately from other funds contributed to a prepaid college plan or a college savings plan;*
4. *The reversion of program funds, including, but not limited to, earnings from contributions to the Florida College Savings Plan;*
5. *The use of program funds only after private payments have been used for prepaid college plan or college savings plan expenditures;*
6. *Contracting with each eligible nonprofit scholarship-funding organization to establish mechanisms to implement s. 1002.385, including, but not limited to, identifying the source of funds being deposited in the plans; and*
7. *The development of a written agreement that defines the owner and beneficiary of an account and outlines responsibilities for the use of the advance payment contract funds or savings program funds.*

Section 8. Subsection (11) is added to section 1009.98, Florida Statutes, to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(11) **IMPLEMENTATION PROCEDURES.**—

(a) *A prepaid college plan may be purchased, accounted for, used, and terminated as provided in s. 1002.385.*

(b) *A qualified beneficiary may apply the benefits of an advance payment contract toward the program fees of a program designed for students with disabilities conducted by a state postsecondary institution. A transfer authorized under this subsection may not exceed the redemption value of the advance payment contract at a state postsecondary*

institution or the number of semester credit hours contracted on behalf of a qualified beneficiary. A qualified beneficiary may not be changed while a prepaid college plan contains funds contributed under s. 1002.385.

Section 9. Subsection (10) is added to section 1009.981, Florida Statutes, to read:

1009.981 Florida College Savings Program.—

(10) **IMPLEMENTATION PROCEDURES.**—

(a) *A college savings plan may be purchased, accounted for, used, and terminated as provided in s. 1002.385.*

(b) *A designated beneficiary may apply the benefits of a participation agreement toward the program fees of a program designed for students with disabilities conducted by a state postsecondary institution. A designated beneficiary may not be changed while a college savings plan contains funds contributed under s. 1002.385.*

Section 10. *For the 2016-2017 fiscal year:*

(1) *The sum of \$71.2 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for scholarship awards under the Gardiner Scholarship Program. In addition to the funds*

And the title is amended as follows:

Delete lines 60-104 and insert: payments; amending s. 1002.385, F.S.; changing the name of the “Florida Personal Learning Scholarship Account Program” to the “Gardiner Scholarship Program”; revising terms for purposes of the Gardiner Scholarship Program; revising program eligibility criteria and program prohibitions for such scholarships; authorizing a parent to submit a specified document to receive scholarship funds before confirmed eligibility; requiring that authorized program funds be used to support the student’s educational needs; authorizing program funds to be spent for specified fees and services; revising the terms of the program; providing for the reversion of certain funds to the state; revising the obligations of school districts, parents, and the Department of Education with respect to the program; revising the authority of the Commissioner of Education to deny, suspend, or revoke certain program participation and use of program funds; specifying maximum periods for certain suspensions and revocations; authorizing the commissioner to recover program funds through certain means; revising information that must be provided for the program by scholarship-funding organizations and parents of applicants; specifying priority for participation in the program; revising funding and payment provisions for the program; requiring the Auditor General to provide the commissioner with program annual operational audits by a specified time; amending s. 1002.395, F.S.; prohibiting a scholarship-funding organization from charging an application fee; deleting a requirement that certain fees be returned to the General Revenue Fund; providing for the transfer of contributions in excess of the amount that may be carried forward; revising the surety bond or letter of credit requirements for nonprofit scholarship-funding organizations submitting initial or renewal scholarship program participation applications; providing for the deposit of certain transferred funds by certain scholarship-funding organizations; requiring that certain deposited funds be separately disclosed; amending s. 1009.971, F.S.; revising the duties of the Florida Prepaid College Board; amending ss. 1009.98 and 1009.981, F.S.; providing implementation procedures for the Stanley G. Tate Florida Prepaid College Program and the Florida College Savings Program relating to plans purchased through the Gardiner Scholarship

CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **Amendment 1 (888100)** to **SB 672**.

The vote was:

Yeas—39

Mr. President	Benacquisto	Bullard
Abruzzo	Bradley	Clemens
Altman	Brandes	Dean
Bean	Braynon	Detert

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

Nays—None

On motion by Senator Gaetz, by two-thirds vote, **SB 672**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL GUESTS

The President recognized Claire Toman, who was present in the chamber. Claire is a volunteer in the Senate President’s Office.

On motion by Senator Bean—

CS for SB 184—A bill to be entitled An act relating to military and veterans affairs; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver license or identification card to include a voluntary checkoff authorizing veterans to request written or electronic information on federal, state, and local benefits and services for veterans; requiring the requested information to be delivered by a third-party provider; requiring the Department of Highway Safety and Motor Vehicles to report monthly to the Department of Veterans’ Affairs the names and mailing or e-mail addresses of veterans who request information; requiring the Department of Veterans’ Affairs to disseminate veteran contact information to the third-party provider; requiring that the third-party provider be a nonprofit organization; defining the term “nonprofit organization”; requiring that the Department of Veterans’ Affairs provide veteran contact information to the appropriate county or city veteran service officer; specifying that a third-party provider may use veteran contact information only as authorized; prohibiting a third-party provider from selling veteran contact information; requiring a third-party provider to maintain confidentiality of veteran contact information under specified provisions; providing a penalty; creating the Military and Overseas Voting Assistance Task Force within the Department of State; specifying membership of the task force; authorizing reimbursement for per diem and travel expenses; prescribing duties of the task force; requiring submission of a report to the Governor and the Legislature by a specified date; providing for expiration of the task force; providing for staffing; providing legislative findings and intent regarding continuing education for veterans of the United States Armed Forces; providing legislative intent to require collaboration between the State Board of Education and the Board of Governors of the State University System in achieving specified goals regarding educational opportunities for veterans; providing an effective date.

—was read the second time by title.

SENATOR RICHTER PRESIDING

Pursuant to Rule 4.19, **CS for SB 184** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simpson—

SB 88—A bill to be entitled An act relating to Gold Star license plates; amending s. 320.0894, F.S.; including certain individuals as qualified for issuance of a Gold Star license plate; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 88** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 340—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 a licensed ophthalmologist, optometrist, or optician to specific suppliers of materials or optical laboratories; providing that such insurers and organizations are not restricted 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 second time by title.

Pursuant to Rule 4.19, **SB 340** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

