Journal of the Senate

Number 24—Regular Session **Thursday, March 10, 2016**

CONTENTS

CALL TO ORDER

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

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

PRAYER

The following prayer was offered by Major Timothy Gilliam, Area Commander of the Salvation Army of Lee, Hendry, and Glades Counties:

Mighty God, we gather here today with our hearts filled with thanks and gratitude for the blessings you continually bestow upon us. You have endowed our state and its people with your provision, resources, and protection. We acknowledge you as the creator and sustainer of all things.

As this particular session of the state legislature draws to a conclusion, continue to guide and inspire our lawmakers who represent us in times of prosperity, as well as in times when tough decisions are necessary. Give them the wisdom to take actions that preserve the dignity of all our citizens.

Continually lead our Governor, Senators, and Representatives. Help them to remember the poor, the needy, the elderly, and the disenfranchised. Give them discernment when it comes to providing opportunities for those lacking employment and vital necessities for daily living. We pray that Florida's best days are ahead of us and not behind us, and we understand this can only happen by your leading.

Help us to be people of peace and of justice. Help us to be a positive example for the rest of the nation and not an embarrassment. May our state be a bright light in a world that, at times, seems to be getting darker. Teach us to love all that is good and to shun all that is evil.

Guide and bless the men and women of this chamber. Remind them, not only of the gravity of their positions, but also of the fact that you can make their burden lighter. Grant each of them your strength and encouragement. For we ask all these things in your name. Amen.

PLEDGE

Senate Pages, Reece Poppell of Tallahassee; Aaron Denys of Port Orange; and Emily Smith of Riverview, 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. Dennis F. Saver of Vero Beach, sponsored by Senator Negron, as the doctor of the day. Dr. Saver specializes in family medicine.

BILLS ON THIRD READING

Consideration of **CS for CS for HB 1175** and **CS for CS for HB 139** was deferred.

CS for HB 189—A bill to be entitled An act relating to teacher certification; amending s. 1012.56, F.S.; providing alternative requirements for earning a professional educator certificate that covers certain grades; providing an effective date.

—was read the third time by title.

On motion by Senator Hutson, **CS for HB 189** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Joyner

CS for CS for CS for HB 491—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. 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.; providing that the commission may authorize a utility to create a utility reserve fund under certain circumstances; 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; specifying the time period over which rate case expenses may be apportioned if a public utility is authorized to recover those expenses through its rates; prohibiting a utility from earning a return on the unamortized balance of the rate case expense; amending s. 367.0814, F.S.; requiring the commission to award rate case expenses to recover attorney fees or fees of other outside consultants in certain circumstances; requiring the commission to propose rules by a certain date; repealing s. 367.0816, F.S., relating to the recovery of rate case expenses; amending s. 367.111, F.S.; authorizing the commission to review water quality and wastewater service under certain circumstances; amending s. 367.165, F.S.; requiring counties to comply with 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 investor-owned water systems; removing current restrictions on such activities; providing an effective date.

—as amended March 9, was read the third time by title.

On motion by Senator Hays, **CS for CS for CS for HB 491**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for CS for CS for HB 153** was deferred.

CS for CS for HB 447—A bill to be entitled An act relating to local government environmental financing; providing a short title; amending s. 212.055, F.S.; expanding the uses of local government infrastructure surtaxes to include acquiring any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; revising definitions for purposes of using surtax proceeds; amending s. 215.619, F.S.; expanding the use of Everglades restoration bonds to include the City of Key West Area of Critical State Concern; expanding the types of water management projects eligible for funding; revising the dates for issuance and maturity of Everglades restoration bonds; reducing the annual appropriation amount dedicated to fund the Florida Keys Area of Critical State Concern protection program; authorizing bond proceeds to be spent on the City of Key West Area of Critical State Concern; expanding projects that may be funded by bond proceeds; specifying procedures to be followed for certain lands that are no longer needed for certain restoration purposes; amending s. 259.045, F.S.; requiring the Department of Environmental Protection to annually consider certain recommendations to buy specific lands within and outside an area of critical state concern; authorizing certain local governments and special districts to recommend additional lands for purchase; amending s. 259.105, F.S.; requiring specific Florida Forever appropriations to be used for the purchase of lands in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; revising legislative intent regarding the Florida Keys Area of Critical State Concern; specifying that plan amendments in the Florida Keys must also be consistent with protecting and improving specified water quality and water supply projects; amending s. 380.0666, F.S.; expanding powers of a land authority to include acquiring lands to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern and contribute funds for certain land purchases by the department; providing limitations relating to acquiring or contributing lands to improve public transportation facilities; providing an effective date.

—as amended March 9, was read the third time by title.

On motion by Senator Flores, **CS for CS for HB 447**, as amended, was passed and 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	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—None

CS for HB 977—A bill to be entitled An act relating to behavioral health workforce; 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; amending s. 394.453, F.S.; revising legislative intent; amending s. 394.467, F.S.; authorizing procedures for recommending admission of a patient to a treatment facility; amending s. 397.451, F.S.; revising provisions relating to exemptions from disqualification for certain service provider personnel; amending s. 456.072, F.S.; providing mandatory administrative penalties for certain violations relating to prescribing or dispensing a controlled substance; amending s. 456.44, F.S.; providing a definition; deleting an obsolete date; requiring advanced registered nurse practitioners and physician assistants who prescribe controlled substances for 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 chapter 458 or chapter 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.; redefining 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 dis-

ciplinary action against an advanced registered nurse practitioner; amending s. 893.02, F.S.; redefining the term "practitioner" to include advanced registered nurse practitioners and physician assistants under the Florida Comprehensive Drug Abuse Prevention and Control Act for the purpose of prescribing controlled substances 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., relating to grounds for disciplinary action against certain licensed health care practitioners or applicants, physician assistant licensure, the imposition of penalties upon physician assistants by the Board of Osteopathic Medicine, and nonresident sterile compounding permits, respectively, to incorporate the amendment made by the act to s. 456.072, F.S., in references thereto; reenacting ss. 456.072(1)(mm) and 466.02751, F.S., relating to grounds for discipline of certain licensed health care practitioners or applicants and dentist practitioner profiles, respectively, to incorporate the amendment made by the act 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., relating to the nonapplicability of certain provisions to specified health care practitioners, and the duties of the Board of Medicine and the Board of Osteopathic Medicine with respect to anesthesiologist assistants, respectively, to incorporate the amendment made by the act to s. 458.347, F.S., in references thereto; reenacting ss. 456.041(1)(a) and 458.348(1) and (2), F.S., relating to practitioner profiles and notice and standards for formal supervisory relationships, respectively, to incorporate the amendment made by the act to s. 464.012, F.S., in references thereto; reenacting s. 464.0205(7), F.S., relating to certification as a retired volunteer nurse to incorporate the amendment made by the act 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., relating to violations of provisions for disability parking, licensure by examination of registered nurses and licensed practical nurses, licensure by endorsement to practice professional or practical nursing, disciplinary actions against nursing applicants or licensees, and retired volunteer nurse certifications, respectively, to incorporate the amendment made by the act to s. 464.018, F.S., in references thereto; reenacting s. 775.051, F.S., relating to exclusion as a defense and nonadmissibility as evidence of voluntary intoxication to incorporate the amendment made by the act 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., relating to receipt by the state correctional system of certain persons sentenced to incarceration, the definition of the term "probation," and the terms and conditions of community control, respectively, to incorporate the amendment made by the act to s. 948.03, F.S., in references thereto; providing effective dates.

—as amended March 9, was read the third time by title.

On motion by Senator Grimsley, **CS for HB 977**, as amended, was passed and 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	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—None

CS for HB 1147—A bill to be entitled An act relating to character-development instruction; amending s. 1003.42, F.S.; requiring character-development programs to provide certain instruction to students in grades 9-12; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for HB 1147** was passed and 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	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—None

CS for CS for HB 1365—A bill to be entitled An act relating to the Competency-Based Education Pilot Program; creating s. 1003.4996, F.S.; creating the Competency-Based Education Pilot Program; providing for participation in the program and application requirements; exempting participating school districts from specified rules; providing for funding of students enrolled in participating schools; providing duties of the Department of Education; providing for rulemaking; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 1365** was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gaetz	Negron
Abruzzo	Galvano	Ring
Altman	Garcia	Sachs
Benacquisto	Gibson	Simpson
Brandes	Grimsley	Smith
Braynon	Hukill	Sobel
Clemens	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	
Flores	Montford	

Nays—6

Bean	Bullard	Hays
Bradley	Dean	Hutson

Vote after roll call:

Yea—Richter, Simmons

CS for HB 7019—A bill to be entitled An act relating to postsecondary access and affordability; amending s. 1001.7065, F.S.; specifying that the costs of instructional materials are not included in tuition for certain online degree programs; creating s. 1004.084, F.S.; requiring the Board of Governors of the State University System and the State Board of Education to submit annual reports to the Governor and Legislature relating to college affordability; amending s. 1004.085, F.S.; revising provisions relating to textbook affordability to include instructional materials; defining the term "instructional materials"; requiring Florida College System institution and state university boards of trustees to identify wide variances in the costs of, and frequency of changes in the selection of, textbooks and instructional materials for certain courses; authorizing the Florida College System institution and state university

boards of trustees to adopt policies to allow for the use of innovative pricing techniques and payment options for certain textbooks and instructional materials; requiring the boards of trustees to send a list of identified courses to the academic department chairs for review; requiring Florida College System institutions and state universities to post certain information on their websites; requiring the State Board of Education and Board of Governors to receive input from specified individuals and entities before adopting textbook and instructional materials affordability policies; providing for legislative review and repeal of specified provisions; requiring postsecondary institutions to consult with certain school districts to identify certain practices; requiring cost-benefit analyses relating to textbooks and instructional materials; providing reporting requirements; amending s. 1009.23, F.S.; requiring Florida College System institutions to provide a public notice relating to increases in tuition and fees; amending s. 1009.24, F.S.; revising provisions relating to the assessment of a tuition differential by a state university board of trustees; revising requirements for the use of tuition differential revenues; deleting a requirement that a certain percentage of tuition differential revenues be used for the purpose of improvements in the quality of undergraduate education; requiring state universities to provide a public notice relating to increases in tuition and fees; providing an effective date.

—as amended March 9, was read the third time by title.

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

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Richter, Simmons

CS for CS for HB 249—A bill to be entitled An act relating to culinary education programs; amending s. 381.0072, F.S.; providing for the applicability of Department of Health sanitation rules to a licensed culinary education program; defining the term "culinary education program"; including certain culinary education programs under the definition of "food service establishment" and providing for the applicability of food service protection requirements thereto; conforming provisions; amending s. 509.013, F.S.; revising the definition of the term "public food service establishment" to include a culinary education program; amending s. 561.20, F.S.; permitting a culinary education program with a public food service establishment license to obtain an alcoholic beverage license under certain conditions; authorizing the Division of Alcoholic Beverages and Tobacco to adopt rules to administer such licenses; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for CS for HB 249** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hukill, Thompson

CS for CS for HB 659—A bill to be entitled An act relating to automobile insurance; amending s. 627.0651, F.S.; providing an exception to a provision that deems use of a single zip code as a rating territory for insurance rates to be unfairly discriminatory; requiring the Office of Insurance Regulation to ensure that rates or rate changes contained in certain rate filings are not excessive, inadequate, or unfairly discriminatory; amending s. 627.311, F.S.; authorizing the Florida Automobile Joint Underwriting Association and a joint underwriting plan approved by the Office of Insurance Regulation to cancel personal lines or commercial policies within a specified time for nonpayment of premium due to certain reasons; prohibiting an insured from cancelling a policy or binder within a specified time except under certain conditions; amending s. 627.7283, F.S.; authorizing an insured who cancels a policy to apply the unearned portion of any premium paid to unpaid balances of other policies with the same insurer or insurer group; amending s. 627.7295, F.S.; updating applicability language to include a reference to recurring credit card or debit card payments; authorizing additional forms of premium payment for motor vehicle insurance contracts; authorizing insurers to charge an insufficient funds fee of up to a specified amount; amending s. 627.744, F.S.; requiring the Division of Insurance Fraud of the Department of Financial Services to provide a report on the required preinsurance inspection of private passenger motor vehicles; specifying data to be included in the report; authorizing the Legislature to use specified data in determining the future public necessity for specified provisions; amending s. 627.736, F.S.; requiring that a certain standard form be approved by the office and adopted by the Financial Services Commission, rather than approved by the office or adopted by the commission; revising standards for compliance for specified billings for medical services; specifying additional entities that may receive reimbursement under the Florida Motor Vehicle No-Fault Law regardless of whether they meet a specified licensure requirement; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 659** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—5

Bradley	Joyner	Sobel
Detert	Negron	

Vote after roll call:

Yea to Nay—Flores

CS for HB 347—A bill to be entitled An act relating to utility projects; providing a short title; defining terms; authorizing certain local governmental entities to finance the costs of a utility project by issuing utility cost containment bonds upon application by a local agency; specifying application requirements; requiring a successor entity of a local agency to assume and perform the obligations of the local agency with respect to the financing of a utility project; providing procedures for local agencies to use when applying to finance a utility project using utility cost containment bonds; authorizing an authority to issue utility cost containment bonds for specified purposes related to utility projects; authorizing an authority to form alternate entities to finance utility projects; requiring the governing body of the authority to adopt a financing resolution and impose a utility project charge on customers of a publicly owned utility as a condition of utility project financing; specifying required and optional provisions of the financing resolution; specifying powers of the authority; requiring the local agency or its publicly owned utility to assist the authority in the establishment or adjustment of the utility project charge; requiring that customers of the public utility specified in the financing resolution pay the utility project charge; providing for adjustment of the utility project charge; establishing ownership of the revenues of the utility project charge; requiring the local agency or its publicly owned utility to collect the utility project charge; conditioning a customer's receipt of public utility services on payment of the utility project charge; authorizing a local agency or its publicly owned utility to use available remedies to enforce collection of the utility project charge; providing that the pledge of the utility project charge to secure payment of bonds issued to finance the utility project is irrevocable and cannot be reduced or impaired except under certain conditions; providing that a utility project charge constitutes utility project property; providing that utility project property is subject to a lien to secure payment of costs relating to utility cost containment bonds; establishing payment priorities for the use of revenues of the utility project property; providing for the issuance and validation of utility cost containment bonds; securing the payment of utility cost containment bonds and related costs; providing that utility cost containment bonds do not obligate the state or any political subdivision and are not backed by their full faith and credit and taxing power; requiring that certain disclosures be printed on utility cost containment bonds; providing that financing costs related to utility cost containment bonds are an obligation of the authority only; providing limitations on the state's ability to alter financing costs or utility project property under certain circumstances; prohibiting an authority with outstanding payment obligations on utility cost containment bonds from becoming a debtor under certain federal or state laws; providing for construction; endowing public entities with certain powers; providing an effective date.

—was read the third time by title.

On motion by Senator Legg, **CS for HB 347** was passed and 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	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—None

Consideration of **CS for CS for SB 1394** was deferred.

CS for CS for CS for HB 153—A bill to be entitled An act relating to the Healthy Food Financing Initiative Pilot Program; creating the Healthy Food Financing Initiative Pilot Program; providing definitions; directing the Department of Agriculture and Consumer Services to establish a program to provide specified financing to construct, rehabilitate, or expand grocery stores and supermarkets in underserved communities in low-income and moderate-income areas; authorizing the department to contract with a third-party administrator; providing program, project, and applicant requirements; authorizing funds to be used for specified purposes; directing the department submit a report to the Legislature by a specified date; requiring that loan repayments be transferred to the General Revenue Fund; directing the department to adopt rules; providing for expiration of the program; providing an appropriation; providing an effective date.

—as amended March 9, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bean, the Senate reconsidered the vote by which **Amendment 1 (430650)** was adopted.

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

Senator Bean moved the following amendment to **Amendment 1 (430650)** which was adopted by two-thirds vote:

Amendment 1A (674624) (with title amendment)—Delete lines 180-181 and insert:

Section 2. *For the 2016-2017 fiscal year, the sum of $500,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing this act.*

And the title is amended as follows:

Delete lines 207-208 and insert: providing an appropriation; providing

Amendment 1 (430650), as amended, was adopted by two-thirds vote.

On motion by Senator Bean, **CS for CS for CS for HB 153**, as amended, was passed and 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	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1288, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 1288—A bill to be entitled An act relating to emergency management; amending s. 252.34, F.S.; defining the term "activate" for purposes of part I of ch. 252, F.S.; amending ss. 163.360, 474.2125, and 627.659, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (176719) (with title amendment)—Between lines 18 and 19, insert:

Section 2. Section 252.359, Florida Statutes, is created to read:

252.359 Ensuring availability of emergency supplies.—

(1) In order to meet the needs of residents affected during a declared emergency and to ensure the continuing economic resilience of communities impacted by disaster, the division shall establish a statewide system to facilitate the transport and distribution of essentials in commerce.

(2) As used in this section, the term "essentials" means goods that are consumed or used as a direct result of a declared emergency, or that are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being.

(3) The division shall develop a system to certify each person who facilitates the transport or distribution of essentials in commerce. The division may not certify a person other than a person who routinely transports or distributes essentials. In developing the system, the division:

(a) May provide for a preemergency or postemergency declaration certification.

(b) Shall allow the certification of an employer, if requested by the employer, to constitute a certification of the employer's employees.

(c) Shall create an easily recognizable indicium of certification to assist local officials' efforts in determining which persons have been certified under this subsection.

(d) Shall limit the duration of each certificate to no more than 1 year. Each certificate may be renewed so long as the criteria for certification are met.

(4) A person or employer certified under subsection (3) is not required to obtain any additional certification or fulfill any additional requirement to transport or distribute essentials.

(5) Notwithstanding any curfew, a person or employer certified under subsection (3) may enter or remain in the curfew area for the limited purpose of facilitating the transport or distribution of essentials and may provide service that exceeds otherwise applicable hours of service maximums to the extent authorized by a duly executed declaration of a state of emergency.

(6) This section does not prohibit a law enforcement officer from specifying the permissible route of ingress or egress for a person certified under subsection (3).

And the title is amended as follows:

Remove line 4 and insert: purposes of part I of ch. 252, F.S.; creating s. 252.359, F.S.; directing the Division of Emergency Management to create a statewide system to facilitate the transport and distribution of essentials in commerce during a declared emergency; defining the term "essentials"; directing the division to create a certification system for persons transporting or distributing essentials in commerce; providing requirements and conditions for the certification system; permitting certain activities by certified persons during a curfew; authorizing a law enforcement officer to specify a permissible route of ingress or egress for a certified person; amending ss.

On motion by Senator Richter, the Senate concurred in the House amendment.

CS for SB 1288 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 698, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for CS for SB 698—A bill to be entitled An act relating to alcoholic beverages and tobacco; amending s. 210.13, F.S.; revising applicability to include other persons who may be subject to a determination of tax on failure to file and return; amending s. 218.32, F.S.; requiring local governmental entities to include revenues derived from the use of temporary alcoholic beverage permits in annual financial reports; amending s. 561.01, F.S.; defining the term "railroad transit station"; amending s. 561.20, F.S.; providing that a license must be revoked or a pending application must be denied under certain circumstances; providing that certain licensees or applicants are not eligible to have an interest in a subsequent license under certain circumstances for a specified timeframe; amending s. 561.29, F.S.; requiring the division to grant a one-time written waiver or extension of certain requirements to specified licensees; revising the circumstances under which a licensee may seek and the division may grant a waiver or extension of the requirements; creating s. 561.4205, F.S.; requiring an alcoholic beverage distributor to charge a deposit for certain alcoholic beverage sales; providing an inventory and reconciliation process as an accounting alternative for specified vendors; providing an inventory and reconciliation process for malt beverage kegs; amending s. 561.422, F.S.; authorizing the division to issue temporary permits to municipalities and counties to sell alcoholic beverages for consumption on the premises of an event; authorizing the director of the division to issue more than three permits per calendar year under certain circumstances; providing conditions for such permits; requiring certain municipalities and counties to properly store and secure unconsumed alcoholic beverages; amending s. 563.06, F.S.; revising requirements for certain vendors to be authorized to fill or refill a growler; revising which licensed vendors may fill or refill a growler; amending s. 565.02, F.S.; authorizing vendors in railroad transit stations to obtain licenses to keep and sell alcoholic beverages; prohibiting a municipality or county from requiring an additional license or levying a tax to sell certain beverages; revising the locations where certain beverages may be sold; providing liquor bottle size restrictions for railroad transit stations; prohibiting the transfer of certain licenses; requiring operators of railroads and sleeping cars to keep separate certain alcoholic beverages; amending s. 565.04, F.S.; authorizing a licensed distributor to transport alcoholic beverages through certain premises under specified circumstances; providing an effective date.

House Amendment 1 (023647) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 210.13, Florida Statutes, is amended to read:

210.13 Determination of tax on failure to file a return.—If a dealer *or other person required to remit the tax under this part* fails to file any return required under this part, or having filed an incorrect or insufficient return, fails to file a correct or sufficient return, as the case

may require, within 10 days after the giving of notice to the dealer by the Division of Alcoholic Beverages and Tobacco that such return or corrected or sufficient return is required, the division shall determine the amount of tax due by such dealer any time within 3 years after the making of the earliest sale included in such determination and give written notice of such determination to such dealer. Such a determination shall finally and irrevocably fix the tax unless the dealer against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply to the division for a hearing. Judicial review shall not be granted unless the amount of tax stated in the decision, with penalties thereon, if any, shall have been first deposited with the division, and an undertaking or bond filed in the court in which such cause may be pending in such amount and with such sureties as the court shall approve, conditioned that if such proceeding be dismissed or the decision of the division confirmed, the applicant for review will pay all costs and charges which may accrue against the applicant in the prosecution of the proceeding. At the option of the applicant, such undertaking or bond may be in an additional sum sufficient to cover the tax, penalties, costs, and charges aforesaid, in which event the applicant shall not be required to pay such tax and penalties precedent to the granting of such review by such court.

Section 2. Subsection (22) is added to section 561.01, Florida Statutes, to read:

561.01 Definitions.—As used in the Beverage Law:

(22) "Railroad transit station" means a platform or a terminal facility where passenger trains operating on a guided rail system according to a fixed schedule between two or more cities regularly stop to load and unload passengers or goods. The term includes a passenger waiting lounge and dining, retail, entertainment, or recreational facilities within the licensed premises owned or leased by the railroad operator or owner.

Section 3. Paragraph (a) of subsection (2) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2)(a) *The* ~~No such~~ limitation of the number of licenses as ~~herein~~ provided *in this section does not* ~~shall henceforth~~ prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in any county having a population of 50,000 residents or greater; or any bona fide hotel or motel located in a historic structure, as defined in s. 561.01(21), with fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants; provided, however, that a bona fide hotel or motel with no fewer than 10 and no more than 25 guest rooms which is a historic structure, as defined in s. 561.01(21), in a municipality that on the effective date of this act has a population, according to the University of Florida's Bureau of Economic and Business Research Estimates of Population for 1998, of no fewer than 25,000 and no more than 35,000 residents and that is within a constitutionally chartered county may be issued a special license. This special license shall allow the sale and consumption of alcoholic beverages only on the licensed premises of the hotel or motel. In addition, the hotel or motel must derive at least 60 percent of its gross revenue from the rental of hotel or motel rooms and the sale of food and nonalcoholic beverages; provided that the provisions of this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under the provisions of chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the State Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

4. *A food service establishment that has* ~~Any restaurant having~~ 2,500 square feet of service area*, is* ~~and~~ equipped to serve *meals to* 150 persons ~~full course meals at tables~~ at one time, and *derives* ~~deriving~~ at least 51 percent of its gross *food and beverage* revenue from the sale of food and nonalcoholic beverages *during the first 60-day operating period and each 12-month operating period thereafter. A food service establishment*~~; however, no restaurant~~ granted a special license on or after January 1, 1958, pursuant to general or special law *may not* ~~shall~~ operate as a package store *and may not sell*~~, nor shall~~ intoxicating beverages ~~be sold~~ under such license after the hours of serving *or consumption of* food have elapsed*. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation*; or

5. Any caterer, deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages, licensed by the Division of Hotels and Restaurants under chapter 509. Notwithstanding any other provision of law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1), s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or served at a catered event. Any alcoholic beverages purchased by a licensee under this subparagraph for a catered event that are not used at that event must remain with the customer; provided that if the vendor accepts unopened alcoholic beverages, the licensee may return such alcoholic beverages to the vendor for a credit or reimbursement. Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this subparagraph must maintain for a period of 3 years all records required by the department by rule to demonstrate compliance with the requirements of this subparagraph, including licensed vendor receipts for the purchase of alcoholic beverages and records identifying each customer and the location and date of each catered event. Notwithstanding any provision of law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), may, without any additional licensure under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph shall not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. Nothing in this section shall permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first $300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Families' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation con-

tained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 4. Paragraphs (h) and (i) of subsection (1) of section 561.29, Florida Statutes, are amended to read:

561.29 Revocation and suspension of license; power to subpoena.—

(1) The division is given full power and authority to revoke or suspend the license of any person holding a license under the Beverage Law, when it is determined or found by the division upon sufficient cause appearing of:

(h) Failure by the holder of any license under s. 561.20(1) to maintain the licensed premises in an active manner in which the licensed premises are open for the bona fide sale of authorized alcoholic beverages during regular business hours of at least 6 hours a day for a period of 120 days or more during any 12-month period commencing 18 months after the acquisition of the license by the licensee, regardless of the date the license was originally issued. Every licensee must notify the division in writing of any period during which his or her license is inactive and place the physical license with the division to be held in an inactive status. ~~The division may waive or extend the requirement of this section upon the finding of hardship, including the purchase of the license in order to transfer it to a newly constructed or remodeled location. However, during such closed period, the licensee shall make reasonable efforts toward restoring the license to active status.~~ This paragraph *applies* ~~shall apply~~ to all annual license periods commencing on or after July 1, 1981, but *does* ~~shall~~ not apply to licenses issued after September 30, 1988. *The division shall, upon written request of the licensee, grant a one-time written waiver or extension of the requirements of this paragraph for a period not to exceed 12 months. Additionally, the division may, upon written request of the licensee, grant a waiver or extension of the requirements of this paragraph for a period not to exceed 12 months if the licensee demonstrates that:*

1. The licensed premises has been physically damaged to such an extent that active operation of the business at the premises is impracticable;

2. Construction or remodeling is underway to relocate the license to another location;

3. The licensed premises is prohibited from making sales as the result of an order of a court of competent jurisdiction, or the action or inaction of a governmental entity relating to the permitting, construction, or occupational capacity of the physical location of the licensed premises.

(i) Failure of *a* ~~any~~ licensee *having* ~~issued~~ a ~~new or transfer~~ license *issued under s. 561.20(1)* after September 30, 1988, ~~under s. 561.20(1)~~ to maintain the licensed premises in an active manner in which the licensed premises are open for business to the public for the bona fide retail sale of authorized alcoholic beverages during regular and reasonable business hours for at least 8 hours a day for a period of 210 days or more during any 12-month period commencing 6 months after the acquisition of the license by the licensee. It is the intent of this act that for purposes of compliance with this paragraph, a licensee shall operate the licensed premises in a manner so as to maximize sales and tax revenues thereon; this includes maintaining a reasonable inventory of merchandise, including authorized alcoholic beverages, and the use of good business practices to achieve the intent of this law. Any attempt by a licensee to circumvent the intent of this law shall be grounds for revocation or suspension of the alcoholic beverage license. ~~The division may, upon written request of the licensee, give a written waiver of this requirement for a period not to exceed 12 months in cases where the licensee demonstrates that the licensed premises has been physically destroyed through no fault of the licensee, when the licensee has suffered an incapacitating illness or injury which is likely to be prolonged, or when the licensed premises has been prohibited from making sales as a result of any action of any court of competent jurisdiction. Any waiver given pursuant to this subsection may be continued upon subsequent written request showing that substantial progress has been made toward restoring the licensed premises to a condition suitable for the resumption of sales or toward allowing for a court having jurisdiction over the premises to release said jurisdiction, or that an incapacitating illness or injury continues to exist. However, in no event may the waivers necessitated by any one occurrence cumulatively total more than 24 months.~~ *A* ~~Every~~ licensee shall notify the division in writing of any period during which his or her license is inactive and place the physical license with the division to be held in an inactive status. *For the purpose of calculating compliance with the requirements of this paragraph, a license that is acquired in a transaction that is not an arm's length transaction, including transfers from relatives, affiliates, subsidiaries, and other related entities, retains and is subject to the first related transferor's date of acquisition and related periods of operation. The division shall, upon written request of the licensee, grant a one-time written waiver or extension of the requirements of this paragraph for a period not to exceed 12 months. Additionally, the division may, upon written request of the licensee, grant a waiver or extension of the requirements of this paragraph for a period not to exceed 12 months if the licensee demonstrates that:*

1. The licensed premises has been physically damaged to such an extent that active operation of the business at the premises is impracticable;

2. Construction or remodeling is underway to relocate the license to another location;

3. The licensed premises has been prohibited from making sales as the result of any order of any court of competent jurisdiction, or any action or inaction of a governmental entity relating to the permitting, construction, or occupational capacity of the physical location of the licensed premises.

Section 5. Section 561.4205, Florida Statutes, is created to read:

561.4205 Keg deposits; limited alternative inventory and reconciliation process.—

(1) A distributor selling an alcoholic beverage to a vendor in bulk, by recyclable keg or other similar reusable container, for the purpose of sale in draft form on tap, must charge the vendor a deposit, to be referred to as a "keg deposit," in an amount not less than that charged to the distributor by the manufacturer for each keg or container of the beverage sold. The deposit amount charged to a vendor for a draft keg or container of a like brand must be uniform. Charges made for deposits collected or credits allowed for empty kegs or containers returned must be shown separately on all sale tickets or invoices. A copy of such sales tickets or invoices must be given to the vendor at the time of delivery.

(2) In lieu of receiving a keg deposit, a distributor selling alcoholic beverages by recyclable keg or other similar reusable container for the purpose of sale in draft form to a vendor identified in s. 561.01(18) or s. 565.02(6) or (7) shall implement an inventory and reconciliation process with such vendor in which an accounting of kegs is completed and any loss or variance in the number of kegs is paid for by the vendor on a per-keg basis equivalent to the required keg deposit. This inventory and reconciliation process may occur twice per year, at the discretion of the distributor, but must occur at least annually. Upon completion of an agreed upon keg inventory and reconciliation, the vendor shall remit payment within 15 days after receiving an invoice from the distributor.

The vendor may choose to establish and fund a separate account with the distributor for the purpose of expediting timely payments.

Section 6. Section 561.422, Florida Statutes, is amended to read:

561.422 Nonprofit civic *organizations, charitable* organizations*, municipalities, and counties*; temporary permits.—Upon the filing of an application, presentation of a local building and zoning permit, and payment of a fee of $25 per permit, the director of the division may issue a permit authorizing a bona fide nonprofit civic *organization, charitable* organization*, municipality, or county* to sell alcoholic beverages for consumption on the premises only, for a period not to exceed 3 days, subject to any state law or municipal or county ordinance regulating the time for selling such beverages. All net profits from sales of alcoholic beverages collected during the permit period *by a nonprofit or civic organization* must be retained by *such organizations* ~~the nonprofit civic organization~~. *All net profits from sales of alcoholic beverages collected during the permit period by a municipality or county must be donated to a nonprofit civic or charitable organization within 90 days after the permitted event. A municipality or county may only be issued such a temporary permit if it has attempted to solicit a qualified nonprofit civic or charitable organization to conduct such sales but has been unable to find such a qualifying organization in a reasonably practicable manner and timeframe. A nonprofit* ~~Any such~~ civic *organization, charitable* organization*, municipality, or county* may be issued *no more than 12* ~~only three such~~ permits per calendar year. Notwithstanding other provisions of the Beverage Law, *a nonprofit* ~~any~~ civic *organization, charitable* organization*, municipality, or county* licensed under this section may purchase alcoholic beverages from a distributor or vendor licensed under the Beverage Law. *The division may adopt rules and conduct audits to ensure compliance with this section.*

Section 7. Effective upon this act becoming a law, paragraph (a) of subsection (7) of section 563.06, Florida Statutes, is amended to read:

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

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

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

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

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

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

4. A vendor holding a license pursuant to s. 563.02(1)(a) or s. 564.02(1)(a), having held that license in current, active status on June 30, 2015, subject to the following requirements:

a. The vendor proves, to the satisfaction of the division, that the vendor had draft equipment and tapping accessories installed and had purchased kegs before June 30, 2015.

b. The growlers are filled or refilled by the vendor or the vendor's employee aged 18 or older.

c. The taps or mechanisms used to fill or refill the growlers are not accessible to customers.

d. The growlers meet the labeling and sealing requirements of paragraph (b).

e. The vendor does not permit consumption on premises, including tastings or other sampling activities.

Section 8. Subsections (2) and (9) of section 565.02, Florida Statutes, are amended to read:

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

(2) *An* ~~Any~~ operator of railroads or sleeping cars*, or a vendor in a railroad transit station,* in this state may obtain a license to *keep for sale and to* sell the beverages mentioned in the Beverage Law ~~on passenger trains~~ upon the payment of an annual license tax of $2,500~~, the tax to be paid~~ to the division. *A municipality or county may not require an additional license or levy a tax for the privilege of selling such beverages.*

(a) Operators of railroads or sleeping cars in this state are authorized ~~Such license shall authorize the holder thereof~~ to keep for sale and *to* sell all beverages mentioned in the Beverage Law *for consumption* upon any dining, club, parlor, buffet, or observation car *of a passenger train in which certified copies of the licenses issued to the operators are posted. Certified copies of such licenses shall be issued by the division upon the payment of a $10 fee* ~~operated by it in this state, but such beverages may be sold only to passengers upon the cars and must be served for consumption thereon. It is unlawful for such licensees to purchase or sell any liquor except in miniature bottles of not more than 2 ounces~~. *A* ~~Every such~~ license *for the sale of alcoholic beverages on a passenger train* shall be good throughout the state. *Except for alcoholic beverages sold within the licensed premises of a railroad transit station, it is unlawful for such licensees to purchase or sell any liquor on a passenger train except in miniature bottles of not more than 2 ounces.* ~~No license shall be required, or tax levied by any municipality or county, for the privilege of selling such beverages for consumption in such cars. Such beverages shall be sold only on cars in which are posted certified copies of the licenses issued to such operator. Such certified copies of such licenses shall be issued by the division upon the payment of a tax of $10.~~

(b) A vendor in a railroad transit station is authorized to keep for sale and to sell all beverages mentioned in the Beverage Law. A license issued to a vendor in a railroad transit station may not be transferred to locations beyond the railroad transit station. The alcoholic beverages sold are for consumption on the licensed premises and may be consumed in all areas within the railroad transit station and on a passenger train. Operators of railroads and sleeping cars shall keep separate the alcoholic beverages intended for sale on passenger trains and the alcoholic beverages intended for sale in the railroad transit station.

(9)*(a) As used in this subsection, the term:*

1. "Annual capacity" means an amount equal to the number of lower berths on a vessel multiplied by the number of embarkations of that vessel during a calendar year.

2. "Base rate" means an amount equal to the total taxes and surcharges paid by all permittees pursuant to the Beverage Law and chapter 210 for sales of alcoholic beverages, cigarettes, and other tobacco products taking place between January 1, 2015, and December 31, 2015, inclusive, divided by the sum of the annual capacities of all vessels permitted pursuant to former s. 565.02(9), Florida Statutes 2015, for calendar year 2015.

3. "Embarkation" means an instance in which a vessel departs from a port in this state.

4. "Lower berth" means a bed that is:

a. Affixed to a vessel;

b. Not located above another bed in the same cabin; and

c. Located in a cabin not in use by employees of the operator of the vessel or its contractors.

5. "Quarterly capacity" means an amount equal to the number of lower berths on a vessel multiplied by the number of embarkations of that vessel during a calendar quarter.

(b) It is the finding of the Legislature that passenger vessels engaged exclusively in foreign commerce are susceptible to a distinct and separate classification for purposes of the sale of alcoholic beverages*, cigarettes, and other tobacco products* under the Beverage Law *and chapter 210*.

(c) Upon the filing of an application and payment of an annual fee of $1,100, the director is authorized to issue a permit authorizing the

operator, or, if applicable, his or her concessionaire, of a passenger vessel which has cabin-berth capacity for at least 75 passengers, and which is engaged exclusively in foreign commerce, to sell alcoholic beverages*, cigarettes, and other tobacco products* on the vessel for consumption on board only:

1.~~(a)~~ *For no more than* ~~During a period not in excess of~~ 24 hours *before* ~~prior to~~ departure while the vessel is moored at a dock or wharf in a port of this state; or

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

One such permit shall be required for each such vessel and shall name the vessel for which it is issued. No license shall be required or tax levied by any municipality or county for the privilege of selling beverages*, cigarettes, or other tobacco products* for consumption on board such vessels. The beverages*, cigarettes, or other tobacco products* so sold may be purchased outside the state by the permittee, and the same shall not be considered as imported for the purposes of s. 561.14(3) solely because of such sale. The permittee is not required to obtain its beverages*, cigarettes, or other tobacco products* from licensees under the Beverage Law *or chapter 210. Each permittee*~~, but it~~ shall keep a strict account of *the quarterly capacity of each of its vessels* ~~all such beverages sold within this state~~ and shall make *quarterly* ~~monthly~~ reports to the division on forms prepared and furnished by the division. ~~A permittee who sells on board the vessel beverages withdrawn from United States Bureau of Customs and Border Protection bonded storage on board the vessel may satisfy such accounting requirement by supplying the division with copies of the appropriate United States Bureau of Customs and Border Protection forms evidencing such withdrawals as importations under United States customs laws.~~

(d) Each ~~Such~~ permittee shall pay to the state *a* ~~an excise~~ tax for beverages*, cigarettes, and other tobacco products* sold pursuant to this *subsection in an amount equal to the base rate multiplied by the permittee's quarterly capacity during the calendar quarter, less any tax or surcharge already paid by a licensed manufacturer or distributor pursuant to the Beverage Law or chapter 210 on beverages, cigarettes, and other tobacco products sold by the permittee pursuant to this subsection during the quarter for which tax is due* ~~section, if such excise tax has not previously been paid, in an amount equal to the tax which would be required to be paid on such sales by a licensed manufacturer or distributor~~.

(e) A vendor holding such permit shall pay the tax *quarterly* ~~monthly~~ to the division at the same time he or she furnishes the required report. Such report shall be filed on or before the 15th day of each *calendar quarter* ~~month~~ for the *quarterly capacity* ~~sales occurring~~ during the previous calendar *quarter* ~~month~~.

(f) By August 1, 2016, each permittee shall report the annual capacity for each of its vessels for calendar year 2015 to the division on forms prepared and furnished by the division. By September 1, 2016, the division shall calculate the base rate and report it to each permittee. The base rate shall also be published in the Florida Administrative Register and on the department's website.

(g) Revenues collected pursuant to this subsection shall be distributed pursuant to s. 561.121(1).

Section 9. Section 565.04, Florida Statutes, is amended to read:

565.04 Package store restrictions.—

(1) Vendors licensed under s. 565.02(1)(a) shall not in said place of business sell, offer, or expose for sale any merchandise other than such beverages, and such places of business shall be devoted exclusively to such sales; provided, however, that such vendors shall be permitted to sell bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such places of business shall have no openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

(2) Notwithstanding any other law, when delivering alcoholic beverages to a vendor licensed under s. 565.02(1)(a), a licensed distributor may transport the beverages through another premises owned in whole or in part by the vendor.

Section 10. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2016.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitledAn act relating to alcoholic beverages and tobacco; amending s. 210.13, F.S.; revising applicability to include other persons who may be subject to a determination of tax on failure to file a return; amending s. 561.01, F.S.; defining the term "railroad transit station"; amending s. 561.20, F.S.; revising the requirements to obtain and maintain a food service establishment alcoholic beverage license; amending s. 561.29, F.S.; requiring the Division of Alcoholic Beverages and Tobacco to grant a one-time written waiver or extension of certain requirements to specified licensees; revising the circumstances under which a licensee may seek and the division may grant a waiver or extension of the requirements; revising compliance requirements for certain licensees; creating s. 561.4205, F.S.; requiring an alcoholic beverage distributor to charge a deposit for certain alcoholic beverage sales; providing an inventory and reconciliation process as an accounting alternative for specified vendors; providing an inventory and reconciliation process for malt beverage kegs; amending s. 561.422, F.S.; authorizing the division to issue temporary permits to charitable organizations, municipalities, and counties to sell alcoholic beverages for consumption on the premises of an event; amending s. 563.06, F.S.; authorizing certain licensees to fill or refill growlers under certain conditions; amending s. 565.02, F.S.; authorizing operators of railroad transit stations to obtain licenses to sell alcoholic beverages; providing requirements and conditions; prohibiting a municipality or county from requiring an additional license or levying a tax to sell certain beverages; exempting railroad transit stations from liquor bottle size restrictions; revising the tax on the sale of alcoholic beverages on certain foreign passenger vessels; imposing a tax on sale of cigarettes and other tobacco products on certain foreign passenger vessels; defining terms; revising legislative findings; requiring permittees to submit a report to the division; providing requirements for the report; amending s. 565.04, F.S.; authorizing a licensed distributor to transport alcoholic beverages through certain premises under specified circumstances; providing effective dates.

On motion by Senator Bradley, the Senate concurred in the House amendment.