CS for SB 230—A bill to be entitled An act relating to missing persons with special needs; creating s. 937.041, F.S.; creating pilot projects in specified counties to provide personal devices to aid search-and-rescue efforts for persons with special needs; providing for administration of the project; requiring reports; providing for expiration; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 230** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for SB 7010—A bill to be entitled An act relating to individuals with disabilities; creating s. 17.68, F.S.; providing legislative findings; establishing the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services; requiring the department to develop and implement the program in consultation with specified stakeholders; providing for the participation of banks, credit unions, savings associations, and savings banks; requiring the program to provide information, resources, outreach, and education on specified issues to individuals with developmental disabilities and employers in this state; requiring the department to establish on its website a clearinghouse for information regarding the program and to publish a brochure describing the program; requiring, by a specified date, qualified public depositories to make copies of the department's brochure available and provide a hyperlink on their websites to the department's website for the program; providing that qualified public depositories are not subject to civil liability arising from the distribution and contents of the brochure and the program website

information; amending s. 20.60, F.S.; revising requirements for the Department of Economic Opportunity's annual report to conform to changes made by the act; reordering and amending s. 110.107, F.S.; revising definitions and defining the term "individual who has a disability"; amending s. 110.112, F.S.; revising the state's equal employment opportunity policy to include individuals who have a disability; requiring each executive agency to annually report to the Department of Management Services regarding the agency's progress in increasing employment among certain underrepresented groups; revising the required content of the department's annual workforce report; requiring the department to develop and implement certain programs geared toward individuals who have a disability; requiring the department to develop training programs by a specified date; requiring each executive agency to develop a plan regarding the employment of individuals who have a disability by a specified date; requiring the department to report to the Governor and the Legislature regarding implementation; requiring the department to compile and post data regarding the hiring practices of executive agencies regarding the employment of individuals who have a disability; requiring the department to assist executive agencies in identifying strategies to retain employees who have a disability; requiring the department to adopt certain rules; specifying that the act does not create any enforceable right or benefit; amending s. 280.16, F.S.; requiring a qualified public depository to participate in the Financial Literacy Program for Individuals with Developmental Disabilities; amending s. 393.063, F.S.; revising the definition of the term "developmental disability" to include Down syndrome; creating the "Employment First Act"; providing legislative findings and intent; providing a purpose; requiring specified state agencies and organizations to develop and implement an interagency cooperative agreement; requiring the interagency cooperative agreement to provide the roles, responsibilities, and objectives of state agencies and organizations; requiring the Department of Economic Opportunity, in consultation with other entities, to create the Florida Unique Abilities Partner Program; defining terms; authorizing a business entity to apply to the department for designation; requiring the department to consider nominations of business entities for designation; requiring the department to adopt procedures for application, nomination, and designation processes; establishing criteria for a business entity to be designated as a Florida Unique Abilities Partner; requiring a business entity to certify that it continues to meet the established criteria for designation each year; requiring the department to remove the designation if a business entity does not submit yearly certification of continued eligibility; authorizing a business entity to discontinue its designated status; requiring the department, in consultation with the disability community, to develop a logo for business entities designated as Florida Unique Abilities Partners; requiring the department to adopt guidelines and requirements for the use of the logo; authorizing the department to allow a designated business entity to display a logo; prohibiting the use of a logo if a business entity does not have a current designation; requiring the department to maintain a website with specified information; requiring the Agency for Persons with Disabilities to provide a link on its website to the department's website for the program; requiring the department to provide the Florida Tourism Industry Marketing Corporation with certain information; requiring the department and CareerSource Florida, Inc., to identify employment opportunities posted by business entities that receive the Florida Unique Abilities Partner designation on the workforce information system; requiring a report to the Legislature; providing report requirements; requiring the department to adopt rules; providing appropriations; providing effective dates.

—was read the second time by title.

THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **CS for SB 7010** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for SB 180—A bill to be entitled An act relating to trade secrets; amending s. 812.081, F.S.; including financial information in provisions prohibiting the theft, embezzlement, or unlawful copying of trade secrets; providing criminal penalties; reenacting ss. 581.199, 721.071(1), 812.035(1), (2), (5), (7), (8), (10), and (11), and 815.04(4), F.S., relating to confidential business information, trade secret information filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes

within the Department of Business and Professional Regulation, civil remedies, and offenses against intellectual property, respectively, to incorporate changes made by this act to the definition of the term “trade secret” in s. 812.081, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 180** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for SB 182—A bill to be entitled An act relating to public records and meetings; amending ss. 119.071, 125.0104, 288.1226, 331.326, 365.174, 381.83, 403.7046, 403.73, 499.012, 499.0121, 499.051, 499.931, 502.222, 570.48, 573.123, 601.10, 601.15, 601.152, 601.76, and 815.04, F.S.; expanding public records exemptions for certain data processing software obtained by an agency, certain information held by a county tourism promotion agency, information related to trade secrets held by the Florida Tourism Industry Marketing Corporation, information related to trade secrets held by Space Florida, proprietary confidential business information submitted to the E911 Board, the Technology Program within the Department of Management Services, and the Department of Revenue, trade secret information held by the Department of Health, trade secret information reported or submitted to the Department of Environmental Protection, trade secret information held by the Department of Business and Professional Regulation pursuant to specified provisions of the Florida Drug and Cosmetic Act, trade secret information of a dairy industry business held by the Department of Agriculture and Consumer Services, trade secret information held by the Division of Fruits and Vegetables of the Department of Agriculture and Consumer Services, trade secret information of a person subject to a marketing order held by the Department of Agriculture and Consumer Services, trade secret information provided to the Department of Citrus, trade secret information of noncommodity advertising and promotional program participants held by the Department of Citrus, trade secret information of a person subject to a marketing order held by the Department of Citrus, a manufacturer's formula filed with the Department of Agriculture and Consumer Services, and specified data, programs, or supporting documentation held by an agency, respectively, to incorporate changes made to the definition of the term “trade secret” in s. 812.081, F.S., by SB 180; expanding a public meeting exemption for any meeting or portion of a meeting of Space Florida's board at which trade secrets are discussed to incorporate changes made to the definition of the term “trade secret” in s. 812.081, F.S., by SB 180; providing for future legislative review and repeal of the exemptions; 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 182** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thompson—

SB 112—A bill to be entitled An act relating to absentee voting; amending ss. 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981, 98.255, 100.025, 101.051, 101.151, 101.5612, 101.5614, 101.572, 101.591, 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661, 101.662, 101.663, 101.67, 101.68, 101.69, 101.6921, 101.6923, 101.6925, 101.694, 101.6951, 101.6952, 101.697, 102.031, 102.141, 102.168, 104.047, 104.0515, 104.0616, 104.17, 117.05, 394.459, 741.406, and 916.107, F.S.; replacing the term “absentee ballot” with the term “vote-by-mail ballot”; conforming terminology to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 112** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hutson—

CS for SB 158—A bill to be entitled An act relating to identification cards and driver licenses; amending ss. 322.051 and 322.14, F.S.; providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license, or boater safety identification card; providing a waiver of the replacement fee in certain circumstances; amending s. 327.395, F.S.; prohibiting a person born on or after a certain date from operating a certain vessel unless such person has in his or her possession aboard the vessel photographic identification and a boater safety identification card or a state-issued identification card or driver license which meets certain requirements; amending s. 379.354, F.S.; requiring each state-issued identification card or driver license indicating possession of certain recreational licenses to be in the personal possession of the person to whom such license is issued while the person is taking, attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals; providing applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 158** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 552—A bill to be entitled An act relating to environmental resources; amending s. 259.032, F.S.; requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; requiring the department to submit a report by a certain date each year to the Governor and the Legislature identifying the percentage of such lands which the public has access to and the efforts the department has undertaken to increase public access; amending s. 373.019, F.S.; revising the definition of the term “water resource development” to include technical assistance to self-suppliers under certain circumstances; amending s. 373.036, F.S.; requiring certain information to be included in the consolidated annual report for certain projects related to water quality or water quantity; creating s. 373.037, F.S.; defining terms; providing legislative findings; authorizing certain water management districts to designate and implement pilot projects; providing powers and limitations for the governing boards of such water management districts; requiring a participating water management district to submit a report to the Governor and the Legislature on the effectiveness of its pilot project by a certain date; amending s. 373.042, F.S.; requiring the department or the governing board of a water management district to adopt a minimum flow or minimum water level for an Outstanding Florida Spring using emergency rulemaking authority under certain circumstances; requiring collaboration in the development and implementation of recovery or prevention strategies under certain circumstances; revising the rulemaking authority of the department; amending s. 373.0421, F.S.; directing the department or the water management district governing boards to adopt or modify recovery or prevention strategies concurrently with the initial adoption or revision of certain minimum flows and minimum water levels; directing the department or the water management district governing boards to expeditiously adopt a recovery or prevention strategy under certain circumstances; providing criteria for such recovery or prevention strategies; requiring certain amendments to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative findings; defining the term “Central Florida Water Management Initiative Area”; requiring the department, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying authority of the South Florida Water Management District to allocate quantities of, and assign priorities for the use of, water within its jurisdiction; directing the district to provide recommendations to the United States Army

Corps of Engineers when developing or implementing certain water control plans or regulation schedules; amending s. 373.219, F.S.; requiring the department to adopt certain uniform rules; amending s. 373.223, F.S.; requiring consumptive use permits authorizing over a certain amount to be monitored on a specified basis; providing an exception; amending s. 373.2234, F.S.; directing water management district governing boards to consider the identification of preferred water supply sources for certain water users; amending s. 373.227, F.S.; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; requiring the water management districts to adopt rules to promote water conservation incentives; amending s. 373.233, F.S.; providing conditions under which the department and water management district governing boards are directed to give preference to certain applications; amending s. 373.4591, F.S.; providing priority consideration to certain public-private partnerships for water storage, groundwater recharge, and water quality improvements on private agricultural lands; amending s. 373.4595, F.S.; revising and providing definitions relating to the Northern Everglades and Estuaries Protection Program; clarifying provisions of the Lake Okeechobee Watershed Protection Program; directing the South Florida Water Management District to revise certain rules and provide for a watershed research and water quality monitoring program; revising provisions for the Caloosahatchee River Watershed Protection Program and the St. Lucie River Watershed Protection Program; revising permitting and annual reporting requirements relating to the Northern Everglades and Estuaries Protection Program; revising requirements for certain basin management action plans; amending s. 373.467, F.S.; revising the qualifications for membership on the Harris Chain of Lakes Restoration Council; authorizing the Lake County legislative delegation to waive such membership qualifications for good cause; providing for council vacancies; amending s. 373.536, F.S.; requiring a water management district to include an annual funding plan in the 5-year water resource development work program; directing the department to post the proposed work program on its website; amending s. 373.703, F.S.; authorizing water management districts to join with private landowners for the purpose of carrying out their powers; amending s. 373.705, F.S.; revising legislative intent; requiring water management district governing boards to include certain information in their annual budget submittals; requiring water management districts to promote expanded cost-share criteria for additional conservation practices and software technologies; amending s. 373.707, F.S.; authorizing water management districts to provide technical and financial assistance to certain self-suppliers and to waive certain construction costs of alternative water supply development projects sponsored by certain water users; amending s. 373.709, F.S.; requiring regional water supply plans to include traditional and alternative water supply project options that are technically and financially feasible; directing the department to include certain funding analyses and project explanations in regional water supply planning reports; creating part VIII of ch. 373, F.S., entitled the "Florida Springs and Aquifer Protection Act"; creating s. 373.801, F.S.; providing legislative findings and intent; creating s. 373.802, F.S.; defining terms; creating s. 373.803, F.S.; requiring the department to delineate a priority focus area for each Outstanding Florida Spring by a certain date; creating s. 373.805, F.S.; requiring a water management district or the department to adopt or revise various recovery or prevention strategies under certain circumstances; providing minimum requirements for recovery or prevention strategies for Outstanding Florida Springs; authorizing local governments to apply for an extension for projects in an adopted recovery or prevention strategy; creating s. 373.807, F.S.; requiring the department to initiate assessments of Outstanding Florida Springs by a certain date; requiring the department to develop basin management action plans; authorizing local governments to apply for an extension for projects in an adopted basin management action plan; requiring certain local governments to develop, enact, and implement an urban fertilizer ordinance by a certain date; requiring the Department of Environmental Protection, the Department of Health, and relevant local governments and utilities to develop onsite sewage treatment and disposal system remediation plans under certain circumstances; requiring the Department of Environmental Protection to be the lead agency; creating s. 373.811, F.S.; specifying prohibited activities within a priority focus area of an Outstanding Florida Spring; creating s. 373.813, F.S.; providing rulemaking authority; amending s. 403.061, F.S.; directing the department to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply; providing criteria for such rule; authorizing the reclassification of surface waters used for treated po-

table water supply notwithstanding such rule; creating s. 403.0617, F.S.; authorizing the department to fund nutrient and sediment reduction and conservation pilot projects under certain circumstances; requiring the department to initiate rulemaking by a certain date; amending s. 403.0623, F.S.; requiring the department to establish certain standards; requiring state agencies and water management districts to show that they followed the department's standards in order to receive certain funding; amending s. 403.067, F.S.; providing requirements for new or revised basin management action plans; requiring the department to adopt rules relating to the enforcement and verification of best management action plans and management strategies; creating s. 403.0675, F.S.; requiring the department and the Department of Agriculture and Consumer Services to post annual progress reports on their websites and to submit such reports to the Governor and the Legislature; requiring each water management district to post the Department of Environmental Protection's report on its website; amending s. 403.861, F.S.; directing the department to add treated potable water supply as a designated use of a surface water segment under certain circumstances; creating s. 403.928, F.S.; requiring the Office of Economic and Demographic Research to conduct an annual assessment of Florida's water resources and conservation lands; requiring the assessment to be submitted to the Legislature by a certain date; requiring the department to evaluate the feasibility and costs of creating and maintaining a web-based interactive map; requiring the department to submit a report of its findings by a certain date; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Senator Soto moved the following amendments which failed:

Amendment 1 (870424) (with title amendment)—Delete lines 261-264 and insert:

Section 3. Paragraphs (f) and (g) are added to subsection (2) of section 373.036, Florida Statutes, and paragraph (b) of subsection (7) of that section is amended, to read:

373.036 Florida water plan; district water management plans.—

(2) DISTRICT WATER MANAGEMENT PLANS.—

(f) *Each water management district containing an Outstanding Florida Spring, as defined in s. 373.802, shall estimate a maximum sustainable groundwater withdrawal for that district which would balance the needs of healthy spring ecosystems and a healthy human economy during all conditions.*

(g) *District water management plans shall include a comprehensive plan for protecting and restoring each Outstanding Florida Spring in the district, including reservations made pursuant to s. 373.223(4), and recovery or prevention strategies adopted pursuant to s. 373.0421.*

And the title is amended as follows:

Delete line 14 and insert: circumstances; amending s. 373.036, F.S.; requiring water management districts containing an Outstanding Florida Spring to estimate a maximum sustainable groundwater withdrawal for the district which would meet certain conditions; requiring such districts include comprehensive plans for protecting and restoring Outstanding Florida Springs in district plans; requiring

Amendment 2 (400556) (with title amendment)—Delete lines 908-920 and insert:

(6) *No later than July 1, 2017, all consumptive use permits authorizing more than 100,000 gallons per day shall be metered on a monthly basis, with the cost of the metering to be borne by the permittee. Water management districts shall implement this subsection pursuant to the general procedures specified in Part B of the Water Use Permit Applicant's Handbook of the Southwest Florida Water Management District, dated May 19, 2014.*

And the title is amended as follows:

Delete lines 70-73 and insert: certain uniform rules; amending s. 373.223, F.S.; requiring, by a certain date, consumptive use permits authorizing more than a specified number of gallons per day to be metered on a specified basis with costs of the metering borne by the per-

mittee; requiring that the metering be conducted pursuant to specified procedures; amending s. 373.2234, F.S.;

Amendment 3 (100476) (with title amendment)—Between lines 3243 and 3244 insert:

Section 30. Section 373.814, Florida Statutes, is created to read:

373.814 Restoration Focus Spring.—

(1) In formulating basin management action plans, the department has established focus areas in which remediation techniques may be applied and studied. This useful concept shall be applied to a spring-shed. In order to demonstrate to the public that restoration of an Outstanding Florida Spring is possible within a reasonable period of time, the department shall designate an Outstanding Florida Spring as a Restoration Focus Spring and shall develop a plan that will, within 15 years, restore flow to within 10 percent of historical levels and reduce nitrate levels to below 0.35 mg/l.

(2) The department shall publish the plan by July 1, 2017, and shall publish progress reports on restoration every 3 years thereafter.

And the title is amended as follows:

Delete line 164 and insert: providing rulemaking authority; creating s. 373.814, F.S.; requiring the department to designate an Outstanding Florida Spring as a Restoration Focus Spring and develop a plan to achieve certain goals at that spring within a specified timeframe; requiring the department to publish the plan by a specified date and on a periodic basis thereafter; amending s. 403.061,

Amendment 4 (803576) (with title amendment)—Between lines 3880 and 3881 insert:

Section 38. *(1) The Department of Environmental Protection shall contract with an independent, nongovernmental entity for an economic, environmental, and policy study analyzing water use fees in this state. This study should be modeled after the 1991 study by Chase Securities entitled "Capitalizing a Water Resource Trust Fund with Water Use Fee Revenues: Feasibility and Effects," which analyzed possible implementation of Recommendation 18 of the report entitled "Governor's Water Resource Commission Final Report," submitted to Governor Bob Martinez, December 1, 1989.*

(2) The study must address the following:

(a) Projected water usage in the state and potential revenues from that usage, factoring in price elasticity and possible credits;

(b) Operating assumptions for a Water Resources Trust Fund, including the mix of loans and grants, interest rates, leverage, and capitalization requirements, and recommendations for allocation of trust fund revenues;

(c) The impact of various fee levels, by county, on residential use, industry, and agriculture;

(d) The positive and negative aspects of applying fees universally and selectively;

(e) A review of water conservation technologies in agriculture and industry and how their deployment might be affected by various fee levels;

(f) Identification of a means of ensuring that low-income residents would not be disadvantaged by water fees;

(g) Recommendations on how pricing might vary by region or type of usage;

(h) Recommendations on how fees might be collected from residential self-supply wells;

(i) Recommendations on how to ensure universal water metering; and

(j) Metering and billing options.

(3) The study must be completed and made publicly available by July 1, 2017.

And the title is amended as follows:

Delete line 203 and insert: findings by a certain date; requiring the department to contract with an independent, nongovernmental entity for an economic, environmental, and policy study analyzing water use fees; requiring the study to include certain information; requiring that the study be completed and made publicly available by a specified date; providing a declaration of

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

Senator Clemens moved the following amendment which failed:

Amendment 5 (170664) (with title amendment)—Between lines 3704 and 3705 insert:

3. The rules adopted pursuant to this paragraph are not subject to s. 120.541(3).

And the title is amended as follows:

Between lines 184 and 185 insert: exempting specified rules from the requirement to be ratified by the Legislature;

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 failed:

Amendment 6 (246550) (with title amendment)—Delete lines 908-920 and insert:

(6) A new or existing consumptive use permit that authorizes groundwater withdrawals of 100,000 gallons or more per day shall be monitored for water usage and the results of such monitoring shall be reported to the applicable water management district at least quarterly. The water management districts shall implement this subsection by following the general procedures in the Southwest Florida Water Management District's Water Use Permit Applicant's Handbook, Part B, dated May 19, 2014, or by adopting rules that are more stringent than the requirements of this subsection.

And the title is amended as follows:

Delete line 73 and insert: requiring the water management districts to implement by following certain general procedures or by adopting rules; amending s. 373.2234, F.S.;

COMMUNICATION

On motion by Senator Gaetz, by two-thirds vote, the following communication was ordered spread upon the Journal:

Senator Charlie Dean, Chairman
Environmental Preservation and
Conservation Committee
311 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

December 2, 2015

Senator Dean,

Thank you for your leadership and your significant efforts over three years to develop landmark water resources legislation for our state. I appreciate, as well, you giving me the opportunity to make several specific inquiries about the potential impact of this legislation on septic tank owners. As you know, in 2010, the Senate passed SB 550 by Senator Constantine which was misrepresented to have no or minimal impact on septic tank owners in North Florida. Consequently, the Legislature passed HB 1263 in 2012 to remove certain sections of that previous act before they could be implemented. I want to make sure that, in voting for SB 552, the Senate does not reinstitute any of the offending provisions from the 2010 bill.

As to SB 552,

1. Is there recognition that the topography, soil and geology of Florida varies dramatically within regions of the state, thereby making septic tanks more or less of an environmental issue depending upon local conditions?

2. How does the bill make allowances for septic tank regulation and enforcement given these wide variances?

3. What inspections are required to be conducted of septic tanks on private property?

4. What is the frequency and cost of any such inspections?

5. Who would conduct such inspections—private vendors or public agencies? If by vendors or contractors, would the owner's permission be required before entering private property?

6. Are private property owners responsible for the costs of such inspections?

7. Is there an estimate or projection for the number of septic tanks that may have to be replaced in North Florida?

8. What are the estimated unit costs of replacing residential or commercial septic tanks in North Florida? Who will pay these costs?

9. Are there any provisions that would require private property owners to replace or eliminate septic tanks? If so, what are the conditions that would trigger such requirements?

10. Who would determine that a septic tank must be replaced or relocated? If that determination is made by a private vendor or contractor, would it be the same entity that performs the inspection?

11. Under the appropriations called for in the bill, what funds, if any, are specifically designated to assist low income property owners with the costs of inspection, relocation or replacement of septic tanks?

12. What new or expanded authority is granted to the Department of Environmental Protection, Water Management Districts or any other entity of government over septic tank ownership, regulation, inspection or replacement?

Again, thank you for allowing me to make these inquiries and for the time and effort of you and your committee staff in responding to them.

Respectfully,
Senator Don Gaetz

SENATOR DEAN'S RESPONSE

SB 552 Septic Requirements Generally – An Overview

The provision of the bill relating to onsite sewage treatment and disposal systems ("septic systems") is limited to Outstanding Florida Springs (defined in the bill as first magnitude springs and their spring runs, as well as De Leon Springs, Peacock Springs, Poe Springs, Rock Springs, Wekiwa Springs, and Gemini Springs).