CS for CS for SB 698 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Negron

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 966, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 966—A bill to be entitled An act relating to unclaimed property; amending s. 717.107, F.S.; revising a presumption of when funds held or owing under a matured or terminated life or endowment insurance policy or annuity contract are unclaimed; revising a condition of when certain insurance policies or annuity contracts are deemed matured and the proceeds are due and payable; requiring an insurer to compare records of certain insurance policies, annuity contracts, and retained asset accounts of its insureds against the United States Social Security Administration Death Master File or a certain database or service to determine if a death is indicated; providing requirements for the comparison; providing for a presumption of death for certain individuals; providing an exception; requiring an insurer to account for certain variations in data and partial information; providing the circumstances under which a policy, a contract, or an account is deemed to be in force; providing applicability; defining a term; requiring an insurer to follow certain procedures after learning of a death through a specified comparison; authorizing an insurer to disclose certain personal information to specified persons for certain purposes; prohibiting an insurer and specified entities from charging fees and costs associated with certain activities; conforming provisions to changes made by the act; providing retroactive applicability; providing an effective date.

House Amendment 2 (825195) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 717.107, Florida Statutes, is amended to read:

717.107 Funds owing under life insurance policies*, annuity contracts, and retained asset accounts; fines, penalties, and interest; United States Social Security Administration Death Master File*.—

(1) Funds held or owing under any life or endowment insurance policy or annuity contract which has matured or terminated are presumed unclaimed if unclaimed for more than 5 years after the *date of death of the insured, the annuitant, or the retained asset account holder* ~~funds became due and payable as established from the records of the insurance company holding or owing the funds~~, but property described in paragraph *(3)(d)* ~~(3)(b)~~ is presumed unclaimed if such property is not claimed for more than 2 years. The amount presumed unclaimed shall include any amount due and payable under s. 627.4615.

(2) If a person other than the insured*, the* ~~or~~ annuitant*, or the retained asset account holder* is entitled to the funds and no address of the person is known to the company or it is not definite and certain from the records of the company who is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured*, the* ~~or~~ annuitant*, or the retained asset account holder* according to the records of the company.

(3) For purposes of this chapter, a life or endowment insurance policy or annuity contract not matured by actual proof of the death of the insured*, the* ~~or~~ annuitant*, or the retained asset account holder* according to the records of the company is deemed matured and the proceeds due and payable if *any of the following applies*:

(a) The company knows that the insured*, the* ~~or~~ annuitant*, or the retained asset account holder* has died.~~; or~~

(b) A presumption of death made in accordance with paragraph (8)(c) has not been rebutted.

(c) The policy or contract has reached its maturity date.

(d)~~(b)~~1. The insured has attained, or would have attained if he or she were living, the limiting age under the mortality table on which the reserve is based;

2. The policy was in force at the time the insured attained, or would have attained, the limiting age specified in subparagraph 1.; and

3. Neither the insured nor any other person appearing to have an interest in the policy within the preceding 2 years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy; subjected the policy to a loan; corresponded in writing with the company concerning the policy; or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the company.

(4) For purposes of this chapter, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent the policy from being matured or terminated under subsection (1) if the insured has died or the insured or the beneficiaries of the policy otherwise have become entitled to the proceeds thereof before the depletion of the cash surrender value of a policy by the application of those provisions.

(5) If the laws of this state or the terms of the life insurance policy require the company to give notice to the insured or owner that an automatic premium loan provision or other nonforfeiture provision has been exercised and the notice, given to an insured or owner whose last known address according to the records of the company is in this state, is undeliverable, the company shall make a reasonable search to ascertain the policyholder's correct address to which the notice must be mailed.

(6) Notwithstanding any other provision of law, if the company learns of the death of the insured*, the* ~~or~~ annuitant*, or the retained asset account holder* and the beneficiary has not communicated with the insurer within 4 months after the death, the company shall take reasonable steps to pay the proceeds to the beneficiary.

(7) Commencing 2 years after July 1, 1987, every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner who is a resident of this state must request the following information:

(a) The name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class.

(b) The address of each beneficiary.

(c) The relationship of each beneficiary to the insured.

(8)(a) Notwithstanding any other provision of law, an insurer shall compare the records of its insureds' life or endowment insurance policies, annuity contracts that provide a death benefit, and retained asset accounts that were in force at any time on or after January 1, 1992, against the United States Social Security Administration Death Master File once to determine whether the death of an insured, an annuitant, or a retained asset account holder is indicated and shall thereafter use the Death Master File update files for future comparisons. The comparisons must use the name and social security number or date of birth of the insured, the annuitant, or the retained asset account holder. The comparisons must be made on at least an annual basis before August 31 of each year. If an insurer performs such comparisons regarding its annuities or other books of business more frequently than once a year, the insurer must also make comparisons regarding its life insurance policies, annuity contracts that provide a death benefit, and retained asset accounts at the same frequency as is made regarding its annuities or other books or lines of business. An insurer may perform the comparisons required by this paragraph using any database or service that the department determines is at least as comprehensive as the United States Social Security Administration Death Master File for the purpose of indicating that a person has died.

(b) However, an insurer that meets one of the following criteria as of June 30, 2016, shall conduct the comparison in paragraph (a) to all inforce policies:

1. The insurer has entered into a regulatory settlement agreement with the Office of Insurance Regulation; or

2. The insurer has received a targeted market conduct examination report issued by the Office of Insurance Regulation regarding claims-handling practices and the use of the Death Master File with no findings of violations of law.

(c) An insured, an annuitant, or a retained asset account holder is presumed deceased if the date of his or her death is indicated by the comparison required under paragraph (a) unless the insurer has in its records competent and substantial evidence that the person is living, including, but not limited to, a contact made by the insurer with such person or his or her legal representative. The insurer shall account for common variations in data and for any partial names, social security numbers, dates of birth, and addresses of the insured, the annuitant, or

the retained asset account holder which would otherwise preclude an exact match.

(d) For purposes of this section, a policy, an annuity contract, or a retained asset account is deemed to be in force if it has not lapsed, has not been cancelled, or has not been terminated at the time of death of the insured, the annuitant, or the retained asset account holder.

(e) This subsection does not apply to an insurer with respect to benefits payable under:

1. An annuity that is issued in connection with an employment-based plan subject to the Employee Retirement Income Security Act of 1974 or that is issued to fund an employment-based retirement plan, including any deferred compensation plan.

2. A policy of credit life or accidental death insurance.

3. A joint and survivor annuity contract if an annuitant is still living.

4. A policy issued to a group master policy owner for which the insurer does not perform recordkeeping functions. For purposes of this subparagraph, the term "recordkeeping" means those circumstances under which the insurer has agreed through a group policyholder to be responsible for obtaining, maintaining, and administering, in its own or its agents' systems, information about each individual insured under a group insurance policy or a line of coverage thereunder, including at least the following:

a. The social security number, or name and date of birth;

b. Beneficiary designation information;

c. Coverage eligibility;

d. The benefit amount; and

e. Premium payment status.

5. Any policy or certificate of life insurance that is assigned to a person licensed under s. 497.452 to fund a preneed funeral merchandise or service contract.

(9) No later than 120 days after learning of the death of an insured, an annuitant, or a retained asset account holder through a comparison under subsection (8), an insurer shall:

(a) Complete and document an effort to confirm the death of the insured, the annuitant, or the retained asset account holder against other available records and information.

(b) Review its records to determine whether the insured, the annuitant, or the retained asset account holder purchased other products from the insurer.

(c) Determine whether benefits may be due under a policy, an annuity, or a retained asset account.

(d) Complete and document an effort to locate and contact the beneficiary or authorized representative under a policy, an annuity, or a retained asset account if such person has not communicated with the insurer before the expiration of the 120-day period. The effort must include:

1. Sending to the beneficiary or authorized representative information concerning the claim process of the insurer.

2. Notice of any requirement to provide a certified original or copy of the death certificate if applicable under the policy, annuity, or retained asset account.

(10) An insurer may, to the extent permitted by law, disclose the minimum necessary personal information about an insured, an annuitant, a retained asset account owner, or a beneficiary to an individual or entity reasonably believed by the insurer to possess the ability to assist the insurer in locating the beneficiary or any other individual or entity that is entitled to payment of the claim proceeds.

(11) An insurer, or any agent or third party that it engages or that works on its behalf, may not charge insureds, annuitants, retained asset account holders, beneficiaries, or the estates of insureds, annuitants, retained asset account holders, or the beneficiaries of an estate any fees or costs associated with any search, verification, claim, or delivery of funds conducted pursuant to this section.

Section 2. *The amendments made by this act are remedial in nature and apply retroactively. Fines, penalties, or additional interest, pursuant to chapter 717, Florida Statutes, may not be imposed due to the failure to report and remit an unclaimed life or an endowment insurance policy, a retained asset account, or an annuity contract with a death benefit if any unclaimed life or endowment insurance policy, retained asset account, or annuity contract proceeds are reported and remitted to the Department of Financial Services on or before May 1, 2021.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to unclaimed property; amending s. 717.107, F.S.; revising a presumption of when funds held or owing under a matured or terminated life or endowment insurance policy or annuity contract are unclaimed; revising conditions of when certain insurance policies or annuity contracts are deemed matured and the proceeds are due and payable; requiring an insurer to compare records of certain insurance policies, annuity contracts, and retained asset accounts against the United States Social Security Administration Death Master File or a certain database or service to determine whether a death is indicated and to update certain records; providing requirements for the comparison; providing for a presumption of death for certain individuals; providing exceptions; requiring an insurer to account for certain variations in data and partial information; providing the circumstances under which a policy, a contract, or an account is deemed to be in force; providing applicability; defining the term "recordkeeping"; requiring an insurer to follow certain procedures after learning of a death through a specified comparison; authorizing an insurer to disclose certain personal information to specified persons or entities for certain purposes; prohibiting an insurer and specified entities from charging fees and costs associated with certain activities; conforming provisions to changes made by the act; providing retroactive applicability; providing an effective date.

On motion by Senator Benacquisto, the Senate concurred in the House amendment.

CS for SB 966 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was 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	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—None

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1294, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 1294—A bill to be entitled An act relating to offenses involving minors and vulnerable persons; amending ss. 92.53 and 92.54, F.S.; increasing the maximum age at which a victim or witness under may be allowed to testify via closed circuit television rather than in a courtroom in certain circumstances; amending s. 92.55, F.S.; revising the definition of the term "sexual offense victim or witness"; increasing the maximum age of victims and witnesses for whom the court may enter protective orders; authorizing certain advocates to file motions for such orders on behalf of certain persons; amending s. 741.281, F.S.; requiring a court to order that a defendant attend and complete a parenting course if domestic violence was committed upon or in the presence of a child; amending s. 782.04, F.S.; including human trafficking as an underlying felony offense to support a felony murder conviction; amending s. 787.06, F.S.; prohibiting certain defenses to prosecution under certain circumstances; amending s. 794.022, F.S.; including human trafficking and lewd and lascivious offenses in the rules of evidence applicable to sexually-related offenses; providing an effective date.

House Amendment 1 (181625) (with title amendment)—Remove lines 201-337

And the title is amended as follows:

Remove lines 2-19 and insert: An act relating to victim and witness protection; amending ss. 92.53 and 92.54, F.S.; increasing the maximum age at which a victim or witness may be allowed to testify via closed circuit television rather than in a courtroom in certain circumstances; amending s. 92.55, F.S.; revising the definition of the term "sexual offense victim or witness"; increasing the maximum age of victims and witnesses for whom the court may enter protective orders; authorizing certain advocates to file motions for such orders on behalf of certain persons; amending s. 787.06, F.S.; prohibiting

On motion by Senator Flores, the Senate concurred in the House amendment.

CS for SB 1294 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 218, with one amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 218—A bill to be entitled An act relating to offenses involving electronic benefits transfer cards; amending s. 414.39, F.S.; specifying acts that constitute trafficking in food assistance benefits cards and are subject to criminal penalties; providing criminal penalties; reenacting s. 921.0022(3)(a), F.S., relating to level 1 of the offense severity ranking chart, to incorporate the amendment made to s. 414.39, F.S., in a reference thereto; providing an effective date.

House Amendment 1 (381087) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 414.39, Florida Statutes, is amended to read:

414.39 Fraud.—

(2)*(a)* Any person who knowingly:

1.~~(a)~~ Uses, transfers, acquires, traffics, alters, forges, or possesses;

2.~~(b)~~ Attempts to use, transfer, acquire, traffic, alter, forge, or possess; or

3.~~(c)~~ Aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of, a food assistance identification card, an authorization, including, but not limited to, an electronic authorization, for the expenditure of food assistance benefits, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law commits a crime and shall be punished as provided in subsection (5).

(b) For purposes of this subsection, the term "traffic," as it relates to food assistance benefits, includes:

1. Buying, selling, stealing, or otherwise effecting an exchange of food assistance benefits for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

2. Intentionally reselling a product purchased with food assistance benefits in exchange for cash or consideration other than eligible food; or

3. Intentionally purchasing a product originally purchased with food assistance benefits using cash or consideration other than eligible food.

(c)1. Notwithstanding subsection (5), a person who knowingly possesses in any manner not authorized by law two or more electronic benefit transfer cards for food assistance benefits that were issued to other persons and who sells or attempts to sell one or more of such cards commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each electronic benefit transfer card possessed, sold, or attempted to be sold in violation of this subparagraph constitutes a separate offense.

2. In addition to any other penalty, a person who commits a violation of subparagraph 1. shall be ordered by the court to serve at least 40 hours of community service. If the court determines that the community service can be performed at a nonprofit entity that provides the community with food services for the needy, the court shall order that the community service be performed at such an entity.

Section 2. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony-Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322.212(5)(a)	3rd	False application for driver license or identification card.
~~414.39(2)~~	~~3rd~~	~~Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than $200.~~
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

Section 3. For the purpose of incorporating the amendment made by this act to section 414.39, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 414.41, Florida Statutes, is reenacted to read:

414.41 Recovery of payments made due to mistake or fraud.—

(1) Whenever it becomes apparent that any person or provider has received any public assistance under this chapter to which she or he is not entitled, through either simple mistake or fraud on the part of the department or on the part of the recipient or participant, the department shall take all necessary steps to recover the overpayment. Recovery may include Federal Income Tax Refund Offset Program collections activities in conjunction with the Food and Nutrition Service and the Internal Revenue Service to intercept income tax refunds due to clients who owe food assistance or temporary cash assistance debt to the state. The department will follow the guidelines in accordance with federal rules and regulations and consistent with the Food Assistance Program. The department may make appropriate settlements and shall establish a policy and cost-effective rules to be used in the computation and recovery of such overpayments.

(b) When the intentional program violation or case facts do not warrant criminal prosecution for fraud as defined in s. 414.39, the department will initiate an administrative disqualification hearing. The administrative disqualification hearing will be initiated regardless of the individual's current eligibility.

Section 4. For the purpose of incorporating the amendment made by this act to section 414.39, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is reenacted to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

Section 5. For the purpose of incorporating the amendment made by this act to section 414.39, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is reenacted to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Section 403.727(3)(b), relating to environmental control.

4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

13. Chapter 550, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

29. Former s. 796.03, former s. 796.035, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Section 828.122, relating to fighting or baiting animals.

38. Chapter 831, relating to forgery and counterfeiting.

39. Chapter 832, relating to issuance of worthless checks and drafts.

40. Section 836.05, relating to extortion.

41. Chapter 837, relating to perjury.

42. Chapter 838, relating to bribery and misuse of public office.

43. Chapter 843, relating to obstruction of justice.

44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

45. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

46. Chapter 874, relating to criminal gangs.

47. Chapter 893, relating to drug abuse prevention and control.

48. Chapter 896, relating to offenses related to financial transactions.

49. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

50. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 6. For the purpose of incorporating the amendment made by this act to section 414.39, Florida Statutes, in a reference thereto, subsection (5) of section 1002.91, Florida Statutes, is reenacted to read:

1002.91 Investigations of fraud or overpayment; penalties.—

(5) If a school readiness program provider or a Voluntary Prekindergarten Education Program provider, or an owner, officer, or director thereof, is convicted of, found guilty of, or pleads guilty or nolo contendere to, regardless of adjudication, public assistance fraud pursuant to s. 414.39, or is acting as the beneficial owner for someone who has been convicted of, found guilty of, or pleads guilty or nolo contendere to, regardless of adjudication, public assistance fraud pursuant to s. 414.39, the early learning coalition shall refrain from contracting with, or using the services of, that provider for a period of 5 years. In addition, the coalition shall refrain from contracting with, or using the services of, any provider that shares an officer or director with a provider that is convicted of, found guilty of, or pleads guilty or nolo contendere to, regardless of adjudication, public assistance fraud pursuant to s. 414.39 for a period of 5 years.

Section 7. This act shall take effect October 1, 2016.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to public assistance fraud; amending s. 414.39, F.S.; specifying acts that constitute trafficking in food assistance benefits and are subject to criminal penalties; prohibiting specified acts relating to the possession and sale of electronic benefit transfer cards for food assistance benefits that were issued to other persons; providing criminal penalties; amending s. 921.0022, F.S.; deleting a reference to s. 414.39(2), F.S., relating to the unauthorized use, possession, forgery, or alteration of certain food assistance program and Medicaid identification, from the offense severity ranking chart; reenacting ss. 414.41(1)(b), 772.102(1)(a), 895.02(1)(a), and 1002.91(5), F.S., relating to recovery of payments made due to mistake or fraud, definitions for civil remedies for criminal practices, definitions for racketeering, and investigations of fraud or overpayment, respectively, to incorporate the amendment made by this act to s. 414.39, F.S., in references thereto; providing an effective date.

Senator Hutson moved the following amendment which was adopted:

Senate Amendment 1 (583000) (with title amendment) to House Amendment 1 (381087)—Delete lines 22-49 and insert:

(b) As used in this subsection, the term "traffic" includes:

1. Buying, selling, stealing, or otherwise effecting an exchange of food assistance benefits issued and accessed via electronic benefits transfer (EBT) cards, electronic benefits transfer (EBT) card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

2. Attempting to buy, sell, steal, or otherwise effect an exchange of food assistance benefits issued and accessed via electronic benefits transfer (EBT) cards, electronic benefits transfer (EBT) card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

3. Exchanging firearms, ammunition, explosives, or controlled substances, as defined in s. 893.02, for food assistance benefits;

4. Purchasing with food assistance benefits a product with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with food assistance benefits in exchange for cash or consideration other than eligible food; or

5. Intentionally purchasing products originally purchased with food assistance benefits in exchange for cash or consideration other than eligible food.

(c) Any person who has possession of two or more electronic benefits transfer (EBT) cards issued to other persons and who sells or attempts to sell one or more of these cards commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent violation of this paragraph constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) In addition to any other penalty, a person who commits a violation of paragraph (c) shall be ordered by the court to serve at least 20

hours of community service. If the court determines that the community service can be performed at a nonprofit entity that provides the community with food services for the needy, the court shall order that the community service be performed at such an entity.

And the title is amended as follows:

Delete lines 329-336 and insert: An act relating to offenses involving electronic benefits transfer cards; amending s. 414.39, F.S.; specifying acts that constitute trafficking in food assistance benefits cards and are subject to criminal penalties; providing criminal penalties; amending s. 921.0022, F.S.; deleting a

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (381087)**, as amended, and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 218 passed, as amended, and the action of the Senate was 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	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—None

SPECIAL ORDER CALENDAR

CS for SB 58—A bill to be entitled An act for the relief of Q.B. by the Palm Beach County School Board; providing for an appropriation to compensate Q.B. for injuries sustained as a result of the negligence of employees of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing that the appropriation settles all present and future claims related to the negligent act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 58**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 3515** was withdrawn from the Committee on Rules.

On motion by Senator Abruzzo—

CS for HB 3515—A bill to be entitled An act for the relief of Q.B. by the Palm Beach County School Board; providing for an appropriation and annuity to compensate Q.B. for injuries sustained as a result of the negligence of employees of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing that the appropriation settles all present and future claims related to the negligent act; providing an effective date.

—a companion measure, was substituted for **CS for SB 58** and read the second time by title.

On motion by Senator Abruzzo, by two-thirds vote, **CS for HB 3515** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SENATOR RICHTER PRESIDING

SB 314—A bill to be entitled An act relating to juvenile justice; amending s. 985.557, F.S.; revising the circumstances under which a state attorney may file an information when a child of a certain age range commits or attempts to commit specified crimes; deleting a requirement that a state attorney file an information under certain circumstances; deleting a provision that prohibits physical contact with adult offenders under certain circumstances; revising the effects of the direct filing of a child; prohibiting the transfer of a child under certain circumstances based on the child's competency; authorizing a child to request a hearing to determine whether he or she must remain in adult court; requiring the court to consider certain factors after a written request is made for a hearing; authorizing the court to waive the case back to juvenile court; requiring the Department of Juvenile Justice to collect specified data under certain circumstances; requiring the department to provide an annual report to the Legislature; amending s. 985.56, F.S.; revising the crimes and the age of a child who is subject to the jurisdiction of a circuit court; prohibiting the transfer of a child under certain circumstances based on the child's competency; removing provisions regarding sentencing of a child; authorizing, rather than requiring, a court to transfer a child indicted under certain circumstances; making technical changes; amending s. 985.565, F.S.; revising the criteria to be used in determining whether to impose juvenile or adult sanctions; requiring the adult court to render an order including specific findings of fact and the reasons for its decision; providing that the order is reviewable on appeal; requiring the court to consider any reports that may assist in the sentencing of a child; providing for the examination of the reports; removing a provision that requires a court to impose adult sanctions under certain circumstances; revising how a child may be sanctioned under certain circumstances; requiring the court to explain the basis for imposing adult sanctions; revising when juvenile sanctions may be imposed; amending s. 985.556, F.S.; conforming a cross-reference; amending s. 985.04, F.S.; conforming provisions to changes made by the act; reenacting ss. 985.15(1), 985.265(5), and 985.556(3), F.S., relating to filing decisions; detention transfer and release, education, and adult jails; and waiver of juvenile court jurisdiction and hearings, respectively, to incorporate the amendment made to s. 985.557, F.S., in references thereto; reenacting ss. 985.514(3) and 985.556(5)(a), F.S., relating to responsibility for cost of care and fees, and waiver of juvenile court jurisdiction and hearings, respectively, to incorporate the amendment made to s. 985.565, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 1 (865416) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 985.556, Florida Statutes, are amended, and present subsections (4) and (5) of that section are redesignated as subsections (3) and (4), respectively, to read:

985.556 Waiver of juvenile court jurisdiction; hearing.—

(2) INVOLUNTARY DISCRETIONARY WAIVER.~~ Except as provided in subsection (3),~~ The state attorney may file a motion requesting the court to transfer the child for criminal prosecution if the child was

14 years of age or older at the time the alleged delinquent act or violation of law was committed.

~~(3) INVOLUNTARY MANDATORY WAIVER.—~~

~~(a) If the child was 14 years of age or older, and if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home invasion robbery, aggravated battery, aggravated assault, or burglary with an assault or battery, and the child is currently charged with a second or subsequent violent crime against a person; or~~

~~(b) If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person;~~

~~the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request, or proceed under s. 985.557(1). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.~~

Section 2. Paragraph (c) is added to subsection (1) of section 985.557, Florida Statutes, present subsection (2) of that section is amended, present subsections (3) and (4) of that section are redesignated as subsections (2) and (3), respectively, and a new subsection (4) and subsection (5) are added to that section, to read:

985.557 Direct filing of an information; discretionary ~~and mandatory~~ criteria.—

(1) DISCRETIONARY DIRECT FILE.—

(c)1. A decision under this section to transfer a child to adult court for criminal prosecution, or a decision not to transfer a child eligible for direct file, shall be documented in writing by the state attorney in charge of the case and be signed by the child's defense attorney or, if the child is not represented by counsel, by the child's parent or guardian. The document shall be filed with the court at the disposition of the case. The state attorney shall include the following information in the written decision:

a. Whether adult codefendants were involved in the case.

b. The length of time the child spent in jail awaiting disposition.

c. Whether any discovery has been conducted on the case at the time of transfer.

d. Whether the child waived the right to go to trial.

e. If the decision to transfer or not to transfer resulted in a plea agreement, the details of the plea agreement, including previous plea offers made by the state but not accepted by the child, and any conditions placed on the plea offer.

f. Whether the prosecutor allowed the judge to sentence the child to a disposition other than what the prosecutor was offering in exchange for the child not being transferred to adult court.

g. Whether the child had to waive statutory limits on secure detention in order to avoid a direct file transfer, and, if available, the amount of time the child who waived secure detention limits actually spent in secure detention.

2. On or before the 15th of each month, the state attorney in each judicial circuit shall collect the information specified in subparagraph 1. for all cases disposed of the previous month and submit that documentation to the department for data collection.

~~(2) MANDATORY DIRECT FILE.—~~

~~(a) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong armed robbery, carjacking, home invasion robbery, aggravated battery, or aggravated assault, and the child is currently charged with a second or subsequent violent crime against a person.~~

~~(b) With respect to any child 16 or 17 years of age at the time an offense classified as a forcible felony, as defined in s. 776.08, was committed, the state attorney shall file an information if the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. This paragraph does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the juvenile in adult court.~~

~~(c) The state attorney must file an information if a child, regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this section, "willing passengers" means all willing passengers who have participated in the underlying offense.~~

~~(d)1. With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1.a. q., and, during the commission of or attempt to commit the offense, the child:~~

~~a. Actually possessed a firearm or destructive device, as those terms are defined in s. 790.001.~~

~~b. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)2.~~

~~c. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)3., and, as a result of the discharge, death or great bodily harm was inflicted upon any person.~~

~~2. Upon transfer, any child who is:~~

~~a. Charged under sub-subparagraph 1.a. and who has been previously adjudicated or had adjudication withheld for a forcible felony offense or any offense involving a firearm, or who has been previously placed in a residential commitment program, shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.~~

~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph 1.c., shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.~~

~~3. Upon transfer, any child who is charged under this paragraph, but who does not meet the requirements specified in subparagraph 2., shall be sentenced under s. 985.565; however, if the court imposes a juvenile sanction, the court must commit the child to a high risk or maximum-risk juvenile facility.~~

~~4. This paragraph shall not apply if the state attorney has good cause to believe that exceptional circumstances exist that preclude the just prosecution of the child in adult court.~~

~~5. The Department of Corrections shall make every reasonable effort to ensure that any child 16 or 17 years of age who is convicted and sentenced under this paragraph be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.~~

(4) TRANSFER PROHIBITION.—Notwithstanding any other law, a child who is eligible for direct file and who has previously been found to be incompetent but has not been restored to competency by a court may not be transferred to adult court for criminal prosecution. A transferred child who is found to be incompetent must be returned to the jurisdiction of the juvenile court.

(5) DATA COLLECTION RELATING TO DIRECT FILE.—

(a) Beginning January 1, 2017, the department shall collect data relating to children who qualify for direct file under this section and s. 985.556 regardless of the outcome of the case, including, but not limited to:

1. Age.

2. Race and ethnicity.

3. Gender.

4. Circuit and county of residence.

5. Circuit and county of offense.

6. Prior adjudicated offenses.

7. Prior periods of probation.

8. Previous contacts with law enforcement agencies or the court which result in a civil citation, arrest, or charges being filed with the state.

9. Initial charges.

10. Charges at disposition.

11. Whether child codefendants were involved who were transferred to adult court.

12. Whether the child was represented by counsel.

13. Risk assessment instrument score.

14. The child's medical, mental health, substance abuse, or trauma history.

15. The child's history of mental impairment or disability-related accommodations.

16. The child's history of abuse or neglect.

17. The child's history of foster care placements, including the number of prior placements.

18. Whether the child has below-average intellectual functioning.

19. Whether the child has received mental health services or treatment.

20. Whether the child has been the subject of a child-in-need-of-services or families-in-need-of-services petition or a dependency petition.

21. Whether the child was transferred for criminal prosecution as an adult.

22. The case resolution in juvenile court.

23. The case resolution in adult court.

24. Whether the child was represented by counsel or whether the child waived counsel.

25. Information generated by the office of the state attorney in each judicial circuit under subparagraph (1)(c)1.

(b) Beginning January 1, 2017, for a child transferred for criminal prosecution as an adult, the department shall also collect:

1. Disposition data, including, but not limited to, whether the child received adult sanctions, juvenile sanctions, or diversion and, if sentenced to prison, the length of the prison sentence or the enhanced sentence; and

2. Whether the child was previously found incompetent to proceed in juvenile court.

(c) For every juvenile case transferred between July 1, 2015, and June 30, 2016, the department shall work with the Office of Program Policy Analysis and Government Accountability to generate a report analyzing the aggregated data. The department must provide this report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2017.

(d) The department must work with the Office of Program Policy Analysis and Government Accountability to generate a report analyzing the aggregated data under paragraphs (a) and (b) on an annual basis. The department must provide this report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31 of the following calendar year.

Section 3. Subsection (54) of section 985.03, Florida Statutes, is amended to read:

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

(54) "Waiver hearing" means a hearing provided for under *s. 985.556* ~~s. 985.556(4)~~.

Section 4. Subsection (2) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.—

(2) Notwithstanding any other provisions of this chapter, the name, photograph, address, and crime or arrest report of a child:

(a) Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;

(b) Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors;

(c) Transferred to the adult system under s. 985.557, indicted under s. 985.56, or waived under s. 985.556;

~~(d) Taken into custody by a law enforcement officer for a violation of law subject to s. 985.557(2)(b) or (d);~~ or

(d)~~(e)~~ Transferred to the adult system but sentenced to the juvenile system under s. 985.565

shall not be considered confidential and exempt from s. 119.07(1) solely because of the child's age.

Section 5. Subsection (1) of section 985.15, Florida Statutes, is amended to read:

985.15 Filing decisions.—

(1) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer and shall determine the action that is in the best interest of the public and the child. ~~If the child meets the criteria requiring prosecution as an adult under s. 985.556, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such a request. In all other cases,~~ The state attorney may:

(a) File a petition for dependency;

(b) File a petition under chapter 984;

(c) File a petition for delinquency;

(d) File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;

(e) File an information under s. 985.557;

(f) Refer the case to a grand jury;

(g) Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's parents or legal guardian; or

(h) Decline to file.

Section 6. Paragraphs (a) and (b) of subsection (4) of section 985.565, Florida Statutes, are amended to read:

985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(a) *Adult sanctions.*—

1. Cases prosecuted on indictment.—If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

a. As an adult;

b. Under chapter 958; or

c. As a juvenile under this section.

2. Other cases.—If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:

a. As an adult;

b. Under chapter 958; or

c. As a juvenile under this section.

~~3. Notwithstanding any other provision to the contrary, if the state attorney is required to file a motion to transfer and certify the juvenile for prosecution as an adult under s. 985.556(3) and that motion is granted, or if the state attorney is required to file an information under s. 985.557(2)(a) or (b), the court must impose adult sanctions.~~

3.~~4.~~ Any sentence imposing adult sanctions is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

4.~~5.~~ When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may include the enforcement of any restitution ordered in any juvenile proceeding.

(b) *Juvenile sanctions.*— ~~For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3) or s. 985.557(2)(a) or (b),~~ The court may impose juvenile sanctions under this paragraph *for juveniles transferred to adult court*. If juvenile sentences are imposed, the court shall, under this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a probation program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition under ss. 985.435, 985.437, 985.439, 985.441, 985.45, and 985.455 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.

Section 7. For the purpose of incorporating the amendment made by this act to sections 985.556 and 985.557, Florida Statutes, in a reference thereto, subsection (5) of section 985.265, Florida Statutes, is reenacted to read:

985.265 Detention transfer and release; education; adult jails.—

(5) The court shall order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult under part X, except that the court may not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution pursuant to either s. 985.556 or s. 985.557 to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or

(b) When a child taken into custody in this state is wanted by another jurisdiction for prosecution as an adult.

The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trusties. "Regular contact" means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children includes physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 10 minutes. This subsection does not prohibit placing two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.

Section 8. This act shall take effect July 1, 2016.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to direct filing of juveniles; amending s. 985.556, F.S.; deleting provisions relating to the involuntary mandatory waiver of children by a state attorney; amending s. 985.557, F.S.; requiring a state attorney to document in writing specified information; requiring the state attorney to submit specified collected information to the Department of Juvenile Justice; deleting provisions relating to the mandatory direct filing of children to adult court; prohibiting the transfer to adult court of a child found to be incompetent under certain circumstances; requiring the department to collect specified information beginning on a certain date; requiring the department to work with the Office of Program Policy Analysis and Government Accountability to generate a report of specified information; requiring the department to submit reports to the Governor and the Legislature by specified dates; amending ss. 985.03, 985.04, 985.15, and 985.565, F.S.; conforming provisions to changes made by the act; reenacting s. 985.265(5), F.S., relating to juvenile detention transfer and release and education, and adult jails, to incorporate the amendments made to ss. 985.556 and 985.557, F.S., in a reference thereto; providing an effective date.

Pursuant to Rule 4.19, **SB 314**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 434—A bill to be entitled An act relating to the Principal Autonomy Pilot Program Initiative; creating s. 1011.6202, F.S.; creating the Principal Autonomy Pilot Program Initiative; providing a procedure for a school district to participate in the pilot program; providing requirements for participating school districts and schools; exempting participating schools from certain laws and rules; requiring principals of participating schools and specified personnel to complete a nationally recognized school turnaround program; providing for the term of participation in the pilot program; providing for renewal or revocation of authorization to participate in the pilot program; providing for reporting, funding, and rulemaking; amending s. 1011.69, F.S.; requiring participating district school boards to allocate a specified percentage of certain funds to participating schools; amending s. 1012.28, F.S.; providing additional authority and responsibilities of the principal of a participating school; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 434**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 287** was withdrawn from the Committees on Education Pre-K - 12; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Garcia—

CS for CS for CS for HB 287—A bill to be entitled An act relating to the Principal Autonomy Pilot Program Initiative; creating s. 1011.6202, F.S.; creating the Principal Autonomy Pilot Program Initiative; providing a procedure for certain district school boards to participate in the pilot program; providing requirements for participating school districts and schools; exempting participating schools from certain laws and rules; requiring principals of participating schools and specified personnel to participate in a nationally recognized school turnaround program; providing for the term of participation in the pilot program; providing for renewal or revocation of authorization to participate in the pilot program; providing for reporting, funding, eligibility requirements for certain funding, and rulemaking; amending s. 1011.69, F.S.; requiring participating district school boards to allocate a specified percentage of certain funds to participating schools; amending s. 1012.28, F.S.; providing additional authority and responsibilities of the principal of a participating school; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 434** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 287** was placed on the calendar of Bills on Third Reading.

SB 806—A bill to be entitled An act relating to instruction for homebound and hospitalized students; amending s. 1003.57, F.S.; requiring school districts to provide instruction to homebound or hospitalized students; requiring the State Board of Education to adopt rules related to student eligibility, methods of providing instruction to homebound or hospitalized students, and the initiation of services; requiring the department to develop a standard agreement for school districts; requiring each school district to enter into an agreement with certain hospitals within its district by a specified date; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 806**, pursuant to Rule 3.11(3), there being no objection, **HB 585** was withdrawn from the Committees on Education Pre-K - 12; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Legg—

HB 585—A bill to be entitled An act relating to instruction for homebound and hospitalized students; amending s. 1003.57, F.S.; requiring school districts to provide instruction to homebound or hospitalized students; requiring the State Board of Education to adopt rules for student eligibility, methods of providing instruction to homebound or hospitalized students, and the initiation of services; requiring certain school districts to enter into an agreement with certain children's specialty hospitals to establish certain processes and timelines relating to the instruction of homebound or hospitalized students; providing an effective date.

—a companion measure, was substituted for **SB 806** and read the second time by title.

Pursuant to Rule 4.19, **HB 585** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1168—A bill to be entitled An act relating to implementation of the water and land conservation constitutional amendment; amending s. 375.041, F.S.; requiring a minimum specified amount of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce harmful discharges to the St. Lucie Estuary and the Caloosahatchee Estuary; requiring the distribution to be reduced by an amount equal to the debt service paid on certain bonds; requiring a minimum specified amount of funds within the Land Acquisition Trust Fund to be appropriated for spring restoration, protection, and management projects; requiring the distribution to be reduced by an amount equal to the debt service paid on certain bonds; requiring a specified appropriation for projects dedicated to the restoration of Lake Apopka; requiring the distribution to be reduced by an amount equal to the debt service paid on certain bonds; requiring a specified appropriation for projects dedicated to the restoration of Kings Bay or Crystal River; requiring the distribution to be reduced by an amount equal to the debt service paid on certain bonds; deleting an obsolete provision; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1168**, pursuant to Rule 3.11(3), there being no objection, **HB 989** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Negron—

HB 989—A bill to be entitled An act relating to implementation of the water and land conservation constitutional amendment; amending s. 375.041, F.S.; requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce discharges to the St. Lucie and Caloosahatchee estuaries; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1168** and read the second time by title.

Senator Negron moved the following amendment:

Amendment 1 (753356) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *As reflected in the 2016-2017 General Appropriations Act, HB 5001, and this act, the Legislature recognizes the critical importance of restoring and preserving our water and natural resources and is committed to long-term funding for the Everglades and Florida's springs.*

Section 2. Subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

(a) First, to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds issued under s. 215.619;

(b) *Beginning with the 2017-2018 fiscal year, of the funds remaining after the payments required under paragraph (a), but before funds may be appropriated, pledged, or dedicated for other uses:*

1. A minimum of the lesser of 25 percent or $200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, $32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the $32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or $100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2017, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth under this subparagraph.

2. A minimum of the lesser of 7.6 percent or $50 million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2017, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth under this subparagraph.

3. The sum of $5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph ~~Then, to pay the debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to former s. 373.59, Florida Statutes 2014, or which are necessary to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This paragraph expires July 1, 2016~~; and

(c) Then, to distribute $32 million each fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). This paragraph expires July 1, *2017* ~~2024~~.

Section 3. This act shall take effect July 1, 2016.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to implementation of the water and land conservation constitutional amendment; providing legislative intent; amending s. 375.041, F.S.; requiring specified amounts of funds within the Land Acquisition Trust Fund, beginning at a specified time, to be appropriated for certain projects; providing a preference in the use of funds distributed for Everglades restoration projects for projects that reduce harmful discharges to the St. Lucie estuary and the Caloosahatchee estuary; requiring such appropriations to be reduced by an amount equal to the debt service paid on bonds issued for specified purposes; deleting an obsolete provision; providing an effective date.

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

Senator Negron moved the following substitute amendment which was adopted:

Amendment 2 (153680) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *As reflected in the 2016-2017 General Appropriations Act, HB 5001, and this act, the Legislature recognizes the critical importance of restoring and preserving Florida's water and natural resources and is committed to long-term funding for the Everglades and Florida's springs.*

Section 2. Subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

(a) First, to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds issued under s. 215.619; *and*

(b) *Of the funds remaining after the payments required under paragraph (a), but before funds may be appropriated, pledged, or dedicated for other uses:*

1. A minimum of the lesser of 25 percent or $200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, $32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the $32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or $100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

2. A minimum of the lesser of 7.6 percent or $50 million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

3. The sum of $5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1,

2016, for the purposes set forth in this subparagraph ~~Then, to pay the debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to former s. 373.59, Florida Statutes 2014, or which are necessary to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This paragraph expires July 1, 2016; and~~

~~(c) Then, to distribute $32 million each fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). This paragraph expires July 1, 2024~~.

Section 3. This act shall take effect July 1, 2016.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to implementation of the water and land conservation constitutional amendment; providing legislative intent; amending s. 375.041, F.S.; requiring specified amounts of funds within the Land Acquisition Trust Fund to be appropriated for certain projects; providing a preference in the use of funds distributed for Everglades restoration projects for projects that reduce harmful discharges to the St. Lucie estuary and the Caloosahatchee estuary; requiring such appropriations to be reduced by an amount equal to the debt service paid on bonds issued for specified purposes; deleting an obsolete provision; providing an effective date.

Pursuant to Rule 4.19, **HB 989**, as amended, was placed on the calendar of Bills on Third Reading.

SB 1226—A bill to be entitled An act relating to administrative procedures; amending s. 120.541, F.S.; providing additional requirements for the calculation of estimated adverse impacts and regulatory costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1226**, pursuant to Rule 3.11(3), there being no objection, **HB 981** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; and Fiscal Policy.

On motion by Senator Ring—

HB 981—A bill to be entitled An act relating to administrative procedures; amending s. 120.541, F.S.; providing additional requirements for the calculation of estimated adverse impacts and regulatory costs; providing an effective date.

—a companion measure, was substituted for **SB 1226** and read the second time by title.

Pursuant to Rule 4.19, **HB 981** was placed on the calendar of Bills on Third Reading.

CS for SB 1290—A bill to be entitled An act relating to state lands; amending s. 253.025, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to waive certain requirements and rules and substitute procedures relating to the acquisition of state lands under certain conditions; providing that title to certain acquired lands are vested in the board; providing for the administration of such lands; authorizing the board to adopt specified rules; revising requirements for the appraisal of lands proposed for acquisition; requiring an agency proposing an acquisition to pay the associated costs; deleting provisions directing the board to approve qualified fee appraisal organizations; requiring fee appraisers to submit certain affidavits to an agency before contracting with a participant in a multiparty agreement; prohibiting fee appraisers from negotiating with property owners; revising the minimum survey standards incorporated by reference for conducting certified surveys; authorizing the disclosure of confidential appraisal reports under certain conditions; providing for public agencies and nonprofit organizations to enter into written agreements with the Department of Environmental Protection, rather than the Division of State Lands, to purchase and hold property for subsequent resale to the board, rather than the division; revising the definition of the term "nonprofit organization"; directing the board to adopt by rule the method for determining the value of parcels sought to be acquired by state agencies; providing requirements for such acquisitions; expanding the scope of real estate acquisition services for which the board and state agencies may contract; authorizing the Department of Environmental Protection to use outside counsel to review any agreements or documents or to perform acquisition closings under certain conditions; requiring state agencies to furnish the Department of Environmental Protection rather than the Division of State Lands with specified acquisition documents; providing that the purchase price of certain parcels is not subject to an increase or a decrease as a result of certain circumstances; authorizing the board of trustees to direct the Department of Environmental Protection to exercise eminent domain for the acquisition of certain conservation parcels under certain circumstances; authorizing the department to exercise condemnation authority directly or by contracting with the Department of Transportation or a water management district to provide such service; authorizing the board of trustees to direct the Department of Environmental Protection to purchase lands on an immediate basis using specified funds; authorizing the board of trustees to waive or modify all procedures required for such land acquisition; providing that title to certain lands held jointly by the board of trustees and a water management district meet the standards necessary for ownership by the board; creating s. 253.0251, F.S.; providing for the use of alternatives to fee simple acquisition for land purchases by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts; amending s. 253.03, F.S.; deleting provisions directing the board of trustees to adopt by rule an annual administrative fee for certain leases and similar instruments; revising the criteria by which specified structures have the right to continue submerged land leases; directing the board of trustees to adopt by rule an annual administrative fee for certain leases and instruments; authorizing nonwater-dependent uses for submerged lands; amending s. 253.031, F.S.; providing for the Department of Environmental Protection to maintain documents concerning all state lands; deleting an obsolete provision; amending s. 253.034, F.S.; authorizing the department to submit certain state-owned lands to the Acquisition and Restoration Council or board of trustees for review and consideration; requiring that all nonconservation land use plans are managed to provide the greatest benefit to the state; deleting provisions requiring an analysis of natural or cultural resources as part of a nonconservation land use plan; specifying that certain management and short-term and long-term goals for the conservation of plant and animal species apply to conservation lands; providing conditions under which the Secretary of Environmental Protection, the Commissioner of Agriculture, or the executive director of the Fish and Wildlife Conservation Commission or their designees are required to submit land management plans to the board of trustees; requiring that updated land management plans identify conservation lands that are no longer needed for conservation purposes; deleting provisions directing the board of trustees to make certain determinations regarding the surplus and disposition of state lands; deleting provisions requiring that buildings and parcels of land be offered for lease to state agencies, state universities, and Florida College System institutions before being offered for lease or sale to a local or federal unit of government or a private party; amending s. 253.0341, F.S.; deleting provisions authorizing counties and local governments to submit requests for the surplus of state-owned lands and requiring that such requests be expedited; directing the board of trustees to make certain determinations regarding the surplus and disposition of state lands; providing that lands acquired before a certain date using specified proceeds are deemed to have been acquired for conservation purposes; providing that certain lands used by the Department of Corrections, the Department of Management Services, and the Department of Transportation may not be designated as lands acquired for conservation purposes; requiring updated land management plans to identify conservation and nonconservation lands that are no longer used for the purposes for which they were originally leased and that could be disposed of; deleting an obsolete provision; requiring that facilities and nonconservation parcels of land be offered for lease to state agencies before being offered for lease to a local or federal unit of government, state university, Florida College System institution, or private party; providing for the valuation and disposition of surplus lands; providing for the deposit of proceeds from the sale of such lands; authorizing the board of trustees to adopt rules; requiring surplus lands conveyed to a local government for affordable housing to be disposed of by the local government; amending s. 253.111, F.S.; deleting provisions requiring

the board of trustees to afford an opportunity to local governments to purchase certain state-owned lands; revising provisions relating to the rights of riparian owners to secure certain state-owned lands; amending s. 253.42, F.S.; authorizing individuals or entities to submit requests to the Division of State Lands to exchange state-owned land for privately held land; requiring the state to retain permanent conservation easements over the state-owned land and all or a portion of the privately held land; requiring the division, under certain circumstances, to submit requests to the Acquisition and Restoration Council for review and recommendation and to the board of trustees with recommendations from the division and the council; providing applicability; directing the board of trustees to consider a request if certain conditions are met; providing special consideration for certain requests; providing that such lands are subject to inspection; amending s. 253.782, F.S.; deleting a provision directing the Department of Environmental Protection to retain ownership of and maintain lands or interests in land owned by the board of trustees; amending s. 253.7821, F.S.; assigning the Cross Florida Greenways State Recreation and Conservation Area to the Department of Environmental Protection rather than the Office of Greenways Management within the Office of the Secretary; creating s. 253.87, F.S.; directing the Department of Environmental Protection to include certain county, municipal, state, and federal lands in the Florida State-Owned Lands and Records Information System (FL-SOLARIS) database and to update the database at specified intervals; requiring counties, municipalities, and financially disadvantaged small communities to submit a list of certain lands to the department by a specified date and at specified intervals; directing the department to conduct a study and submit a report to the Governor and the Legislature on the technical and economic feasibility of including certain lands in the database or a similar public lands inventory; amending s. 259.01, F.S.; renaming the "Land Conservation Act of 1972" as the "Land Conservation Program"; repealing s. 259.02, F.S., relating to issuance of state bonds for certain land projects; amending s. 259.032, F.S.; conforming cross-references; revising provisions relating to the management of conservation and recreation lands to conform with changes made by the act; revising duties of the Acquisition and Restoration Council; amending s. 259.035, F.S.; requiring recipients of funds from the Land Acquisition Trust Fund to annually report certain performance measures to the Department of Environmental Protection rather than the Division of State Lands; amending s. 259.036, F.S.; revising the composition of the regional land management review team; providing for the Department of Environmental Protection rather than the Division of State Lands to act as the review team coordinator; revising requirements for conservation and recreation land management reviews and plans; amending s. 259.037, F.S.; removing the director of the Office of Greenways and Trails from the Land Management Uniform Accounting Council; repealing s. 259.041(1)-(6) and (8)-(19), F.S., relating to the acquisition of state-owned lands for preservation, conservation, and recreation purposes; amending s. 259.047, F.S.; revising provisions relating to the acquisition of land on which an agricultural lease exists to conform with changes made by the act; amending s. 259.101, F.S.; conforming cross-references; revising provisions relating to alternate use of lands acquired under the Florida Preservation 2000 Act to conform with changes made by the act; deleting provisions for alternatives to fee simple acquisition of such lands to conform with changes made by the act; amending s. 259.105, F.S.; deleting provisions requiring the advancement of certain goals and objectives of imperiled species management on state lands to conform with changes made by the act; conforming cross-references; revising provisions directing the Acquisition and Restoration Council to give increased priority to certain projects when developing proposed rules relating to Florida Forever funding and additions to the Conservation and Recreation Lands list; deleting provisions requiring that such rules be submitted to the Legislature for review; amending s. 259.1052, F.S.; deleting provisions authorizing the Department of Environmental Protection to distribute revenues from the Florida Forever Trust Fund for the acquisition of a portion of Babcock Crescent B Ranch; creating s. 570.715, F.S., and transferring, renumbering, and amending s. 259.04(7), F.S.; providing procedures for the acquisition of conservation easements by the Department of Agriculture and Consumer Services; amending s. 373.089, F.S.; extending the timeframe within which a certified appraisal may be obtained for parcels of land to be sold as surplus; providing an additional exception to the requirement that the governing board first offer title to certain lands; revising the procedures a water management district must follow for publishing a notice of intention to sell surplus lands; providing an exception from such notice requirements if a parcel of land is valued below a certain threshold; authorizing such parcels to be sold directly to the highest bidder; amending ss. 73.015, 125.355, 166.045, 215.82, 215.965, 253.027, 253.7824, 260.015, 260.016, 369.317, 373.139, 375.031, 375.041, 380.05, 380.055, 380.508, 589.07, 944.10, 957.04, 985.682, and 1013.14, F.S.; conforming cross-references; providing an appropriation and authorizing positions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1290**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1075** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Simpson—

CS for CS for HB 1075—A bill to be entitled An act relating to state lands; amending s. 253.025, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to waive certain requirements and rules and substitute procedures relating to the acquisition of state lands under certain conditions; providing that title to certain acquired lands are vested in the board; providing for the administration of such lands; authorizing the board to adopt specified rules; revising requirements for the appraisal of lands proposed for acquisition; requiring an agency proposing an acquisition to pay the associated costs; deleting provisions directing the board to approve qualified fee appraisal organizations; requiring fee appraisers to submit certain affidavits to an agency before contracting with a participant in a multiparty agreement; prohibiting fee appraisers from negotiating with property owners; revising the minimum survey standards incorporated by reference for conducting certified surveys; authorizing the disclosure of confidential appraisal reports under certain conditions; providing for public agencies and nonprofit organizations to enter into written agreements with the Department of Environmental Protection rather than the Division of State Lands to purchase and hold property for subsequent resale to the board rather than the division; revising the definition of the term "nonprofit organization"; directing the board to adopt by rule the method for determining the value of parcels sought to be acquired by state agencies; providing requirements for such acquisitions; expanding the scope of real estate acquisition services for which the board and state agencies may contract; authorizing the Department of Environmental Protection to use outside counsel to review any agreements or documents or to perform acquisition closings under certain conditions; requiring state agencies to furnish the Department of Environmental Protection rather than the Division of State Lands with specified acquisition documents; providing that the purchase price of certain parcels is not subject to an increase or decrease as a result of certain circumstances; authorizing the board of trustees to direct the Department of Environmental Protection to exercise eminent domain for the acquisition of certain conservation parcels under certain circumstances; authorizing the Department of Environmental Protection to exercise condemnation authority directly or by contracting with the Department of Transportation or a water management district to provide such service; authorizing the board of trustees to direct the Department of Environmental Protection to purchase lands on an immediate basis using specified funds; authorizing the board of trustees to waive or modify all procedures required for such land acquisition; providing that title to certain lands held jointly by the board of trustees and a water management district meet the standards necessary for ownership by the board; creating s. 253.0251, F.S.; providing for the use of alternatives to fee simple acquisition for land purchases by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts; amending s. 253.03, F.S.; deleting provisions directing the board of trustees to adopt by rule an annual administrative fee for certain leases and similar instruments; revising the criteria by which specified structures have the right to continue submerged land leases; directing the board of trustees to adopt by rule an annual administrative fee for certain leases and instruments; authorizing nonwater-dependent uses for submerged lands; amending s. 253.031, F.S.; providing for the Department of Environmental Protection to maintain documents concerning all state lands; deleting an obsolete provision; amending s. 253.034, F.S.; authorizing the Department of Environmental Protection to submit certain state-owned lands to the Acquisition and Restoration Council or board of trustees for review and consideration; requiring that all nonconservation land use plans are managed to provide the greatest benefit to the state; deleting provisions requiring an analysis of natural or cultural resources as part

of a nonconservation land use plan; specifying that certain management and short-term and long-term goals for the conservation of plant and animal species apply to conservation lands; providing conditions under which the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees are required to submit land management plans to the board of trustees; requiring that updated land management plans identify conservation lands that are no longer needed for conservation purposes; deleting provisions directing the board of trustees to make certain determinations regarding the surplus and disposition of state lands; deleting provisions requiring that buildings and parcels of land be offered for lease to state agencies, state universities, and Florida College System institutions before being offered for lease or sale to a local or federal unit of government or a private party; amending s. 253.0341, F.S.; deleting provisions authorizing counties and local governments to submit requests for the surplus of state-owned lands and requiring that such requests be expedited; directing the board of trustees to make certain determinations regarding the surplus and disposition of state lands; providing that lands acquired before a certain date using specified proceeds are deemed to have been acquired for conservation purposes; providing that certain lands used by the Department of Corrections, the Department of Management Services, and the Department of Transportation may not be designated as lands acquired for conservation purposes; requiring updated land management plans to identify conservation and nonconservation lands that are no longer used for the purposes for which they were originally leased and that could be disposed of; deleting an obsolete provision; requiring that facilities and nonconservation parcels of land be offered for lease to state agencies before being offered for lease to a local or federal unit of government, state university, Florida College System institution, or private party; providing for the valuation and disposition of surplus lands; providing for the deposit of proceeds from the sale of such lands; authorizing the board of trustees to adopt rules; requiring surplus lands conveyed to a local government for affordable housing to be disposed of by the local government; amending s. 253.111, F.S.; deleting provisions requiring the board of trustees to afford an opportunity to local governments to purchase certain state-owned lands; revising provisions relating to the rights of riparian owners to secure certain state-owned lands; amending s. 253.42, F.S.; authorizing individuals or entities to submit requests to the Division of State Lands to exchange state-owned land for privately held land; requiring the state to retain permanent conservation easements over the state-owned land and all or a portion of the privately held land; requiring the division to submit requests to the Acquisition and Restoration Council for review and recommendation or to the board of trustees with recommendations from the division and the council; review requests and provide recommendations to the Acquisition and Restoration Council; providing applicability; directing the board of trustees to consider a request if certain conditions are met; providing special consideration for certain requests; providing that such lands are subject to inspection; amending s. 253.782, F.S.; deleting a provision directing the Department of Environmental Protection to retain ownership of and maintain lands or interests in land owned by the board of trustees; amending s. 253.7821, F.S.; assigning the Cross Florida Greenways State Recreation and Conservation Area to the Department of Environmental Protection rather than the Office of Greenways Management within the Office of the Secretary; creating s. 253.87, F.S.; directing the Department of Environmental Protection to include certain county, municipal, state, and federal lands in the Florida State-Owned Lands and Records Information System (SOLARIS) database and to update the database at specified intervals; requiring counties, municipalities, and financially disadvantaged small communities to submit a list of certain lands to the department by a specified date and at specified intervals; directing the department to conduct a study and submit a report to the Governor and the Legislature on the technical and economic feasibility of including certain lands in the database or a similar public lands inventory; amending s. 259.01, F.S.; renaming the "Land Conservation Act of 1972" as the "Land Conservation Program"; repealing s. 259.02, F.S., relating to issuance of state bonds for certain land projects; amending s. 259.032, F.S.; conforming cross-references; revising provisions relating to the management of conservation and recreation lands to conform with changes made by the act; revising duties of the Acquisition and Restoration Council; amending s. 259.035, F.S.; requiring recipients of funds from the Land Acquisition Trust Fund to annually report certain performance measures to the Department of Environmental Protection rather than the Division of State Lands; amending s. 259.036, F.S.; revising the composition of the regional land management review team; providing for the Department of Environmental Protection rather than the Division of State Lands to act as the review team coordinator; revising requirements for conservation and recreation land management reviews and plans; amending s. 259.037, F.S.; removing the director of the Office of Greenways and Trails from the Land Management Uniform Accounting Council; repealing s. 259.041(1)-(6) and (8)-(19), F.S., relating to the acquisition of state-owned lands for preservation, conservation, and recreation purposes; amending s. 259.047, F.S.; revising provisions relating to the acquisition of land on which an agricultural lease exists to conform with changes made by the act; amending s. 259.101, F.S.; conforming cross-references; revising provisions relating to alternate use of lands acquired under the Florida Preservation 2000 Act to conform with changes made by the act; deleting provisions for alternatives to fee simple acquisition of such lands to conform with changes made by the act; amending s. 259.105, F.S.; deleting provisions requiring the advancement of certain goals and objectives of imperiled species management on state lands to conform with changes made by the act; conforming cross-references; revising provisions directing the Acquisition and Restoration Council to give increased priority to certain projects when developing proposed rules relating to Florida Forever funding and additions to the Conservation and Recreation Lands list; deleting provisions requiring that such rules be submitted to the Legislature for review; amending s. 259.1052, F.S.; deleting provisions authorizing the Department of Environmental Protection to distribute revenues from the Florida Forever Trust Fund for the acquisition of a portion of Babcock Crescent B Ranch; amending s. 373.089, F.S.; extending the time within which a certified appraisal may be obtained for lands to be sold as surplus; revising the procedures that a water management district must follow for publishing a notice of intention to sell surplus lands; authorizing the governing board of a water management district to sell certain lands acquired with Florida Forever funds without first offering title to the lands to the Board of Trustees of the Internal Improvement Trust Fund; authorizing the governing board of a water management district to sell parcels of land no longer needed for conservation purposes and valued at or below a specified threshold as surplus; requiring certain notice before the sale of such parcels; providing procedures for the sale of such parcels; creating s. 570.715, F.S., and transferring, renumbering, and amending s. 259.04(7), F.S.; providing procedures for the acquisition of conservation easements by the Department of Agriculture and Consumer Services; amending ss. 73.015, 125.355, 166.045, 215.82, 215.965, 253.027, 253.7824, 260.015, 260.016, 369.317, 373.139, 375.031, 375.041, 380.05, 380.055, 380.508, 589.07, 944.10, 957.04, 985.682, and 1013.14, F.S.; conforming cross-references; providing an appropriation and authorizing positions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1290** and read the second time by title.

Senator Dean moved the following amendment which was adopted:

Amendment 1 (843774) (with title amendment)—Before line 252 insert:

Section 1. Section 327.45, Florida Statutes, is created to read:

327.45 Protection zones for springs.—

(1) As used in this section, the term "navigable waters of the United States" means the waters of the United States, including the territorial seas, as referenced in the Clean Water Act, 33 U.S.C. ss. 1251 et seq., and the federal rules and regulations promulgated thereunder.

(2) The commission may establish by rule protection zones that restrict the speed and operation of vessels to protect and prevent harm to springs. This harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species.

(3) When developing a protection zone, the commission shall do so in consultation and coordination with the water management district, the Department of Environmental Protection, and the governing bodies of the county and municipality, if applicable, in which the zone is located. If the zone includes navigable waters of the United States, the commission shall additionally coordinate with the United States Coast Guard and the United States Army Corps of Engineers.

(4) Any individual who operates a vessel in violation of a spring protection zone rule adopted pursuant to this section shall be charged on a uniform boating citation as provided in s. 327.74 and is subject to the penalties provided in s. 327.73(1)(y).

(5) Restrictions in a protection zone do not apply:

(a) To law enforcement, firefighting, or rescue personnel operating a vessel in the course of performing their official duties; or

(b) In emergency situations. However, the emergency operation of a vessel must be a reasonable response given the circumstances.

(6) The commission is responsible for the posting and maintenance of regulatory markers identifying protection zones.

(7) The commission may adopt rules to implement this section.

Section 2. Paragraph (y) is added to subsection (1) of section 327.73, Florida Statutes, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(y) Section 327.45, relating to protection zones for springs, for which the penalty is:

1. For a first offense, $50.

2. For a second offense occurring within 12 months after a prior conviction, $250.

3. For a third offense occurring within 36 months after a prior conviction, $500.

4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, $1,000.

Any person cited for a violation of any provision of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is $50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 3. Subsection (1) of section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) A person convicted of a criminal violation under this chapter, convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or convicted of two noncriminal infractions as specified in s. 327.73(1)(h)-(k), (m), (o), (p), and *(s)-(y)* ~~(s)-(x)~~, said infractions occurring within a 12-month period, must:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that is approved by and meets the minimum standards established by commission rule;

(b) File with the commission within 90 days proof of successful completion of the course; and

(c) Refrain from operating a vessel until he or she has filed proof of successful completion of the course with the commission.

And the title is amended as follows:

Delete line 2 and insert: An act relating to state areas; creating s. 327.45, F.S.; defining a term; authorizing the Fish and Wildlife Conservation Commission to establish certain protection zones; requiring the commission to develop such zones in consultation and coordination with certain entities; requiring the commission to coordinate with additional entities under certain circumstances; providing penalties for certain violations; providing applicability; amending s. 327.73, F.S.; providing penalties for violations relating to protection zones for springs; amending s. 327.731, F.S.; conforming provisions to changes made by the act; amending s. 253.025,

THE PRESIDENT PRESIDING

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

Senator Negron moved the following amendment:

Amendment 2 (312550) (with title amendment)—Delete lines 1721-1740 and insert:

(7) Before a facility or parcel of nonconservation land is offered for lease to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies, and state research universities designated as preeminent pursuant to s. 1001.7065. Within 45 days after the offer for lease of a surplus building or parcel, a state agency or preeminent state research university that requests the lease must submit a plan to the board of trustees that includes a description of the proposed use, including future use, of the facility or parcel. The board of trustees must review and approve the plan before approving the lease. The plan must, at a minimum, include the proposed use of the facility or parcel, the estimated cost of renovation, a capital improvement plan for the building, evidence that the facility or parcel meets an existing need that cannot otherwise be met, and other criteria adopted by rule of the board of trustees. The board of trustees or its designee shall compare the estimated value of the facility or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the state. The board of trustees shall adopt rules pursuant to chapter 120 to implement this section. A preeminent state research university or state agency that has requested the use of a

And the title is amended as follows:

Delete lines 123-125 and insert: to preeminent state universities and state agencies before being offered for lease to a local or federal unit of government or private party; providing a priority for preeminent state research universities;

On motion by Senator Simpson, further consideration of **CS for CS for HB 1075**, as amended, with pending **Amendment 2 (312550)** was deferred.

CS for SB 1360—A bill to be entitled An act relating to student assessments; creating s. 1008.223, F.S.; providing purposes; authorizing a district school board to choose to implement certain rigorous alternative assessment options by a certain school year; providing requirements for the rigorous alternative assessment options; specifying the types of exams that may be taken and the corresponding substitutions or exemptions that may be earned by certain students; requiring the Commissioner of Education to collaborate with ACT, Inc.; requiring the State Board of Education to adopt such scores in rule by a specified school year; requiring a district school board that chooses to implement rigorous alternative assessment options to notify the commissioner, students, and parents of the decision by a specified date; requiring a parent to annually notify the school district in writing by a certain date if his or her child will take the statewide, standardized assessments; requiring the state board to adopt in rule adjustments to certain scores based on certain recommendations; requiring rigorous alternative assessment options to be available for students in high school beginning in the 2016-2017 school year; specifying the types of industry certifications and assessments that may be taken and the corresponding exemptions and high school credit that may be earned by a student in high school; requiring the commissioner to adopt the schedule for the administration of the rigorous alternative assessment options; requiring student performance results to be made available to district school superintendents annually by a specified date; providing requirements for high school credits; providing proxy values to link student performance on rigorous alternative assessments to certain evaluations and grades; requiring the commissioner to seek legislative approval for any adjustments to the proxy values by a specified time; requiring the commissioner to submit certain recommendations to the Legislature by a specified date; requiring the rigorous alternative assessment options and proxies to be

included in each district school board-approved student progression plan and each district school board-approved educator performance evaluation system by a specified time; requiring the commissioner to coordinate with school districts for the administration of the rigorous alternative assessments; requiring the Department of Education to renegotiate the Florida Standards Assessment contract; specifying that certain requirements do not apply to the renegotiation; requiring the renegotiated contract to be executed by a specified date; authorizing the department to renegotiate other assessment contracts; requiring the department to negotiate and contract with certain entities in order to implement the rigorous alternative assessments; prohibiting the funding for the assessments from causing an increase in a certain appropriation in the General Appropriations Act; requiring each district school board to publish notification of the rigorous alternative assessment and student choice options on its school district website; providing applicability; providing for rulemaking; providing an implementation schedule for the 2016-2017 school year; amending s. 1002.3105, F.S.; specifying that a student who attains a passing score on a rigorous alternative assessment may meet certain requirements; amending s. 1002.33, F.S.; revising compliance requirements for charter schools; amending s. 1003.4282, F.S.; requiring each school district to annually notify students and parents of standard high school diploma requirements by a specified date; revising the online course requirement; authorizing a district school board or a charter school governing board to offer certain additional options to meet the requirement; conforming provisions to changes made by the act; amending ss. 1003.4285, 1003.4295, and 1003.436, F.S.; conforming provisions to changes made by the act; amending s. 1006.28, F.S.; requiring instructional materials to be consistent with the rigorous alternative assessment option; requiring a district school board to make certain certifications at a public meeting; amending s. 1007.27, F.S.; requiring the department to identify the minimum scores, maximum credit, and courses for which credit is awarded for certain examinations; amending ss. 1007.271 and 1011.61, F.S.; conforming provisions to changes made by the act; amending s. 1011.62, F.S.; deleting certain bonus limits that may be earned for instructing students who receive specified grades on certain examinations; amending s. 1012.34, F.S.; requiring a classroom teacher's performance evaluation to be based on the performance of certain students; amending s. 1001.42, F.S.; revising the duties of a district school board; requiring the commissioner to make certain requests and submit certain documentation regarding the federal Elementary and Secondary Education Act by a specified date; requiring the commissioner to submit a report to the Governor and the Legislature by a specified date; providing an effective date.

—was read the second time by title.

On motion by Senator Gaetz, further consideration of **CS for SB 1360** was deferred.

On motion by Senator Hukill, by unanimous consent—

HB 7099—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; revising uses of certain tourist development taxes; requiring the performance of a return-on-investment or cost-benefit analysis in specified circumstances; authorizing certain entities to file administrative challenges against counties for using tourist development taxes for unauthorized purposes; prohibiting use of those revenues for purposes which are the subject of a challenge; authorizing reasonable attorney fees and costs under specified circumstances; amending s. 159.621, F.S.; exempting from the documentary stamp tax certain notes or mortgages with respect to certain loans by or on behalf of a housing finance authority; providing criteria for such exemption; amending s. 163.387, F.S.; specifying uses of community redevelopment agency redevelopment trust fund moneys for certain community redevelopment agencies that support youth centers; amending s. 195.022, F.S.; revising the county population thresholds for purposes of identifying the governmental entity responsible for payment of aerial photographs and ownership maps; amending s. 196.011, F.S.; exempting certain veterans and surviving spouses from certain annual homestead filing requirements; amending s. 196.012, F.S.; revising definitions related to certain businesses; amending s. 196.081, F.S.; expanding an exemption from ad valorem taxation for certain permanently and totally disabled veterans under specified circumstances; removing the requirement that a deceased veteran have resided in this state on a specified date before the ad valorem tax exemption for homestead property may apply to the veteran's surviving spouse; exempting the unremarried surviving spouse of certain deceased veterans from payment of ad valorem taxes for certain homestead property in this state, irrespective of the state in which the veteran's homestead was located at the time of death, if certain conditions are met; amending 196.1978, F.S.; providing a property tax discount for certain properties used to provide affordable housing to specified low-income persons and families; amending s. 196.1995, F.S.; revising an economic development ad valorem tax exemption for certain enterprise zone businesses; amending s. 201.15, F.S.; revising a date relating to the payment of debt service for certain bonds; amending s. 206.9825, F.S.; revising eligibility criteria for wholesalers and terminal suppliers to receive aviation fuel tax refunds or credits of previously paid excise taxes; providing for future repeal of such refunds or credits; revising the rate of the excise tax on certain aviation fuels on a specified date; amending s. 210.13, F.S.; providing procedures to be used when a person, other than a dealer, is required but fails to remit certain taxes; amending s. 210.25, F.S.; revising definitions related to tobacco; amending s. 212.031, F.S.; reducing the tax levied on the renting, leasing, letting, or granting of a license for the use of real property; providing applicability; amending s. 212.04, F.S.; authorizing a refund or credit of tax for certain resales of admissions upon the demonstration of specified documentation; amending s. 212.05, F.S.; clarifying the requirements for the exemption from tax on certain sales of aircraft that will be registered in a foreign jurisdiction; amending s. 212.08, F.S.; creating an exemption for certain sales of data center equipment, certain sales of electricity, and certain sales of building materials; providing definitions; exempting the sales of food or drinks by certain qualified veterans' organizations; revising definitions regarding certain industrial machinery and equipment; removing the expiration date on the exemption for purchases of certain machinery and equipment; revising the definition of the term "eligible manufacturing business" for purposes of qualification for the sales and use tax exemption; providing definitions for certain postharvest machinery and equipment, postharvest activities, and eligible postharvest activity businesses; providing an exemption for the purchase of such machinery and equipment; amending s. 220.03, F.S.; adopting the 2016 version of the Internal Revenue Code; providing retroactive applicability; amending s. 220.13, F.S.; incorporating a reference to a recent federal act into state law for the purpose of defining the term "adjusted federal income"; revising the treatment by this state of certain depreciation of assets allowed for federal income tax purposes; providing retroactive applicability; authorizing the Department of Revenue to adopt emergency rules; amending s. 220.1845, F.S.; specifying a monetary cap on the grant of contaminated site rehabilitation tax credits available for the year; amending s. 220.192, F.S.; extending by 1 year the renewable energy technology corporate income tax credit; amending s. 220.193, F.S.; authorizing certain nonpublic waste-to-energy facilities to be eligible for the renewable energy production corporate income tax credit; removing the repeal of the tax credit; extending by 1 year a specified amount of available tax credit for eligible taxpayers; amending s. 220.196, F.S.; specifying the amount of research and development tax credits that may be granted to business enterprises in a future year; amending s. 220.222, F.S.; revising due dates for partnership information returns and corporate tax returns; amending s. 220.241, F.S.; revising due dates to file a declaration of estimated corporate income tax; amending s. 220.33, F.S.; revising the due date of estimated payments of corporate income tax; amending 220.34, F.S.; revising the dates for purposes of calculating interest and penalties on underpayments of estimated corporate income tax; amending s. 376.30781, F.S.; revising the total amount of tax credits available for the rehabilitation of dry-cleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas for a specified period; amending s. 561.121, F.S.; requiring that certain taxes related to alcoholic beverages and tobacco products sold on cruise ships be deposited into specified funds; amending s. 564.06, F.S.; specifying the excise tax that is applicable to cider made from pears; amending s. 565.02, F.S.; creating an alternative method of taxation for alcoholic beverages and tobacco products sold on certain cruise ships; requiring the reporting of certain information by each permittee for purposes of determining the base rate applicable to the taxpayers; amending s. 951.22, F.S.; conforming a cross reference; providing an exemption from the sales and use tax for the retail sale of certain clothes, school supplies, and personal computers and related accessories during a specified period; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an exemption from the sales and use tax for the retail sale of certain items and articles of tangible personal property by certain small businesses during a specified period; providing an exemption from the sales and use tax on the retail sale of certain firearms,

ammunition for firearms, camping tents, and fishing supplies during a specified period; providing exceptions; authorizing the department to adopt emergency rules; providing an appropriation; providing an exemption from the sales and use tax for certain personal computers and related accessories during a specified period; providing exceptions; authorizing the department to adopt emergency rules; providing an appropriation; providing an exemption from the sales and use tax on the sale of certain books and other reading materials at book fairs; authorizing the department to adopt emergency rules; amending chapter 2015-221, Laws of Florida; extending the exemption from the sales and use tax on the retail sale of certain textbooks for 1 year; providing an appropriation to the department to implement certain tax exemptions on rental or license fees; providing an appropriation to the department to assist certain counties in furnishing aerial photographs and maps; specifying that specified amendments related to certain businesses located in areas that were designated as enterprise zones are remedial in nature; creating s. 196.1955, F.S.; consolidating provisions relating to obtaining an ad valorem exemption for property owned by exempt organizations; requiring the owner of an exempt organization to take affirmative steps to demonstrate the property's exempt use; authorizing the property appraiser to serve a notice of tax lien on exempt property that is not in actual exempt use after a specified time; providing that the lien attaches to any property owned by the organization identified in the notice of lien; prohibiting a property appraiser from serving a notice of tax lien on certain property being prepared for use as a house of public worship; defining the terms "charitable use," "affirmative steps," and "public worship"; amending s. 196.196, F.S.; deleting provisions relating to the exemption as it applies to public worship and affordable housing and provisions that have been moved to s. 196.1955, F.S.; amending s. 196.198, F.S.; deleting provisions that have been moved to s. 196.1955, F.S., relating to property owned by an educational institution and used for an educational purpose; providing a finding of important state interest; providing effective dates.

—was taken up out of order and read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Hukill:

Amendment 1 (673118) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (5) of section 125.0104, Florida Statutes, is redesignated as paragraph (d), present paragraph (d) of that subsection is amended, and a new paragraph (c) is added to that subsection, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(5) AUTHORIZED USES OF REVENUE.—

(c) A county located adjacent to the Gulf of Mexico or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, which meets the following criteria may use up to 10 percent of the tax revenue received pursuant to this section to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area. However, if taxes collected pursuant to this section are used to reimburse emergency medical services or public safety services for tourism or special events, the governing board of a county or municipality may not use such taxes to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff's office, or a police department. To receive reimbursement, the county must:

1. Generate a minimum of $10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to this section;

2. Have at least three municipalities; and

3. Have an estimated population of less than 225,000, according to the most recent population estimate prepared pursuant to s. 186.901, excluding the inmate population.

The board of county commissioners must by majority vote approve reimbursement made pursuant to this paragraph upon receipt of a recommendation from the tourist development council.

(e)~~(d)~~ Any use of the local option tourist development tax revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (3)(l) or paragraph (3)(n) or *paragraphs (a)-(d)* ~~paragraph (a), paragraph (b), or paragraph (c)~~ of this subsection is expressly prohibited.

Section 2. Effective upon this act becoming a law, paragraph (b) of subsection (14) and paragraph (b) of subsection (15) of section 196.012, Florida Statutes, are amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(14) "New business" means:

(b) Any business or organization located in an *area that was designated as an* enterprise zone *pursuant to chapter 290 as of December 30, 2015,* or brownfield area that first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business or organization.

(15) "Expansion of an existing business" means:

(b) Any business or organization located in an *area that was designated as an* enterprise zone *pursuant to chapter 290 as of December 30, 2015,* or brownfield area that increases operations on a site located within the same zone or area colocated with a commercial or industrial operation owned by the same business or organization under common control with the same business or organization.

Section 3. Effective upon this act becoming a law, subsections (5) and (11) of section 196.1995, Florida Statutes, are amended to read:

196.1995 Economic development ad valorem tax exemption.—

(5) Upon a majority vote in favor of such authority, the board of county commissioners or the governing authority of the municipality, at its discretion, by ordinance may exempt from ad valorem taxation up to 100 percent of the assessed value of all improvements to real property made by or for the use of a new business and of all tangible personal property of such new business, or up to 100 percent of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business. To qualify for this exemption, the improvements to real property must be made or the tangible personal property must be added or increased after approval by motion or resolution of the local governing body, subject to ordinance adoption or on or after the day the ordinance is adopted. However, if the authority to grant exemptions is approved in a referendum in which the ballot question contained in subsection (3) appears on the ballot, the authority of the board of county commissioners or the governing authority of the municipality to grant exemptions is limited solely to new businesses and expansions of existing businesses that are located in *an area which was designated as* an enterprise zone *pursuant to chapter 290 as of December 30, 2015,* or *in a* brownfield area. *New businesses and expansions of existing businesses located in an area that was designated as an enterprise zone pursuant to chapter 290 as of December 30, 2015, but is not in a brownfield area, may qualify for the ad valorem tax exemption only if approved by motion or resolution of the local governing body, subject to ordinance adoption, or by ordinance, enacted before December 31, 2015.* Property acquired to replace existing property shall not be considered to facilitate a business expansion. *All data center equipment for a data center shall be exempt from ad valorem taxation for the term of the approved exemption.* The exemption applies only to taxes levied by the respective unit of government granting the exemption. The exemption does not apply, however, to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution. Any such exemption shall remain in effect for up to 10 years with respect to any particular facility, *or up to 20 years for a data center,* regardless of any change in the authority of the county or municipality to grant such exemptions *or the expiration of the Enterprise Zone Act pursuant to chapter 290*. The exemption shall not be prolonged

or extended by granting exemptions from additional taxes or by virtue of any reorganization or sale of the business receiving the exemption.

(11) An ordinance granting an exemption under this section shall be adopted in the same manner as any other ordinance of the county or municipality and shall include the following:

(a) The name and address of the new business or expansion of an existing business to which the exemption is granted;

(b) The total amount of revenue available to the county or municipality from ad valorem tax sources for the current fiscal year, the total amount of revenue lost to the county or municipality for the current fiscal year by virtue of economic development ad valorem tax exemptions currently in effect, and the estimated revenue loss to the county or municipality for the current fiscal year attributable to the exemption of the business named in the ordinance;

(c) The period of time for which the exemption will remain in effect and the expiration date of the exemption, which may be any period of time up to 10 years*, or up to 20 years for a data center*; and

(d) A finding that the business named in the ordinance meets the requirements of s. 196.012(14) or (15).

Section 4. *The amendments made by this act to ss. 196.012 and 196.1995, Florida Statutes, which relate to the ad valorem tax exemption for certain enterprise zone businesses are remedial in nature and apply retroactively to December 31, 2015, and the amendments to s. 196.1995, Florida Statutes, made by this act which relate to the ad valorem tax exemption for data center equipment apply upon this act becoming a law.*

Section 5. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, *2017* ~~2015~~, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(1) Amounts necessary to make payments on bonds issued pursuant to s. 215.618 or s. 215.619, as provided under paragraphs (3)(a) and (b), or on any other bonds authorized to be issued on a parity basis with such bonds shall be deposited into the Land Acquisition Trust Fund.

(2) If the amounts deposited pursuant to subsection (1) are less than 33 percent of all taxes collected after first deducting the costs of collection, an amount equal to 33 percent of all taxes collected after first deducting the costs of collection, minus the amounts deposited pursuant to subsection (1), shall be deposited into the Land Acquisition Trust Fund.

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618. The amount used for such purposes may not exceed $300 million in each fiscal year. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act.

(b) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts due with respect to Everglades restoration bonds issued pursuant to s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2) and deduction of the service charge imposed pursuant to s. 215.20(1), the remainder shall be distributed as follows:

(a) The lesser of 24.18442 percent of the remainder or $541.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Of such funds, $75 million for each fiscal year shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Notwithstanding any other law, the remaining amount credited to the State Transportation Trust Fund shall be used for:

1. Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the funds;

2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;

3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and

4. The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2. The first $60 million of the funds allocated pursuant to this subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

(b) The lesser of 0.1456 percent of the remainder or $3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in the Department of Economic Opportunity to fund technical assistance to local governments.

Moneys distributed pursuant to paragraphs (a) and (b) may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(c) Eleven and twenty-four hundredths percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds, the first $35 million shall be transferred annually, subject to any distribution required under subsection (5), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1. Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(d) Twelve and ninety-three hundredths percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds, the first $40 million shall be transferred annually, subject to any distribution required under subsection (5), to the State Economic Enhancement and Development Trust

Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1. Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and expended by the Department of Economic Opportunity and the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(e) The lesser of 0.017 percent of the remainder or $300,000 in each fiscal year shall be paid into the State Treasury to the credit of the General Inspection Trust Fund to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

(5) Distributions to the State Housing Trust Fund pursuant to paragraphs (4)(c) and (d) must be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(6) After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 6. Paragraph (b) of subsection (1) of section 206.9825, Florida Statutes, is amended to read:

206.9825 Aviation fuel tax.—

(1)

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996*, but before July 1, 2016*, increases the air carrier's Florida workforce by more than *1,000* ~~1000~~ percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(16)(a), (b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1., 2., 4., 7., 9., and 12.

Section 7. Effective July 1, 2019, section 206.9825, Florida Statutes, as amended by this act, is amended to read:

206.9825 Aviation fuel tax.—

(1)(a) Except as otherwise provided in this part, an excise tax of *4.27* ~~6.9~~ cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part *is* ~~shall~~ not ~~be~~ subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

~~(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, but before July 1, 2016, increases the air carrier's Florida workforce by more than 1,000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(16)(a), (b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1., 2., 4., 7., 9., and 12.~~

~~(c) If, before July 1, 2001, the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below 250, the exemption granted pursuant to this section shall not apply during the period in which the air carrier has fewer than the 250 additional employees.~~

~~(d) The exemption taken by credit or refund pursuant to paragraph (b) shall apply only under the terms and conditions set forth therein. If any part of that paragraph is judicially declared to be unconstitutional or invalid, the validity of any provisions taxing aviation fuel shall not be affected and all fuel exempted pursuant to paragraph (b) shall be subject to tax as if the exemption was never enacted. Every person benefiting from such exemption shall be liable for and make payment of all taxes for which a credit or refund was granted.~~

(b)~~(e)~~1. Sales of aviation fuel to, and exclusively used for flight training through a school of aeronautics or college of aviation by, a college based in this state which is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code or a university based in this state are exempt from the tax imposed by this part if the college or university:

a. Is accredited by or has applied for accreditation by the Aviation Accreditation Board International; and

b. Offers a graduate program in aeronautical or aerospace engineering or offers flight training through a school of aeronautics or college of aviation.

2. A licensed wholesaler or terminal supplier that sells aviation fuel to a college or university qualified under this paragraph and that does not collect the aviation fuel tax from the college or university on such sale may receive an ultimate vendor credit for the *4.27-cent* ~~6.9 cent~~ excise tax previously paid on the aviation fuel delivered to such college or university.

3. A college or university qualified under this paragraph which purchases *aviation* fuel from a retail supplier, including a fixed-base operator, and pays the *4.27-cent* ~~6.9 cent~~ excise tax on the purchase may apply for and receive a refund of the aviation fuel tax paid.

(2)(a) An excise tax of *4.27* ~~6.9~~ cents per gallon is imposed on each gallon of kerosene in the same manner as prescribed for diesel fuel under ss. 206.87(2) and 206.872.

(b) The exemptions provided by s. 206.874 shall apply to kerosene if the dyeing and marking requirements of s. 206.8741 are met.