For Outstanding Florida Springs, the bill creates a timeline for implementation of basin management action plans (BMAPs) for these spring basins. If in the process of developing the BMAP, DEP determines that septic systems contribute at least 20 percent of nonpoint source nitrogen pollution or if DEP determines that septic remediation is necessary to meet the total maximum daily load of pollutants, then the BMAP must include a septic remediation plan for the spring.

The remediation plan will be developed by DEP, DOH, relevant local governments, and relevant wastewater utilities. The plan shall identify "cost-effective and financially feasible projects necessary to reduce the nutrient impacts" from septic systems. The remediation plan must be completed and adopted as part of the BMAP within the first five years of the implementation of the BMAP. The plan must include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for a septic system or group of systems. DEP shall include in the plan a priority ranking for each system or group of systems that require remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act.

Additionally, the DEP has existing authority to address septic system pollution in its development of a BMAP. The Wakulla BMAP addresses septic system remediation. In the Wakulla Springs BMAP, Leon

County, the City of Tallahassee, and Wakulla County took the lead in setting forth plans for reducing pollution from septic systems and providing funding for the implementation of those plans.¹ The bill provides DEP with additional authority to fund some of these projects, subject to appropriation.

Furthermore, under current law, the creation of a BMAP (including any septic remediation plan incorporated into the BMAP) involves a wide array of stakeholder participation, including citizen participation. Notice and at least one public hearing are required.²

Questions

1. Is there recognition that the topography, soil and geology of Florida varies dramatically within regions of the state, thereby making septic tanks more or less of an environmental issue depending upon local conditions?

Yes. The bill would only require that septic systems be addressed when it is shown that the septic systems contribute 20 percent or more of nonpoint source nitrogen to an Outstanding Florida Spring or if DEP determines that remediation is necessary to meet the total maximum daily load of pollutants for those springs. In those areas, a basin-specific remediation plan would be developed by DEP, DOH, the local governments, and utilities, which will then be adopted into the BMAP. The requirements of the plan would depend on what those entities determined were the best "cost-effective and financially feasible projects necessary to reduce the nutrient impacts" from septic systems for that area. The bill focuses on the level of pollution in the spring that can be directly attributable to the septic systems before it requires that the BMAP include a remediation plan. This ensures that in areas where the topography, soil or geology is prohibiting or mitigating pollution from septic tanks, a septic tank remediation plan will not be required.

2. How does the bill make allowances for septic tank regulation and enforcement given these wide variances?

See answer to 1 above. The bill itself does not create the septic system remediation requirements incorporated into the BMAP. Rather, the remediation plan would be developed on a spring-specific basis by the entities identified in the bill. Additional stakeholder input would be received during the development of the BMAP.

3. What inspections are required to be conducted of septic tanks on private property?

The bill does not address septic tank inspections. Just like current law, it does not require or prohibit a remediation plan from including inspections. The bill does not amend or alter the requirements/restrictions on inspections that already exist in s. 381.0065, F.S., which was modified by SB 1263 in 2012 to reduce the burden of inspections on private property owners.

4. What is the frequency and cost of any such inspections?

Nothing in the bill requires inspections or imposes the cost of any inspection on property owners.

5. Who would conduct such inspections—private vendors or public agencies? If by vendors or contractors, would the owner's permission be required before entering private property?

See the answers for 3 and 4.

6. Are private property owners responsible for the costs of such inspections?

See the answers for 3 and 4.

7. Is there an estimate or projection for the number of septic tanks that may have to be replaced in North Florida?

The bill does not address the replacement of septic tanks except to the extent that the repair or replacement of septic tanks may be included in a remediation plan. While DOH records indicate that there are approximately 332,000 septic tanks in Northwest Florida (the area at or west of Leon County Florida), it is not known how many of these septic tanks might be contributing significantly to pollution in an Outstanding Florida Spring. The Outstanding Florida Springs in Northwest Florida are located in Jackson, Bay, and Wakulla Counties. DEP has relayed to

staff that in Northwest Florida more of the nonpoint source pollution is generally from agriculture rather than from septic systems; whereas in Central Florida the springsheds are often found to receive a higher percentage of their pollutants from septic systems.

8. What are the estimated unit costs of replacing residential or commercial septic tanks in North Florida? Who will pay these costs?

The bill does not require septic tank replacement. The locally developed remediation plan would address whether replacing septic tanks would be the most cost effective and financially feasible solution for the spring. The bill, however, does provide that DEP would include in the plan a priority ranking for systems or groups of systems that require remediation and that DEP award funds to implement the project contingent on an appropriation. The cost of replacing septic systems in Florida varies significantly based on a number of site-specific circumstances. As part of a statement of estimated regulatory costs in 2012, DEP developed the following costs for replacing septic systems: a low estimate of \$5,553 per system and a high estimate of \$22,288 per system.

9. Are there any provisions that would require private property owners to replace or eliminate septic tanks? If so, what are the conditions that would trigger such requirements?

The bill does not require private property owners to replace or eliminate septic tanks. If septic systems are shown to contribute 20 percent of the nonpoint source nitrogen to an Outstanding Florida Spring, the bill provides for a remediation plan developed by DEP, DOH, relevant local governments, and relevant wastewater utilities, which could involve the repair, upgrade, replacement, drainfield modification, addition of nitrogen reducing features, connection to a central sewerage system, or other action. The choice of how to address the issue will be determined by the stakeholder groups as part of the development of the remediation plan to be incorporated into the BMAP. The bill provides guidance that the plan should identify “cost-effective and financially feasible projects necessary to reduce the nutrient impacts” from septic systems.

10. Who would determine that a septic tank must be replaced or relocated? If that determination is made by a private vendor or contractor, would it be the same entity that performs the inspection?

This decision would not be made by a private vendor or contractor. The decision would be part of a BMAP developed by DEP in coordination with governmental entities and stakeholders. These plans must be adopted with the input of property owners. Once adopted by “secretarial order” a plan can be challenged in court by an adversely affected property owner.

11. Under the appropriations called for in the bill, what funds, if any, are specifically designated to assist low income property owners with the costs of inspection, relocation or replacement of septic tanks?

The bill provides that DEP will include in the plan a priority ranking for each system or group of systems that require some sort of remediation (not necessarily removal or replacement) and that DEP shall award funds to implement the remediation projects that have been identified in the plan contingent upon an appropriation in the GAA. The award can include all or part of the cost of any type of remediation and the DEP must consider the financial impact of the remediation plan on the property owner and the community in awarding the funds. If the project is in a rural area of opportunity, DEP can waive any local government matching fund requirement.

12. What new or expanded authority is granted to the Department of Environmental Protection, Water Management Districts or any other entity of government over septic tank ownership, regulation, inspection or replacement?

No new authority is granted. Currently, the DEP can and has addressed septic system remediation efforts in a BMAP.³

1. See Department of Environmental Protection, Final Basin Management Action Plan, at 55-56, *available at* [http://pub-](http://pub-licfiles.dep.state.fl.us/DEAR/BMAP/Upper%20Wakulla/BMAP%20Final%20Order/FINAL_WakullaBMAP_10272015.pdf)

[licfiles.dep.state.fl.us/DEAR/BMAP/Upper%20Wakulla/BMAP%20Final%20Order/FINAL_WakullaBMAP_10272015.pdf](http://pub-licfiles.dep.state.fl.us/DEAR/BMAP/Upper%20Wakulla/BMAP%20Final%20Order/FINAL_WakullaBMAP_10272015.pdf).