(c) Kerosene prepackaged in containers of 5 gallons or less and labeled "Not for Use in a Motor Vehicle" is exempt from the taxes imposed by this part when sold for home heating and cooking. Packagers may qualify for a refund of taxes previously paid, as prescribed by the department.

(d) Sales of kerosene in quantities of 5 gallons or less by a person not licensed under this chapter who has no facilities for placing kerosene in the fuel supply system of a motor vehicle may qualify for a refund of taxes paid. Refunds of taxes paid shall be limited to sales for use in home heating or cooking and shall be documented as prescribed by the department.

(3) An excise tax of *4.27* ~~6.9~~ cents per gallon is imposed on each gallon of aviation gasoline in the manner prescribed by paragraph (2)(a). However, the exemptions allowed by paragraph (2)(b) do not apply to aviation gasoline.

(4) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a residence for home heating or cooking may receive a credit or refund as the ultimate vendor of the kerosene for the *4.27-cent* ~~6.9 cents~~ excise tax previously paid.

(5) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a retail dealer not licensed as a wholesaler or terminal supplier for sale as a home heating or cooking fuel may receive a credit or refund as the ultimate vendor of the kerosene for the *4.27-cent* ~~6.9 cents~~ excise tax previously paid, provided the retail dealer has no facility for fueling highway vehicles from the tank in which the kerosene is stored.

(6) Any person who fails to meet the requirements of this section is subject to a backup tax as provided by s. 206.873.

Section 8. Section 210.13, Florida Statutes, is amended to read:

210.13 Determination of tax on failure to file a return.—If a dealer *or other person required to remit the tax under this part* fails to file any return required under this part~~,~~ or, having filed an incorrect or insufficient return, fails to file a correct or sufficient return, as the case may require, within 10 days after the giving of notice to the dealer *or other person* by the Division of Alcoholic Beverages and Tobacco that such return or corrected or sufficient return is required, the division shall determine the amount of tax due by such dealer *or other person* any time within 3 years after the making of the earliest sale included in such determination and give written notice of such determination to such dealer *or other person*. Such a determination shall finally and irrevocably fix the tax unless the dealer *or other person* against whom it is assessed ~~shall~~, within 30 days after the giving of notice of such determination, *applies* ~~apply~~ to the division for a hearing. Judicial review shall not be granted unless the amount of tax stated in the decision, with penalties thereon, if any, *is* ~~shall have been~~ first deposited with the division, and an undertaking or bond filed in the court in which such cause may be pending in such amount and with such sureties as the court shall approve, conditioned that if such proceeding be dismissed or the decision of the division confirmed, the applicant for review will pay all costs and charges which may accrue against the applicant in the prosecution of the proceeding. At the option of the applicant, such undertaking or bond may be in an additional sum sufficient to cover the tax, penalties, costs, and charges aforesaid, in which event the applicant shall not be required to pay such tax and penalties precedent to the granting of such review by such court.

Section 9. Subsections (1) through (13) of section 210.25, Florida Statutes, are renumbered as subsections (2) through (14), respectively, a new subsection (1) is added to that section, and present subsection (13) of that section is amended, to read:

210.25 Definitions.—As used in this part:

(1) "Affiliate" means a manufacturer or other person that directly or indirectly, through one or more intermediaries, controls or is controlled by a distributor or that is under common control with a distributor.

(14)~~(13)~~ "Wholesale sales price" means the *sum of:*

(a) The full price paid by the distributor to acquire the tobacco products, including charges by the seller for the cost of materials, the cost of labor and service, charges for transportation and delivery, the federal excise tax, and any other charge, even if the charge is listed as a separate item on the invoice paid by the ~~established price for which a manufacturer sells a tobacco product to a~~ distributor, exclusive of any diminution by volume or other discounts*, including a discount provided to a distributor by an affiliate; and*

(b) The federal excise tax paid by the distributor on the tobacco products if the tax is not included in the full price under paragraph (a).

Section 10. Paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations; *or if the aircraft will be registered in a foreign jurisdiction and:*

(I) Application for the aircraft's registration is properly filed with a civil airworthiness authority of a foreign jurisdiction within 10 days after the date of purchase;

(II) The purchaser removes the aircraft from the state to a foreign jurisdiction within 10 days after the date the aircraft is registered by the applicable foreign airworthiness authority; and

(III) The aircraft is operated in the state solely to remove it from the state to a foreign jurisdiction.

For purposes of this sub-subparagraph, the term "foreign jurisdiction" means any jurisdiction outside of the United States or any of its territories;

b. The purchaser, within 30 days from the date of departure, *provides* ~~shall provide~~ the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, *furnishes* ~~shall furnish~~ the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, *provides* ~~shall provide~~ to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser *applies* ~~shall apply~~ to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, *before* ~~prior to~~ delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the extension decal shall cost $425.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal *before* ~~prior to~~ permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date *before* ~~prior to~~ its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, except as provided in s. 212.08(7)(fff), or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2). The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason.

Section 11. Paragraph (c) of subsection (1) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)

(c)1. Notwithstanding the provisions of paragraph (b), the use tax on asphalt manufactured for one's own use shall be calculated with respect to paragraph (b) only upon the cost of materials which become a component part or which are an ingredient of the finished asphalt and upon the cost of the transportation of such components and ingredients. In addition, an indexed tax of 38 cents per ton of such manufactured asphalt shall be due at the same time and in the same manner as taxes due pursuant to paragraph (b). Beginning July 1, 1989, the indexed tax shall be adjusted each July 1 to an amount, rounded to the nearest cent, equal to the product of 38 cents multiplied by a fraction, the numerator of which is the annual average of the "materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics, for the previous calendar year, and the denominator of which is the annual average of said series for calendar year 1988.

2.a. Beginning July 1, 1999, the indexed tax imposed by this paragraph on manufactured asphalt which is used for any federal, state, or local government public works project shall be reduced by 20 percent.

b. Beginning July 1, 2000, the indexed tax imposed by this paragraph on manufactured asphalt which is used for any federal, state, or local government public works project shall be reduced by 40 percent.

c. Beginning July 1, 2016, the indexed tax imposed by this paragraph on manufactured asphalt which is used for any federal, state, or local government public works project shall be reduced by 60 percent.

d. Beginning July 1, 2017, the indexed tax imposed by this paragraph on manufactured asphalt which is used for any federal, state, or local government public works project shall be reduced by 80 percent.

e. Beginning July 1, 2018, manufactured asphalt used for any federal, state, or local government public works project shall be exempt from the indexed tax imposed by this paragraph.

Section 12. Paragraphs (n) and (kkk) of subsection (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the

rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(n) *Veterans' organizations.*—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases to qualified veterans' organizations and their auxiliaries when used in carrying on their customary veterans' organization activities *or sales of food or drink by qualified veterans' organizations in connection with customary veterans' organization activities to members of qualified veterans' organizations*.

2. As used in this paragraph, the term "veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, *the American Legion, Veterans of Foreign Wars of the United States,* Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code of 1986, as amended.

(kkk) *Certain machinery and equipment.*—

1. Industrial machinery and equipment purchased by eligible manufacturing businesses which is used at a fixed location *in* ~~within~~ this state~~, or a mixer drum affixed to a mixer truck which is used at any location within this state to mix, agitate, and transport freshly mixed concrete in a plastic state,~~ for the manufacture, processing, compounding, or production of items of tangible personal property for sale *is* ~~shall be~~ exempt from the tax imposed by this chapter. ~~Parts and labor required to affix a mixer drum exempt under this paragraph to a mixer truck are also exempt.~~ If*,* at the time of purchase*,* the purchaser furnishes the seller with a signed certificate certifying the purchaser's entitlement to exemption pursuant to this paragraph, the seller *is not required to collect* ~~is relieved of the responsibility for collecting~~ the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

2. For purposes of this paragraph, the term:

a. "Eligible manufacturing business" means any business whose primary business activity at the location where the industrial machinery and equipment is located is within the industries classified under NAICS codes 31, 32, ~~and~~ 33*, and 423930*.

b. "Eligible postharvest activity business" means a business whose primary business activity, at the location where the postharvest machinery and equipment is located, is within the industries classified under NAICS code 115114.

c. ~~As used in this subparagraph,~~ "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

d.~~b.~~ "Primary business activity" means an activity representing more than 50 percent of the activities conducted at the location where the industrial machinery and equipment *or postharvest machinery and equipment* is located.

e.~~c.~~ "Industrial machinery and equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale. *The term includes tangible personal property or other property that has a depreciable life of 3 years or more which is used as an integral part in the recycling of metals for sale.* A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air conditioning systems are not industrial machinery and equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories for industrial machinery and equipment only to the extent that the parts and accessories are purchased *before* ~~prior to~~ the date the machinery and equipment are placed in service.

f. "Postharvest activities" means services performed on crops, after their harvest, with the intent of preparing them for market or further processing. Postharvest activities include, but are not limited to, crop cleaning, sun drying, shelling, fumigating, curing, sorting, grading, packing, and cooling.

g. "Postharvest machinery and equipment" means tangible personal property or other property with a depreciable life of 3 years or more which is used primarily for postharvest activities. A building and its structural components are not postharvest industrial machinery and equipment unless the building or structural component is so closely related to the postharvest machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the postharvest machinery and equipment is replaced. Heating and air conditioning systems are not postharvest machinery and equipment unless the sole justification for their installation is to meet the requirements of the postharvest activities process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonpostharvest activities.

3. Postharvest machinery and equipment purchased by an eligible postharvest activity business which is used at a fixed location in this state is exempt from the tax imposed by this chapter. All labor charges for the repair of, and parts and materials used in the repair of and incorporated into, such postharvest machinery and equipment are also exempt. If, at the time of purchase, the purchaser furnishes the seller with a signed certificate certifying the purchaser's entitlement to exemption pursuant to this subparagraph, the seller is not required to collect the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

4.~~3.~~ *A mixer drum affixed to a mixer truck which is used at any location in this state to mix, agitate, and transport freshly mixed concrete in a plastic state for sale is exempt from the tax imposed by this chapter. Parts and labor required to affix a mixer drum exempt under this subparagraph to a mixer truck are also exempt. If, at the time of purchase, the purchaser furnishes the seller with a signed certificate certifying the purchaser's entitlement to exemption pursuant to this subparagraph, the seller is not required to collect the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.* This *subparagraph* ~~paragraph~~ is repealed April 30, 2017.

Section 13. Effective upon this act becoming a law and operating retroactively to January 1, 2016, paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, *2016* ~~2015~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code has the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, *2016* ~~2015~~. However, if subsection (3) is implemented, the meaning of a term shall be taken at the time the term is applied under this code.

Section 14. Effective upon this act becoming a law and operating retroactively to January 1, 2016, paragraph (e) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(e) *Adjustments related to federal acts.*—Taxpayers shall be required to make the adjustments prescribed in this paragraph for Florida tax purposes with respect to certain tax benefits received pursuant to the Economic Stimulus Act of 2008, the American Recovery and Reinvestment Act of 2009, the Small Business Jobs Act of 2010, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, ~~and~~ the Tax Increase Prevention Act of 2014*, and the Consolidated Appropriations Act, 2016*.

1. There shall be added to such taxable income an amount equal to 100 percent of any amount deducted for federal income tax purposes as bonus depreciation for the taxable year pursuant to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as amended by s. 103 of Pub. L. No. 110-185, s. 1201 of Pub. L. No. 111-5, s. 2022 of Pub. L. No. 111-240, s. 401 of Pub. L. No. 111-312, s. 331 of Pub. L. No. 112-240, ~~and~~ s. 125 of Pub. L. No. 113-295, *and s. 143 of Division Q of Pub. L. No. 114-113,* for property placed in service after December 31, 2007, and before January 1, *2021* ~~2015~~. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income an amount equal to one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

2. There shall be added to such taxable income an amount equal to 100 percent of any amount in excess of $128,000 deducted for federal income tax purposes for the taxable year pursuant to s. 179 of the Internal Revenue Code of 1986, as amended by s. 102 of Pub. L. No. 110-185, s. 1202 of Pub. L. No. 111-5, s. 2021 of Pub. L. No. 111-240, s. 402 of Pub. L. No. 111-312, s. 315 of Pub. L. No. 112-240, and s. 127 of Pub. L. No. 113-295, for taxable years beginning after December 31, 2007, and before January 1, 2015. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

3. There shall be added to such taxable income an amount equal to the amount of deferred income not included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There shall be subtracted from such taxable income an amount equal to the amount of deferred income included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5.

4. Subtractions available under this paragraph may be transferred to the surviving or acquiring entity following a merger or acquisition and used in the same manner and with the same limitations as specified by this paragraph.

5. The additions and subtractions specified in this paragraph are intended to adjust taxable income for Florida tax purposes, and, notwithstanding any other provision of this code, such additions and subtractions shall be permitted to change a taxpayer's net operating loss for Florida tax purposes.

Section 15. *(1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made by this act to s. 220.03(1)(n) and (2)(c), Florida Statutes, and s. 220.13(1)(e), Florida Statutes.*

(2) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires January 1, 2020.

Section 16. Effective upon this act becoming a law and applicable to taxable years beginning on or after January 1, 2016, section 220.222, Florida Statutes, is amended to read:

220.222 Returns; time and place for filing.—

(1)*(a)* Returns required by this code shall be filed with the office of the department in Leon County or at such other place as the department may by regulation prescribe. All returns required for a DISC (Domestic International Sales Corporation) under paragraph 6011(c)(2) of the Internal Revenue Code shall be filed on or before the 1st day of the 10th month *after* ~~following~~ the close of the taxable year; all partnership information returns shall be filed on or before the 1st day of the *4th* ~~5th~~ month *after* ~~following~~ the close of the taxable year; and all other returns shall be filed on or before the 1st day of the *5th* ~~4th~~ month *after* ~~following~~ the close of the taxable year or the 15th day *after* ~~following~~ the due date, without extension, for the filing of the related federal return for the taxable year, unless under subsection (2) one or more extensions of time, not to exceed 6 months in the aggregate, for any such filing is granted.

(b) Notwithstanding paragraph (a), for taxable years beginning before January 1, 2026, returns of taxpayers with a taxable year ending on June 30 shall be filed on or before the 1st day of the 4th month after the close of the taxable year or the 15th day after the due date, without extension, for the filing of the related federal return for the taxable year, unless under subsection (2) one or more extensions of time for any such filing is granted.

(2)(a) When a taxpayer has been granted an extension or extensions of time within which to file its federal income tax return for any taxable year, and if the requirements of s. 220.32 are met, the filing of a request for such extension or extensions with the department shall automatically extend the due date of the return required under this code until ~~15 days after the expiration of the federal extension or until~~ the expiration of 6 months from the original due date~~, whichever first occurs~~.

(b) The department may grant an extension or extensions of time for the filing of any return required under this code upon receiving a prior request therefor if good cause for an extension is shown. However, the aggregate extensions of time under *paragraph* ~~paragraphs~~ (a) and *this paragraph must* ~~(b) shall~~ not exceed 6 months. *An* ~~No~~ extension granted under this paragraph *is not* ~~shall be~~ valid unless the taxpayer complies with ~~the requirements of~~ s. 220.32.

(c) For purposes of this subsection, a taxpayer is not in compliance with ~~the requirements of~~ s. 220.32 if the taxpayer underpays the required payment by more than the greater of $2,000 or 30 percent of the tax shown on the return when filed.

(d) For taxable years beginning before January 1, 2026, the 6-month time period in paragraphs (a) and (b) shall be 7 months for taxpayers with a taxable year ending June 30 and shall be 5 months for taxpayers with a taxable year ending December 31.

Section 17. Effective upon this act becoming a law and applicable to taxable years beginning on or after January 1, 2017, section 220.241, Florida Statutes, is amended to read:

220.241 Declaration; time for filing.—

(1) A declaration of estimated tax under this code shall be filed before the 1st day of the *6th* ~~5th~~ month of each taxable year, except that if the minimum tax requirement of s. 220.24(1) is first met:

(a)~~(1)~~ After the 3rd month and before the 6th month of the taxable year, the declaration shall be filed before the 1st day of the 7th month;

(b)~~(2)~~ After the 5th month and before the 9th month of the taxable year, the declaration shall be filed before the 1st day of the 10th month; or

(c)~~(3)~~ After the 8th month and before the 12th month of the taxable year, the declaration shall be filed for the taxable year before the 1st day of the succeeding taxable year.

(2) Notwithstanding subsection (1), for taxable years beginning before January 1, 2026, taxpayers with a taxable year ending on June 30

shall file declarations before the 1st day of the 5th month of each taxable year, unless paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) applies.

Section 18. Effective upon this act becoming a law and applicable to taxable years beginning on or after January 1, 2017, subsection (1) of section 220.33, Florida Statutes, is amended to read:

220.33 Payments of estimated tax.—A taxpayer required to file a declaration of estimated tax pursuant to s. 220.24 shall pay such estimated tax as follows:

(1) If the declaration is required to be filed before the 1st day of the *6th* ~~5th~~ month of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the required filing of the declaration; the second and third installments shall be paid before the 1st day of the 7th month and before the 1st day of the 10th month of the taxable year, respectively; and the fourth installment shall be paid before the 1st day of the next taxable year.

Section 19. Effective upon this act becoming a law and applicable to taxable years beginning on or after January 1, 2017, paragraph (c) of subsection (2) of section 220.34, Florida Statutes, is amended to read:

220.34 Special rules relating to estimated tax.—

(2) No interest or penalty shall be due or paid with respect to a failure to pay estimated taxes except the following:

(c) The period of the underpayment for which interest and penalties apply shall commence on the date the installment was required to be paid, determined without regard to any extensions of time, and shall terminate on the earlier of the following dates:

1. The *1st* ~~first~~ day of the *5th* ~~fourth~~ month *after* ~~following~~ the close of the taxable year;

2. For taxable years beginning before January 1, 2026, for taxpayers with a taxable year ending June 30, the 1st day of the 4th month after the close of the taxable year; or

3.~~2.~~ With respect to any portion of the underpayment, the date on which such portion is paid.

For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subparagraph (b)1. for such installment date.

Section 20. Subsections (1) and (2) of section 561.121, Florida Statutes, are amended to read:

561.121 Deposit of revenue.—

(1) All state funds collected pursuant to ss. 563.05, 564.06, *565.02(9),* and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a) Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 *and the tax on alcoholic beverages, cigarettes, and other tobacco products established in s. 565.02(9)* shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

(b) The remainder of the funds collected pursuant to ss. 563.05, 564.06, and 565.12 *and the tax on alcoholic beverages, cigarettes, and other tobacco products established in s. 565.02(9)* shall be credited to the General Revenue Fund.

(2) The unencumbered balance in the Alcoholic Beverage and Tobacco Trust Fund at the close of each fiscal year may not exceed $2 million. These funds shall be held in reserve for use in the event that trust fund revenues are unable to meet the division's appropriation for the next fiscal year. In the event of a revenue shortfall, these funds shall be spent pursuant to subsection (3). Notwithstanding subsection (1), if the unencumbered balance on June 30 in any fiscal year is less than $2 million, the department is authorized to retain the difference between the June 30 unencumbered balance in the trust fund and $2 million from the July collections of state funds collected pursuant to ss. 563.05, 564.06, and 565.12 *and the tax on alcoholic beverages, cigarettes, and other tobacco products established in s. 565.02(9)*. Any unencumbered funds in excess of reserve funds shall be transferred unallocated to the General Revenue Fund by August 31 of the next fiscal year.

Section 21. Subsection (4) of section 564.06, Florida Statutes, is amended to read:

564.06 Excise taxes on wines and beverages.—

(4) As to cider, which is made from the normal alcoholic fermentation of the juice of sound, ripe apples *or pears*, including but not limited to flavored, sparkling, or carbonated cider and cider made from condensed apple *or pear* must, that contain not less than one-half of 1 percent of alcohol by volume and not more than 7 percent of alcohol by volume, there shall be paid by all manufacturers and distributors a tax at the rate of $.89 per gallon. With the sole exception of the excise tax rate, cider shall be considered wine and shall be subject to the provisions of this chapter.

Section 22. Subsection (9) of section 565.02, Florida Statutes, is amended to read:

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

(9)*(a) As used in this subsection, the term:*

1. "Annual capacity" means an amount equal to the number of lower berths on a vessel multiplied by the number of embarkations of that vessel during a calendar year.

2. "Base rate" means an amount equal to the total taxes and surcharges paid by all permittees pursuant to the Beverage Law and chapter 210 for sales of alcoholic beverages, cigarettes, and other tobacco products taking place between January 1, 2015, and December 31, 2015, inclusive, divided by the sum of the annual capacities of all vessels permitted pursuant to former s. 565.02(9), Florida Statutes 2015, for calendar year 2015.

3. "Embarkation" means an instance in which a vessel departs from a port in this state.

4. "Lower berth" means a bed that is:

a. Affixed to a vessel;

b. Not located above another bed in the same cabin; and

c. Located in a cabin not in use by employees of the operator of the vessel or its contractors.

5. "Quarterly capacity" means an amount equal to the number of lower berths on a vessel multiplied by the number of embarkations of that vessel during a calendar quarter.

(b) It is the finding of the Legislature that passenger vessels engaged exclusively in foreign commerce are susceptible to a distinct and separate classification for purposes of the sale of alcoholic beverages*, cigarettes, and other tobacco products* under the Beverage Law *and chapter 210*.

(c) Upon the filing of an application and payment of an annual fee of $1,100, the director is authorized to issue a permit authorizing the operator, or, if applicable, his or her concessionaire, of a passenger vessel which has cabin-berth capacity for at least 75 passengers, and which is engaged exclusively in foreign commerce, to sell alcoholic beverages*, cigarettes, and other tobacco products* on the vessel for consumption on board only:

1.~~(a)~~ *For no more than* ~~During a period not in excess of~~ 24 hours *before* ~~prior to~~ departure while the vessel is moored at a dock or wharf in a port of this state; or

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

One such permit shall be required for each such vessel and shall name the vessel for which it is issued. No license shall be required or tax levied by any municipality or county for the privilege of selling beverages*, cigarettes, or other tobacco products* for consumption on board such vessels. The beverages*, cigarettes, or other tobacco products* so sold may be purchased outside the state by the permittee, and the same shall not be considered as imported for the purposes of s. 561.14(3) solely because of such sale. The permittee is not required to obtain its beverages*, cigarettes, or other tobacco products* from licensees under the Beverage Law *or chapter 210. Each permittee*~~, but it~~ shall keep a strict account of *the quarterly capacity of each of its vessels* ~~all such beverages sold within this state~~ and shall make *quarterly* ~~monthly~~ reports to the division on forms prepared and furnished by the division. ~~A permittee who sells on board the vessel beverages withdrawn from United States Bureau of Customs and Border Protection bonded storage on board the vessel may satisfy such accounting requirement by supplying the division with copies of the appropriate United States Bureau of Customs and Border Protection forms evidencing such withdrawals as importations under United States customs laws.~~

(d) Each ~~Such~~ permittee shall pay to the state *a* ~~an excise~~ tax for beverages*, cigarettes, and other tobacco products* sold pursuant to this *subsection in an amount equal to the base rate multiplied by the permittee's quarterly capacity during the calendar quarter, less any tax or surcharge already paid by a licensed manufacturer or distributor pursuant to the Beverage Law or chapter 210 on beverages, cigarettes, and other tobacco products sold by the permittee pursuant to this subsection during the quarter for which tax is due* ~~section, if such excise tax has not previously been paid, in an amount equal to the tax which would be required to be paid on such sales by a licensed manufacturer or distributor~~.

(e) A vendor holding such permit shall pay the tax *quarterly* ~~monthly~~ to the division at the same time he or she furnishes the required report. Such report shall be filed on or before the 15th day of each *calendar quarter* ~~month~~ for the *quarterly capacity* ~~sales occurring~~ during the previous calendar *quarter* ~~month~~.

(f) No later than August 1, 2016, each permittee shall report the annual capacity for each of its vessels for calendar year 2015 to the division on forms prepared and furnished by the division. No later than September 1, 2016, the division shall calculate the base rate and report it to each permittee. The base rate shall also be published in the Florida Administrative Register and on the department's website. The division may verify independently the information provided under this paragraph.

(g) Revenues collected pursuant to this subsection shall be distributed pursuant to s. 561.121(1).

Section 23. Subsection (1) of section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles which are hereby declared to be contraband for the purposes of this act, to wit: Any written or recorded communication; any currency or coin; any article of food or clothing; any tobacco products as defined in s. *210.25(12)* ~~210.25(11)~~; any cigarette as defined in s. 210.01(1); any cigar; any intoxicating beverage or beverage which causes or may cause an intoxicating effect; any narcotic, hypnotic, or excitative drug or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates, and controlled substances as defined in s. 893.02(4); any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon; and any instrumentality of any nature that may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

Section 24. *Clothing and school supplies; sales tax holiday.*—

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 5, 2016, through 11:59 p.m. on August 7, 2016, on the retail sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $60 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) The tax exemptions provided in this section apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, by August 1, 2016, the dealer must notify the Department of Revenue in writing of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

(4) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer this section.

(5) For the 2016-2017 fiscal year, the sum of $229,982 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section.

Section 25. *For the 2016-2017 fiscal year, the sum of $100,374 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing ss. 220.03, 220.13, 220.222, 220.241, 220.33, and 220.34, as amended by this act.*

Section 26. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2016.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; specifying additional uses for revenues received from tourist development taxes for certain coastal counties; conforming a cross-reference; amending s. 196.012, F.S.; revising definitions related to certain businesses; amending s. 196.1995, F.S.; revising an economic development ad valorem tax exemption for certain enterprise zone businesses; providing applicability of the exemption to data centers; providing retroactive applicability for certain provisions; amending s. 201.15, F.S.; revising a date relating to the payment of debt service for certain bonds; amending s. 206.9825, F.S.; revising eligibility criteria for wholesalers and terminal suppliers to receive aviation fuel tax refunds or credits of previously paid excise taxes; providing for future repeal of such refunds or credits; revising the rate of the excise tax on certain aviation fuels on a specified date; amending s. 210.13, F.S.; providing procedures to be used when a person, other than a dealer, is required but fails to remit certain taxes; amending s. 210.25, F.S.; revising definitions related to tobacco; amending s. 212.05, F.S.; clarifying the requirements for the exemption from tax on certain sales of aircraft that will be registered in a foreign jurisdiction; amending s. 212.06, F.S.; reducing by a specified percentage over time an indexed tax on manufactured asphalt used for a government public works project; exempting such manufactured asphalt from the indexed tax beginning on a specified date; amending s.

212.08, F.S.; exempting the sales of food or drinks by certain qualified veterans' organizations; revising definitions regarding certain industrial machinery and equipment; removing the expiration date on the exemption for purchases of certain machinery and equipment; revising the definition of the term "eligible manufacturing business" for purposes of qualification for the sales and use tax exemption; providing definitions for certain postharvest machinery and equipment, postharvest activities, and eligible postharvest activity businesses; providing an exemption for the purchase of such machinery and equipment; amending s. 220.03, F.S.; adopting the 2016 version of the Internal Revenue Code; providing retroactive applicability; amending s. 220.13, F.S.; incorporating a reference to a recent federal act into state law for the purpose of defining the term "adjusted federal income"; revising the treatment by this state of certain depreciation of assets allowed for federal income tax purposes; providing retroactive applicability; authorizing the Department of Revenue to adopt emergency rules; providing for expiration; amending s. 220.222, F.S.; revising due dates for partnership information returns and corporate tax returns; amending s. 220.241, F.S.; revising due dates to file a declaration of estimated corporate income tax; amending s. 220.33, F.S.; revising the due date of estimated payments of corporate income tax; amending s. 220.34, F.S.; revising the dates for purposes of calculating interest and penalties on underpayments of estimated corporate income tax; amending s. 561.121, F.S.; requiring that certain taxes related to alcoholic beverages and tobacco products sold on cruise ships be deposited into specified funds; amending s. 564.06, F.S.; specifying the excise tax that is applicable to cider made from pears; amending s. 565.02, F.S.; creating an alternative method of taxation for alcoholic beverages and tobacco products sold on certain cruise ships; requiring the reporting of certain information by each permittee for purposes of determining the base rate applicable to the taxpayers; authorizing the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to independently verify certain reported information; amending s. 951.22, F.S.; conforming a cross-reference; providing an exemption from the sales and use tax for the retail sale of certain clothes and school supplies during a specified period; providing exceptions; authorizing certain dealers to elect not to participate in such tax exemptions; providing requirements for such dealers; authorizing the Department of Revenue to adopt emergency rules; providing appropriations; providing effective dates.

Senator Detert moved the following amendment to **Amendment 1 (673118)** which failed:

Amendment 1A (966180) (with title amendment)—Between lines 4 and 5 insert:

Section 1. Effective upon becoming a law, subsection (11) of section 288.1254, Florida Statutes, is amended to read:

288.1254 Entertainment industry financial incentive program.—

(11) REPEAL.—This section is repealed *April* ~~July~~ 1, 2016, except that:

(a) Tax credits certified under paragraph (3)(d) before *April* ~~July~~ 1, 2016, may be awarded under paragraph (3)(f) on or after *April* ~~July~~ 1, 2016, if the other requirements of this section are met.

1. A qualified production must facilitate the submittal of all required information under subparagraph (3)(f)1. to the department by December 31, 2016. A production that does not meet this requirement may not be awarded tax credits. This deadline may not be waived.

2. The department must complete the review of the accountant's submittal, report the final verified amount of actual qualified expenditures, and determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures as required in subparagraph (3)(f)2. by December 31, 2017. This deadline may not be waived.

(b) Upon approval of the final tax credit award amount pursuant to subparagraph (a)2., an amount equal to the difference between the maximum tax credit award amount previously certified under paragraph (3)(d) and the approved final tax credit award amount shall immediately be available for recertification to a high-impact digital media project or a high-impact television series for a subsequent season, or to a new production that submits a new application on or after April 1, 2016 and that starts principal photography on or after April 1, 2016. For any production under this paragraph, principal photography must begin before July 1, 2017.

1. A qualified production that is certified for tax credits under this paragraph must facilitate the submittal of all required information under subparagraph (3)(f)1. to the department by December 31, 2017. A qualified production that does not meet this requirement may not be awarded tax credits. This deadline may not be waived.

2. The department must complete the review of the accountant's submittal, report the final verified amount of actual qualified expenditures, and determine and approve the final tax credit award amount to each certified applicant under this paragraph based on the final verified amount of actual qualified expenditures as required in subparagraph (3)(f)2. by December 31, 2018. This deadline may not be waived.

(c) The Department of Revenue shall deny any credit claimed on a tax return if such credit is awarded on or after January 1, 2019.

(d) The department may not conditionally certify applications under this section.

(e)~~(b)~~ Tax credits carried forward under paragraph (4)(e) remain valid for the period specified.

(f)~~(c)~~ Subsections (5), (8)*,* and (9) shall remain in effect until *December 31, 2023* ~~July 1, 2021~~.

And the title is amended as follows:

Delete line 1288 and insert: An act relating to taxation; amending s. 288.1254, F.S.; revising the date of repeal of certain provisions of the entertainment industry financial incentive program; requiring a qualified production that seeks certain tax credits to facilitate the submittal of specified information to the Department of Economic Opportunity by a specified date; requiring the department to complete certain requirements for verification of actual qualified expenditures by a specified date; providing for a specified tax credit award amount to be immediately available, upon a certain approval by the department, for recertification to certain entities; providing for procedures and requirements for recertification; requiring the Department of Revenue to deny certain credits claimed on a tax return under certain circumstances; prohibiting the Department of Economic Opportunity from conditionally certifying applications under the section; revising the date of repeal of certain provisions; amending s. 125.0104,

The question recurred on **Amendment 1 (673118)** which was adopted.

Pursuant to Rule 4.19, **HB 7099**, as amended, was placed on the calendar of Bills on Third Reading.

RECESS

The President declared the Senate in recess at 12:18 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—35:

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

BILLS ON THIRD READING, continued

CS for CS for HB 1175—A bill to be entitled An act relating to transparency in health care; amending s. 395.301, F.S.; requiring a facility licensed under chapter 395, F.S., to provide timely and accurate financial information and quality of service measures to certain individuals; requiring a licensed facility to post certain payment information regarding defined bundles of services and procedures and other specified consumer information and notifications on its website; requiring a facility to provide a good faith estimate of charges to a patient or prospective patient within a certain timeframe; requiring a facility to provide information regarding its financial assistance policy to a patient or a prospective patient; providing a penalty for failing to provide such estimate of charges to a patient; deleting a requirement that a licensed facility not operated by the state provide notice to a patient of his or her right to an itemized bill within a certain timeframe; revising the information that must be included on a patient's statement or bill; amending s. 395.107, F.S.; defining the term "facility" to mean an urgent care center or a diagnostic-imaging center operated by a licensed hospital but not located on the hospital premises; requiring a facility to publish and post a schedule of certain charges for medical services offered to patients; providing a minimum size for the posting; requiring a schedule of charges to include certain information regarding medical services offered; providing that the schedule may group the facility's services by price levels and list the services in each price level; providing a fine for failure to publish and post a schedule of medical services; amending s. 408.05, F.S.; renaming the Florida Center for Health Information and Policy Analysis; revising requirements for the collection and use of health-related data by the Agency for Health Care Administration; requiring the agency to contract with a vendor to provide an Internet-based platform with certain attributes and a state-specific data set available to the public; providing vendor qualifications; requiring the agency to design a patient safety culture survey for hospitals and ambulatory surgical centers licensed under chapter 395, F.S.; requiring the survey to measure certain aspects of a facility's patient safety practices; exempting certain licensed facilities from survey requirements; prohibiting the agency from establishing a certain database without express legislative authority; revising the duties of the members of the State Consumer Health Information and Policy Advisory Council; revising provisions relating to the use of certain fees; revising the agency's rulemaking authority; deleting an obsolete provision; amending s. 408.061, F.S.; revising requirements for the submission of health care data to the agency; amending s. 408.810, F.S.; requiring certain licensed hospitals and ambulatory surgical centers to submit a facility patient safety culture survey to the agency; amending s. 456.0575, F.S.; requiring a health care practitioner to provide a good faith estimate of anticipated charges to a patient upon request within a certain timeframe; providing for disciplinary action and a fine for failure to comply; creating s. 627.6385, F.S.; requiring a health insurer to make available on its website certain information and a method for policyholders to estimate certain health care services costs and charges; providing that an estimate does not preclude an actual cost from exceeding the estimate; requiring a health insurer to provide notice in insurance policies that certain information is available on its website; requiring a health insurer that participates in the state group health insurance plan or Medicaid managed care to contribute all Florida claims data held by it or its affiliates to the contracted vendor selected by the agency; establishing a deadline for submission of Medicaid managed care claims data by health insurers; requiring that an insurer and its affiliates not submit claims data reflecting certain coverage to the contracted vendor; amending s. 641.54, F.S.; requiring a health maintenance organization to make certain information available to its subscribers on its website; requiring a health insurer to provide a hyperlink to certain health information on its website; requiring a health maintenance organization that participates in the state group health insurance plan or Medicaid managed care to contribute all Florida claims data held by it or its affiliates to the contracted vendor selected by the agency; establishing a deadline for submission of Medicaid managed care claims data by health maintenance organizations; requiring that a health maintenance organization and its affiliates not submit claims data reflecting certain coverage to the contracted vendor; amending s. 409.967, F.S.; requiring managed care plans to contribute all Florida claims data to the contracted vendor selected by the agency; amending s. 110.123, F.S.; requiring the Department of Management Services to contribute certain data to the vendor for the price transparency database established by the agency; requiring a contracted vendor for the state group health insurance plan to contribute Florida claims data to the contracted vendor selected by the agency; amending ss. 20.42, 381.026, 395.602, 395.6025, 400.991, 408.07, 408.18, 408.8065, 408.820, 465.0244, and 627.6499, F.S.; conforming cross-references and provisions to changes made by the act; providing intent of the act; declaring all persons or entities required to submit, receive, or publish data under the act to be acting pursuant to state requirements contained therein; exempting such persons or entities from state antitrust laws; providing an appropriation and authorizing a position; providing an effective date.

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

RECONSIDERATION OF AMENDMENT

On motion by Senator Bradley, the Senate reconsidered the vote by which **Amendment 1 (206420)** was adopted on March 8.

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

Senator Bradley moved the following amendments to **Amendment 1 (206420)** which were adopted by two-thirds vote:

Amendment 1B (464504) (with title amendment)—Between lines 1330 and 1331 insert:

Section 19. *For the 2016-2017 fiscal year, the sums of $952,919 in recurring funds and $3.1 million in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration, and one full-time equivalent position with associated salary rate of 41,106 is authorized, for the purpose of implementing this act.*

Section 20. *For the 2016-2017 fiscal year, the sums of $893,994 in recurring funds and $402,560 in nonrecurring funds from the Insurance Regulatory Trust Fund are appropriated to the Department of Financial Services and 11 positions with associated salary rate of 820,176 are authorized for the purpose of implementing this act.*

And the title is amended as follows:

Delete lines 1436-1437 and insert: by the act; providing legislative intent; providing appropriations; authorizing the creation of positions with associated salary rate; providing an effective date.

Amendment 1C (895330)—Delete lines 396-400 and insert:
to ensure compliance with state law. The vendor may not be owned or operated by any health plan, health insurer, health maintenance organization, or any entity authorized to provide health care coverage in any state or any director, employee, or other person who has the ability to direct or control a health plan, health insurer, health maintenance organization, or any entity authorized to provide health care coverage in any state. The vendor must be qualified under s. 1874 of the Social Security Act, 42 U.S.C. 1395kk, to receive Medicare claims data and receive claims, payment, and patient cost-share data from multiple private insurers nationwide. The agency

Amendment 1 (206420), as amended, was adopted by two-thirds vote.

On motion by Senator Bradley, **CS for CS for HB 1175**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Gibson

Vote after roll call:

Yea—Latvala, Stargel

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 540, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for CS for CS for SB 540—A bill to be entitled An act relating to estates; creating s. 731.1055, F.S.; providing that the validity and the effect of a specified disposition of real property be determined by Florida law; amending s. 731.106, F.S.; conforming provisions to changes made by the act; amending s. 736.0802, F.S.; defining the term "pleading"; authorizing a trustee to pay attorney fees and costs from the assets of the trust without specified approval or court authorization in certain circumstances; requiring the trustee to serve a written notice of intent upon each qualified beneficiary of the trust before the payment is made; requiring the notice of intent to contain specified information and to be served in a specified manner; providing that specified qualified beneficiaries may be entitled to an order compelling the refund of a specified payment to the trust; requiring the court to award specified attorney fees and costs in certain circumstances; authorizing the court to prohibit a trustee from using trust assets to make a specified payment; authorizing the court to enter an order compelling the return of specified attorney fees and costs to the trust with interest at the statutory rate; requiring the court to deny a specified motion unless the court finds a reasonable basis to conclude that there has been a breach of the trust; authorizing a court to deny the motion if it finds good cause to do so; authorizing the movant to show that a reasonable basis exists, and a trustee to rebut the showing, through specified means; authorizing the court to impose such remedies or sanctions as it deems appropriate; providing that a trustee is authorized to use trust assets in a specified manner if a claim or defense of breach of trust is withdrawn, dismissed, or judicially resolved in a trial court without a determination that the trustee has committed a breach of trust; providing that specified proceedings, remedies, and rights are not limited; amending ss. 736.0816 and 736.1007, F.S.; conforming provisions to changes made by the act; providing an effective date.

House Amendment 1 (065027) (with title amendment)—Between lines 66 and 67, insert:

Section 3. Section 732.201, Florida Statutes, is amended to read:

732.201 Right to elective share.—The surviving spouse of a person who dies domiciled in Florida has the right to a share of the elective estate of the decedent as provided in this part, to be designated the elective share. *The election does not reduce what the spouse receives if the election were not made and the spouse is not treated as having predeceased the decedent.*

Section 4. *It is the intent of the Legislature that the amendment to s. 732.201, Florida Statutes, made by this act is to clarify existing law.*

And the title is amended as follows:

Remove line 7 and insert: 732.201, F.S.; revising the right to elective share for a surviving spouse; providing legislative intent; amending s. 736.0802, F.S.; defining the term "pleading";

On motion by Senator Hukill, the Senate concurred in the House amendment.

CS for CS for CS for SB 540 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Latvala

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 230, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

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.

House Amendment 1 (930249) (with title amendment)—Remove lines 14-64 and insert: *937.041 Missing persons with special needs pilot projects.—*

(1)(a) There is created a pilot project in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties, to be known as "Project Leo," to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

(b) There is created an additional pilot project in Palm Beach County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

(c) There is created an additional pilot project in Hillsborough County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

(2)(a)1. Participants for the pilot project specified in paragraph (1)(a) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of Florida.

2. Participants for the pilot project specified in paragraph (1)(b) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at Florida Atlantic University.

3. Participants for the pilot project specified in paragraph (1)(c) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of South Florida.

(b) Criteria for participation in the pilot projects must include, at a minimum, the person's risk of elopement. The qualifying participants shall be selected on a first-come, first-served basis by the respective centers to the extent of available funding within their existing resources. Each project must be voluntary and free of charge to participants.

(3) Under each pilot project, personal devices to aid search-and-rescue efforts which are attachable to clothing or otherwise worn shall be provided by the respective center to the sheriff's offices of the participating counties. The devices shall be distributed to project participants by the county sheriff's offices in conjunction with the respective center. The respective center shall fund any costs associated with monitoring the devices.

(4) Each center shall submit a preliminary report by December 1, 2016, and a final report by December 15, 2017, to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation and operation of its pilot project. At a minimum, each report must include the criteria used to select participants, the number of participants, the nature of the participants' special needs, the number of participants who elope, the amount of time taken to rescue such participants following elopement, and the outcome of any rescue attempts. Each final report shall also provide recommendations for modification or continued implementation of the project.

(5) Each project shall operate to the extent of available funding within the respective center's existing resources.

(6) This section expires June 30, 2018.

Section 2. *For the 2016-2017 fiscal year, the sum of $100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Center for Autism and Related Disabilities at the University of Florida, the sum of $100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Center for Autism and Related Disabilities at Florida Atlantic University, and the sum of $100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Center for Autism and Related Disabilities at the University of South Florida. The funds provided to each center shall be used for the purchase of personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.*

And the title is amended as follows:

Remove lines 6-8 and insert: needs; providing for administration of the projects; requiring reports; providing for expiration; providing appropriations; providing an effective date.

On motion by Senator Dean, the Senate concurred in the House amendment.

CS for SB 230 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 100, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 100—A bill to be entitled An act relating to the Petroleum Restoration Program; amending s. 376.305, F.S.; revising the eligibility requirements of the Abandoned Tank Restoration Program; deleting provisions prohibiting the relief of liability for persons who acquired title after a certain date; amending s. 376.3071, F.S.; revising legislative intent and purpose; deleting an expiration date; revising the criteria for determining what constitutes certain rehabilitation program tasks; revising the conditions for eligibility and methods for payment of costs for the low-scored site initiative; revising the eligibility requirements for receiving rehabilitation funding; specifying that the issuance of a site rehabilitation completion order does not alter eligibility for state-funded remediation under certain circumstances; clarifying that a change in ownership does not preclude a site from entering into the program; providing additional funding for remediation and monitoring under certain circumstances; amending s. 376.30713, F.S.; revising advanced cleanup application requirements; increasing the total amount for which the department may contract for advanced cleanup work in a fiscal year; authorizing property owners and responsible parties to enter into voluntary cost-share agreements under certain circumstances; providing an effective date.

House Amendment 1 (594423) (with title amendment)—Between lines 30 and 31, insert:

Section 1. Present subsections (4) through (22) of section 376.301, Florida Statutes, are redesignated as subsections (5) through (23), respectively, present subsections (23) through (48) of that section are redesignated as subsections (25) through (50), respectively, and new subsections (4) and (24) are added to that section, to read:

376.301 Definitions of terms used in ss. 376.30-376.317, 376.70, and 376.75.—When used in ss. 376.30-376.317, 376.70, and 376.75, unless the context clearly requires otherwise, the term:

(4) "Background concentration" means the concentration of contaminants naturally occurring or resulting from anthropogenic impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation.

(24) "Long-term natural attenuation" means natural attenuation approved by the department as a site rehabilitation program task for a period of more than 5 years.

Section 2. Paragraph (b) of subsection (1) and subsection (2) of section 376.30701, Florida Statutes, are amended to read:

376.30701 Application of risk-based corrective action principles to contaminated sites; applicability; legislative intent; rulemaking authority; contamination cleanup criteria; limitations; reopeners.—

(1) APPLICABILITY.—

(b) This section shall apply to all contaminated sites resulting from a discharge of pollutants or hazardous substances where legal responsibility for site rehabilitation exists pursuant to other provisions of this chapter or chapter 403, except for those contaminated sites subject to the risk-based corrective action cleanup criteria established for the petroleum, brownfields, and drycleaning programs pursuant to ss. 376.3071, 376.81, and 376.3078, respectively. *This section does not apply to nonprogram petroleum-contaminated sites unless application of this section is requested by the person responsible for site rehabilitation.*

(2) INTENT; RULEMAKING AUTHORITY; CLEANUP CRITERIA.—It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, 2004, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program, including a voluntary site rehabilitation program, and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing these rules, the department shall apply, to the maximum extent feasible, a risk-based corrective action process to achieve protection of human health and safety and the environment in a cost-effective manner based on the principles set forth in this subsection. These rules shall prescribe a phased risk-based corrective action process that is iterative and that tailors site rehabilitation tasks to site-specific conditions and risks. The department and the person responsible for site rehabilitation are encouraged to establish decision points at which risk management decisions will be made. The department shall provide an early decision, when requested, regarding applicable exposure factors and a risk management approach based on the current and future land use at the site. These rules *must* ~~shall also~~ include protocols for the use of natural attenuation, *including long-term natural attenuation where site conditions warrant,* the use of institutional and engineering controls, and the issuance of "No Further Action" orders. The criteria for determining what constitutes a rehabilitation program task or com-

pletion of a site rehabilitation program task or site rehabilitation program, including a voluntary site rehabilitation program, must:

(a) Consider the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure. The physical, chemical, and biological characteristics of each contaminant must be considered in order to determine the feasibility of a risk-based corrective action assessment.

(b) Establish the point of compliance at the source of the contamination. However, the department *may* ~~is authorized to~~ temporarily move the point of compliance to the boundary of the property, or to the edge of the plume when the plume is within the property boundary, while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding. The department *may* ~~also is authorized~~, pursuant to criteria provided in this section, ~~to~~ temporarily extend the point of compliance beyond the property boundary with appropriate monitoring, if such extension is needed to facilitate natural attenuation or to address the current conditions of the plume, provided human health, public safety, and the environment are protected. When temporarily extending the point of compliance beyond the property boundary, it cannot be extended further than the lateral extent of the plume, if known, at the time of execution of a cleanup agreement, if required, or the lateral extent of the plume as defined at the time of site assessment. Temporary extension of the point of compliance beyond the property boundary, as provided in this paragraph, must include actual notice by the person responsible for site rehabilitation to local governments and the owners of any property into which the point of compliance is allowed to extend and constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Persons receiving notice pursuant to this paragraph shall have the opportunity to comment within 30 days after receipt of the notice. Additional notice concerning the status of natural attenuation processes shall be similarly provided to persons receiving notice pursuant to this paragraph every 5 years.

(c) Ensure that the site-specific cleanup goal is that all contaminated sites being cleaned up pursuant to this section ultimately achieve the applicable cleanup target levels provided in this subsection. In the circumstances provided in this subsection, and after constructive notice and opportunity to comment within 30 days after receipt of the notice to local government, owners of any property into which the point of compliance is allowed to extend, and residents of any property into which the point of compliance is allowed to extend, the department may allow concentrations of contaminants to temporarily exceed the applicable cleanup target levels while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding, if human health, public safety, and the environment are protected.

(d) Allow the use of institutional or engineering controls at contaminated sites being cleaned up pursuant to this section, where appropriate, to eliminate or control the potential exposure to contaminants of humans or the environment. The use of controls must be preapproved by the department and only after constructive notice and opportunity to comment within 30 days after receipt of notice is provided to local governments, owners of any property into which the point of compliance is allowed to extend, and residents on any property into which the point of compliance is allowed to extend. When institutional or engineering controls are implemented to control exposure, the removal of the controls must have prior department approval and must be accompanied by the resumption of active cleanup, or other approved controls, unless cleanup target levels under this section have been achieved.

(e) Consider the *interactive* ~~additive~~ effects of contaminants*, including additive, synergistic, and antagonistic effects*. ~~The synergistic and antagonistic effects shall also be considered when the scientific data become available.~~

(f) Take into consideration individual site characteristics, which shall include, but not be limited to, the current and projected use of the affected groundwater and surface water in the vicinity of the site, current and projected land uses of the area affected by the contamination, the exposed population, the degree and extent of contamination, the rate of contaminant migration, the apparent or potential rate of contaminant degradation through natural attenuation processes, the location of the plume, and the potential for further migration in relation to site property boundaries.

(g) Apply state water quality standards as follows:

1. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards. Where such standards do not exist, the cleanup target levels for groundwater shall be based on the minimum criteria specified in department rule. The department shall apply the following, as appropriate, in establishing the applicable cleanup target levels: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; and nuisance, organoleptic, and aesthetic considerations. However, the department *may* ~~shall~~ not require site rehabilitation to achieve a cleanup target level for any individual contaminant that is more stringent than the site-specific~~, naturally occurring~~ background concentration for that contaminant.

2. Where surface waters are exposed to contaminated groundwater, the cleanup target levels for the contaminants *must* ~~shall~~ be based on the more protective of the groundwater or surface water standards as established by department rule*, unless it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria. In such circumstance,* the point of measuring compliance with the surface water standards shall be in the groundwater immediately adjacent to the surface water body.

3. Using risk-based corrective action principles, the department shall approve alternative cleanup target levels in conjunction with institutional and engineering controls, if needed, based upon an applicant's demonstration, using site-specific *or other relevant* data *and information*, *risk assessment* modeling results, *including results from probabilistic risk assessment modeling,* risk assessment studies, risk reduction techniques, or a combination thereof, that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2. Where a state water quality standard is applicable, a deviation may not result in the application of cleanup target levels more stringent than the standard. In determining whether it is appropriate to establish alternative cleanup target levels at a site, the department must consider the effectiveness of source removal, if any, that has been completed at the site and the practical likelihood of the use of low yield or poor quality groundwater, the use of groundwater near marine surface water bodies, the current and projected use of the affected groundwater in the vicinity of the site, or the use of groundwater in the immediate vicinity of the contaminated area, where it has been demonstrated that the groundwater contamination is not migrating away from such localized source, provided human health, public safety, and the environment are protected. Groundwater resource protection remains the ultimate goal of cleanup, particularly in light of the state's continued growth and consequent demands for drinking water resources. The Legislature recognizes the need for a protective yet flexible cleanup approach that risk-based corrective action provides. Only where it is appropriate on a site-specific basis, using the criteria in this paragraph and careful evaluation by the department, shall proposed alternative cleanup target levels be approved. *If alternative cleanup target levels are used, institutional controls are not required if:*

a. The only cleanup target levels exceeded are the groundwater cleanup target levels derived from nuisance, organoleptic, or aesthetic considerations;

b. Concentrations of all contaminants meet the state water quality standards or the minimum criteria, based on the protection of human health, public safety, and the environment, as provided in subparagraph 1.;

c. All of the groundwater cleanup target levels established pursuant to subparagraph 1. are met at the property boundary;

d. The person responsible for site rehabilitation has demonstrated that the contaminants will not migrate beyond the property boundary at concentrations that exceed the groundwater cleanup target levels established pursuant to subparagraph 1.;

e. The property has access to and is using an offsite water supply, and an unplugged private well is not used for domestic purposes; and

f. The real property owner does not object to the "No Further Action" proposal to the department or the local pollution control program.

(h) Provide for the department to issue a "No Further Action" order, with conditions, including, but not limited to, the use of institutional or engineering controls where appropriate, when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved or when the person responsible for site rehabilitation can demonstrate that the cleanup target level is unachievable with the use of available technologies. *Before* ~~Prior to~~ issuing such an order, the department shall consider the feasibility of an alternative site rehabilitation technology at the contaminated site.

(i) Establish appropriate cleanup target levels for soils. Although there are existing state water quality standards, there are no existing state soil quality standards. The Legislature does not intend, through the adoption of this section, to create such soil quality standards. The specific rulemaking authority granted pursuant to this section merely authorizes the department to establish appropriate soil cleanup target levels. These soil cleanup target levels shall be applicable at sites only after a determination as to legal responsibility for site rehabilitation has been made pursuant to other provisions of this chapter or chapter 403.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall apply the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; and the best achievable detection limit. However, the department *may* ~~shall~~ not require site rehabilitation to achieve a cleanup target level for an individual contaminant that is more stringent than the site-specific~~, naturally occurring~~ background concentration for that contaminant. Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil cleanup target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil cleanup target levels established by the department. The leachability goals *are* ~~shall~~ not ~~be~~ applicable if the department determines, based upon individual site characteristics, and in conjunction with institutional and engineering controls, if needed, that contaminants will not leach into the groundwater at levels that pose a threat to human health, public safety, and the environment.

3. Using risk-based corrective action principles, the department shall approve alternative cleanup target levels in conjunction with institutional and engineering controls, if needed, based upon an applicant's demonstration, using site-specific *or other relevant* data *and information*, *risk assessment* modeling results, *including results from probabilistic risk assessment modeling,* risk assessment studies, risk reduction techniques, or a combination thereof, that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2.

The department shall require source removal as a risk reduction measure if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "No Further Action" status, the department is encouraged to utilize natural attenuation *monitoring, including long-term natural attenuation* ~~and~~ monitoring*,* where site conditions warrant.

Section 3. Present subsections (3) through (11) of section 376.79, Florida Statutes, are redesignated as subsections (4) through (12), respectively, present subsections (12) through (19) are redesignated as subsections (14) through (21), respectively, and new subsections (3) and (13) are added to that section, to read:

376.79 Definitions relating to Brownfields Redevelopment Act.—As used in ss. 376.77-376.85, the term:

(3) "Background concentration" means the concentration of contaminants naturally occurring or resulting from anthropogenic impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation.

(13) "Long-term natural attenuation" means natural attenuation approved by the department as a site rehabilitation program task for a period of more than 5 years.

Section 4. Section 376.81, Florida Statutes, is amended to read:

376.81 Brownfield site and brownfield areas contamination cleanup criteria.—

(1) It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, 2001, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing the rule, the department shall apply, to the maximum extent feasible, a risk-based corrective action process to achieve protection of human health and safety and the environment in a cost-effective manner based on the principles set forth in this subsection. The rule must prescribe a phased risk-based corrective action process that is iterative and that tailors site rehabilitation tasks to site-specific conditions and risks. The department and the person responsible for brownfield site rehabilitation are encouraged to establish decision points at which risk management decisions will be made. The department shall provide an early decision, when requested, regarding applicable exposure factors and a risk management approach based on the current and future land use at the site. The rule *must* ~~shall also~~ include protocols for the use of natural attenuation, *including long-term natural attenuation where site conditions warrant,* the use of institutional and engineering controls, and the issuance of "no further action" letters. The criteria for determining what constitutes a rehabilitation program task or completion of a site rehabilitation program task or site rehabilitation program must:

(a) Consider the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure. The physical, chemical, and biological characteristics of each contaminant must be considered in order to determine the feasibility of risk-based corrective action assessment.

(b) Establish the point of compliance at the source of the contamination. However, the department *may* ~~is authorized to~~ temporarily move the point of compliance to the boundary of the property, or to the edge of the plume when the plume is within the property boundary, while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding. The department *may* ~~also is authorized~~, pursuant to criteria provided for in this section, ~~to~~ temporarily extend the point of compliance beyond the property boundary with appropriate monitoring, if such extension is needed to facilitate natural attenuation or to address the current conditions of the plume, provided human health, public safety, and the environment are protected. When temporarily extending the point of compliance beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of the brownfield site rehabilitation agreement, if known, or the lateral extent of the plume as defined at the time of site assessment. Temporary extension of the point of compliance beyond the property boundary, as provided in this paragraph, must include actual notice by the person responsible for brownfield site rehabilitation to local governments and the owners of any property into which the point of compliance is allowed to extend and constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Persons receiving notice pursuant to this paragraph shall have the opportunity to comment within 30 days of receipt of the notice.

(c) Ensure that the site-specific cleanup goal is that all contaminated brownfield sites and brownfield areas ultimately achieve the applicable cleanup target levels provided in this section. In the circumstances provided below, and after constructive notice and opportunity to comment within 30 days from receipt of the notice to local government, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend, the department may allow con-

centrations of contaminants to temporarily exceed the applicable cleanup target levels while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding, if human health, public safety, and the environment are protected.

(d) Allow brownfield site and brownfield area rehabilitation programs to include the use of institutional or engineering controls, where appropriate, to eliminate or control the potential exposure to contaminants of humans or the environment. The use of controls must be preapproved by the department and only after constructive notice and opportunity to comment within 30 days from receipt of notice is provided to local governments, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend. When institutional or engineering controls are implemented to control exposure, the removal of the controls must have prior department approval and must be accompanied by the resumption of active cleanup, or other approved controls, unless cleanup target levels under this section have been achieved.

(e) Consider the *interactive* ~~additive~~ effects of contaminants*, including additive, synergistic, and antagonistic effects*. ~~The synergistic and antagonistic effects shall also be considered when the scientific data become available.~~

(f) Take into consideration individual site characteristics, which shall include, but not be limited to, the current and projected use of the affected groundwater and surface water in the vicinity of the site, current and projected land uses of the area affected by the contamination, the exposed population, the degree and extent of contamination, the rate of contaminant migration, the apparent or potential rate of contaminant degradation through natural attenuation processes, the location of the plume, and the potential for further migration in relation to site property boundaries.

(g) Apply state water quality standards as follows:

1. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards. Where such standards do not exist, the cleanup target levels for groundwater shall be based on the minimum criteria specified in department rule. The department shall apply the following, as appropriate, in establishing the applicable cleanup target levels: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; and nuisance, organoleptic, and aesthetic considerations. However, the department *may* ~~shall~~ not require site rehabilitation to achieve a cleanup target level for any individual contaminant which is more stringent than the site-specific~~, naturally occurring~~ background concentration for that contaminant.

2. Where surface waters are exposed to contaminated groundwater, the cleanup target levels for the contaminants *must* ~~shall~~ be based on the more protective of the groundwater or surface water standards as established by department rule*, unless it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria. In such circumstances,* the point of measuring compliance with the surface water standards shall be in the groundwater immediately adjacent to the surface water body.

3. Using risk-based corrective action principles, the department shall approve alternative cleanup target levels in conjunction with institutional and engineering controls, if needed, based upon an applicant's demonstration, using site-specific *or other relevant* data *and information*, *risk assessment* modeling results, *including results from probabilistic risk assessment modeling,* risk assessment studies, risk reduction techniques, or a combination thereof, that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2. Where a state water quality standard is applicable, a deviation may not result in the application of cleanup target levels more stringent than the standard. In determining whether it is appropriate to establish alternative cleanup target levels at a site, the department must consider the effectiveness of source removal, if any, which has been completed at the site and the practical likelihood of the use of low yield or poor quality groundwater, the use of groundwater near marine surface water bodies, the current and projected use of the affected groundwater in the vicinity of the site, or the use of groundwater in the immediate vicinity of the contaminated area, where it has been demonstrated that the groundwater contamination is not migrating away from such localized source, provided human health, public safety, and the environment are protected. When using alternative cleanup target levels at a brownfield site, institutional controls *are* ~~shall~~ not ~~be~~ required if:

a. The only cleanup target levels exceeded are the groundwater cleanup target levels derived from nuisance, organoleptic, or aesthetic considerations;

b. Concentrations of all contaminants meet the state water quality standards or *the* minimum criteria, based on *the* protection of human health, provided in subparagraph 1.;

c. All of the groundwater cleanup target levels established pursuant to subparagraph 1. are met at the property boundary;

d. The person responsible for brownfield site rehabilitation has demonstrated that the contaminants will not migrate beyond the property boundary at concentrations exceeding the groundwater cleanup target levels established pursuant to subparagraph 1.;

e. The property has access to and is using an offsite water supply and no unplugged private wells are used for domestic purposes; and

f. The real property owner provides written acceptance of the "no further action" proposal to the department or the local pollution control program.

(h) Provide for the department to issue a "no further action order," with conditions, including, but not limited to, the use of institutional or engineering controls where appropriate, when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved, or when the person responsible for brownfield site rehabilitation can demonstrate that the cleanup target level is unachievable within available technologies. *Before* ~~Prior to~~ issuing such an order, the department shall consider the feasibility of an alternative site rehabilitation technology *at* ~~in~~ the brownfield *site* ~~area~~.

(i) Establish appropriate cleanup target levels for soils.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall apply the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; and the best achievable detection limit. However, the department *may* ~~shall~~ not require site rehabilitation to achieve a cleanup target level for an individual contaminant which is more stringent than the site-specific~~, naturally occurring~~ background concentration for that contaminant. Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil *cleanup* target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil *cleanup* target levels established by the department. The leachability goals *are* ~~shall~~ not ~~be~~ applicable if the department determines, based upon individual site characteristics, and in conjunction with institutional and engineering controls, if needed, that contaminants will not leach into the groundwater at levels that pose a threat to human health, public safety, and the environment.

3. Using risk-based corrective action principles, the department shall approve alternative cleanup target levels in conjunction with institutional and engineering controls, if needed, based upon an applicant's demonstration, using site- specific *or other relevant* data *and information*, *risk assessment* modeling results, *including results from probabilistic risk assessment modeling,* risk assessment studies, risk reduction techniques, or a combination thereof, that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2.

(2) The department shall require source removal, as a risk reduction measure, if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the

degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "no further action" status, the department is encouraged to utilize natural attenuation *monitoring, including long-term natural attenuation* ~~and~~ monitoring, where site conditions warrant.

(3) The cleanup criteria described in this section govern only site rehabilitation activities occurring at the contaminated site. Removal of contaminated media from a site for offsite relocation or treatment must be in accordance with all applicable federal, state, and local laws and regulations.

Section 5. Subsection (3) of section 196.1995, Florida Statutes, is amended to read:

196.1995 Economic development ad valorem tax exemption.—

(3) The board of county commissioners or the governing authority of the municipality that calls a referendum within its total jurisdiction to determine whether its respective jurisdiction may grant economic development ad valorem tax exemptions may vote to limit the effect of the referendum to authority to grant economic development tax exemptions for new businesses and expansions of existing businesses located in an enterprise zone or a brownfield area, as defined in *s. 376.79(5)* ~~s. 376.79(4)~~. If an area nominated to be an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, the board of county commissioners or the governing authority of the municipality may call such referendum prior to such designation; however, the authority to grant economic development ad valorem tax exemptions does not apply until such area is designated pursuant to s. 290.0065. The ballot question in such referendum shall be in substantially the following form and shall be used in lieu of the ballot question prescribed in subsection (2):

Shall the board of county commissioners of this county (or the governing authority of this municipality, or both) be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions for new businesses and expansions of existing businesses that are located in an enterprise zone or a brownfield area and that are expected to create new, full-time jobs in the county (or municipality, or both)?

....Yes—For authority to grant exemptions.

....No—Against authority to grant exemptions.

Section 6. Paragraph (a) of subsection (1) of section 287.0595, Florida Statutes, is amended to read:

287.0595 Pollution response action contracts; department rules.—

(1) The Department of Environmental Protection shall establish, by adopting administrative rules as provided in chapter 120:

(a) Procedures for determining the qualifications of responsible potential vendors prior to advertisement for and receipt of bids, proposals, or replies for pollution response action contracts, including procedures for the rejection of unqualified vendors. Response actions are those activities described in *s. 376.301(39)* ~~s. 376.301(37)~~.

Section 7. Paragraph (c) of subsection (5) of section 288.1175, Florida Statutes, is amended to read:

288.1175 Agriculture education and promotion facility.—

(5) The Department of Agriculture and Consumer Services shall competitively evaluate applications for funding of an agriculture education and promotion facility. If the number of applicants exceeds three, the Department of Agriculture and Consumer Services shall rank the applications based upon criteria developed by the Department of Agriculture and Consumer Services, with priority given in descending order to the following items:

(c) The location of the facility in a brownfield site as defined in *s. 376.79(4)* ~~s. 376.79(3)~~, a rural enterprise zone as defined in s. 290.004, an agriculturally depressed area as defined in s. 570.74, or a county that has lost its agricultural land to environmental restoration projects.

And the title is amended as follows:

Remove line 2 and insert: An act relating to pollution discharge removal and prevention; amending s. 376.301, F.S.; defining the terms "background concentration" and "long-term natural attenuation"; amending s. 376.30701, F.S.; exempting nonprogram petroleum-contaminated sites from the application of risk-based corrective action principles under certain circumstances; requiring the Department of Environmental Protection to include protocols for the use of long-term natural attenuation where site conditions warrant; requiring specified interactive effects of contaminants to be considered as cleanup criteria; revising how cleanup target levels are applied where surface waters are exposed to contaminated groundwater; authorizing the use of relevant data and information when assessing cleanup target levels; providing that institutional controls are not required under certain circumstances if alternative cleanup target levels are used; amending s. 376.79, F.S.; defining the terms "background concentration" and "long-term natural attenuation"; amending s. 376.81, F.S.; providing additional contamination cleanup criteria for brownfield sites and brownfield areas; amending ss. 196.1995, 287.0595, and 288.1175, F.S.; conforming cross-references;

On motion by Senator Simpson, the Senate concurred in the House amendment.

CS for SB 100 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Stargel

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 620, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 620—A bill to be entitled An act relating to medical examiners; amending s. 382.011, F.S.; providing that a member of the public may not be charged for certain examinations, investigations, or autopsies; authorizing a county to charge a medical examiner approval fee under certain circumstances; providing an effective date.

House Amendment 1 (441261) (with title amendment)—Remove lines 24-37 and insert: determination of the cause of death.

Section 2. Subsection (3) of section 406.06, Florida Statutes, is amended to read:

406.06 District medical examiners; associates; suspension of medical examiners.—

(3) District medical examiners and associate medical examiners shall be entitled to compensation and such reasonable salary and fees as

are established by the board of county commissioners in the respective districts. *However, a county or district medical examiner may not charge a fee for the examination, investigation, or autopsy to determine the cause of death involving any of the circumstances listed in 406.11(1) if the decedent is listed in the death record filed with the Department of Health electronic death registration system as a veteran as defined in s. 1.01(14) or a minor. Additionally, a county or district medical examiner may not charge such a fee to a person licensed under chapter 497 or any other member of the public.*

Section 3. This act shall take effect October 1, 2017.

And the title is amended as follows:

Remove lines 3-7 and insert: 382.011, F.S.; specifying circumstances under which a medical examiner must determine the cause of a death or fetal death; amending s. 406.06, F.S.; prohibiting a county or district medical examiner from charging a fee for certain examinations, investigations, or autopsies involving a veteran or minor; providing that persons licensed under chapter 497, F.S., and members of the public may not be charged a fee for certain examinations, investigations, or autopsies; providing an effective date.

On motion by Senator Grimsley, further consideration of **CS for SB 620** with pending **House Amendment 1 (441261)** was deferred.

SPECIAL RECOGNITION OF SENATOR SMITH

The President introduced Senator Smith's wife, Desiree; mom, Helen Hinton; sons, Christopher and Christian; aunt, Kim McMillan; uncle, Bernis Hinton; cousin, Kerrick Wiggins; along with his district staff, Sharonda Wright-Placide, Diane Randolph, and Shakira Hamilton who were present in the chamber. A video tribute was played honoring Senator Smith. Several Senators were recognized for farewell comments. Senator Smith was recognized for farewell remarks.

Senator Galvano presented Senator Smith with a plaque honoring his years of service to the Senate.

SPECIAL RECOGNITION OF SENATOR THOMPSON

SENATOR JOYNER PRESIDING

The President introduced Senator Thompson's husband, Judge Emerson Thompson; son, Emerson Thompson III; daughters, Laurise Thomas and Elizabeth Thompson; and grandchildren; along with her district staff, Clifton Addison, Travaris McCurdy, and Charlean Gatlin who were present in the chamber. A video tribute was played honoring Senator Thompson. Several Senators were recognized for farewell comments. Senator Thompson was recognized for farewell remarks.

Senator Galvano presented Senator Thompson with a plaque honoring her years of service to the Senate.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

THE PRESIDENT PRESIDING

The Senate resumed consideration of the returning message on—

CS for SB 620—A bill to be entitled An act relating to medical examiners; amending s. 382.011, F.S.; providing that a member of the public may not be charged for certain examinations, investigations, or autopsies; authorizing a county to charge a medical examiner approval fee under certain circumstances; providing an effective date.

—which was previously considered this day.

On motion by Senator Grimsley, the Senate refused to concur in pending **House Amendment 1 (441261)** to **CS for SB 620** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed SB 1412, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

SB 1412—A bill to be entitled An act relating to conditions of pretrial release; amending s. 903.047, F.S.; requiring that a defendant be notified in writing if a court issues an order of no contact rather than receive a copy of the order; providing an effective date.

House Amendment 1 (179103) (with title amendment)—Remove lines 17-28 and insert:

(b) *If the court issues an order of no contact,* refrain from any contact of any type with the victim, except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure. An order of no contact is effective immediately and enforceable for the duration of the pretrial release or until it is modified by the court. The defendant shall *be informed in writing* ~~receive a copy~~ of the order of no contact*, specifying* ~~which specifies~~ the applicable prohibited acts*,* before the defendant is released from custody on pretrial releas~~e~~. As used in this section, unless otherwise specified by the court, the term "no contact" includes the following prohibited acts:

And the title is amended as follows:

Remove lines 2-5 and insert: An act relating to orders of no contact; amending s. 903.047, F.S.; revising the requirements for notifying a defendant of a no contact order if issued by the court as a condition of pretrial release;

On motion by Senator Simmons, the Senate concurred in the House amendment.

SB 1412 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 (768878), concurred in the same as amended, and passed CS/CS/HB 7087 as further amended, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for CS for HB 7087—A bill to be entitled An act relating to telehealth; creating s. 456.47, F.S.; providing definitions; establishing certain practice standards for telehealth providers; providing for the maintenance and confidentiality of medical records; providing registration requirements for out-of-state telehealth providers; providing limitations and notification requirements for out-of-state telehealth providers; requiring the Department of Health to publish certain information on its website; authorizing a board or the department if there

is no board, to revoke a telehealth provider's registration under certain circumstances; providing venue; providing exemptions to the registration requirement; providing rulemaking authority; amending s. 636.202, F.S.; revising the definition of the term "discount medical plan" to exclude certain products; requiring the Agency for Health Care Administration, the Department of Health, and the Office of Insurance Regulation to collect certain information; creating the Telehealth Advisory Council within the agency for specified purposes; specifying council membership; providing for council membership requirements; requiring the council to review certain findings and make recommendations in a report to the Governor and the Legislature by a specified date; requiring the agency to report such information to the Governor and Legislature by a specified date; providing certain enforcement authority to each agency; providing for expiration of the reporting requirement; providing an appropriation and authorizing positions; providing an effective date.

House Amendment 1 (533707) to Senate Amendment 1 (768878) (with title amendment)—Remove lines 5-104 of the amendment and insert:

Section 1. *Telehealth utilization and insurance coverage report.—*

(1) The Agency for Health Care Administration, the Department of Health, and the Office of Insurance Regulation shall, within existing resources, survey health care facilities, health maintenance organizations, health care practitioners, and health insurers, respectively, and perform any other research necessary to collect the following information:

(a) The types of health care services provided via telehealth.

(b) The extent to which telehealth is used by health care practitioners and health care facilities nationally and in the state.

(c) The estimated costs and cost savings to health care entities, health care practitioners, and the state associated with using telehealth to provide health care services.

(d) Which health care insurers, health maintenance organizations, and managed care organizations cover health care services provided to patients in Florida via telehealth, whether the coverage is restricted or limited, and how such coverage compares to that insurer's coverage for services provided in person. The comparison shall at a minimum include:

1. Covered medical or other health care services.

2. A description of whether payment rates for such services provided via telehealth are less than, equal to, or greater than payment rates for such services provided in person.

3. Any annual or lifetime dollar maximums on coverage for services provided via telehealth and in person.

4. Any copayments, coinsurance, or deductible amounts, or policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services provided via telehealth and in person.

5. Any conditions imposed for coverage for services provided via telehealth that are not imposed for coverage for the same services provided in person.

(e) The barriers to using, implementing the use of, or accessing services via telehealth.

(2) The Telehealth Advisory Council is created within the Agency for Health Care Administration for the purpose of making recommendations based on the surveys and research findings required by this section. The agency shall use existing and available resources to administer and support the activities of the council under this section.

(a) Members of the council shall serve without compensation and are not entitled to reimbursement for per diem or travel expenses. The council shall consist of 15 members, as follows:

1. The Secretary of Health Care Administration, or his or her designee, who shall serve as the chair of the council.

2. The State Surgeon General or his or his designee.

3. The following members appointed by the Secretary of Health Care Administration:

a. Two representatives of health insurers that offer coverage for telehealth services.

b. Two representatives of organizations that represent health care facilities.

c. Two representatives of entities that create or sell telehealth products.

d. One representative of an organization that represents telehealth stakeholders.

e. Two representatives of long-term care services, one of whom shall be a representative of a nursing home and one of whom shall be a representative from a home health agency or community-based health services program.

4. The following members appointed by the State Surgeon General:

a. Two health care practitioners, each of whom practices in a different area of medicine.

b. Two representatives of organizations that represent health care practitioners.

(b) The council shall review the surveys and research findings required by this section and make recommendations to increase the use and accessibility of services provided via telehealth, including the identification of any barriers to implementing or accessing services provided via telehealth, in a report that shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before December 1, 2018.

(3) The Agency for Health Care Administration shall compile the surveys and research findings required by this section and submit a report of such findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before June 30, 2018.

(4) The Department of Health shall survey all health care practitioners, as defined in s. 456.001, upon and as a condition of licensure renewal to compile the information required pursuant to this section. The Department of Health and the Office of Insurance Regulation shall submit their survey and research findings to the agency and shall assist the agency in compiling the information to prepare the report.

(5) The Agency for Health Care Administration, the Department of Health, and the Office of Insurance Regulation may assess fines under ss. 408.813(2)(d), 456.072(2)(d), and 624.310(5), Florida Statutes, respectively, against a health care facility, health maintenance organization, health care practitioner, and health insurer for failure to complete the surveys required under this section.

(6) This section expires January 1, 2019.

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

And the title is amended as follows:

Remove lines 111-129 of the amendment and insert: An act relating to telehealth; requiring the Agency for Health Care Administration, the Department of Health, and the Office of Insurance Regulation to collect certain information; creating the Telehealth Advisory Council within the agency for specified purposes; specifying council membership; providing for council membership requirements; requiring the council to review certain findings and make recommendations in a report to the Governor and the Legislature by a specified date; requiring the agency to report such information to the Governor and Legislature by a specified date; providing certain enforcement authority to each agency; providing for expiration of the reporting requirement; providing an effective date.

Senator Bean moved the following amendment which was adopted:

Senate Amendment 1 (877884) (with title amendment) to House Amendment 1 (533707) to Senate Amendment 1 (768878)—Delete lines 47-102 and insert:
the council under this section. The council may conduct its meetings via teleconference.

(a) Members of the council shall serve without compensation and are not entitled to reimbursement for per diem or travel expenses. The council shall consist of 15 members, as follows:

1. The Secretary of Health Care Administration, or his or her designee, who shall serve as the chair of the council.

2. The State Surgeon General or his or his designee.

3. The following members appointed by the Secretary of Health Care Administration:

a. Two representatives of health insurers that offer coverage for telehealth services.

b. Two representatives of organizations that represent health care facilities, one of whom shall be a representative of a hospital.

c. Two representatives of entities that create or sell telehealth products.

d. One representative of an organization that represents telehealth stakeholders.

e. Two representatives of long-term care services, one of whom shall be a representative of a nursing home and one of whom shall be a representative from a home health agency or community-based health services program.

4. The following members appointed by the State Surgeon General:

a. Two health care practitioners, each of whom practices in a different area of medicine.

b. Two representatives of organizations that represent health care practitioners.

(b) The council shall review the surveys and research findings required by this section and make recommendations to increase the use and accessibility of services provided via telehealth, including the identification of any barriers to implementing or accessing services provided via telehealth, in a report that shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before October 31, 2017.

(3) The Agency for Health Care Administration shall compile the surveys and research findings required by this section and submit a report of such findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before December 31, 2016.

(4) The Department of Health shall survey all health care practitioners, as defined in s. 456.001, upon and as a condition of licensure renewal to compile the information required pursuant to this section. The Department of Health and the Office of Insurance Regulation shall submit their survey and research findings to the agency and shall assist the agency in compiling the information to prepare the report.

(5) The Agency for Health Care Administration, the Department of Health, and the Office of Insurance Regulation may assess fines under ss. 408.813(2)(d), 456.072(2)(d), and 624.310(5), Florida Statutes, respectively, against a health care facility, health maintenance organization, health care practitioner, and health insurer for failure to complete the surveys required under this section.

(6) This section expires June 30, 2018.

Section 2. Subsection (1) of section 636.202, Florida Statutes, is amended to read:

636.202 Definitions.—As used in this part, the term:

(1) "Discount medical plan" means a business arrangement or contract in which a person, in exchange for fees, dues, charges, or other consideration, provides access for plan members to providers of medical services and the right to receive medical services from those providers at a discount. The term "discount medical plan" does not include any product regulated under chapter 627, chapter 641, or part I of this chapter*, or any medical services provided through a telecommunications medium that does not offer a discount to the plan member for those medical services*.

And the title is amended as follows:

Delete line 121 and insert: the reporting requirement; amending s. 636.202, F.S.; excluding medical services provided through certain telecommunications media from the definition of "discount medical plan"; providing an effective

Senator Garcia moved the following amendment which was adopted:

Senate Amendment 2 (703392) (with title amendment) to House Amendment 1 (533707) to Senate Amendment 1 (768878)—Between lines 102 and 103 insert:

Section 2. Notwithstanding the amendment made to s. 409.975(6), Florida Statutes, by HB 5101, 1st Eng., 2016 Regular Session, subsection (6) of s. 409.975, Florida Statutes, is reenacted to read:

409.975 Managed care plan accountability.—In addition to the requirements of s. 409.967, plans and providers participating in the managed medical assistance program shall comply with the requirements of this section.

(6) PROVIDER PAYMENT.—Managed care plans and hospitals shall negotiate mutually acceptable rates, methods, and terms of payment. For rates, methods, and terms of payment negotiated after the contract between the agency and the plan is executed, plans shall pay hospitals, at a minimum, the rate the agency would have paid on the first day of the contract between the provider and the plan. Such payments to hospitals may not exceed 120 percent of the rate the agency would have paid on the first day of the contract between the provider and the plan, unless specifically approved by the agency. Payment rates may be updated periodically.

Section 3. It is the intent of the Legislature that the reenactment of s. 409.975(6), Florida Statutes, made by this act shall control over the amendment to that subsection made by HB 5101, 1st Eng., 2016 Regular Session, regardless of the order in which the reenactment and the amendment are enacted.

And the title is amended as follows:

Delete lines 108-121 and insert: An act relating to health care; requiring the Agency for Health Care Administration, the Department of Health, and the Office of Insurance Regulation to collect certain information; creating the Telehealth Advisory Council within the agency for specified purposes; specifying council membership; providing for council membership requirements; requiring the council to review certain findings and make recommendations in a report to the Governor and the Legislature by a specified date; requiring the agency to report such information to the Governor and Legislature by a specified date; providing certain enforcement authority to each agency; providing for expiration of the reporting requirement; reenacting s. 409.975(6), F.S., relating to provider payment of managed medical assistance program participants; providing legislative intent regarding the effect of other legislation; providing an effective

On motion by Senator Bean, the Senate concurred in **House Amendment 1 (533707) to Senate Amendment 1 (768878)**, as amended, and requested the House to concur in the Senate amendments to the House amendment.