[Leon County] and department will identify septic systems in the PFAs that are not feasible to connect to central sewer, and develop a funding plan and schedule to assist homeowners with upgrading to advanced nitrate-reducing systems, if such technologies are available. The city of Tallahassee and Leon County have enacted ordinances to establish the PSPZ, which reduces development in the urban fringe in the PSPZ and allows development in the urban area only to the extent permitted by the future land use map. In addition, the county is proposing to sewer within the PSPZ to remove OSTDS, depending on project and funding approval through the county’s sales tax process. . .

Wakulla County has an adopted comprehensive plan policy that requires advanced nitrogen-reducing OSTDS on parcels smaller than five acres in the Wakulla Springs Special Planning Area; within 150 feet of a surface water, swallet, or other karst feature, or within 300 feet of a first- or second-magnitude spring; and on all parcels less than 0.229 acres in size. Wakulla County is pursuing funding for planned sewer in Greiner’s Addition, Magnolia Gardens, and Wakulla Gardens; this could remove the existing 1,330 septic systems and an estimated potential 2,251 additional systems in the future. The county is seeking funding to inspect and repair old, damaged, and failing OSTDS in the Wakulla Springs Basin. The county is also looking to form a tax increment financing (TIF) district for the Crawfordville area to fund improvements, including basic infrastructure. Additionally, the county continues the effort to modify the development code to require upgraded designs for new home construction.

2. Section 403.067(7)3., F.S.

3. See Department of Environmental Protection, Final Basin Management Action Plan, at 55-56, *available at* http://pub-licfiles.dep.state.fl.us/DEAR/BMAP/Upper%20Wakulla/BMAP%20Final%20Order/FINAL_WakullaBMAP_10272015.pdf.

MOTION

On motion by Senator Simmons, the rules were waived and time of adjournment was extended to 12:15 p.m.

On motion by Senator Dean, by two-thirds vote, **CS for CS for SB 552** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Mr. President, Latvala

MOTIONS

On motion by Senator Simmons, by two-thirds vote, **CS for CS for SB 552 and SB 672** were ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Smith, by two-thirds vote, **SB 536 and SB 866** were withdrawn from the committees of reference and further consideration.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, January 13, 2016: SB 672, CS for SB 184, SB 88, SB 340, CS for SB 230, CS for SB 7010, CS for SB 180, CS for CS for SB 182, SB 112, CS for SB 158, CS for CS for SB 552.

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

The Committee on Judiciary recommends the following pass: SB 996

The bill was referred to the Appropriations Subcommittee on Criminal and Civil Justice under the original reference.

The Committee on Judiciary recommends the following pass: SB 972

The bill was referred to the Committee on Rules under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends a committee substitute for the following: CS for SB 534

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

The Committee on Health Policy recommends a committee substitute for the following: SB 918

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Health Policy recommends a committee substitute for the following: SB 676

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 828

The bill with committee substitute attached was referred to the Committee on Finance and Tax under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 260

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 854

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

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 7004; SB 7024

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Banking and Insurance; and Senators Smith and Richter—

CS for SB 260—A bill to be entitled An act relating to financial transactions; amending s. 670.108, F.S.; revising applicability; providing that ch. 670, F.S., governs certain funds transfers that are remittance transfers; providing that the federal Electronic Fund Transfer Act governs any inconsistency between a funds transfer made under the federal act and a funds transfer made under ch. 670, F.S.; amending s. 701.03, F.S.; providing that a requirement that certain mortgages be cancelled within a specified timeframe of satisfaction does not apply to existing or future open-ended mortgages unless the requirement is specified in the loan agreement; requiring that an open-ended mortgage be cancelled within a specified timeframe if the borrower provides written notice of his or her intent to close the open-ended mortgage; amending s. 516.07, F.S.; revising the grounds for denial of an application for a license to make consumer finance loans; providing applicability; providing an effective date.

By the Committees on Communications, Energy, and Public Utilities; and Environmental Preservation and Conservation; and Senator Hays—

CS for CS for SB 534—A bill to be entitled An act relating to water and wastewater; creating s. 159.8105, F.S.; requiring the Division of Bond Finance of the State Board of Administration to review the allocation of private activity bonds to determine the availability of additional allocation and reallocation of bonds for water and wastewater infrastructure projects; amending s. 212.08, F.S.; extending specified tax exemptions to certain investor-owned water and wastewater utilities; amending s. 367.022, F.S.; exempting from regulation by the Florida Public Service Commission a person who resells water service to certain tenants or residents up to a specified percentage or cost; amending s. 367.081, F.S.; authorizing the commission to allow a utility to create a reserve fund upon the commission's own motion or upon the request of the utility; requiring the commission to adopt rules to govern the implementation, management, and use of the fund; establishing criteria for adjusted rates; specifying expense items that may be the basis for an automatic increase or decrease of a utility's rates; authorizing the commission to establish by rule additional specified expense items; requiring the commission to consider certain criteria and make findings and allocations among the ratepayers, shareholders, owners, or affiliates when determining reasonable rate case expenses; amending s. 367.0814, F.S.; authorizing the commission to award rate case expenses to recover attorney fees or fees of other outside consultants in certain circumstances; requiring the commission to adopt rules by a certain date; amending s. 367.0816, F.S.; prohibiting a utility from recovering certain expenses for more than one rate case at a time; amending s. 367.111, F.S.; authorizing the commission to review water quality and wastewater service upon its own motion or based on complaints of customers; amending s. 367.165, F.S.; requiring a county that regulates water or wastewater services to comply with the requirements for abandoned water and wastewater systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to require or request that the Florida Water Pollution Control Financing Corporation make loans, grants, and deposits to for-profit, privately owned, or in-

vestor-owned water systems; deleting restrictions on such activities; providing an effective date.