CS for CS for HB 7087 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Altman	Benacquisto
Abruzzo	Bean	Bradley

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

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for HB 1075—A bill to be entitled An act relating to state lands; amending s. 253.025, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to waive certain requirements and rules and substitute procedures relating to the acquisition of state lands under certain conditions; providing that title to certain acquired lands are vested in the board; providing for the administration of such lands; authorizing the board to adopt specified rules; revising requirements for the appraisal of lands proposed for acquisition; requiring an agency proposing an acquisition to pay the associated costs; deleting provisions directing the board to approve qualified fee appraisal organizations; requiring fee appraisers to submit certain affidavits to an agency before contracting with a participant in a multiparty agreement; prohibiting fee appraisers from negotiating with property owners; revising the minimum survey standards incorporated by reference for conducting certified surveys; authorizing the disclosure of confidential appraisal reports under certain conditions; providing for public agencies and nonprofit organizations to enter into written agreements with the Department of Environmental Protection rather than the Division of State Lands to purchase and hold property for subsequent resale to the board rather than the division; revising the definition of the term "nonprofit organization"; directing the board to adopt by rule the method for determining the value of parcels sought to be acquired by state agencies; providing requirements for such acquisitions; expanding the scope of real estate acquisition services for which the board and state agencies may contract; authorizing the Department of Environmental Protection to use outside counsel to review any agreements or documents or to perform acquisition closings under certain conditions; requiring state agencies to furnish the Department of Environmental Protection rather than the Division of State Lands with specified acquisition documents; providing that the purchase price of certain parcels is not subject to an increase or decrease as a result of certain circumstances; authorizing the board of trustees to direct the Department of Environmental Protection to exercise eminent domain for the acquisition of certain conservation parcels under certain circumstances; authorizing the Department of Environmental Protection to exercise condemnation authority directly or by contracting with the Department of Transportation or a water management district to provide such service; authorizing the board of trustees to direct the Department of Environmental Protection to purchase lands on an immediate basis using specified funds; authorizing the board of trustees to waive or modify all procedures required for such land acquisition; providing that title to certain lands held jointly by the board of trustees and a water management district meet the standards necessary for ownership by the board; creating s. 253.0251, F.S.; providing for the use of alternatives to fee simple acquisition for land purchases by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts; amending s. 253.03, F.S.; deleting provisions directing the board of trustees to adopt by rule an annual administrative fee for certain leases and similar instruments; revising the criteria by which specified structures have the right to continue submerged land leases; directing the board of trustees to adopt by rule an annual administrative fee for certain leases and instruments; authorizing nonwater-dependent uses for submerged lands; amending s. 253.031, F.S.; providing for the Department of Environmental Protection to maintain documents concerning all state lands; deleting an obsolete provision; amending s. 253.034, F.S.; authorizing the Department of Environmental Protection to submit certain state-owned lands to the Acquisition and Restoration Council or board of trustees for review and consideration; requiring that all nonconservation land use plans are managed to provide the greatest benefit to the state; deleting provisions requiring an analysis of natural or cultural resources as part of a nonconservation land use plan; specifying that certain management and short-term and long-term goals for the conservation of plant and animal species apply to conservation lands; providing conditions under which the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees are required to submit land management plans to the board of trustees; requiring that updated land management plans identify conservation lands that are no longer needed for conservation purposes; deleting provisions directing the board of trustees to make certain determinations regarding the surplus and disposition of state lands; deleting provisions requiring that buildings and parcels of land be offered for lease to state agencies, state universities, and Florida College System institutions before being offered for lease or sale to a local or federal unit of government or a private party; amending s. 253.0341, F.S.; deleting provisions authorizing counties and local governments to submit requests for the surplus of state-owned lands and requiring that such requests be expedited; directing the board of trustees to make certain determinations regarding the surplus and disposition of state lands; providing that lands acquired before a certain date using specified proceeds are deemed to have been acquired for conservation purposes; providing that certain lands used by the Department of Corrections, the Department of Management Services, and the Department of Transportation may not be designated as lands acquired for conservation purposes; requiring updated land management plans to identify conservation and nonconservation lands that are no longer used for the purposes for which they were originally leased and that could be disposed of; deleting an obsolete provision; requiring that facilities and nonconservation parcels of land be offered for lease to state agencies before being offered for lease to a local or federal unit of government, state university, Florida College System institution, or private party; providing for the valuation and disposition of surplus lands; providing for the deposit of proceeds from the sale of such lands; authorizing the board of trustees to adopt rules; requiring surplus lands conveyed to a local government for affordable housing to be disposed of by the local government; amending s. 253.111, F.S.; deleting provisions requiring the board of trustees to afford an opportunity to local governments to purchase certain state-owned lands; revising provisions relating to the rights of riparian owners to secure certain state-owned lands; amending s. 253.42, F.S.; authorizing individuals or entities to submit requests to the Division of State Lands to exchange state-owned land for privately held land; requiring the state to retain permanent conservation easements over the state-owned land and all or a portion of the privately held land; requiring the division to submit requests to the Acquisition and Restoration Council for review and recommendation or to the board of trustees with recommendations from the division and the council; review requests and provide recommendations to the Acquisition and Restoration Council; providing applicability; directing the board of trustees to consider a request if certain conditions are met; providing special consideration for certain requests; providing that such lands are subject to inspection; amending s. 253.782, F.S.; deleting a provision directing the Department of Environmental Protection to retain ownership of and maintain lands or interests in land owned by the board of trustees; amending s. 253.7821, F.S.; assigning the Cross Florida Greenways State Recreation and Conservation Area to the Department of Environmental Protection rather than the Office of Greenways Management within the Office of the Secretary; creating s. 253.87, F.S.; directing the Department of Environmental Protection to include certain county, municipal, state, and federal lands in the Florida State-Owned Lands and Records Information System (SOLARIS) database and to update the database at specified intervals; requiring counties, municipalities, and financially disadvantaged small communities to submit a list of certain lands to the department by a specified date and at specified intervals; directing the department to conduct a study and submit a report to the Governor and the Legislature on the technical and economic feasibility of including certain lands in the database or a similar public lands inventory; amending s. 259.01, F.S.; renaming the "Land Conservation Act of 1972" as the "Land Conservation Program"; repealing s. 259.02, F.S., relating to issuance of state bonds for certain land projects; amending s. 259.032, F.S.; conforming cross-references; revising provisions relating to the management of conservation and recreation lands to conform with changes made by the act; revising duties of the Acquisition and Restoration Council; amending s. 259.035, F.S.; requiring recipients of funds from the Land Acquisition Trust Fund to annually report certain perfor-

mance measures to the Department of Environmental Protection rather than the Division of State Lands; amending s. 259.036, F.S.; revising the composition of the regional land management review team; providing for the Department of Environmental Protection rather than the Division of State Lands to act as the review team coordinator; revising requirements for conservation and recreation land management reviews and plans; amending s. 259.037, F.S.; removing the director of the Office of Greenways and Trails from the Land Management Uniform Accounting Council; repealing s. 259.041(1)-(6) and (8)-(19), F.S., relating to the acquisition of state-owned lands for preservation, conservation, and recreation purposes; amending s. 259.047, F.S.; revising provisions relating to the acquisition of land on which an agricultural lease exists to conform with changes made by the act; amending s. 259.101, F.S.; conforming cross-references; revising provisions relating to alternate use of lands acquired under the Florida Preservation 2000 Act to conform with changes made by the act; deleting provisions for alternatives to fee simple acquisition of such lands to conform with changes made by the act; amending s. 259.105, F.S.; deleting provisions requiring the advancement of certain goals and objectives of imperiled species management on state lands to conform with changes made by the act; conforming cross-references; revising provisions directing the Acquisition and Restoration Council to give increased priority to certain projects when developing proposed rules relating to Florida Forever funding and additions to the Conservation and Recreation Lands list; deleting provisions requiring that such rules be submitted to the Legislature for review; amending s. 259.1052, F.S.; deleting provisions authorizing the Department of Environmental Protection to distribute revenues from the Florida Forever Trust Fund for the acquisition of a portion of Babcock Crescent B Ranch; amending s. 373.089, F.S.; extending the time within which a certified appraisal may be obtained for lands to be sold as surplus; revising the procedures that a water management district must follow for publishing a notice of intention to sell surplus lands; authorizing the governing board of a water management district to sell certain lands acquired with Florida Forever funds without first offering title to the lands to the Board of Trustees of the Internal Improvement Trust Fund; authorizing the governing board of a water management district to sell parcels of land no longer needed for conservation purposes and valued at or below a specified threshold as surplus; requiring certain notice before the sale of such parcels; providing procedures for the sale of such parcels; creating s. 570.715, F.S., and transferring, renumbering, and amending s. 259.04(7), F.S.; providing procedures for the acquisition of conservation easements by the Department of Agriculture and Consumer Services; amending ss. 73.015, 125.355, 166.045, 215.82, 215.965, 253.027, 253.7824, 260.015, 260.016, 369.317, 373.139, 375.031, 375.041, 380.05, 380.055, 380.508, 589.07, 944.10, 957.04, 985.682, and 1013.14, F.S.; conforming cross-references; providing an appropriation and authorizing positions; providing an effective date.

—which was previously considered this day with pending **Amendment 2 (312550)** by Senator Negron.

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

Senator Negron moved the following substitute amendment which was adopted:

Amendment 3 (277934) (with title amendment)—Delete lines 1721-1743 and insert:

(7) Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies, state universities, and Florida College System institutions, with priority consideration given to state universities and Florida College System institutions. Within 60 days after the offer for lease of a surplus building or parcel, a state university or Florida College System institution that requests the lease must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use, including future use, of the building or parcel of land before approval of a lease. Within 60 days after the offer for lease of a surplus building or parcel, a state agency that requests the lease of such facility or parcel must submit a plan for review and approval by the board of trustees regarding the intended use. The state agency plan must, at a minimum, include the proposed use of the facility or parcel, the estimated cost of renovation, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot otherwise be met, and other criteria developed by rule by the board of trustees. The board or its designee shall compare the estimated value of the building or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the state. The board of trustees shall adopt rules pursuant to chapter 120 for the implementation of this section.

And the title is amended as follows:

Delete lines 123-125 and insert: to state agencies, state universities, or Florida College System institutions before being offered for lease or sale to a local or federal unit of government or private party; providing priority for state universities or Florida College System institutions;

On motion by Senator Simpson, by two-thirds vote, **CS for CS for HB 1075**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 1692—A bill to be entitled An act relating to reimbursement of assessments; creating s. 295.24, F.S.; prohibiting an agent or attorney representing a claimant from directly or indirectly requesting, receiving, or obtaining reimbursement from the claimant for assessments charged to the agent or attorney by the United States Department of Veterans Affairs; providing penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1692**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 821** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

On motion by Senator Altman—

CS for HB 821—A bill to be entitled An act relating to reimbursement of assessments; creating s. 295.24, F.S.; prohibiting an agent or attorney representing a claimant from directly or indirectly requesting, receiving, or obtaining reimbursement from the claimant for assessments charged to the agent or attorney by the United States Department of Veterans Affairs; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 1692** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 821** was placed on the calendar of Bills on Third Reading.

SM 798—A memorial to the Congress of the United States, urging Congress to enact legislation to promote economic recovery in the Commonwealth of Puerto Rico.

—was read the second time by title.

Pending further consideration of **SM 798**, pursuant to Rule 3.11(3), there being no objection, **CS for HM 601** was withdrawn from the Committees on Commerce and Tourism; and Rules.

On motion by Senator Soto—

CS for HM 601—A memorial to the Congress of the United States, urging Congress to enact legislation to promote economic recovery in the Commonwealth of Puerto Rico.

—a companion measure, was substituted for **SM 798** and read the second time by title. On motion by Senator Soto, **CS for HM 601** was adopted and certified to the House.

Consideration of **CS for CS for SB 1026** was deferred.

CS for CS for SB 1118—A bill to be entitled An act relating to transportation network company insurance; amending s. 316.066, F.S.; requiring a statement in certain crash reports as to whether any driver at the time of the accident was providing a prearranged ride or logged into a digital network of a transportation network company; providing a criminal penalty for a driver who provides a false statement to a law enforcement officer in connection with certain information; creating s. 627.748, F.S.; providing legislative intent; defining terms; requiring a transportation network company driver, or the transportation network company on the driver's behalf, to maintain certain primary automobile insurance under certain circumstances; providing coverage requirements under specified circumstances; requiring a transportation network company to maintain certain insurance and obligate the insurer to defend a certain claim if specified insurance by the driver lapses or does not provide the required coverage; providing that certain coverage may not be contingent on a claim denial; specifying requirements for insurers who provide certain automobile insurance; requiring a transportation network company driver to carry proof of certain insurance coverage at all times during his or her use of a personal vehicle and to disclose specified information in the event of an accident; requiring a transportation network company to make certain disclosures to transportation network company drivers; authorizing insurers to exclude certain coverages during specified periods for policies issued to transportation network company drivers for personal vehicles; requiring a transportation network company and certain insurers to cooperate during a claims investigation to facilitate the exchange of specified information; requiring a transportation network company to cause its insurer to issue payments for claims directly to specified entities under certain circumstances; providing that unless agreed to in a written contract, a transportation network company is not deemed to control, direct, or manage the personal vehicles or transportation network company drivers that connect to its digital network; requiring a transportation network company to provide a specified notice to transportation network company drivers; authorizing the Financial Services Commission to adopt rules; providing for preemption of local laws and regulations pertaining to transportation network company insurance; providing an effective date.

—was read the second time by title.

On motion by Senator Simmons, further consideration of **CS for CS for SB 1118** was deferred.

On motion by Senator Evers, by unanimous consent—

CS for SM 1710—A memorial to the Congress of the United States, urging Congress to authorize the use of military force against al-Qaeda, the Islamic State of Iraq and the Levant (ISIL), and all other global Islamic terrorist organizations that similarly engage in acts of terrorism.

—was taken up out of order and read the second time by title. On motion by Senator Evers, **CS for SM 1710** was adopted and certified to the House.

CS for CS for SB 1392—A bill to be entitled An act relating to transportation; amending s. 311.12, F.S.; establishing the Seaport Security Advisory Committee under the direction of the Florida Seaport Transportation and Economic Development Council; providing membership and duties; directing the council to establish a Seaport Security Grant Program to assist in the implementation of security at specified seaports; directing the council to review applications, make recommendations to the council, and adopt rules; amending s. 316.003, F.S.; defining the term "driver-assistive truck platooning technology; directing the Department of Transportation to study the operation of driver-assistive truck platooning technology; authorizing the department to conduct a pilot project to test such operation; providing security requirements; requiring a report to the Governor and the Legislature; amending s. 316.0745, F.S.; revising the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; requiring the public agency erecting or installing such a device to bring it into compliance with certain requirements or remove it upon the direction of the department; amending s. 316.235, F.S.; revising specifications for bus deceleration lighting systems; amending s. 316.303, F.S.; revising the prohibition from operating, under certain circumstances, a motor vehicle that is equipped with television-type receiving equipment; providing exceptions to the prohibition against displaying moving television broadcast or pre-recorded video entertainment content in vehicles; amending s. 316.640, F.S.; expanding the authority of a chartered municipal parking enforcement specialist to enforce state, county, and municipal parking laws and ordinances within the boundaries of certain counties pursuant to a memorandum of understanding; amending s. 316.85, F.S.; revising the circumstances under which a licensed driver is authorized to operate an autonomous vehicle in autonomous mode; amending s. 316.86, F.S.; deleting a provision authorizing the operation of vehicles equipped with autonomous technology on roads in this state for testing purposes by certain persons or research organizations; deleting a requirement that a human operator be present in an autonomous vehicle for testing purposes; deleting certain financial responsibility requirements for entities performing such testing; amending s. 319.145, F.S.; revising provisions relating to required equipment and operation of autonomous vehicles; amending s. 320.525, F.S.; revising the definition of the term "port vehicles and equipment"; amending s. 332.08, F.S.; extending the authorized term of certain airport-related leases; creating s. 335.085, F.S.; providing a short title; requiring the department to install roadside barriers to shield water bodies contiguous with state roads at certain locations by a specified date under certain circumstances; providing applicability; requiring the department to review specified information related to certain motor vehicle accidents on state roads contiguous with water bodies which occurred during a specified timeframe, subject to certain requirements; requiring the department to submit a report to the Legislature by a specified date, subject to certain requirements; amending s. 337.0261, F.S.; requiring local governments to consider information provided by the department regarding the effect that approving or denying certain regulations may have on the cost of construction aggregate materials in the local area, the region, and the state; amending s. 337.18, F.S.; revising conditions for waiver of a required surety bond; amending s. 338.165, F.S.; deleting an authorization to issue certain bonds secured by toll revenues collected on the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway; authorizing the department's Pinellas Bayway System to be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law; providing applicability; requiring the department to transfer certain funds to the Florida Turnpike Enterprise for certain purposes; repealing chapter 85-364, Laws of Florida, as amended, relating to the Pinellas Bayway; amending s. 338.231, F.S.; increasing the number of years before an inactive prepaid toll account shall be presumed unclaimed; deleting provisions relating to the use of revenues from the turnpike system to pay the principal and interest of a specified series of bonds and certain expenses of the Sawgrass Expressway; amending s. 339.175, F.S.; requiring certain long-range transportation plans to include assessment of capital investment and other measures necessary to make the most efficient use of existing transportation facilities to improve safety; requiring the assessments to include consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology; amending s. 339.2818, F.S.; increasing the population ceiling in the definition of the term "small county" for purposes of the Small County Outreach Program; deleting an alternative definition of the term "small county" for a specified fiscal year; amending s. 339.55, F.S.; revising the purpose of the state-funded infrastructure bank within the department to include constructing and improving ancillary facilities that produce or distribute natural gas or fuel; authorizing the department to consider applications for loans from the bank for development

and construction of natural gas fuel production or distribution facilities used primarily to support transportation activities at seaports or intermodal facilities beginning on a specified date; authorizing use of such loans to refinance outstanding debt; amending s. 339.64, F.S.; requiring the department to coordinate with certain partners and industry representatives to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology in Strategic Intermodal System facilities; requiring the Strategic Intermodal System Plan to include a needs assessment regarding such infrastructure and technological improvements; repealing s. 341.0532, F.S., relating to statewide transportation corridors; amending s. 343.92, F.S.; increasing the members on the governing board of the Tampa Bay Area Regional Transportation Authority; requiring the secretary of the department to appoint two advisors to the board subject to certain requirements, rather than appointing one nonvoting, ex officio member of the board; amending s. 343.922, F.S.; requiring the authority to present a certain master plan and updates to, and coordinate projects and plans with, the Tampa Bay Area Regional Transportation Authority (TBARTA) Metropolitan Planning Organization Chairs Coordinating Committee, rather than the West Central Florida M.P.O. Chairs Coordinating Committee; requiring the authority to provide certain administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee; amending s. 348.565, F.S.; expanding the list of projects of the Tampa-Hillsborough County Expressway Authority which are approved to be financed or refinanced by the issuance of certain revenue bonds; amending s. 479.16, F.S.; exempting certain signs from a specified permit, subject to certain requirements and restrictions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1392**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 7061** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

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

CS for CS for HB 7061—A bill to be entitled An act relating to transportation; amending s. 311.12, F.S.; establishing the Seaport Security Advisory Committee directed by the Florida Seaport Transportation and Economic Development Council; providing for membership and duties; directing the council to establish a Seaport Security Grant Program to assist in implementation of security at specified seaports; directing the council to adopt rules; amending s. 316.003, F.S.; revising and providing definitions; creating s. 316.2069, F.S.; authorizing a municipality or county to permit the use of commercial megacycles; providing requirements; providing applicability; amending s. 316.235, F.S.; revising specifications for bus deceleration lighting systems; amending s. 316.303, F.S.; providing exceptions to a prohibition of a viewer or screen visible from the driver's seat of a motor vehicle; amending s. 320.525, F.S.; revising the definition of the term "port vehicles and equipment"; amending s. 332.08, F.S.; revising the maximum period of time for which certain municipalities may lease airports, navigation facilities, or related real property; amending s. 333.01, F.S.; revising and providing definitions of terms used in provisions relating to airport safety regulation; amending s. 333.025, F.S.; revising requirements for a permit to construct or alter an obstruction; revising procedures for issuing such permit; revising duties of the department relating to issuance of the permit; providing for administrative review of a denial of a permit; amending s. 333.03, F.S.; revising requirements and procedures for certain local political subdivisions to adopt and enforce airport zoning regulations; directing the department to provide assistance to political subdivisions with regard to federal obstruction standards; providing minimum requirements for airport land use compatibility zoning regulations; directing political subdivisions to provide the department with copies of airport zoning regulations; providing applicability and effect; amending s. 333.04, F.S.; revising provisions for incorporation of zoning regulations with a political subdivision's comprehensive regulations; revising provisions for a conflict between airport zoning regulations and other regulations; amending s. 333.05, F.S.; revising procedure for adoption of zoning regulations; revising provisions relating to an airport zoning commission; amending s. 333.06, F.S.; revising airport zoning regulation requirements; revising requirements for adoption of an airport master plan and amendments thereto; amending s. 333.07, F.S.; requiring a permit to construct, alter, or allow an airport obstruction in an airport hazard area under certain circumstances; providing conditions for issuance or denial of such permit; revising provisions to compel conformance; removing provisions for obtaining a variance to zoning regulations; removing reference to a board of adjustment; revising provisions directing a political subdivision to require an owner to install and maintain certain lighting or marking of obstructions; amending s. 333.09, F.S.; revising requirements for administration of airport protection zoning regulations; requiring the political subdivision to provide a process for permitting, notifications to the department, and enforcement; providing for appeal of decisions made by the political subdivision; amending s. 333.11, F.S.; revising provisions for judicial review of decisions by a political subdivision; revising jurisdiction of the court relating to decisions of the political subdivision; removing reference to a board of adjustment; requiring certain procedures before an appeal to a court; amending s. 333.12, F.S.; revising provisions for acquisition of property when a nonconforming obstruction is determined to be an airport hazard; amending s. 333.13, F.S.; revising penalty provisions; creating s. 333.135, F.S.; providing a timeframe for compliance by political subdivisions; repealing ss. 333.065, 333.08, 333.10, and 333.14, F.S., relating to guidelines regarding land use near airports, appeals, boards of adjustment, and a short title; reenacting s. 350.81(6), F.S., relating to communications services offered by governmental entities, to incorporate changes made by the act in a reference thereto; amending s. 337.18, F.S., relating to contracts for construction or maintenance; revising conditions for waiver of a required surety bond; amending 338.165, F.S.; removing an option to issue certain bonds secured by toll revenues collected on certain facilities; authorizing the department to transfer the Pinellas Bayway System to the Florida Turnpike; providing applicability; repealing chapter 85-364, Laws of Florida, as amended, relating to the Pinellas Bayway; amending s. 338.231, F.S., relating to the Florida Turnpike; removing a provision that authorizes the department to use revenues from the turnpike system for the payment of principal and interest of certain bonds and the operation and maintenance expenses of the Sawgrass Expressway; amending s. 339.175, F.S., relating to the Tampa Bay Area Regional Transportation Authority; revising provisions for a coordinating committee composed of metropolitan planning organizations; designating the committee as the "TBARTA Metropolitan Planning Organizations Chairs Coordinating Committee"; revising membership of the committee; providing duties of the authority, M.P.O.'s, and the department; amending s. 339.2818, F.S., relating to the Small County Outreach Program; revising the definition of the term "small county"; amending s. 339.55, F.S., relating to the State Infrastructure Bank; revising the types of projects eligible for consideration for state infrastructure loans; repealing s. 341.0532, F.S., relating to statewide transportation corridors; amending s. 341.301, F.S.; revising definitions relating to rail programs; amending s. 341.302, F.S., relating to the rail program; revising provisions for assumption of obligations and liability in conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor; amending s. 343.92, F.S.; revising membership of the governing board of the Tampa Bay Area Regional Transportation Authority; providing for the Secretary of Transportation to appoint two advisors to the board; amending s. 343.922, F.S., relating to powers and duties of such authority; revising the time period for updating the authority's master plan; directing the authority to provide administrative support and direction to the TBARTA Metropolitan Planning Organizations Chairs Coordinating Committee; amending s. 348.565, relating to the Tampa-Hillsborough County Expressway Authority; revising provisions that authorize certain projects to be financed by revenue bonds; amending s. 348.753, F.S., relating to the Central Florida Expressway Authority; revising provisions for membership on the authority; removing a provision for appointment of a secretary of the authority; amending s. 565.02, F.S., authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a license for the sale of beer and wine on certain commercial megacycles; amending s. 810.09, F.S.; providing enhanced criminal penalties for a trespass upon the operational area of an airport with specified intent if specified signage is posted; providing a definition; directing the Office of Economic and Demographic Research to determine the economic benefits of the Department of Transportation's adopted work program; directing the department to provide access to necessary data; requiring a report to the Legislature; directing the department to study the operation of driver-assistive truck platooning technology; authorizing the department to conduct a pilot project to test such operation; providing security requirements; requiring a report to the Governor and Legislature; directing the department to conduct a feasibility study of state interchange improvements; requiring a report

to the Governor and Legislature; amending ss. 212.05, 316.1303, 316.545, 316.605, 316.6105, 316.613, 316.622, 316.650, 316.70, 320.01, 320.08, 320.0801, 320.38, 322.031, 450.181, 559.903, 655.960, 732.402, and 860.065, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1392** and read the second time by title.

Senator Brandes moved the following amendment:

Amendment 1 (588642) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (5) and (6) are added to section 311.12, Florida Statutes, to read:

311.12 Seaport security.—

(5) ADVISORY COMMITTEE.—

(a) There is created the Seaport Security Advisory Committee, which shall be under the direction of the Florida Seaport Transportation and Economic Development Council.

(b) The committee shall consist of the following members:

1. Five or more port security directors appointed by the council chair shall serve as voting members. The council chair shall designate one member of the committee to serve as committee chair.

2. A designee from the United States Coast Guard shall serve ex officio as a nonvoting member.

3. A designee from United States Customs and Border Protection shall serve ex officio as a nonvoting member.

4. Two representatives from local law enforcement agencies providing security services at a Florida seaport shall serve ex officio as nonvoting members.

(c) The committee shall meet at the call of the chair but at least annually. A majority of the voting members constitutes a quorum for the purpose of transacting business of the committee, and a vote of the majority of the voting members present is required for official action by the committee.

(d) The committee shall provide a forum for discussion of seaport security issues, including, but not limited to, matters such as national and state security strategy and policy, actions required to meet current and future security threats, statewide cooperation on security issues, and security concerns of the state's maritime industry.

(6) GRANT PROGRAM.—

(a) The Florida Seaport Transportation and Economic Development Council shall establish a Seaport Security Grant Program for the purpose of assisting in the implementation of security plans and security measures at the seaports listed in s. 311.09(1). Funds may be used for the purchase of equipment, infrastructure needs, cybersecurity programs, and other security measures identified in a seaport's approved federal security plan. Such grants may not exceed 75 percent of the total cost of the request and are subject to legislative appropriation.

(b) The Seaport Security Advisory Committee shall review applications for the grant program and make recommendations to the council for grant approvals. The council shall adopt by rule criteria to implement this subsection.

Section 2. Section 316.003, Florida Statutes, is reordered and amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

(2)~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with autonomous technology. The term "autonomous technology" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without ~~the~~ active control or monitoring by a human operator.

(3)~~(2)~~ BICYCLE.— Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. *A* ~~No~~ person under the age of 16 may *not* operate or ride upon a motorized bicycle.

(4)~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

(5)~~(76)~~ BRAKE HORSEPOWER.—The actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.

(6)~~(3)~~ BUS.—Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(7)~~(4)~~ BUSINESS DISTRICT.—The territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.

(8)~~(5)~~ CANCELLATION.—*Declaration of* ~~Cancellation means that~~ a license ~~which was~~ issued through error or fraud *as* ~~is declared~~ void and terminated. A new license may be obtained only as permitted in this chapter.

(9)~~(64)~~ CHIEF ADMINISTRATIVE OFFICER.—The head, or his or her designee, of any law enforcement agency which is authorized to enforce traffic laws.

(10)~~(65)~~ CHILD.—A child as defined in s. 39.01, s. 984.03, or s. 985.03.

(11) COMMERCIAL MEGACYCLE.—A vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements:

(a) Has four wheels and is operated in a manner similar to a bicycle.

(b) Has at least five but no more than 15 seats for passengers.

(c) Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.

(12)~~(66)~~ COMMERCIAL MOTOR VEHICLE.—Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

(a) Has a gross vehicle weight rating of 10,000 pounds or more;

(b) Is designed to transport more than 15 passengers, including the driver; or

(c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in s. 549.09(1)(a), is not a commercial motor vehicle if it is not used for profit and corporate sponsorship is not involved. As used in this subsection, the term "corporate sponsorship" means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.

(13)~~(67)~~ COURT.—The court having jurisdiction over traffic offenses.

(14)~~(6)~~ CROSSWALK.—

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(15)~~(7)~~ DAYTIME.—The period from a half hour before sunrise to a half hour after sunset. *The term* "nighttime" means at any other hour.

(16)~~(8)~~ DEPARTMENT.—The Department of Highway Safety and Motor Vehicles as defined in s. 20.24. Any reference herein to *the* Department of Transportation shall be construed as referring to the Department of Transportation *as*~~,~~ defined in s. 20.23~~,~~ or the appropriate division thereof.

(17)~~(9)~~ DIRECTOR.—The Director of the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(18)~~(10)~~ DRIVER.—Any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(19) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle communications.

(20)~~(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

(21)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

(22)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities. The term does not include:

(a) Any vehicle carrying only members of the immediate family of the owner or driver.

(b) Any vehicle being operated by a common carrier of passengers.

(c) Any carpool as defined in s. 450.28(3).

(23)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(24)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(25)~~(68)~~ GOLF CART.—A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

(26)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without load plus the weight of any load thereon.

(27)~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in s. 403.703(13).

(28)~~(15)~~ HOUSE TRAILER.—

(a) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place*,* ~~(~~either permanently or temporarily,~~)~~ and is equipped for use as a conveyance on streets and highways*;*~~,~~ or

(b) A trailer or a semitrailer the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead, permanently or temporarily, for the advertising, sales, display, or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(29)~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(30)~~(17)~~ INTERSECTION.—

(a) The area embraced within the prolongation or connection of the lateral curblines~~;~~ or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, ~~then~~ every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. *If the* ~~In the event such~~ intersecting highway also includes two roadways 30 feet or more apart, ~~then~~ every crossing of two roadways of such highways shall be regarded as a separate intersection.

(31)~~(18)~~ LANED HIGHWAY.—A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(32)~~(19)~~ LIMITED ACCESS FACILITY.—A street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded~~;~~ or ~~they~~ may be freeways open to use by all customary forms of street and highway traffic.

(33)~~(20)~~ LOCAL AUTHORITIES.—~~Includes~~ All officers and public officials of the several counties and municipalities of this state.

(34)~~(91)~~ LOCAL HEARING OFFICER.—The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. 316.0083. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

(35)~~(80)~~ MAXI-CUBE VEHICLE.—A specialized combination vehicle consisting of a truck carrying a separable cargo-carrying unit combined with a semitrailer designed so that the separable cargo-carrying unit is to be loaded and unloaded through the semitrailer. The entire combination may not exceed 65 feet in length, and a single component of that combination may not exceed 34 feet in length.

(36)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person employed in hand labor operations in planting, cultivation, or harvesting agricultural crops.

(37)~~(77)~~ MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels,~~;~~ with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground~~;~~ and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

(38)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—

(a) A contract, agreement, or understanding covering:

1. The transportation of property for compensation or hire by the motor carrier;

2. Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

3. A service incidental to activity described in subparagraph 1. or subparagraph 2., including, but not limited to, storage of property.

(b) "Motor carrier transportation contract" does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

(39)~~(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as *provided* in s. 320.01(1)(a).

(40)~~(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor or a moped.

(41)~~(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.

(42)~~(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for the transportation of persons for compensation and which is not owned, leased, operated, or controlled by a municipal, county, or state government or a governmentally owned or managed nonprofit corporation.

(43)~~(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(44)~~(24)~~ OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(45)~~(25)~~ OPERATOR.—Any person who is in actual physical control of a motor vehicle upon the highway~~,~~ or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(46)~~(26)~~ OWNER.—A person who holds the legal title of a vehicle. *If*~~, or, in the event~~ a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or *if* ~~in the event~~ a mortgagor of a vehicle is entitled to possession, ~~then~~ such conditional vendee~~,~~ or lessee~~,~~ or mortgagor shall be deemed the owner~~,~~ for the purposes of this chapter.

(47)~~(27)~~ PARK OR PARKING.—The standing of a vehicle, whether occupied or not *occupied*, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

(48)~~(28)~~ PEDESTRIAN.—Any person afoot.

(49)~~(29)~~ PERSON.—Any natural person, firm, copartnership, association, or corporation.

(50)~~(30)~~ PNEUMATIC TIRE.—Any tire in which compressed air is designed to support the load.

(51)~~(31)~~ POLE TRAILER.—Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(52)~~(32)~~ POLICE OFFICER.—Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations, including Florida highway patrol officers, sheriffs, deputy sheriffs, and municipal police officers.

(53)~~(33)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph *(75)(b)* ~~(53)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(54)~~(34)~~ RADIOACTIVE MATERIALS.—Any materials or combination of materials which emit ionizing radiation spontaneously in which the radioactivity per gram of material, in any form, is greater than 0.002 microcuries.

(55)~~(35)~~ RAILROAD.—A carrier of persons or property upon cars operated upon stationary rails.

(56)~~(36)~~ RAILROAD SIGN OR SIGNAL.—Any sign, signal, or device erected by authority of a public body or official, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(57)~~(37)~~ RAILROAD TRAIN.—A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar.

(58)~~(38)~~ RESIDENCE DISTRICT.—The territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business.

(59)~~(39)~~ REVOCATION.—*Termination of* ~~Revocation means that~~ a licensee's privilege to drive a motor vehicle ~~is terminated~~. A new license may be obtained only as permitted by law.

(60)~~(40)~~ RIGHT-OF-WAY.—The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and

proximity as to give rise to danger of collision unless one grants precedence to the other.

(61)~~(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

(62)~~(42)~~ ROADWAY.—That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. *If* ~~In the event~~ a highway includes two or more separate roadways, the term "roadway" ~~as used herein~~ refers to any such roadway separately, but not to all such roadways collectively.

(63)~~(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby the front wheels of one vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground, and only the rear wheels of the towed vehicle rest upon the ground. Such combinations may include one full mount, whereby a smaller transport vehicle is placed completely on the last towed vehicle.

(64)~~(44)~~ SAFETY ZONE.—The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

(65)~~(92)~~ SANITATION VEHICLE.—A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides garbage, trash, refuse, or recycling collection.

(66)~~(45)~~ SCHOOL BUS.—Any motor vehicle that complies with the color and identification requirements of chapter 1006 and is used to transport children to or from public or private school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools.

(67)~~(46)~~ SEMITRAILER.—Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(68)~~(47)~~ SIDEWALK.—That portion of a street between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(69)~~(48)~~ SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(70)~~(49)~~ STAND OR STANDING.—The halting of a vehicle, whether occupied or not *occupied*, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this chapter.

(71)~~(50)~~ STATE ROAD.—Any highway designated as a state-maintained road by the Department of Transportation.

(72)~~(51)~~ STOP.—When required, complete cessation from movement.

(73)~~(52)~~ STOP OR STOPPING.—When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not *occupied*, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

(74)~~(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.

(75)~~(53)~~ STREET OR HIGHWAY.—

(a) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;

(b) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under s. 316.006(2)(b) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place;

(c) Any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or

(d) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30 and the recreational facilities of which district are open to the general public.

(76)~~(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's privilege to drive a motor vehicle.

(77)~~(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is designed or modified to travel over swampy or varied terrain and that may use large tires or tracks operated from an elevated platform. The term does not include any vehicle defined in chapter 261 or otherwise defined or classified in this chapter.

(78)~~(81)~~ TANDEM AXLE.—Any two axles *the* ~~whose~~ centers *of which* are more than 40 inches but not more than 96 inches apart and are individually attached to or articulated from, or both, a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles.

(79)~~(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate as a complete unit.

(80)~~(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway network consisting primarily of four or more lanes, including all interstate highways; highways designated by the United States Department of Transportation as elements of the National Network; and any street or highway designated by the Florida Department of Transportation for use by tandem trailer trucks, in accordance with s. 316.515, except roads on which truck traffic was specifically prohibited on January 6, 1983.

(81)~~(73)~~ TERMINAL.—Any location where:

(a) Freight ~~either~~ originates, terminates, or is handled in the transportation process; or

(b) Commercial motor carriers maintain operating facilities.

(82)~~(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof on which vehicular traffic is given the right-of-way and at the entrances to which vehicular traffic from intersecting highways is required to yield right-of-way to vehicles on such through highway in obedience to ~~either~~ a stop sign or yield sign, or otherwise in obedience to law.

(83)~~(56)~~ TIRE WIDTH.—*The* ~~Tire width is that~~ width stated on the surface of the tire by the manufacturer of the tire, if the width stated does not exceed 2 inches more than the width of the tire contacting the surface.

(84)~~(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances ~~either~~ singly or together while using any street or highway for purposes of travel.

(85)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

(86)~~(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal's timing cycle.

(87)~~(58)~~ TRAILER.—Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(88)~~(74)~~ TRANSPORTATION.—The conveyance or movement of goods, materials, livestock, or persons from one location to another on any road, street, or highway open to travel by the public.

(89)~~(88)~~ TRI-VEHICLE.—An enclosed three-wheeled passenger vehicle that:

(a) Is designed to operate with three wheels in contact with the ground;

(b) Has a minimum unladen weight of 900 pounds;

(c) Has a single, completely enclosed~~,~~ occupant compartment;

(d) Is produced in a minimum quantity of 300 in any calendar year;

(e) Is capable of a speed greater than 60 miles per hour on level ground; and

(f) Is equipped with:

1. Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems" (49 C.F.R. s. 571.207);

2. A steering wheel used to maneuver the vehicle;

3. A propulsion unit located forward or aft of the enclosed occupant compartment;

4. A seat belt for each vehicle occupant certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, "Glazing materials" (49 C.F.R. s. 571.205) and Federal Motor Vehicle Safety Standard No. 104, "Windshield wiping and washing systems" (49 C.F.R. s. 571.104); and

6. A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R. s. 571.216).

(90)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or maintained primarily for the transportation of property.

(91)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(92)~~(93)~~ UTILITY SERVICE VEHICLE.—A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides electric, natural gas, water, wastewater, cable, telephone, or communications services.

(93)~~(75)~~ VEHICLE.—Every device~~,~~ in, upon, or by which any person or property is or may be transported or drawn upon a highway, *except* ~~excepting~~ devices used exclusively upon stationary rails or tracks.

(94)~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based organization *the* ~~whose~~ primary purpose *of which* is to act as an advocate for the victims and survivors of traffic crashes and for their families. The victims services offered by these programs may include grief and crisis counseling, assistance with preparing victim compensation claims excluding third-party legal action, or connecting persons with other service providers, and providing emergency financial assistance.

(95)~~(79)~~ WORK ZONE AREA.—The area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes *are* ~~is~~ closed to traffic.

Section 3. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(7) The Department of Transportation *may, upon receipt and investigation of reported noncompliance and* ~~is authorized,~~ after hearing pursuant to 14 days' notice, ~~to~~ direct the removal of any purported traffic control device *that fails to meet the requirements of this section,* wherever *the device is* located *and without regard to assigned responsibility under s. 316.1895* ~~which fails to meet the requirements of this section~~. The public agency erecting or installing the same shall immediately *bring it into compliance with the requirements of this section or* remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds for traffic control purposes until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

Section 4. Section 316.2069, Florida Statutes, is created to read:

316.2069 Commercial Megacycles.—The governing body of a municipality, or the governing board of a county with respect to an unincorporated portion of the county, may authorize the operation of a commercial megacycle on roads or streets within the respective jurisdictions if the requirements of subsections (1) through (3) are met:

(1) Prior to authorizing such operation, the responsible local governmental entity must first determine that commercial megacycles may safely travel on or cross the public road or street, considering factors including, but not limited to, the speed, volume, and character of motor vehicle traffic using the road or street. Upon such determination, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) The authorization by the governing body must clearly identify the roads or streets under the governing body's jurisdiction on or across which operation of commercial megacycles is permitted.

(3) The governing body's authorization, at a minimum, must require that a commercial megacycle be:

(a) Operated at all times by its owner or lessee or an employee of the owner or lessee.

(b) Operated by a driver at least 18 years of age who possess a Class E driver license.

(c) Occupied by a safety monitor at least 18 years of age, who shall supervise the passengers while the commercial megacycle is in motion.

(d) Insured with minimum commercial general liability insurance of not less than $1,000,000, prior to and at all times of operation, satisfactory proof of which shall be provided to the appropriate governing body.

(4) The Department of Transportation may prohibit the operation of commercial megacycles on or across any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

(5) Section 316.1936 does not apply to the passengers being transported in a commercial megacycle while operating in accordance with this section.

(6) This section does not prohibit use of an auxiliary motor to move the commercial megacycle from the roadway under emergency circumstances or while no passenger is on board.

Section 5. Subsection (5) of section 316.235, Florida Statutes, is amended to read:

316.235 Additional lighting equipment.—

(5) A bus~~, as defined in s. 316.003(3),~~ may be equipped with a deceleration lighting system *that* ~~which~~ cautions following vehicles that the bus is slowing, *is* preparing to stop, or is stopped. Such lighting system shall consist of *red or* amber lights mounted in horizontal alignment on the rear of the vehicle at ~~or near~~ the vertical centerline of the vehicle, *no greater than 12 inches apart,* not higher than the lower edge of the rear window or, if the vehicle has no rear window, not higher than *100* ~~72~~ inches from the ground. Such lights shall be visible from a distance of not less than 300 feet to the rear in normal sunlight. Lights are permitted to light and flash during deceleration, braking, or standing and idling of the bus. Vehicular hazard warning flashers may be used in conjunction with or in lieu of a rear-mounted deceleration lighting system.

Section 6. Subsections (1) and (3) of section 316.303, Florida Statutes, are amended to read:

316.303 Television receivers.—

(1) No motor vehicle *may be* operated on the highways of this state *if the vehicle is actively displaying moving television broadcast or prerecorded video entertainment content that is* ~~shall be equipped with television type receiving equipment so located that the viewer or screen is~~ visible from the driver's seat *while the vehicle is in motion, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003(2), and is being operated in autonomous mode, as provided in s. 316.85(2)*.

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system*; an electronic display used by an operator of a vehicle equipped with autonomous technology, as defined in s. 316.003(2); or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003(19)*.

Section 7. Paragraph (c) of subsection (3) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(3) MUNICIPALITIES.—

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, *or, pursuant to a memorandum of understanding between the county and the municipality, within the boundaries of the county in which the chartered municipality or its authorized agency or instrumentality is located,* by appropriate state, county, or municipal traffic citation.

3. A parking enforcement specialist employed pursuant to this subsection may not carry firearms or other weapons or have arrest authority.

Section 8. Subsection (1) of section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation.—

(1) A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode *on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003(2)*.

Section 9. Section 316.86, Florida Statutes, is amended to read:

316.86 ~~Operation of vehicles equipped with autonomous technology on roads for testing purposes; financial responsibility;~~ Exemption from liability for manufacturer when third party converts vehicle.—

~~(1) Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing in this state, the entity performing the testing must submit to the department an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of $5 million.~~

~~(2)~~ The original manufacturer of a vehicle converted by a third party into an autonomous vehicle *is* ~~shall~~ not ~~be~~ liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

Section 10. Subsection (1) of section 319.145, Florida Statutes, is amended to read:

319.145 Autonomous vehicles.—

(1) An autonomous vehicle registered in this state must continue to meet *applicable* federal standards and regulations for *such* ~~a~~ motor vehicle. The vehicle *must* ~~shall~~:

(a) *Have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:*

1. Require the operator to take control of the autonomous vehicle; or

2. If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop ~~Have a means to engage and disengage the autonomous technology which is easily accessible to the operator~~.

(b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.

~~(c) Have a means to alert the operator of the vehicle if a technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.~~

(c)~~(d)~~ Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

Section 11. Subsection (1) of section 320.525, Florida Statutes, is amended to read:

320.525 Port vehicles and equipment; definition; exemption.—

(1) As used in this section, the term "port vehicles and equipment" means trucks, tractors, trailers, truck cranes, top loaders, fork lifts,

hostling tractors, chassis, or other vehicles or equipment used for transporting cargo, containers, or other equipment. *The term includes motor vehicles being relocated within a port facility or via designated port district roads.*

Section 12. Paragraph (c) of subsection (1) of section 332.08, Florida Statutes, is amended to read:

332.08 Additional powers.—

(1) In addition to the general powers in ss. 332.01-332.12 conferred and without limitation thereof, a municipality that has established or may hereafter establish airports, restricted landing areas, or other air navigation facilities, or that has acquired or set apart or may hereafter acquire or set apart real property for such purposes, is authorized:

(c) To lease for a term not exceeding *50* ~~30~~ years such airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; to lease or assign for a term not exceeding *50* ~~30~~ years to private parties, any municipal or state government or the national government, or any department of either thereof, for operation or use consistent with the purposes of ss. 332.01-332.12, space, area, improvements, or equipment on such airports; to sell any part of such airports, other air navigation facilities, or real property to any municipal or state government, or the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities; provided, that in each case in so doing the public is not deprived of its rightful equal and uniform use thereof.

Section 13. Section 333.01, Florida Statutes, is amended to read:

333.01 Definitions.—*As used in* ~~For the purpose of~~ this chapter, the *term* ~~following words, terms, and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires~~:

(1) "Aeronautical study" means a Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.

~~(1) "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction.~~

(2) "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and *used* ~~utilized~~ or to be *used* ~~utilized~~ in the interest of the public for such purpose.

(3) "Airport hazard" means *an obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities* ~~any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R.~~ ss. 77.21, 77.23,77.25, 77.28, and 77.29 ~~and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft and for which no person has previously obtained a permit or variance pursuant to s. 333.025 or s. 333.07~~.

(4) "Airport hazard area" means any area of land or water upon which an airport hazard might be established ~~if not prevented as provided in this chapter~~.

(5) "Airport land use compatibility zoning" means airport zoning regulations *governing* ~~restricting~~ the use of land *on,* adjacent to*,* or in the immediate vicinity of airports ~~in the manner enumerated in s. 333.03(2) to activities and purposes compatible with the continuation of normal airport operations including landing and takeoff of aircraft in order to promote public health, safety, and general welfare~~.

(6) "Airport layout plan" means a *set of scaled drawings that provide a graphic representation of the existing and future development plan for the airport and demonstrate the preservation and continuity of safety, utility, and efficiency of the airport* ~~detailed, scale engineering drawing, including pertinent dimensions, of an airport's current and planned facilities, their locations, and runway usage~~.

(7) "Airport master plan" means a comprehensive plan of an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.

(8) "Airport protection zoning regulations" means airport zoning regulations governing airport hazards.

(9) "Department" means the Department of Transportation as created under s. 20.23.

(10) "Educational facility" means any structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multi-tenant building.

(11) "Landfill" has the same meaning as provided in s. 403.703.

(12)~~(7)~~ "Obstruction" means any existing or proposed ~~manmade object or~~ object*,* ~~of natural growth or~~ terrain*, or structure construction or alteration* that *exceeds* ~~violates~~ the *federal obstruction* standards contained in 14 C.F.R. *part 77, subpart C* ~~ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~. *The term includes:*

(a) Any object of natural growth or terrain;

(b) Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or

(c) Alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

(13)~~(8)~~ "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(14)~~(9)~~ "Political subdivision" means *the local government of* any county, *municipality* ~~city~~, town, village, or other subdivision or agency thereof, or any district *or special district*, port commission, port authority, or other such agency authorized to establish or operate airports in the state.

(15) "Public-use airport" means an airport, publicly or privately owned, licensed by the state, which is open for use by the public.

(16)~~(10)~~ "Runway *protection* ~~clear~~ zone" means *an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground* ~~a runway clear zone as defined in 14 C.F.R. s. 151.9(b)~~.

(17)~~(11)~~ "Structure" means any object~~,~~ constructed*, erected, altered,* or installed ~~by humans~~, including, but *not limited to* ~~without limitation thereof~~, buildings, towers, smokestacks, utility poles, *power generation equipment,* and overhead transmission lines.

(18) "Substantial modification" means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

Section 14. Section 333.025, Florida Statutes, is amended to read:

333.025 Permit required for *obstructions* ~~structures exceeding federal obstruction standards~~.—

(1) *A person proposing the construction or alteration* ~~In order to prevent the erection~~ of *an obstruction must obtain a permit from the department* ~~structures dangerous to air navigation~~, subject to ~~the provisions of~~ subsections (2), (3), and (4)~~, each person shall secure from the~~

~~Department of Transportation a permit for the erection, alteration, or modification of any structure the result of which would exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~. However, permits from the department ~~of Transportation~~ will be required only within an airport hazard area where federal *obstruction* standards are exceeded and if the proposed construction *or alteration* is within a 10-nautical-mile radius of the *airport reference point, located at the approximate geometric* ~~geographical~~ center of *all usable runways of a public-use airport or* ~~a publicly owned or operated airport, a~~ military airport~~, or an airport licensed by the state for public use~~.

(2) *Existing, planned, and proposed* ~~Affected airports will be considered as having those~~ facilities *on public-use airports contained in an* ~~which are shown on the~~ airport master plan, *in* ~~or~~ an airport layout plan submitted to the Federal Aviation Administration*,* ~~Airport District Office~~ or *in* comparable military documents *shall*~~, and will~~ be ~~so~~ protected *from airport hazards*. ~~Planned or proposed public use airports which are the subject of a notice or proposal submitted to the Federal Aviation Administration or to the Department of Transportation shall also be protected.~~

(3) *A* permit *is not required for existing structures that* ~~requirements of subsection (1) shall not apply to projects which~~ received construction permits from the Federal Communications Commission for structures exceeding federal obstruction standards *before* ~~prior to~~ May 20, 1975~~, provided such structures now exist~~; *a permit is not required for* ~~nor shall it apply to previously approved structures now existing, or~~ any necessary replacement or repairs to such existing structures *if*~~, so long as~~ the height and location *are* ~~is~~ unchanged.

(4) *If* ~~When~~ political subdivisions have*, in compliance with this chapter,* adopted adequate *airport* ~~airspace~~ protection *zoning regulations, placed* ~~in compliance with s. 333.03, and~~ such regulations ~~are~~ on file with the *department's aviation office, and established a permitting process* ~~Department of Transportation~~, a permit for *the construction or alteration of an obstruction is* ~~such structure shall~~ not ~~be~~ required from the department ~~of Transportation~~. *Upon receipt of a complete permit application, the local government shall provide a copy of the application to the department's aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. To evaluate technical consistency with this subsection, the department shall have a 15-day review period following receipt of the application, which must run concurrently with the local government permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed 18 consecutive months are exempt from the department's review, unless such review is requested by the department.*

(5) The department ~~of Transportation~~ shall, within 30 days *after* ~~of the~~ receipt of an application for a permit, issue or deny a permit for the *construction or* ~~erection,~~ alteration~~, or modification~~ of *an obstruction* ~~any structure the result of which would exceed federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~. *The department shall review permit applications in conformity with s. 120.60.*

(6) In determining whether to issue or deny a permit, the department shall consider:

(a) The safety of persons on the ground and in the air.

(b) The safe and efficient use of navigable airspace.

(c)~~(a)~~ The nature of the terrain and height of existing structures.

~~(b) Public and private interests and investments.~~

(d) The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.

(e)~~(c)~~ The character of *existing and planned flight* ~~flying~~ operations and ~~planned~~ developments *at public-use* ~~of~~ airports.

(f)~~(d)~~ Federal airways*, visual flight rules, flyways and corridors, and instrument approaches* as designated by the Federal Aviation Administration.

(g)~~(e)~~ *The effect of* ~~Whether~~ the construction *or alteration* of *an obstruction on* ~~the proposed structure would cause an increase in~~ the minimum descent altitude or the decision height at the affected airport.

~~(f) Technological advances.~~

~~(g) The safety of persons on the ground and in the air.~~

~~(h) Land use density.~~

~~(i) The safe and efficient use of navigable airspace.~~

(h)~~(j)~~ The cumulative effects on navigable airspace of all existing *obstructions* ~~structures, proposed structures identified in the applicable jurisdictions' comprehensive plans,~~ and all ~~other~~ known proposed *obstructions* ~~structures~~ in the area.

(7) When issuing a permit under this section, the department ~~of Transportation~~ shall~~, as a specific condition of such permit,~~ require the *owner* ~~obstruction marking and lighting~~ of the *obstruction to install, operate, and maintain, at the owner's expense, marking and lighting in conformance with the specific standards established by the Federal Aviation Administration* ~~permitted structure as provided in s. 333.07(3)(b)~~.

(8) The department *may* ~~of Transportation shall~~ not approve a permit for the *construction or alteration* ~~erection~~ of *an obstruction* ~~a structure~~ unless the applicant submits ~~both~~ documentation showing *both* compliance with the federal requirement for notification of proposed construction *or alteration* and a valid aeronautical *study. A* ~~evaluation, and no~~ permit *may not* ~~shall~~ be approved solely on the basis that *the Federal Aviation Administration determined that the* ~~such~~ proposed *construction or alteration of an obstruction was not an airport hazard* ~~structure will not exceed federal obstruction standards as contained in 14 C.F.R.~~ ss. 77.21, 77.23, 77.25, 77.28, or 77.29~~, or any other federal aviation regulation~~.

(9) The denial of a permit under this section is subject to administrative review pursuant to chapter 120.

Section 15. Section 333.03, Florida Statutes, is amended to read:

333.03 *Requirement* ~~Power~~ to adopt airport zoning regulations.—

(1)(a) ~~In order to prevent the creation or establishment of airport hazards,~~ Every political subdivision having an airport hazard area within its territorial limits shall~~, by October 1, 1977,~~ adopt, administer, and enforce, under the police power and in the manner and upon the conditions ~~hereinafter~~ prescribed *in this section*, airport *protection* zoning regulations for such airport hazard area.

(b) *If* ~~Where~~ an airport is owned or controlled by a political subdivision and *if* any *other political subdivision has land upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R. part 77, subpart C, the political subdivisions* ~~airport hazard area appertaining to such airport is located wholly or partly outside the territorial limits of said political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located,~~ shall either:

1. By interlocal agreement, ~~in accordance with the provisions of chapter 163,~~ adopt, administer, and enforce *a set of* airport *protection* zoning regulations ~~applicable to the airport hazard area in question~~; or

2. By ordinance*, regulation,* or resolution duly adopted, create a joint airport *protection* zoning board *that*~~, which board~~ shall ~~have the same power to~~ adopt, administer, and enforce *a set of* airport *protection* zoning regulations ~~applicable to the airport hazard area in question as that vested in paragraph (a) in the political subdivision within which such area is located~~. *The* ~~Each such~~ joint *airport protection zoning* board shall have as *voting* members two representatives appointed by each *participating* political subdivision ~~participating in its creation~~ and ~~in addition~~ a chair elected by a majority of the members so appointed. ~~However,~~ The airport manager or *a representative of each airport in* ~~managers of~~ the affected *participating* political subdivisions shall serve on the board in a nonvoting capacity.

(c) Airport *protection* zoning regulations adopted under paragraph (a) *must* ~~shall~~, *at* ~~as~~ a minimum, require:

1. A *permit* ~~variance~~ for the *construction or* ~~erection,~~ alteration~~, or modification~~ of any *obstruction* ~~structure which would cause the structure to exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~;

2. Obstruction marking and lighting for *obstructions* ~~structures as specified in s. 333.07(3)~~;

3. Documentation showing compliance with the federal requirement for notification of proposed construction *or alteration of structures* and a valid aeronautical *study* ~~evaluation~~ submitted by each person applying for a *permit* ~~variance~~;

4. Consideration of the criteria in s. 333.025(6), when determining whether to issue or deny a *permit* ~~variance~~; and

5. That *approval of a permit not be based* ~~no variance shall be approved~~ solely on the *determination by the Federal Aviation Administration* ~~basis~~ that *the* ~~such~~ proposed structure *is not an airport hazard* ~~will not exceed federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other federal aviation regulation~~.

(d) The department *shall be available to provide assistance to political subdivisions regarding federal obstruction standards* ~~shall issue copies of the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political subdivision having airport hazard areas and, in cooperation with political subdivisions, shall issue appropriate airport zoning maps depicting within each county the maximum allowable height of any structure or tree. Material distributed pursuant to this subsection shall be at no cost to authorized recipients~~.

(2) In the manner provided in subsection (1), *political subdivisions shall adopt, administer, and enforce* ~~interim~~ airport land use compatibility zoning regulations ~~shall be adopted~~. *Airport land use compatibility zoning* ~~When political subdivisions have adopted land development~~ regulations *shall, at a minimum,* ~~in accordance with the provisions of chapter 163 which~~ address the ~~use of land in the manner consistent with the provisions herein, adoption of airport land use compatibility regulations pursuant to this subsection shall not be required. Interim airport land use compatibility zoning regulations shall consider the~~ following:

(a) *The prohibition of new landfills and the restriction of existing landfills* ~~Whether sanitary landfills are located~~ within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by *turbine* ~~turbojet or turboprop~~ aircraft.

2. Within 5,000 feet from the nearest point of any runway used ~~only~~ by *only nonturbine* ~~piston type~~ aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. *s. 77.19* ~~part 77.25~~. Case-by-case review of such landfills is advised.

(b) *Where* ~~Whether~~ any landfill is located and constructed *in a manner* ~~so~~ that ~~it~~ attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The *landfill operator must* ~~political subdivision shall request from the airport authority or other governing body operating the airport a report on such bird feeding or roosting areas that at the time of the request are known to the airport. In preparing its report, the authority, or other governing body, shall consider whether the landfill will~~ incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft. ~~The airport authority or other governing body shall respond to the political subdivision no later than 30 days after receipt of such request.~~

(c) Where an airport authority or other governing body operating a ~~publicly owned,~~ public-use airport has conducted a noise study in accordance with ~~the provisions of~~ 14 C.F.R. part 150, *or where a public-use airport owner has established noise contours pursuant to another public study approved by the Federal Aviation Administration, the prohibition of incompatible uses, as established in the noise study in 14 C.F.R. part 150, Appendix A or as a part of an alternative Federal Aviation Administration-approved public study, within the noise contours established by any of these studies, except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study* ~~neither residential construction nor any educational facility as defined in chapter 1013, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction by 14 C.F.R. part 150, Appendix A or an equivalent noise level as established by other types of noise studies~~.

(d) Where an airport authority or other governing body operating a ~~publicly owned,~~ public-use airport has not conducted a noise study, *the prohibition of* ~~neither~~ residential construction *and* ~~nor~~ any educational facility ~~as defined in chapter 1013~~, with the exception of aviation school facilities, ~~shall be permitted~~ within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(e)~~(3)~~ *The restriction of* ~~In the manner provided in subsection (1), airport zoning regulations shall be adopted which restrict~~ new incompatible uses, activities, or *substantial modifications to existing incompatible uses* ~~construction~~ within runway *protection* ~~clear~~ zones~~, including uses, activities, or construction in runway clear zones which are incompatible with normal airport operations or endanger public health, safety, and welfare by resulting in congregations of people, emissions of light or smoke, or attraction of birds. Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of a runway of a publicly owned, public use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one half the length of the runway. Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.~~

~~(4) The procedures outlined in subsections (1), (2), and (3) for the adoption of such regulations are supplemental to any existing procedures utilized by political subdivisions in the adoption of such regulations.~~

(3)~~(5)~~ *Political subdivisions shall provide* ~~The Department of Transportation shall provide technical assistance to any political subdivision requesting assistance in the preparation of an airport zoning code.~~ a copy of all ~~local~~ airport *protection* zoning ~~codes, rules, and~~ regulations *and airport land use compatibility zoning regulations*, and *any related* amendments ~~and proposed and granted variances thereto~~, *to* ~~shall be filed with~~ the *department's aviation office within 30 days after adoption* ~~department~~.

(4)~~(6)~~ ~~Nothing in~~ Subsection (2) *may not* ~~or subsection (3)~~ ~~shall~~ be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational *facility* ~~structure~~ or site in existence on July 1, 1993~~, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in former s. 235.19, as of July 1, 1993~~.

(5) This section does not prohibit an airport authority, a political subdivision or its administrative agency, or any other governing body operating a public-use airport from establishing airport zoning regulations more restrictive than prescribed in this section in order to protect the health, safety, and welfare of the public in the air and on the ground.

Section 16. Section 333.04, Florida Statutes, is amended to read:

333.04 Comprehensive zoning regulations; most stringent to prevail where conflicts occur.—

(1) INCORPORATION.—In the event that a political subdivision has adopted, or hereafter adopts, a comprehensive *plan or policy* ~~zoning ordinance~~ regulating, among other things, the height of buildings, structures, and natural objects, and uses of property, any airport zoning regulations applicable to the same area or portion thereof may be in-

corporated in and made a part of such comprehensive *plan or policy* ~~zoning regulations~~, and be administered and enforced in connection therewith.

(2) CONFLICT.—In the event of conflict between any airport zoning regulations adopted under this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or *vegetation* ~~trees~~, the use of land, or any other matter, and whether such regulations were adopted by the political subdivision *that* ~~which~~ adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

Section 17. Section 333.05, Florida Statutes, is amended to read:

333.05 Procedure for adoption of *airport* zoning regulations.—

(1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations *may not* ~~shall~~ be adopted, amended, or *repealed* ~~changed~~ under this chapter except by action of the legislative body of the political subdivision *or affected subdivisions* ~~in question~~, or the joint board provided in *s. 333.03(1)(b)2.* ~~s. 333.03(1)(b)~~ by the *political subdivisions* ~~bodies~~ therein provided and set forth, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published at least once a week for 2 consecutive weeks in *a newspaper* ~~an official paper, or a paper~~ of general circulation~~,~~ in the political subdivision or subdivisions *where* ~~in which are located~~ the airport *zoning regulations are* ~~areas~~ to be *adopted, amended, or repealed* ~~zoned~~.

(2) AIRPORT ZONING COMMISSION.—*Before* ~~Prior to~~ the initial zoning of any airport area under this chapter*,* the political subdivision or joint airport zoning board *that* ~~which~~ is to adopt*, administer, and enforce* the regulations *must* ~~shall~~ appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board *may* ~~shall~~ not hold its public hearings or take any action until it has received the final report of such commission, and at least 15 days shall elapse between the receipt of the final report of the commission and the hearing to be held by the latter board. *If* ~~Where~~ a *planning* ~~city plan~~ commission*, an airport commission,* or *a* comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

Section 18. Section 333.06, Florida Statutes, is amended to read:

333.06 Airport zoning *regulation* requirements.—

(1) REASONABLENESS.—All airport zoning regulations adopted under this chapter shall be reasonable and *may not* ~~none shall~~ impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this chapter. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area and runway *protection* ~~clear~~ zones, the character of the neighborhood, the uses to which the property to be zoned is put and adaptable, and the impact of any new use, activity, or construction on the airport's operating capability and capacity.

(2) INDEPENDENT JUSTIFICATION.—The purpose of all airport zoning regulations adopted under this chapter is to provide both airspace protection and land *uses* ~~use~~ compatible with airport operations. Each aspect of this purpose requires independent justification in order to promote the public interest in safety, health, and general welfare. Specifically, construction in a runway *protection* ~~clear~~ zone which does not exceed airspace height restrictions is not *conclusive* ~~evidence per se~~ that such use, activity, or construction is compatible with airport operations.

(3) NONCONFORMING USES.—*An* ~~No~~ airport *protection* zoning *regulation* ~~regulations~~ adopted under this chapter *may not* ~~shall~~ require the removal, lowering, or other change or alteration of any *obstruction* ~~structure or tree~~ not conforming to the *regulation* ~~regulations~~ when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in s. 333.07(1) and (3).

(4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENTS.—An airport master plan shall be prepared by each *public-use* ~~publicly owned and operated~~ airport licensed by the department ~~of Transportation~~ under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when either requesting from or submitting to a state or federal governmental agency with funding or approval jurisdiction a "finding of no significant impact," an environmental assessment, a site-selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendments by certified mail to all affected local governments. *As used in* ~~For the purposes of~~ this subsection, *the term* "affected local government" is defined as any *municipality* ~~city~~ or county having jurisdiction over the airport and any *municipality* ~~city~~ or county located within 2 miles of the boundaries of the land subject to the airport master plan.

Section 19. *Section 333.065, Florida Statutes, is repealed.*

Section 20. Section 333.07, Florida Statutes, is amended to read:

333.07 *Local government permitting of airspace obstructions* ~~Permits and variances~~.—

(1) PERMITS.—

(a) *A person proposing to construct, alter, or allow an airport obstruction in an airport hazard area in violation of the airport protection zoning regulations adopted under this chapter must apply for a permit. A* ~~Any airport zoning regulations adopted under this chapter may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired. In any event, however, all such regulations shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change, or repair. No~~ permit *may not* ~~shall~~ be *issued if it* ~~granted that~~ would allow the establishment or creation of an airport hazard or *if it* would permit a nonconforming *obstruction* ~~structure or tree or nonconforming use to be made or become higher or~~ to become a greater hazard to air navigation than it was when the applicable *airport protection zoning* regulation was adopted *which allowed the establishment or creation of the obstruction,* or than it is when the application for a permit is made.

(b) *If* ~~Whenever~~ the *political subdivision or its* administrative agency determines that a nonconforming *obstruction* ~~use or nonconforming structure or tree~~ has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, *a* ~~no~~ permit *may not* ~~shall~~ be granted *if it* ~~that~~ would allow *the obstruction* ~~said structure or tree~~ to exceed the applicable height limit or otherwise deviate from the *airport protection* zoning regulations.~~; and,~~ Whether *or not an* application is made for a permit under this subsection ~~or not~~, ~~the said agency may by appropriate action, compel~~ the owner of the nonconforming *obstruction may be required* ~~structure or tree~~, at his or her own expense, to lower, remove, reconstruct, *alter,* or equip such *obstruction* ~~object~~ as may be necessary to conform to the *current airport protection zoning* regulations. If the owner of the nonconforming *obstruction neglects or refuses* ~~structure or tree shall neglect or refuse~~ to comply with such *requirement* ~~order~~ for 10 days after notice ~~thereof~~, the *administrative* ~~said~~ agency may report the violation to the political subdivision involved ~~therein~~, which subdivision, through its appropriate agency, may proceed to have the *obstruction* ~~object~~ so lowered, removed, reconstructed, *altered,* or equipped~~,~~ and assess the cost and expense thereof upon the *owner of the obstruction* ~~object~~ or the land whereon it is or was located~~, and, unless such an assessment is paid within 90 days from the service of notice thereof on the owner or the owner's agent, of such object or land, the sum shall be a lien on said land, and shall bear interest thereafter at the rate of 6 percent per annum until paid, and shall be collected in the same manner as taxes on real property are collected by said political subdivision, or, at the option of said political subdivision, said lien may be enforced in the manner provided for enforcement of liens by chapter 85~~.

~~(c) Except as provided herein, applications for permits shall be granted, provided the matter applied for meets the provisions of this chapter and the regulations adopted and in force hereunder.~~

(2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.—In determining whether to issue or deny a permit, the political subdivision or its administrative agency must consider the following, as applicable:

(a) The safety of persons on the ground and in the air.

(b) The safe and efficient use of navigable airspace.

(c) The nature of the terrain and height of existing structures.

(d) The effect of the construction or alteration on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.

(e) The character of existing and planned flight operations and developments at public-use airports.

(f) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.

(g) The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.

(h) The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.

(i) Additional requirements adopted by the political subdivision or administrative agency pertinent to evaluation and protection of airspace and airport operations.

~~(2) VARIANCES.—~~

~~(a) Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in violation of the airport zoning regulations adopted under this chapter or any land development regulation adopted pursuant to the provisions of chapter 163 pertaining to airport land use compatibility, may apply to the board of adjustment for a variance from the zoning regulations in question. At the time of filing the application, the applicant shall forward to the department by certified mail, return receipt requested, a copy of the application. The department shall have 45 days from receipt of the application to comment and to provide its comments or waiver of that right to the applicant and the board of adjustment. The department shall include its explanation for any objections stated in its comments. If the department fails to provide its comments within 45 days of receipt of the application, its right to comment is waived. The board of adjustment may proceed with its consideration of the application only upon the receipt of the department's comments or waiver of that right as demonstrated by the filing of a copy of the return receipt with the board. Noncompliance with this section shall be grounds to appeal pursuant to s. 333.08 and to apply for judicial relief pursuant to s. 333.11. Such variances may only be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and where the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and this chapter. However, any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter.~~

~~(b) The Department of Transportation shall have the authority to appeal any variance granted under this chapter pursuant to s. 333.08, and to apply for judicial relief pursuant to s. 333.11.~~

(3) OBSTRUCTION MARKING AND LIGHTING.—

~~(a)~~ In *issuing a* ~~granting any~~ permit ~~or variance~~ under this section, the *political subdivision or its* administrative agency ~~or board of adjustment~~ shall require the owner of the *obstruction* ~~structure or tree in question~~ to install, operate, and maintain thereon, at his or her own expense, ~~such~~ marking and lighting *in conformance with the specific standards established by the Federal Aviation Administration* ~~as may be necessary to indicate to aircraft pilots the presence of an obstruction~~.

~~(b) Such marking and lighting shall conform to the specific standards established by rule by the Department of Transportation.~~

~~(c) Existing structures not in compliance on October 1, 1988, shall be required to comply whenever the existing marking requires refurbishment, whenever the existing lighting requires replacement, or within 5 years of October 1, 1988, whichever occurs first.~~

Section 21. *Section 333.08, Florida Statutes, is repealed.*

Section 22. Section 333.09, Florida Statutes, is amended to read:

333.09 Administration of airport *protection* zoning regulations.—

(1) ADMINISTRATION.—All airport *protection* zoning regulations adopted under this chapter shall provide for the administration and enforcement of such regulations by *the political subdivision or its administrative agency* ~~an administrative agency which may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the board of adjustment~~. The duties of any administrative agency designated pursuant to this chapter *must* ~~shall~~ include that of hearing and deciding all permits under *s. 333.07* ~~s. 333.07(1), deciding all matters under s. 333.07(3)~~, as they pertain to such agency, and all other matters under this chapter applying to said agency~~, but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment~~.

(2) LOCAL GOVERNMENT PROCESS.—

(a) A political subdivision required to adopt airport zoning regulations under this chapter shall provide a process to:

1. Issue or deny permits consistent with s. 333.07.

2. Provide the department with a copy of a complete application consistent with s. 333.025(4).

3. Enforce the issuance or denial of a permit or other determination made by the administrative agency with respect to airport zoning regulations.

(b) If a zoning board or permitting body already exists within a political subdivision, the zoning board or permitting body may implement the airport zoning regulation permitting and appeals processes.

(3) APPEALS.—

(a) A person, a political subdivision or its administrative agency, or a joint airport zoning board that contends a decision made by a political subdivision or its administrative agency is an improper application of airport zoning regulations may use the process established for an appeal.

(b) All appeals taken under this section must be taken within a reasonable time, as provided by the political subdivision or its administrative agency, by filing with the entity from which the appeal is taken a notice of appeal specifying the grounds for appeal.

(c) An appeal shall stay all proceedings in the underlying action appealed from, unless the entity from which the appeal is taken certifies pursuant to the rules for appeal that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings may not be stayed except by order of the political subdivision or its administrative agency on notice to the entity from which the appeal is taken and for good cause shown.

(d) The political subdivision or its administrative agency shall set a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.

(e) The political subdivision or its administrative agency may, in conformity with this chapter, affirm, reverse, or modify the decision on the permit or other determination from which the appeal is taken.

Section 23. *Section 333.10, Florida Statutes, is repealed.*

Section 25. Section 333.11, Florida Statutes, is amended to read:

333.11 Judicial review.—

(1) Any person, ~~aggrieved, or taxpayer affected, by any decision of a board of adjustment, or any governing body of a~~ political subdivision, or ~~the Department of Transportation or any~~ joint airport zoning board *affected by a decision of a political subdivision*~~,~~ or *its* ~~of any~~ administrative agency ~~hereunder,~~ may apply for judicial relief to the circuit court in the judicial circuit where the *political subdivision* ~~board of adjustment~~ is located within 30 days after rendition of the decision ~~by the board of adjustment~~. Review shall be by petition for writ of certiorari, which shall be governed by the Florida Rules of Appellate Procedure.

~~(2) Upon presentation of such petition to the court, it may allow a writ of certiorari, directed to the board of adjustment, to review such decision of the board. The allowance of the writ shall not stay the proceedings upon the decision appealed from, but the court may, on application, on notice to the board, on due hearing and due cause shown, grant a restraining order.~~

~~(3) The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.~~

(2)~~(4)~~ The court *has* ~~shall have~~ exclusive jurisdiction to affirm, *reverse, or* modify~~, or set aside~~ the decision *on the permit or other determination from which the appeal is taken* ~~brought up for review, in whole or in part,~~ and, if *appropriate* ~~need be~~, to order further proceedings by the *political subdivision or its administrative agency* ~~board of adjustment~~. The findings of fact by the *political subdivision or its administrative agency* ~~board~~, if supported by substantial evidence, shall be accepted by the court as conclusive, and *an* ~~no~~ objection to a decision of the *political subdivision or its administrative agency may not* ~~board shall~~ be considered by the court unless such objection *was raised in the underlying proceeding* ~~shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so~~.

(3)~~(5)~~ *If* ~~In any case in which~~ airport zoning regulations adopted under this chapter~~, although generally reasonable,~~ are held by a court to interfere with the use and enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the State Constitution or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land, or such regulations as are not involved in the particular decision.

(4)~~(6)~~ *A judicial* ~~No~~ appeal *to any court may not* ~~shall~~ be ~~or is~~ permitted under this section *until the appellant has exhausted all of its remedies through application for local government permits, exceptions, and appeals*~~, to any courts, as herein provided, save and except an appeal from a decision of the board of adjustment, the appeal herein provided being from such final decision of such board only, the appellant being hereby required to exhaust his or her remedies hereunder of application for permits, exceptions and variances, and appeal to the board of adjustment, and gaining a determination by said board, before being permitted to appeal to the court hereunder~~.

Section 26. Section 333.12, Florida Statutes, is amended to read:

333.12 Acquisition of air rights.—*If* ~~In any case which: it is desired to remove, lower or otherwise terminate~~ a nonconforming *obstruction is determined to be an airport hazard and the owner will not remove, lower, or otherwise eliminate it* ~~structure or use~~; ~~or~~ the approach protection necessary cannot, because of constitutional limitations, be provided by airport *zoning* regulations under this chapter; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming *obstruction* ~~use~~ is located, or the political subdivision owning or operating the airport or being served by it, may acquire, by purchase, grant, or condemnation in the manner provided by chapter 73, such *property,* air right, *avigation* ~~navigation~~ easement, or other estate, portion, or interest in the property or nonconforming *obstruction* ~~structure or use~~ or such interest in the air above such property, ~~tree~~, ~~structure, or use,~~ in question, as may be necessary to effectuate the purposes of this chapter, and in so doing, if by condemnation, to have the right to take immediate possession of the property, interest in property, air right, or other right sought to be condemned, at the time, and in the manner and form, and as authorized by chapter 74. In the case of the purchase of any property, ~~or any~~ easement, or estate or interest therein or the acquisition of the same by the power of eminent domain, the political subdivision making such purchase or exercising such power shall, in addition to the damages for the taking, injury, or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility *that* ~~which~~ is required to be moved to a new location.

Section 27. Section 333.13, Florida Statutes, is amended to read:

333.13 Enforcement and remedies.—

(1) Each violation of this chapter or of any *airport zoning* regulations, orders, or rulings *adopted* ~~promulgated~~ or made pursuant to this chapter shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and each day a violation continues to exist shall constitute a separate offense.

(2) In addition, the political subdivision or agency adopting the airport zoning regulations under this chapter may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this chapter or of airport zoning regulations adopted under this chapter or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction, ~~(~~which may be mandatory,~~)~~ or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto.

(3) The department ~~of Transportation~~ may institute a civil action for injunctive relief in the appropriate circuit court to prevent violation of any provision of this chapter.

Section 28. Section 333.135, Florida Statutes, is created to read:

333.135 Transition provisions.—

(1) Any airport zoning regulation in effect on July 1, 2016, which includes provisions in conflict with this chapter shall be amended to conform to the requirements of this chapter by July 1, 2017.

(2) Any political subdivision having an airport within its territorial limits which has not adopted airport zoning regulations shall, by July 1, 2017, adopt airport zoning regulations consistent with this chapter.

(3) For those political subdivisions that have not yet adopted airport zoning regulations pursuant to this chapter, the department shall administer the permitting process as provided in s. 333.025.

Section 29. *Section 333.14, Florida Statutes, is repealed.*

Section 30. Section 335.085, Florida Statutes, is created to read:

335.085 Installation of roadside barriers along certain water bodies contiguous with state roads.—

(1) This section shall be cited as "Chloe's Law."

(2) By June 30, 2018, the department shall install roadside barriers to shield water bodies contiguous with state roads at locations where a death due to drowning resulted from a motor vehicle accident in which a vehicle departed the adjacent state road during the period between July 1, 2006, and July 1, 2016. This requirement does not apply to any location at which the department's chief engineer determines, based on engineering principles, that installation of a barrier would increase the risk of injury to motorists traveling on the adjacent state road.

Section 31. *The Department of Transportation shall review all motor vehicle accidents that resulted in death due to drowning in a water body contiguous with a state road and that occurred during the period between July 1, 2006, and July 1, 2016. The department shall use the reconciled crash data received from the Department of Highway Safety and Motor Vehicles and shall submit a report to the President of the Senate and the Speaker of the House of Representatives by January 3, 2017, providing recommendations regarding any necessary changes to state laws and department rules to enhance traffic safety.*

Section 32. Subsection (3) of section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction aggregate materials.—

(3) LOCAL GOVERNMENT DECISIONMAKING.—*A* ~~No~~ local government *may not* ~~shall~~ approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, *cost,* and potential extraction of construction aggregate materials on the local area, the region, and the state. The failure of the Department of Transportation to provide this information shall not be a basis for delay or invalidation of the local government action. *A* ~~No~~ local government may *not* impose a moratorium, or combination of moratoria, of more than 12 months' duration on the mining or extraction of construction aggregate materials, commencing on the date the vote was taken to impose the moratorium. January 1, 2007, shall serve as the commencement of the 12-month period for moratoria already in place as of July 1, 2007.

Section 33. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. However, the department may choose, in its discretion and applicable only to multiyear maintenance contracts, to allow for incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price.

1. The department may waive the requirement for all or a portion of a surety bond if:

a. ~~For a project for which~~ The contract price is $250,000 or less *and*~~,~~ the department ~~may waive the requirement for all or a portion of a surety bond if it~~ determines *that* the project is of a noncritical nature and *that* nonperformance will not endanger public health, safety, or property*;*

b. The prime contractor is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2); or

c. The prime contractor is using a subcontractor that is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2). However, the department may not waive more than the amount of the subcontract.

2. If the Secretary of Transportation or the secretary's designee determines that it is in the best interests of the department to reduce the bonding requirement for a project and that to do so will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price for a project having a contract price of $250 million or more and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guarantees, and cash collateral. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 34. Subsection (4) of section 338.165, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

338.165 Continuation of tolls.—

(4) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the requirements of subsection (2), the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley *and*~~,~~ the Sunshine Skyway Bridge~~, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway~~ to fund transportation projects located within the county or counties in which the project is located and contained in the adopted work program of the department.

(11) The department's Pinellas Bayway System may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law. The transfer does not affect the rights of the parties, or their successors in interest, under the settlement agreement and final judgment in Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co. v. State Road Department of the State of Florida, No. 67-1081 (Fla. 2nd Cir. Ct. 1968). Upon transfer of the Pinellas Bayway System to the turnpike system, the department shall also transfer to the Florida Turnpike Enterprise the funds deposited in the reserve account established by chapter 85-364, Laws of Florida, as amended by chapters 95-382 and 2014-223, Laws of Florida, which funds shall be used by the Florida Turnpike Enterprise solely to help fund the costs of repair or replacement of the transferred facilities.

Section 35. *Chapter 85-364, Laws of Florida, as amended by chapter 95-382 and section 48 of chapter 2014-223, Laws of Florida, is repealed.*

Section 36. Subsections (5) and (6) of section 338.231, Florida Statutes, are amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

~~(5) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease purchase agreements, and subject to the covenants of those agreements. The agreement must establish that the Sawgrass Expressway is subject to the planning, management, and operating control of the department limited only by the terms of the lease purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues is subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system opera-~~

~~tion and maintenance expenses, and subject to any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.~~

(5)~~(6)~~ The use and disposition of revenues pledged to bonds are subject to ss. 338.22-338.241 and such regulations as the resolution authorizing the issuance of the bonds or such trust agreement may provide.

Section 36. Paragraph (i) of subsection (6) and paragraph (c) of subsection (7) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(i) *The Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization Chairs* ~~A chair's~~ Coordinating Committee is created *within the Tampa Bay Area Regional Transportation Authority*, composed of the M.P.O.'s serving *Citrus,* Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. *The authority shall provide administrative support and direction to the committee.* The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion*, improve safety,* and maximize the mobility of people and goods. *Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.*

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 37. Subsection (2) of section 339.2818, Florida Statutes, is amended to read:

339.2818 Small County Outreach Program.—

(2)~~(a)~~ For the purposes of this section, the term "small county" means any county that has a population of *170,000* ~~150,000~~ or less as determined by the most recent official estimate pursuant to s. 186.901.

~~(b) Notwithstanding paragraph (a), for the 2015-2016 fiscal year, for purposes of this section, the term "small county" means any county that has a population of 165,000 or less as determined by the most recent official estimate pursuant to s. 186.901. This paragraph expires July 1, 2016.~~

Section 38. Subsections (1) and (2) of section 339.55, Florida Statutes, are amended to read:

339.55 State-funded infrastructure bank.—

(1) There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities *or ancillary facilities that produce or distribute natural gas or fuel*.

(2) The bank may lend capital costs or provide credit enhancements for:

(a) A transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods.

(b) Projects of the Transportation Regional Incentive Program which are identified pursuant to s. 339.2819(4).

(c)1. Emergency loans for damages incurred to public-use commercial deepwater seaports, public-use airports, and other public-use transit and intermodal facilities that are within an area that is part of an official state declaration of emergency pursuant to chapter 252 and all other applicable laws. Such loans:

a. May not exceed 24 months in duration except in extreme circumstances, for which the Secretary of Transportation may grant up to 36 months upon making written findings specifying the conditions requiring a 36-month term.

b. Require application from the recipient to the department that includes documentation of damage claims filed with the Federal Emergency Management Agency or an applicable insurance carrier and documentation of the recipient's overall financial condition.

c. Are subject to approval by the Secretary of Transportation and the Legislative Budget Commission.

2. Loans provided under this paragraph must be repaid upon receipt by the recipient of eligible program funding for damages in accordance with the claims filed with the Federal Emergency Management Agency or an applicable insurance carrier, but no later than the duration of the loan.

(d) Beginning July 1, 2017, applications for the development and construction of natural gas fuel production or distribution facilities used primarily to support the transportation activities at seaports or intermodal facilities. Loans under this paragraph may be used to refinance outstanding debt.

Section 39. Paragraph (c) is added to subsection (3) of section 339.64, Florida Statutes, and paragraph (a) of subsection (4) of that section is amended, to read:

339.64 Strategic Intermodal System Plan.—

(3)

(c) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments, in Strategic Intermodal System facilities.

(4) The Strategic Intermodal System Plan shall include the following:

(a) A needs assessment *that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments*.

Section 40. *Section 341.0532, Florida Statutes, is repealed.*

Section 41. Paragraphs (a) and (b) of subsection (2) of section 343.92, Florida Statutes, are amended to read:

343.92 Tampa Bay Area Regional Transportation Authority.—

(2) The governing board of the authority shall consist of *15 voting* ~~16~~ members.

(a) ~~There shall be one nonvoting, ex officio member of the board who shall be appointed by~~ The secretary of the department *shall appoint two advisors to the board* ~~but~~ who must be the district secretary for *each* ~~one~~ of the department districts within the seven-county area of the authority~~, at the discretion of the secretary of the department~~.

(b) *The* ~~There shall be~~ 15 voting members of the board *shall be* as follows:

1. The county commissions of Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties shall each appoint one elected official to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the board to be filled as provided in this subparagraph.

2. The *Tampa Bay Area Regional Transportation Authority (TBARTA) Metropolitan Planning Organization* ~~West Central Florida M.P.O.~~ Chairs Coordinating Committee shall appoint one member to the board who must be a chair of one of the six metropolitan planning organizations in the region. The member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.