By the Committee on Health Policy; and Senator Grimsley—

CS for SB 676—A bill to be entitled An act relating to access to health care services; amending s. 110.12315, F.S.; expanding the categories of persons who may prescribe brand name drugs under the prescription drug program when medically necessary; amending ss. 310.071, 310.073, and 310.081, F.S.; exempting controlled substances prescribed by an advanced registered nurse practitioner or a physician assistant from the disqualifications for certification or licensure, and for continued certification or licensure, as a deputy pilot or state pilot; repealing s. 383.336, F.S., relating to provider hospitals, practice parameters, and peer review boards; amending s. 395.1051, F.S.; requiring a hospital to provide specified advance notice to certain obstetrical physicians before it closes its obstetrical department or ceases to provide obstetrical services; amending s. 456.072, F.S.; applying existing penalties for violations relating to the prescribing or dispensing of controlled substances by an advanced registered nurse practitioner; amending s. 456.44, F.S.; defining the term “registrant”; deleting an obsolete date; requiring advanced registered nurse practitioners and physician assistants who prescribe controlled substances for the treatment of certain pain to make a certain designation, comply with registration requirements, and follow specified standards of practice; providing applicability; amending ss. 458.3265 and 459.0137, F.S.; limiting the authority to prescribe a controlled substance in a pain-management clinic only to a physician licensed under ch. 458 or ch. 459, F.S.; amending s. 458.347, F.S.; revising the required continuing education requirements for a physician assistant; requiring that a specified formulary limit the prescription of certain controlled substances by physician assistants as of a specified date; amending s. 464.003, F.S.; revising the term “advanced or specialized nursing practice”; deleting the joint committee established in the definition; amending s. 464.012, F.S.; requiring the Board of Nursing to establish a committee to recommend a formulary of controlled substances that may not be prescribed, or may be prescribed only on a limited basis, by an advanced registered nurse practitioner; specifying the membership of the committee; providing parameters for the formulary; requiring that the formulary be adopted by board rule; specifying the process for amending the formulary and imposing a burden of proof; limiting the formulary’s application in certain instances; requiring the board to adopt the committee’s initial recommendations by a specified date; authorizing an advanced registered nurse practitioner to prescribe, dispense, administer, or order drugs, including certain controlled substances under certain circumstances, as of a specified date; amending s. 464.013, F.S.; revising continuing education requirements for renewal of a license or certificate; amending s. 464.018, F.S.; specifying acts that constitute grounds for denial of a license or for disciplinary action against an advanced registered nurse practitioner; creating s. 627.42392, F.S.; defining the term “health insurer”; requiring that certain health insurers that do not already use a certain form use only a prior authorization form approved by the Financial Services Commission; requiring the commission to adopt by rule guidelines for such forms; amending s. 627.6131, F.S.; prohibiting a health insurer from retroactively denying a claim under specified circumstances; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim under specified circumstances; amending s. 893.02, F.S.; revising the term “practitioner” to include advanced registered nurse practitioners and physician assistants under the Florida Comprehensive Drug Abuse Prevention and Control Act if a certain requirement is met; amending s. 948.03, F.S.; providing that possession of drugs or narcotics prescribed by an advanced registered nurse practitioner or a physician assistant does not violate a prohibition relating to the possession of drugs or narcotics during probation; amending ss. 458.348 and 459.025, F.S.; conforming provisions to changes made by the act; reenacting ss. 458.331(10), 458.347(7)(g), 459.015(10), 459.022(7)(f), and 465.0158(5)(b), F.S., to incorporate the amendment made to s. 456.072, F.S., in references thereto; reenacting ss. 456.072(1)(mm) and 466.02751, F.S., to incorporate the amendment made to s. 456.44, F.S., in references thereto; reenacting ss. 458.303, 458.3475(7)(b), 459.022(4)(e) and (9)(c), and 459.023(7)(b), F.S., to incorporate the amendment made to s. 458.347, F.S., in references thereto; reenacting s. 464.012(3)(c), F.S., to incorporate the amendment made to s. 464.003, F.S., in a reference thereto; reenacting ss. 456.041(1)(a), 458.348(1) and (2), and 459.025(1), F.S., to incorporate the amendment made to s.

464.012, F.S., in references thereto; reenacting s. 464.0205(7), F.S., to incorporate the amendment made to s. 464.013, F.S., in a reference thereto; reenacting ss. 320.0848(11), 464.008(2), 464.009(5), and 464.0205(1)(b), (3), and (4)(b), F.S., to incorporate the amendment made to s. 464.018, F.S., in references thereto; reenacting s. 775.051, F.S., to incorporate the amendment made to s. 893.02, F.S., in a reference thereto; reenacting ss. 944.17(3)(a), 948.001(8), and 948.101(1)(e), F.S., to incorporate the amendment made to s. 948.03, F.S., in references thereto; providing effective dates.

By the Committee on Banking and Insurance; and Senator Bean—

CS for SB 828—A bill to be entitled An act relating to insurance guaranty association assessments; amending s. 631.914, F.S.; requiring the Office of Insurance Regulation to levy assessments for certain purposes; revising and providing requirements for the levy of assessments; requiring insurers and self-insurance funds to report certain premiums; requiring insurers to collect policy surcharges and pay assessments to the association; revising requirements for reporting premium for assessment calculations; revising and providing requirements and limitations for remittance of assessments to the association; providing an effective date.

By the Committee on Banking and Insurance; and Senator Hukill—

CS for SB 854—A bill to be entitled An act relating to funeral, cemetery, and consumer services; amending s. 497.005, F.S.; defining terms; amending s. 497.141, F.S.; revising required information for licensure to include e-mail addresses; requiring the Department of Financial Services to include e-mail notification as a means to administer the licensing process; amending s. 497.146, F.S.; revising required information for current licensees to include an address for e-mail notification; providing for rulemaking relating to electronic reporting; amending s. 497.152, F.S.; conforming provisions to changes made by the act; requiring, rather than authorizing, the Board of Funeral, Cemetery, and Consumer Services to provide certain criteria; prohibiting the board from requiring a fine when certain deficiencies are fully corrected within a specified period; amending s. 497.161, F.S.; revising requirements for rules of the licensing authority; amending s. 497.266, F.S.; revising the prohibition against withdrawal or transfer of assets within the care and maintenance trust fund to include an exception; amending s. 497.267, F.S.; revising provisions relating to the disposition of withdrawals from the care and maintenance trust fund; creating s. 497.2675, F.S.; requiring the board to adopt certain rules; requiring a licensed cemetery company to request a method for withdrawal from the cemetery company’s care and maintenance trust fund; providing requirements for such methods; requiring that taxes on capital gains be paid from the trust principal; amending s. 497.268, F.S.; conforming provisions to changes made by the act; deleting a required deposit in a cemetery company’s care and maintenance trust fund for mausoleums or columbaria; deleting the requirement that taxes on capital gain be paid from the trust corpus; amending s. 497.269, F.S.; requiring a trustee to annually furnish financial reports that record the fair market value of the care and maintenance trust fund; amending ss. 497.273 and 497.274, F.S.; conforming provisions to changes made by the act; amending s. 497.277, F.S.; deleting a limitation on the fee for transfer of burial rights from one purchaser to another; authorizing the board to determine the transfer fee; amending ss. 497.283 and 497.286, F.S.; conforming provisions to changes made by the act; amending s. 497.371, F.S.; providing that an applicant for the embalmer apprentice program may not be licensed without a determination of character by the licensing authority; amending ss. 497.372 and 497.381, F.S.; conforming provisions to changes made by the act; amending s. 497.452, F.S.; deleting an exception that prohibits a person from receiving specified funds without holding a valid preneed license; amending ss. 497.454 and 497.456, F.S.; conforming provisions to changes made by the act; amending s. 497.458, F.S.; revising requirements relating to the disposition of proceeds on a preneed contract; authorizing the board to specify criteria for the classification of items sold in a preneed contract; requiring the trustee to furnish the department with an annual report regarding preneed licensee trust accounts beginning on a specified date; providing requirements for the annual report; revising which investments a trustee of a trust has the power to invest in; deleting provisions relating to the preneed licensee; amending s. 497.459, F.S.; prohibiting certain preneed contracts from being canceled during the life or after

the death of the contract purchaser or beneficiary; requiring unexpended moneys on an irrevocable contract to be deposited into the Medical Care Trust Fund under certain circumstances; amending s. 497.460, F.S.; conforming provisions to changes made by the act; repealing s. 497.461, F.S., relating to the authorization for a preneed licensee to elect surety bonding as an alternative to depositing funds into a trust; amending s. 497.462, F.S.; deleting obsolete references to surety bonds; amending s. 497.464, F.S.; conforming provisions to changes made by the act; amending s. 497.465, F.S.; requiring an inactive preneed licensee to deposit a specified amount of funds received on certain preneed contracts into the trust upon a specified time; amending ss. 497.601 and 497.607, F.S.; specifying that cremated remains are not property; requiring a division of cremated remains to be consented to by certain persons; providing that a dispute shall be resolved by a court of competent jurisdiction; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Health Policy; and Senator Richter—