3.a. Two members of the board shall be the mayor, or the mayor's designee, of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that largest municipality's city council or city commission. A mayor or his or her designee shall serve a 2-year term with not more than three consecutive terms being served by any person.

c. A designee's term ends if the mayor leaves office for any reason. If a designee leaves elected office on the city council or commission, a vacancy exists on the board to be filled by the mayor of that municipality as provided in sub-subparagraph a.

d. A mayor who has served three consecutive terms on the board must designate an elected official from that largest municipality's city council or city commission to serve on the board for at least one term.

4.a. One membership on the board shall rotate every 2 years between the mayor, or his or her designee, of the largest municipality within Manatee County and the mayor, or his or her designee, of the largest municipality within Sarasota County. The mayor, or his or her designee, from the largest municipality within Manatee County shall serve the first 2-year term. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that municipality's city council or city commission.

5. The Governor shall appoint to the board four business representatives, each of whom must reside in one of the seven counties governed by the authority, none of whom may be elected officials, and at least one but not more than two of whom shall represent counties within the federally designated Tampa Bay Transportation Management Area. Members appointed by the Governor shall serve 3-year terms with not more than two consecutive terms being served by any person.

Section 42. Paragraphs (d), (e), and (f) of subsection (3) of section 343.922, Florida Statutes, are amended, and paragraph (g) is added to that subsection, to read:

343.922 Powers and duties.—

(3)

(d) After its adoption, the master plan shall be updated every *5* ~~2~~ years before July 1.

(e) The authority shall present the original master plan and updates to the governing bodies of the counties within the seven-county region, to the *TBARTA Metropolitan Planning Organization* ~~West Central Florida M.P.O.~~ Chairs Coordinating Committee, and to the legislative delegation members representing those counties within 90 days after adoption.

(f) The authority shall coordinate plans and projects with the *TBARTA Metropolitan Planning Organization* ~~West Central Florida M.P.O.~~ Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.

(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).

Section 43. Subsection (3) of section 348.565, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and s. 11(f), Art. VII of the State Constitution:

(3) Lee Roy Selmon Crosstown Expressway System widening*, and any extensions thereof*.

(5) Capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to this part, including, without limitation, s. 348.54(15), provided that any financing of such projects does not pledge the full faith and credit of the state.

Section 44. Subsection (20) is added to section 479.16, Florida Statutes, to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under this chapter but are required to comply with s. 479.11(4)-(8), and ~~the provisions of~~ subsections *(15)-(20)* ~~(15)-(19)~~ may not be implemented or continued if the Federal Government notifies the

department that implementation or continuation will adversely affect the allocation of federal funds to the department:

(20) Signs that are located within the controlled area of a federal-aid primary highway but that are on a parcel adjacent to an off-ramp to the termination point of a turnpike system, if there is no directional decision to be made by a driver, the signs are primarily facing the off-ramp, and the signs have been in existence since at least 1995.

If the exemptions in subsections *(15)-(20)* ~~(15)-(19)~~ are not implemented or continued due to notification from the Federal Government that the allocation of federal funds to the department will be adversely impacted, the department shall provide notice to the sign owner that the sign must be removed within 30 days after receipt of the notice. If the sign is not removed within 30 days after receipt of the notice by the sign owner, the department may remove the sign, and the costs incurred in connection with the sign removal shall be assessed against and collected from the sign owner.

Section 45. *The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall study the use and safe operation of driver-assistive truck platooning technology, as defined in s. 316.003, Florida Statutes, for the purpose of developing a pilot project to test vehicles that are equipped to operate using driver-assistive truck platooning technology.*

(1) Upon conclusion of the study, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, may conduct a pilot project to test the use and safe operation of vehicles equipped with driver-assistive truck platooning technology.

(2) Notwithstanding ss. 316.0895 and 316.303, Florida Statutes, the Department of Transportation may conduct the pilot project in such a manner and at such locations as determined by the Department of Transportation based on the study.

(3) Before the start of the pilot project, manufacturers of driver–assistive truck platooning technology being tested in the pilot project must submit to the Department of Highway Safety and Motor Vehicles an instrument of insurance, a surety bond, or proof of self-insurance acceptable to the department in the amount of $5 million.

(4) Upon conclusion of the pilot project, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 46. *(1)(a) The Office of Economic and Demographic Research shall evaluate and determine the economic benefits, as defined in s. 288.005(1), Florida Statutes, of the state's investment in the Department of Transportation's adopted work program developed in accordance with s. 339.135(5), Florida Statutes, for fiscal year 2016-2017 and the following 4 fiscal years. At a minimum, a separate return on investment shall be projected for each of the following areas:*

1. Roads and highways.

2. Rails.

3. Public transit.

4. Aviation.

5. Seaports.

(b) The evaluation shall be limited to the funding anticipated by the adopted work program but may address the continuing economic impact for those transportation projects in the 5 years after the conclusion of the adopted work program. The evaluation must also determine the number of jobs created, the increase or decrease in personal income, and the impact on gross domestic product from the direct, indirect, and induced effects on the state's investment in each area.

(2) The Department of Transportation and each of its district offices shall provide the Office of Economic and Demographic Research full access to all data necessary to complete the evaluation, including any confidential data.

(3) The Office of Economic and Demographic Research shall submit the evaluation to the President of the Senate and the Speaker of the House of Representatives by January 1, 2017.

Section 47. *Notwithstanding any other law or local ordinance to the contrary, non-emergency transportation services under any Medicaid program administered by the state or its contracted providers may be provided, subject only to Medicaid laws, rules, and contract terms, by entities including, but not limited to commercial airline; ground ambulances subcontracted for use as stretcher vans; ground and air ambulances; mass transit and public transportation systems; medical vehicles (wheelchair or stretcher vans); multi-load passenger van; private vehicle; private non-profit agencies; and taxi. No political subdivision may limit or proscribe the types of vehicles that may be used for non-emergency medical transportation covered by any federally-funded program or commercial health coverage product. This section shall not apply to the provision of emergency medical transportation services under part III of chapter 401.*

Section 48. Paragraph (c) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. *316.003(12)(a)* ~~316.003(66)(a)~~ to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

Section 49. Subsection (1) of section 316.1303, Florida Statutes, is amended to read:

316.1303 Traffic regulations to assist mobility-impaired persons.—

(1) Whenever a pedestrian who is mobility impaired is in the process of crossing a public street or highway with the assistance of a guide dog or service animal designated as such with a visible means of identification, a walker, a crutch, an orthopedic cane, or a wheelchair, the driver of a vehicle approaching the intersection~~, as defined in s. 316.003(17),~~ shall bring his or her vehicle to a full stop before arriving at

the intersection and, before proceeding, shall take precautions necessary to avoid injuring the pedestrian.

Section 50. Paragraph (b) of subsection (2) and paragraph (a) of subsection (4) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)

(b) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle~~, as defined in s. 316.003(66),~~ to determine *whether* ~~if~~ its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle~~, as defined in s. 316.003(66),~~ is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. If the license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed $1,000. In the case of special mobile equipment ~~as defined in s. 316.003(48)~~, which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of $75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

(4)(a) *A* ~~No~~ commercial vehicle *may not*~~, as defined in s. 316.003(66), shall~~ be operated over the highways of this state unless it has been properly registered under ~~the provisions of~~ s. 207.004. Whenever any law enforcement officer identified in s. 207.023(1), upon inspecting the vehicle or combination of vehicles, determines that the vehicle is in violation of s. 207.004, a penalty in the amount of $50 shall be assessed, and the vehicle may be detained until payment is collected by the law enforcement officer.

Section 51. Subsection (2) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(2) Any commercial motor vehicle~~, as defined in s. 316.003(66),~~ operating over the highways of this state with an expired registration, with no registration from this or any other jurisdiction, or with no registration under the applicable provisions of chapter 320 shall be in violation of s. 320.07(3) and shall subject the owner or operator of such vehicle to the penalty provided. In addition, a commercial motor vehicle found in violation of this section may be detained by any law enforcement officer until the owner or operator produces evidence that the vehicle has been properly registered and that any applicable delinquent penalties have been paid.

Section 52. Subsection (6) of section 316.6105, Florida Statutes, is amended to read:

316.6105 Violations involving operation of motor vehicle in unsafe condition or without required equipment; procedure for disposition.—

(6) This section does not apply to commercial motor vehicles ~~as defined in s. 316.003(66)~~ or transit buses owned or operated by a governmental entity.

Section 53. Paragraph (a) of subsection (2) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(2) As used in this section, the term "motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of the state. The term does not include:

(a) A school bus ~~as defined in s. 316.003(45)~~.

Section 54. Subsection (8) of section 316.622, Florida Statutes, is amended to read:

316.622 Farm labor vehicles.—

(8) The department shall provide to the Department of Business and Professional Regulation each quarter a copy of each accident report involving a farm labor vehicle~~, as defined in s. 316.003(62), commencing with the first quarter of the 2006-2007 fiscal year~~.

Section 55. Paragraph (b) of subsection (1) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(1)

(b) The department shall prepare, and supply to every traffic enforcement agency in the state, an appropriate affidavit-of-compliance form that shall be issued along with the form traffic citation for any violation of s. 316.610 and that indicates the specific defect needing to be corrected. However, such affidavit of compliance *may* ~~shall~~ not be issued in the case of a violation of s. 316.610 by a commercial motor vehicle ~~as defined in s. 316.003(66)~~. Such affidavit-of-compliance form shall be distributed in the same manner and to the same parties as is the form traffic citation.

Section 56. Subsection (1) of section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.—

(1) The Department of Transportation shall establish and revise standards to *ensure* ~~assure~~ the safe operation of nonpublic sector buses~~, as defined in s. 316.003(78)~~, which standards shall be those contained in 49 C.F.R. parts 382, 385, and 390-397 and which shall be directed *toward ensuring* ~~towards assuring~~ that:

(a) Nonpublic sector buses are safely maintained, equipped, and operated.

(b) Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation.

(c) Florida license tags are purchased for nonpublic sector buses pursuant to s. 320.38.

(d) The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.

Section 57. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, special mobile equipment as defined in s. *316.003* ~~316.003(48)~~, vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.

Section 58. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. *316.003(2)* ~~316.003(2)~~, tri-vehicles as defined in s. 316.003, and mobile homes~~,~~ as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: $10 flat.

(b) Any moped: $5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of $2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

(d) An ancient or antique motorcycle: $7.50 flat, of which $2.50 shall be deposited into the General Revenue Fund.

(2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: $7.50 flat.

(b) Net weight of less than 2,500 pounds: $14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: $22.50 flat.

(d) Net weight of 3,500 pounds or more: $32.50 flat.

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: $14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: $22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: $32.50 flat.

(d) A truck defined as a "goat," or other vehicle if used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: $7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: $7.50 flat.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: $60.75 flat, of which $15.75 shall be deposited into the General Revenue Fund.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: $87.75 flat, of which $22.75 shall be deposited into the General Revenue Fund.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: $103 flat, of which $27 shall be deposited into the General Revenue Fund.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat, of which $31 shall be deposited into the General Revenue Fund.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat, of which $46 shall be deposited into the General Revenue Fund.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: $251 flat, of which $65 shall be deposited into the General Revenue Fund.

(g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: $324 flat, of which $84 shall be deposited into the General Revenue Fund.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat, of which $105 shall be deposited into the General Revenue Fund.

(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $773 flat, of which $201 shall be deposited into the General Revenue Fund.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $916 flat, of which $238 shall be deposited into the General Revenue Fund.

(k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat, of which $280 shall be deposited into the General Revenue Fund.

(l) Gross vehicle weight of 72,000 pounds or more: $1,322 flat, of which $343 shall be deposited into the General Revenue Fund.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within a 150-mile radius of its home address is eligible for a license plate for a fee of $324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

Of the fee imposed by this paragraph, $84 shall be deposited into the General Revenue Fund.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within a 150-mile radius of its home address, is eligible for a restricted license plate for a fee of:

1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds, $87.75 flat, of which $22.75 shall be deposited into the General Revenue Fund.

2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, $324 flat, of which $84 shall be deposited into the General Revenue Fund.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $13.50 flat per registration year or any part

thereof, of which $3.50 shall be deposited into the General Revenue Fund.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $68 flat per permanent registration, of which $18 shall be deposited into the General Revenue Fund.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: $44 flat, of which $11.50 shall be deposited into the General Revenue Fund.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat, of which $31 shall be deposited into the General Revenue Fund.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat, of which $46 shall be deposited into the General Revenue Fund.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $251 flat, of which $65 shall be deposited into the General Revenue Fund.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $324 flat, of which $84 shall be deposited into the General Revenue Fund.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat, of which $105 shall be deposited into the General Revenue Fund.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $772 flat, of which $200 shall be deposited into the General Revenue Fund.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $915 flat, of which $237 shall be deposited into the General Revenue Fund.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat, of which $280 shall be deposited into the General Revenue Fund.

9. Gross vehicle weight of 72,000 pounds or more: $1,322 flat, of which $343 shall be deposited into the General Revenue Fund.

(f) A hearse or ambulance: $40.50 flat, of which $10.50 shall be deposited into the General Revenue Fund.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund; plus $1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(b) Nine passengers and over: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund; plus $2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(7) TRAILERS FOR PRIVATE USE.—

(a) Any trailer weighing 500 pounds or less: $6.75 flat per year or any part thereof, of which $1.75 shall be deposited into the General Revenue Fund.

(b) Net weight over 500 pounds: $3.50 flat, of which $1 shall be deposited into the General Revenue Fund; plus $1 per cwt, of which 25 cents shall be deposited into the General Revenue Fund.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: $3.50 flat, of which $1 shall be deposited into the General Revenue Fund; plus $1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(b) Net weight 2,000 pounds or more: $13.50 flat, of which $3.50 shall be deposited into the General Revenue Fund; plus $1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: $13.50 flat, of which $3.50 shall be deposited into the General Revenue Fund.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.—

(a) Park trailers.—Any park trailer, as defined in s. 320.01(1)(b)7.: $25 flat.

(b) A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: $25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: $20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: $25 flat.

(c) A mobile home over 40 feet in length, but not exceeding 45 feet: $30 flat.

(d) A mobile home over 45 feet in length, but not exceeding 50 feet: $35 flat.

(e) A mobile home over 50 feet in length, but not exceeding 55 feet: $40 flat.

(f) A mobile home over 55 feet in length, but not exceeding 60 feet: $45 flat.

(g) A mobile home over 60 feet in length, but not exceeding 65 feet: $50 flat.

(h) A mobile home over 65 feet in length: $80 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: $4 flat, of which $1 shall be deposited into the General Revenue Fund.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund; plus $2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: $101.25 flat, of which $26.25 shall be deposited into the General Revenue Fund.

Section 59. Subsection (1) of section 320.0801, Florida Statutes, is amended to read:

320.0801 Additional license tax on certain vehicles.—

(1) In addition to the license taxes specified in s. 320.08 and in subsection (2), there is hereby levied and imposed an annual license tax of 10 cents for the operation of a motor vehicle, as defined in s. 320.01, and moped, as defined in s. *316.003* ~~316.003(77)~~, which tax shall be paid to the department or its agent upon the registration or renewal of registration of the vehicle. Notwithstanding ~~the provisions of~~ s. 320.20, revenues collected from the tax imposed in this subsection shall be deposited in the Emergency Medical Services Trust Fund and used solely for the purpose of carrying out ~~the provisions of~~ ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter 87-399, Laws of Florida.

Section 60. Section 320.38, Florida Statutes, is amended to read:

320.38 When nonresident exemption not allowed.—The provisions of s. 320.37 authorizing the operation of motor vehicles over the roads of this state by nonresidents of this state when such vehicles are duly registered or licensed under the laws of some other state or foreign country do not apply to any nonresident who accepts employment or engages in any trade, profession, or occupation in this state, except a nonresident migrant or seasonal farm worker as defined in s. *316.003* ~~316.003(61)~~. In every case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. *316.003* ~~316.003(61)~~, accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 10 days after the commencement of such employment or education, register his or her motor vehicles in this state if such motor vehicles are proposed to be operated on the roads of this state. Any person who is enrolled as a student in a college or university and who is a nonresident but who is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 1005.02, is not required to have a Florida registration for the duration of the work-study program if the person's vehicle is properly registered in another jurisdiction. Any nonresident who is enrolled as a full-time student in such institution of higher learning is also exempt for the duration of such enrollment.

Section 61. Subsection (1) of section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.—

(1) In each case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. *316.003* ~~316.003(61)~~, accepts employment or engages in a trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 30 days after beginning such employment or education, be required to obtain a Florida driver license if such nonresident operates a motor vehicle on the highways of this state. The spouse or dependent child of such nonresident shall also be required to obtain a Florida driver license within that 30-day period before operating a motor vehicle on the highways of this state.

Section 62. For the purpose of incorporating the amendment made by this act to section 333.01, Florida Statutes, in a reference thereto, subsection (6) of section 350.81, Florida Statutes, is reenacted to read:

350.81 Communications services offered by governmental entities.—

(6) To ensure the safe and secure transportation of passengers and freight through an airport facility, as defined in s. 159.27(17), an airport authority or other governmental entity that provides or is proposing to provide communications services only within the boundaries of its airport layout plan, as defined in s. 333.01(6), to subscribers which are integral and essential to the safe and secure transportation of passengers and freight through the airport facility, is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide shared-tenant service under s. 364.339, but not dial tone enabling subscribers to complete calls outside the airport layout plan, to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide communications services to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility, or to one or more subscribers outside its airport layout plan, is not exempt from this section. By way of example and not limitation, the integral, essential subscribers may include airlines and emergency service entities, and the nonintegral, nonessential subscribers may include retail shops, restaurants, hotels, or rental car companies.

Section 63. Subsection (3) of section 450.181, Florida Statutes, is amended to read:

450.181 Definitions.—As used in part II, unless the context clearly requires a different meaning:

(3) The term "migrant laborer" has the same meaning as migrant or seasonal farm *worker* ~~workers~~ as defined in s. *316.003* ~~316.003(61)~~.

Section 64. Subsection (5) of section 559.903, Florida Statutes, is amended to read:

559.903 Definitions.—As used in this act:

(5) "Motor vehicle" means any automobile, truck, bus, recreational vehicle, motorcycle, motor scooter, or other motor powered vehicle, but does not include trailers, mobile homes, travel trailers, trailer coaches without independent motive power, watercraft or aircraft, or special mobile equipment as defined in s. *316.003* ~~316.003(48)~~.

Section 65. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. *316.003(76)(a)* ~~316.003(53)(a)~~ or (b), including any adjacent sidewalk, as defined in s. *316.003* ~~316.003(47)~~.

Section 66. Paragraph (b) of subsection (2) of section 732.402, Florida Statutes, is amended to read:

732.402 Exempt property.—

(2) Exempt property shall consist of:

(b) Two motor vehicles as defined in s. *316.003* ~~316.003(21)~~, which do not, individually as to either such motor vehicle, have a gross vehicle weight in excess of 15,000 pounds, held in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal motor vehicles.

Section 67. Subsection (1) of section 860.065, Florida Statutes, is amended to read:

860.065 Commercial transportation; penalty for use in commission of a felony.—

(1) It is unlawful for any person to attempt to obtain, solicit to obtain, or obtain any means of public or commercial transportation or conveyance, including vessels, aircraft, railroad trains, or commercial vehicles as defined in s. *316.003* ~~316.003(66)~~, with the intent to use such public or commercial transportation or conveyance to commit any felony or to facilitate the commission of any felony.

Section 68. This act shall take effect July 1, 2016.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 311.12, F.S.; establishing the Seaport Security Advisory Committee under the direction of the Florida Seaport Transportation and Economic Development Council; providing membership and duties; directing the council to establish a Seaport Security Grant Program to assist in the implementation of security at specified seaports; directing the council to review applications, make recommendations to the council, and adopt rules; amending s. 316.003, F.S.; revising and providing definitions; amending s. 316.0745, F.S.; revising the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; requiring the public agency erecting or installing such a device to bring it into compliance with certain requirements or remove it upon the direction of the department; creating s. 316.2069, F.S.; authorizing the governing body of a municipality or a county to authorize the operation of commercial megacycles on or across streets or roads under the specified conditions; authorizing the Department of Transportation to prohibit the operation of commercial megacycles on or across any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety; excluding commercial megacycle passengers from certain provisions regarding possession of open containers of alcoholic beverages in vehicles under specified conditions; providing that use of an auxiliary motor under certain circumstances is not prohibited; amending s. 316.235, F.S.; revising specifications for bus deceleration lighting systems; amending s. 316.303, F.S.; revising the prohibition from operating, under certain circumstances, a motor vehicle that is equipped with television-type receiving equipment; providing exceptions to the prohibition against displaying moving television broadcast or pre-recorded video entertainment content in vehicles; amending s. 316.640, F.S.; expanding the authority of a chartered municipal parking enforcement specialist to enforce state, county, and municipal parking laws and ordinances within the boundaries of certain counties pursuant to a memorandum of understanding; amending s. 316.85, F.S.; revising the circumstances under which a licensed driver is authorized to operate an autonomous vehicle in autonomous mode; amending s. 316.86, F.S.; deleting a provision authorizing the operation of vehicles equipped with autonomous technology on roads in this state for testing purposes by certain persons or research organizations; deleting a requirement that a human operator be present in an autonomous vehicle for testing purposes; deleting certain financial responsibility requirements for entities performing such testing; amending s. 319.145, F.S.; revising provisions relating to required equipment and operation of autonomous vehicles; amending s. 320.525, F.S.; revising the definition of the term "port vehicles and equipment"; amending s. 332.08, F.S.; extending the authorized term of certain airport-related leases; amending s. 333.01, F.S.; defining and redefining terms; amending s. 333.025, F.S.; revising the requirements relating to permits required for obstructions; requiring certain existing, planned, and proposed facilities to be protected from airport hazards; requiring the local government to provide a copy of a complete permit application to the Department of Transportation's aviation office, subject to certain requirements; requiring the department to have a specified review period following receipt of such application; providing exemptions from such review under certain circumstances; revising the circumstances under which the department issues or denies a permit; revising the department's requirements before a permit is issued; revising the circumstances under which the department is prohibited from approving a permit; providing that the denial of a permit is subject to administrative review; amending s. 333.03, F.S.; conforming provisions to changes made by the act; revising the circumstances under which a political subdivision owning or controlling an airport and another political subdivision adopt, administer, and enforce airport protection zoning regulations or create a joint airport protection zoning board; revising the provisions relating to airport protection zoning regulations and joint airport protection zoning boards; requiring the department to be available to provide assistance to political subdivisions regarding federal obstruction standards; deleting provisions relating to certain duties of the department; revising provisions relating to airport land use compatibility zoning regulations; revising construction; providing applicability; amending s. 333.04, F.S.; authorizing certain airport zoning regulations to be incorporated in and made a part of comprehensive plans and policies, rather than a part of comprehensive zoning regulations, under certain circumstances; revising requirements relating to applicability; amending s. 333.05, F.S.; revising procedures for adoption of airport zoning regulations; amending s. 333.06, F.S.; revising airport zoning regulation requirements; repealing s. 333.065, F.S., relating to guidelines regarding land use near airports; amending s. 333.07, F.S.; revising requirements relating to local government permitting of airspace obstructions; requiring a person proposing to construct, alter, or allow an airport obstruction to apply for a permit under certain circumstances; revising the circumstances under which a permit is prohibited from being issued; revising the circumstances under which the owner of a nonconforming structure is required to alter such structure to conform to the current airport protection zoning regulations; deleting provisions relating to variances from zoning regulations; requiring a political subdivision or its administrative agency to consider specified criteria in determining whether to issue or deny a permit; revising the requirements for marking and lighting in conformance with certain standards; repealing s. 333.08, F.S., relating to appeals of decisions concerning airport zoning regulations; amending s. 333.09, F.S.; revising the requirements relating to the administration of airport protection zoning regulations; requiring all airport protection zoning regulations to provide for the administration and enforcement of such regulations by the political subdivision or its administrative agency; requiring a political subdivision adopting airport zoning regulations to provide a permitting process, subject to certain requirements; requiring a zoning board or permitting body to implement the airport zoning regulation permitting and appeals process if such board or body already exists within a political subdivision; authorizing a person, a political subdivision or its administrative agency, or a specified joint zoning board to use the process established for an appeal, subject to certain requirements; repealing s. 333.10, F.S., relating to boards of adjustment provided for by airport zoning regulations; amending s. 333.11, F.S.; revising the requirements relating to judicial review; amending s. 333.12, F.S.; revising requirements relating to the acquisition of air rights; amending s. 333.13, F.S.; conforming provisions to changes made by the act; creating s. 333.135, F.S.; requiring conflicting airport zoning regulations in effect on a specified date to be amended to conform to certain requirements; requiring certain political subdivisions to adopt certain airport zoning regulations by a specified date; requiring the department to administer a specified permitting process for certain political subdivisions; repealing s. 333.14, F.S., relating to a short title; creating s. 335.085, F.S.; providing a short title; requiring the department to install roadside barriers to shield water bodies contiguous with state roads at certain locations by a specified date under certain circumstances; providing applicability; requiring the department to review specified information related to certain motor vehicle accidents on state roads contiguous with water bodies which occurred during a specified timeframe, subject to certain requirements; requiring the department to submit a report to the Legislature by a

specified date, subject to certain requirements; amending s. 337.0261, F.S.; requiring local governments to consider information provided by the department regarding the effect that approving or denying certain regulations may have on the cost of construction aggregate materials in the local area, the region, and the state; amending s. 337.18, F.S.; revising conditions for waiver of a required surety bond; amending s. 338.165, F.S.; deleting an authorization to issue certain bonds secured by toll revenues collected on the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway; authorizing the department's Pinellas Bayway System to be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law; providing applicability; requiring the department to transfer certain funds to the Florida Turnpike Enterprise for certain purposes; repealing chapter 85-364, Laws of Florida, as amended, relating to the Pinellas Bayway; amending s. 338.231, F.S.; deleting provisions relating to the use of revenues from the turnpike system to pay the principal and interest of a specified series of bonds and certain expenses of the Sawgrass Expressway; amending s. 339.175, F.S., relating to the Tampa Bay Area Regional Transportation Authority; revising provisions for a coordinating committee composed of metropolitan planning organizations; designating the committee as the "TBARTA Metropolitan Planning Organizations Chairs Coordinating Committee"; revising membership of the committee; providing duties of the authority, M.P.O.'s, and the department; requiring certain long-range transportation plans to include assessment of capital investment and other measures necessary to make the most efficient use of existing transportation facilities to improve safety; requiring the assessments to include consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology; amending s. 339.2818, F.S.; increasing the population ceiling in the definition of the term "small county" for purposes of the Small County Outreach Program; deleting an alternative definition of the term "small county" for a specified fiscal year; amending s. 339.55, F.S.; revising the purpose of the state-funded infrastructure bank within the department to include constructing and improving ancillary facilities that produce or distribute natural gas or fuel; authorizing the department to consider applications for loans from the bank for development and construction of natural gas fuel production or distribution facilities used primarily to support transportation activities at seaports or intermodal facilities beginning on a specified date; authorizing use of such loans to refinance outstanding debt; amending s. 339.64, F.S.; requiring the department to coordinate with certain partners and industry representatives to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology in Strategic Intermodal System facilities; requiring the Strategic Intermodal System Plan to include a needs assessment regarding such infrastructure and technological improvements; repealing s. 341.0532, F.S., relating to statewide transportation corridors; amending s. 343.92, F.S.; revising the membership of the governing board of the Tampa Bay Area Regional Transportation Authority; requiring the secretary of the department to appoint two advisors to the board subject to certain requirements, rather than appointing one nonvoting, ex officio member of the board; amending s. 343.922, F.S.; increasing the period of time in which a master plan must be updated; requiring the authority to present a certain master plan and updates to, and coordinate projects and plans with, the Tampa Bay Area Regional Transportation Authority (TBARTA) Metropolitan Planning Organization Chairs Coordinating Committee, rather than the West Central Florida M.P.O. Chairs Coordinating Committee; requiring the authority to provide certain administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee; amending s. 348.565, F.S.; expanding the list of projects of the Tampa-Hillsborough County Expressway Authority which are approved to be financed or refinanced by the issuance of certain revenue bonds; amending s. 479.16, F.S.; exempting certain signs from a specified permit, subject to certain requirements and restrictions; directing the Department of Transportation to study the operation of driver-assistive truck platooning technology; authorizing the department to conduct a pilot project to test such operation; providing security requirements; requiring a report to the Governor and the Legislature; directing the Office of Economic and Demographic Research to determine the economic benefits of the Department of Transportation's adopted work program; directing the department to provide access to necessary data; prohibits local governmental entities from regulating certain non-emergency medical transportation service providers under any specified Medicaid program, subject only to Medicaid laws, rules, and contract terms; prohibiting a political subdivision from limiting or proscribing the types of vehicles that may be used to provide certain non-emergency medical transportation; providing applicability; providing an effective date.

Senator Evers moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1A (895840) (with title amendment)—Between lines 4 and 5 insert:

Section 1. Subsection (5) is added to section 288.1097, Florida Statutes, to read:

288.1097 Qualified job training organizations; certification; duties.—

(5) Notwithstanding s. 624.4625(1)(b), any member of a qualified job training organization that is both certified under this section and has at least one roadside cleaning service contract with a state agency among its membership may participate in a self-insurance fund authorized under s. 624.4625.

And the title is amended as follows:

Delete line 2871 and insert: An act relating to transportation; amending s. 288.1097, F.S.; authorizing members of certain qualified job training organizations to participate in a self-insurance fund; amending s. 311.12,

Senator Abruzzo moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1B (272370) (with title amendment)—Between lines 822 and 823 insert:

Section 11. Paragraph (b) of subsection (3) of section 319.30, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(3)

(b) The owner, including persons who are self-insured, of a motor vehicle or mobile home that is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, and, within 72 hours after receiving such certificate of title, forward such title to the department for processing. The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department. *Effective July 1, 2023:*

1. Thirty days after payment of a claim for compensation pursuant to this paragraph, the insurance company may receive a salvage certificate of title or certificate of destruction from the department if the insurance company is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title and the insurance company:

a. Has obtained the release of all liens on the motor vehicle or mobile home;

b. Has provided proof of payment of the total loss claim; and

c. Has provided an affidavit on letterhead signed by the insurance company or its authorized agent stating the attempts that have been

made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail. The affidavit must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. The attempts to contact the owner may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's or lienholder's last known address.

2. If the owner or lienholder is notified of the request for title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title.

3. The request to the owner or lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home.

(c) When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the mobile home are equal to 80 percent or more of the current retail cost of the mobile home, as established in any official used mobile home guide, the department shall declare the mobile home unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the mobile home. For a late model vehicle with a current retail cost of at least $7,500 just prior to sustaining the damage that resulted in the total loss, as established in any official used car guide or valuation service, if the owner or insurance company determines that the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 90 percent or more of the current retail cost of the vehicle, as established in any official used motor vehicle guide or valuation service, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle. However, if the damaged motor vehicle is equipped with custom-lowered floors for wheelchair access or a wheelchair lift, the insurance company may, upon determining that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the department for reissuance as a salvage rebuildable title and the addition of a title brand of "insurance-declared total loss." The certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle is required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title. The department may not issue a certificate of title for that vehicle. This subsection is not applicable if a mobile home is worth less than $1,500 retail just prior to sustaining the damage that resulted in the total loss in any official used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. If a motor vehicle has a current retail cost of less than $7,500 just prior to sustaining the damage that resulted in the total loss, as established in any official used motor vehicle guide or valuation service, or if the vehicle is not a late model vehicle, the owner or insurance company that pays money as compensation for the total loss of the motor vehicle shall obtain a certificate of destruction, if the motor vehicle is damaged, wrecked, or burned to the extent that the only residual value of the motor vehicle is as a source of parts or scrap metal, or if the motor vehicle comes into this state under a title or other ownership document that indicates that the motor vehicle is not repairable, is junked, or is for parts or dismantling only. A person who knowingly violates this paragraph or falsifies documentation to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

Delete line 2927 and insert: operation of autonomous vehicles; amending s. 319.30, F.S.; authorizing insurance companies to receive a salvage certificate of title or certificate of destruction from the Department of Highway Safety and Motor Vehicles after a specified number of days after payment of a claim as of a specified date, subject to certain requirements; requiring insurance companies seeking such title or certificate of destruction to follow a specified procedure; providing requirements for the request; amending s. 320.525,

Senator Gibson moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1C (588872) (with title amendment)—Between lines 2191 and 2192 insert:

Section 45. Section 563.13, Florida Statutes, is created to read:

563.13 Florida brewery directional signs; fees.—Upon the request of a brewery licensed under s. 561.221(2) or (3) which produces a minimum of 2,500 barrels per year on the premises, is open to the public at least 30 hours per week, and is available for tours, the Department of Transportation shall install directional signs for the brewery on the rights-of-way of interstate highways and primary and secondary roads in accordance with Florida's Highway Guide Sign Program as provided in chapter 14-51, Florida Administrative Code. A brewery licensed in this state which requests placement of a directional sign through the department's permit process shall pay all associated costs.

And the title is amended as follows:

Delete line 3145 and insert: requirements and restrictions; creating s. 563.13, F.S.; requiring the Department of Transportation to install directional signs for certain breweries on the rights-of-way of interstate highways and primary and secondary roads, subject to certain requirements; requiring a brewery that requests a directional sign to pay certain costs; directing the

Senator Evers moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1D (166560) (with title amendment)—Between lines 2191 and 2192 insert:

Section 45. Paragraph (a) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)(a)1. If the property stolen is valued at $100,000 or more or is a semitrailer that was deployed by a law enforcement officer; or

2. If the property stolen is cargo valued at $50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or

3. If the offender commits any grand theft and:

a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; ~~or~~

b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of $1,000*; or*~~,~~

c. In the course of committing the offense the offender uses any type of device to defeat, block, disable, jam, or interfere with a global positioning system or similar system designed to identify the location of the cargo or the vehicle or trailer carrying the cargo,

the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

Delete line 3145 and insert: requirements and restrictions; amending s. 812.014, F.S.; specifying a certain criminal penalty for offenders committing any grand theft who in the course of committing the offense

use any type of device to interfere with a global positioning system or similar system under certain circumstances; directing the

Senator Smith moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1E (482576) (with title amendment)—Between lines 2263 and 2264 insert:

Section 48. *Transportation facility designations; Department of Transportation to erect suitable markers.—*

(1) That portion of C.R. 155/Meridian Road between Meridian Hills Road and the Georgia state line in Leon County is designated as "Dubose Ausley Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

And the title is amended as follows:

Delete line 3163 and insert: applicability; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

Senator Brandes moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1F (400438)—Delete line 2400 and insert:

(a) A school bus as defined in s. *316.003(66)* ~~316.003(45)~~.

Senator Margolis moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1G (110742) (with title amendment)—Between lines 2864 and 2865 insert:

Section 68. *Transportation facility designations; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 922 from N.E. 10th Avenue east to the North Miami City Limits in Miami-Dade County is designated as "Stanley G. Tate Boulevard."

(2) That portion of Miami Avenue between N.E. 5th Street and U.S. 41/S.R. 90/S.E. 7th Street in Miami-Dade County is designated as "Robert L. Shevin Memorial Boulevard."

(3) Bridge number 870054 on S.R. 112/W. 41st Street/Arthur Godfrey Road in Miami Beach is designated as the "Senator Paul B. Steinberg Bridge."

(4) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

Section 69. Section 1 of chapter 26497, Laws of Florida, 1951, is amended to read:

Section 1. That the following described route be and the same is hereby declared, designated and established as a State Road, forming a part of the connecting system of the State of Florida, and shall be known as the *SHEPARD* BROAD CAUSEWAY ~~BOULEVARD~~.

Beginning at the intersection of State Road AIA and 96th Street in Dade County, Florida, and running in a Westerly direction, as near as possible in a direct line, through the Town of Bay Harbor Islands, Florida, across Broad Causeway, spanning Biscayne Bay, and through the Town of North Miami, Florida, to the point where such highway shall intersect with State Road Number 7, along the most practicable and feasible route to be determined by the State Road Department.

And the title is amended as follows:

Delete line 3163 and insert: applicability; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; amending chapter 26497, Laws of Florida, 1951; revising the name of an honorary designation of a transportation facility in a specified county; providing an effective date.

Senator Brandes moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1H (362782)—

In title, delete line 3163 and insert: applicability; amending ss. 212.05, 316.1303, 316.545, 316.605, 316.6105, 316.613, 316.622, 316.650, 316.70, 320.01, 320.08, 320.0801, 320.38, and 322.031, F.S.; conforming cross-references; reenacting s. 350.81(6), F.S., relating to the definition of the term "airport layout plan," to incorporate the amendment made to s. 333.01, F.S., in a reference thereto; amending ss. 450.181, 559.903, 655.960, 732.402, and 860.065, F.S.; conforming cross-references; providing an effective date.

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

Senator Soto moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1I (717608) (with title amendment)—Between lines 833 and 834 insert:

Section 12. Paragraph (c) is added to subsection (8) of section 322.051, Florida Statutes, to read:

322.051 Identification cards.—

(8)

(c) The international symbol for the deaf and hard of hearing shall be exhibited on the identification card of a person who is deaf or hard of hearing upon the payment of an additional $1 fee for the identification card and the presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. Until a person's identification card is next renewed, the person may have the symbol added to his or her identification card upon surrender of his or her current identification card, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. If the applicant is not conducting any other transaction affecting the identification card, a replacement identification card may be issued with the symbol without payment of the fee required in s. 322.21(1)(f)3. For purposes of this paragraph, the international symbol for the deaf and hard of hearing is substantially as follows:

(International Symbol of Access for Hearing Loss)

Section 13. Paragraph (c) of subsection (1) of section 322.14, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection to read:

322.14 Licenses issued to drivers.—

(1)

(c) The international symbol for the deaf and hard of hearing provided in s. 322.051(8)(c) shall be exhibited on the driver license of a person who is deaf or hard of hearing upon the payment of an additional $1 fee for the license and the presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. Until a person's license is next renewed, the person may have the symbol added to his or her license upon the surrender of his or her current license, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. If the applicant is not conducting any other transaction affecting the driver license, a replace-

ment license may be issued with the symbol without payment of the fee required in s. 322.21(1)(e).

Section 14. *The amendments made by this act to ss. 322.051 and 322.14, Florida Statutes, shall apply upon implementation of new designs for the driver license and identification card by the Department of Highway Safety and Motor Vehicles.*

And the title is amended as follows:

Delete line 2929 and insert: vehicles and equipment"; amending ss. 322.051 and 322.14, F.S.; authorizing the international symbol for the deaf and hard of hearing to be exhibited on the driver license or identification card of a person who is deaf or hard of hearing; providing applicability; amending s. 332.08, F.S.;

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

Senator Garcia moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1J (794690) (with title amendment)—Delete lines 2248-2263 and insert:

Section 47. Section 316.87, Florida Statutes, is created to read:

316.87 Nonemergency medical transportation services.—To ensure the availability of nonemergency medical transportation services throughout the state, a provider licensed by the county or operating under a permit issued by the county may not be required to use a vehicle that is larger than needed to transport the number of persons being transported or that is inconsistent with the medical condition of the individuals receiving the nonemergency medical transportation services. This section does not apply to the procurement, contracting, or provision of paratransit transportation services, directly or indirectly, by a county or an authority, pursuant to the Americans with Disabilities Act of 1990, as amended.

And the title is amended as follows:

Delete lines 3155-3162 and insert: access to necessary data; creating s. 316.87, F.S.; providing that certain providers of nonemergency medical transportation services may not be required to use certain vehicles; providing

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

Senator Braynon moved the following amendment to **Amendment 1 (588642)** which was adopted:

Amendment 1K (218472) (with title amendment)—Between lines 2263 and 2264 insert:

Section 48. *Transportation facility designations; Department of Transportation to erect suitable markers.—*

(1) Bridge number 429958 on S.R. 842/Broward Boulevard at North Fork New River in Broward County is designated as the "Senator Christopher L. Smith Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the transportation facility as described in this section.

And the title is amended as follows:

Delete line 3163 and insert: applicability; providing an honorary designation of a specified transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

Amendment 1 (588642), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 7061**, as amended, was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Simmons, the rules were waived and a deadline of one hour after adjournment was set for filing amendments to Bills on Third Reading to be considered Friday, March 11, 2016.

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

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, March 10, 2016: SB 314, CS for CS for SB 434, SB 806, CS for CS for SB 1168, SB 1226, CS for SB 1290, CS for SB 1360, CS for SB 1692, HB 7099.

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

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 80, CS for CS for SB 86, SB 112, CS for CS for SB 196, SB 222, CS for CS for CS for SB 232, CS for SB 310, CS for SB 386, SB 396, CS for SB 416, CS for SB 458, CS for CS for SB 494, SB 7002, CS for SB 7024, and SB 7030 which he approved on March 10, 2016.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 (583000) to House Amendment 1 (381087) and passed CS/SB 218 as further amended.

Bob Ward, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 (817954) and passed CS/CS/HB 447, as amended.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 (848478) and passed CS/HB 977, as amended.

Bob Ward, Clerk

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 (816310) and passed CS/HB 7019, as amended.

Bob Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 9 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for SB 770; Benacquisto—CS for SB 770; Bradley—CS for CS for SB 436, CS for SB 966; Detert—CS for CS for SB 436; Negron—CS for SB 218; Soto—CS for CS for CS for SB 676, CS for SB 966

ADJOURNMENT

On motion by Senator Simmons, the Senate adjourned at 5:53 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, March 11 or upon call of the President.