CS for SB 918—A bill to be entitled An act relating to licensure of health care professionals; amending s. 381.0034, F.S.; deleting the requirement that applicants making initial application for certain licensure complete certain courses; amending s. 456.013, F.S.; revising course requirements for renewing a certain license; amending s. 456.024, F.S.; providing for the issuance of a license to practice under certain conditions to a military health care practitioner in a profession for which licensure in a state or jurisdiction is not required to practice in the military; providing for the issuance of a temporary professional license under certain conditions to the spouse of an active duty member of the Armed Forces of the United States who is a healthcare practitioner in a profession for which licensure in a state or jurisdiction may not be required; deleting the requirement that an applicant who is issued a temporary professional license to practice as a dentist must practice under the indirect supervision of a licensed dentist; amending s. 456.025, F.S.; deleting the requirement for an annual meeting of chairpersons of Division of Medical Quality Assurance boards and professions; deleting the requirement that certain recommendations be included in a report to the Legislature; deleting a requirement that the Department of Health set license fees and recommend fee cap increases in certain circumstances; providing that a profession may operate at a deficit for a certain time period; deleting a provision authorizing the department to advance funds under certain circumstances; deleting a requirement that the department implement an electronic continuing education tracking system; authorizing the department to waive specified costs under certain circumstances; revising legislative intent; deleting a prohibition against the expenditure of funds by the department from the account of a profession to pay for the expenses of another profession; deleting a requirement that the department include certain information in an annual report to the Legislature; creating s. 456.0361, F.S.; requiring the department to establish an electronic continuing education tracking system; prohibiting the department from renewing a license unless the licensee has complied with all continuing education requirements; authorizing the department to adopt rules; amending s. 456.057, F.S.; revising a provision for a person or an entity appointed by a board to be approved by the department; authorizing the department to contract with a third party to provide record custodian services; amending s. 456.0635, F.S.; deleting a provision on applicability relating to the issuance of licenses; amending s. 457.107, F.S.; deleting a provision authorizing the Board of Acupuncture to request certain documentation from applicants; amending s. 458.347, F.S.; deleting a requirement that a physician assistant file a signed affidavit with the department; amending s. 463.007, F.S.; making technical changes; amending s. 464.203, F.S.; revising inservice training requirements for certified nursing assistants; deleting a rulemaking requirement; repealing s. 464.2085, F.S., relating to the Council on Certified Nursing Assistants; amending s. 465.0276, F.S.; deleting a requirement that the department inspect certain facilities; amending s. 466.0135, F.S.; deleting a requirement that a dentist file a signed affidavit with the department; deleting a provision authorizing the Board of Dentistry to request certain documentation from applicants; amending s. 466.014, F.S.; deleting a requirement that a dental hygienist file a signed affidavit with the department; deleting a provision authorizing the board to request certain documentation from applicants; amending s. 466.032, F.S.; deleting a requirement that a dental laboratory file a signed affidavit with the department; deleting a provision authorizing the department to request certain documentation from applicants; repealing

s. 468.1201, F.S., relating to a requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 483.901, F.S.; deleting provisions relating to the Advisory Council of Medical Physicists in the department; authorizing the department to issue temporary licenses in certain circumstances; authorizing the department to adopt rules; amending s. 484.047, F.S.; deleting a requirement for a written statement from an applicant in certain circumstances; amending s. 486.109, F.S.; deleting a provision authorizing the department to conduct a random audit for certain information; amending ss. 499.028 and 921.0022, F.S.; conforming cross-references; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Community Affairs—

CS for SB 7004—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for information furnished by a person to an agency for the purpose of being provided an emergency notification by the agency; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Health Policy—

CS for SB 7024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 381.8531, F.S., which provides an exemption from public records requirements for information held by the Florida Center for Brain Tumor Research; removing the scheduled repeal of the exemption; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

		<i>For Term Ending</i>
Jacksonville Aviation Authority		
Appointee:	Mackesy, Francis "Frank" J., Confidential pursuant to s. 119.071(4), F.S.	09/30/2019
Florida Building Commission		
Appointee:	Browdy, Richard S., Jacksonville	10/13/2019
Florida Commission on Community Service		
Appointee:	Schultz, Kerry Anne, Gulf Breeze	09/14/2018
Board of Trustees of Broward College		
Appointee:	Gupta, Rajendra P., Ft. Lauderdale	05/31/2019
Board of Trustees of Lake-Sumter State College		
Appointee:	Wahl, Peter F., The Villages	05/31/2019
Board of Trustees of State College of Florida, Manatee-Sarasota		
Appointee:	Moran, Lori A., Sarasota	05/31/2019
Citrus County Hospital Board		
Appointee:	Harper, Richard Lee, Inverness	07/03/2019
Board of Massage Therapy		
Appointee:	Wasylina, Jennifer A., Wesley Chapel	10/31/2019
National Conference of Commissioners on Uniform State Laws		
Appointee:	Braccialarghe, Randolph, Plantation	06/05/2019

<i>Office and Appointment</i>		<i>For Term Ending</i>	Referred to the Committees on Governmental Oversight and Accountability; and Ethics and Elections.	
Board of Pilot Commissioners				<i>For Term Ending</i>
Appointees: Sola, Louis, Confidential pursuant to s. 119.071(4), F.S.	10/31/2019		<i>Office and Appointment</i>	
Wilkins, David, Tallahassee	10/31/2018		Tampa-Hillsborough County Expressway Authority	
			Appointee: Smith, Rebecca J., Tampa	07/01/2019
Board of Psychology			Referred to the Committees on Transportation; and Ethics and Elections.	
Appointee: Drew, Catherine Hardee, Confidential pursuant to s. 119.071(4), F.S.	10/31/2019			
Board of Trustees, Florida International University			CORRECTION AND APPROVAL OF JOURNAL	
Appointee: Joseph, Michael G., Coral Gables	01/06/2020		The Journal of January 12 was corrected and approved.	
Reemployment Assistance Appeals Commission			CO-INTRODUCERS	
Appointee: Finnegan, Joseph D., Tallahassee	06/30/2019		Senators Abruzzo—SB 116, SB 1096; Gaetz—CS for SB 590; Hukill—SB 672; Margolis—SB 306; Smith—SB 1108; Soto—SB 248, SB 1056; Thompson—SB 1056	
Referred to the Committee on Ethics and Elections.			ADJOURNMENT	
<i>Office and Appointment</i>	<i>For Term Ending</i>		On motion by Senator Simmons, the Senate adjourned at 12:11 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, January 15 or upon call of the President.	
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.				
Appointee: Upchurch, James R., Tallahassee	09/30/2017			
Referred to the Committees on Criminal Justice; and Ethics and Elections.				
<i>Office and Appointment</i>	<i>For Term Ending</i>			
Investment Advisory Council				
Appointee: Cobb, Charles E., Coral Gables	12/12/2019			